



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Planning Committee

Date: **Wednesday 7 November 2018**

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Time: **6.00 pm**

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Place: **Council Chamber, Civic Centre.**

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For any further information please contact:

**Cayte Goodall**

Democratic Services Officer

0115 901 3961

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# Planning Committee

## Membership

**Chair**                      Councillor John Truscott

**Vice-Chair**                Councillor Paul Wilkinson

Councillor Michael Adams  
Councillor Pauline Allan  
Councillor Peter Barnes  
Councillor Chris Barnfather  
Councillor Alan Bexon  
Councillor Kevin Doyle  
Councillor David Ellis  
Councillor Meredith Lawrence  
Councillor Barbara Miller  
Councillor Marje Paling  
Councillor Colin Powell  
Councillor Alex Scroggie  
Councillor Jane Walker  
Councillor Henry Wheeler

## **AGENDA**

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**Planning Committee Protocol.**
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12. **Any other items which the Chair considers urgent**

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## **PLANNING COMMITTEE PROTOCOL**

### **Introduction**

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

### **Disclosable Pecuniary and Non- Pecuniary Interests**

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

### **Pre-determination and Predisposition**

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

### **Lobbying**

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

### **Roles at Planning Committee**

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

### **Speaking at Planning Committee**

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

### **Determination of planning applications**

19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

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## **MINUTES PLANNING COMMITTEE**

**Wednesday 3 October 2018**

Councillor John Truscott (Chair)

In Attendance:      Councillor Paul Wilkinson      Councillor David Ellis  
                         Councillor Michael Adams      Councillor Meredith Lawrence  
                         Councillor Pauline Allan      Councillor Barbara Miller  
                         Councillor Peter Barnes      Councillor Marje Paling  
                         Councillor Chris Barnfather      Councillor Colin Powell  
                         Councillor Tammy Bisset      Councillor Jane Walker  
                         Councillor Kevin Doyle      Councillor Henry Wheeler

Absent:              Councillor Alan Bexon and Councillor Alex Scroggie

Officers in Attendance:      M Avery, C Goodall, S Oleksiw and G Wraight

### **60              APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Bexon and Scroggie. Councillor Bisset attended as a substitute.

### **61              TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2018**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **62              DECLARATION OF INTERESTS**

None.

### **63              PLANNING APPLICATION 2017/0155 - BROOKFIELDS GARDEN CENTRE, MAPPERLEY PLAINS, ARNOLD**

**Outline application for the erection of up to 32 dwellings, including access.**

Simon Mandeville, a local resident, spoke in objection to the application.

The Service Manager – Development Services informed Members that further to the publication of the report, a petition signed by 146 residents

had been received raising objection to the application on the grounds that a decision should not be made until the North East Arnold Development Brief was finalised, the unsuitability of the proposed access to the site on Crawford Rise, the access to the adjacent site from Crawford Rise, that wildlife in native hedgerows must be retained and that the petition should be debated at a meeting of Full Council.

The Service Manager – Development Services informed Members that in addition to the petition, one further letter of objection had been received in relation to highway safety and particularly parked cars.

The Service Manager – Development Services recommended that the Borough Council should grant outline planning permission in accordance with the report but with an amendment to the recommendation at paragraph 16 to require the Section 106 Agreement to also require affordable housing in accordance with paragraph 13.1.

**RESOLVED to GRANT OUTLINE PLANNING PERMISSION, with matters relating to Appearance, Landscaping, Layout and Scale reserved for subsequent approval and subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council education authority and highways authority for the provision of, or financial contributions towards Educational Facilities, Healthcare, Local Employment Agreement, Bus Stop Improvements and Public Open Space; and subject to the following conditions:**

#### **Conditions**

- 1 Approval of the details of Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The submission of all reserved matters and the implementation of the development shall be carried out in substantial accordance with the plans and documents received on the 2nd February 2017: - Application Forms; Planning Statement (January 2017); M-EC Transport Statement (Dec 2016); Topographical Survey; Design and Access Statement; Illustrative Masterplan (MI1039/003A); Extended Phase 1 Habitat Survey

(P1198/1116/01); Constraints and Opportunities Plan; Site Location Plan; Minerals Resource Assessment; and Flood Risk Assessment (22362/01-17/4560).

- 4 No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
- 5 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above and, where remediation is necessary, a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme shall be implemented as approved.
- 8 In the event that remediation is required to render the development suitable for use, a written remediation scheme and timetable of works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details. Prior to the development being first brought into use, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and

arrangements for contingency action) must be submitted to and approved in writing by the Local Planning Authority.

- 9 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 10 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and based on the submitted Document: MEC Proposed Residential Development, Brookfields Garden Centre, Mapperley Plains, Flood Risk Assessment - January 2017 Report ref (22362/01-17/4560). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development.
- 11 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree / hedge protection plan to graphically show the locations of any tree / hedge and root protection barriers; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement (AMS). The AMS provides guidance as to how works might be mitigated or compensated for; (3) Details of any special engineering works and surfacing required near trees / hedges. The approved measures of protection shall be implemented in accordance with the approved details for the duration of the construction period.
- 12 Before development is commenced, there shall be submitted to and approved in writing by the Local Planning Authority a Desktop Study for Existing Ecological Information, to include: (1) Consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC); (2) An Extended phase 1 Habitat Survey; and (3) Details of avoidance, mitigation and compensation measures, and opportunities for enhancements.

The development shall be implemented strictly in accordance with the approved details.

- 13 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details.
- 14 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development.
- 15 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 16 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

## **Reasons**

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt.

- 4 To ensure the development is constructed to adoptable standards.
- 5 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 6 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 7 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 8 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 9 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 10 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution, in accordance with the National Planning Policy Framework, Policies 1 and 17 of the Aligned Core Strategy Submission Documents and Policy LPD4.
- 11 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy LPD18 (July 2018).
- 12 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014) and Policy LPD18.
- 13 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 14 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).

- 15 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 16 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).

### **Reasons for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Local Planning Document (July 2018), where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

### **Notes to Applicant**

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. All correspondence with the Highway Authority should be addressed to: TBH - NCC (Highways Development Control) (Floor 8), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7QP.

No removal of hedgerows, trees or shrubs shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council.

The Environment Agency advises that SuDS involve a range of techniques, including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 38 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

The Environment Agency advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water



run-off which seeks to mimic natural drainage systems and retain water on-site, as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

**64 PLANNING APPLICATION 2018/0577 - LAND ADJACENT GEDLING MANOR, WOOD LANE, GEDLING**

**Residential development of 14 houses.**

Francis Rodrigues (on behalf of Gedling Village Preservation Society) spoke in objection to the application.

The Service Manager – Development Services informed Members that further to the publication of the report, an additional letter of objection had been received in relation to antisocial behaviour and vandalism due to the site not being adequately secured.

**RESOLVED to GRANT FULL PLANNING PERMISSION subject to the applicant entering into a Section 106 planning obligation with the Borough Council as Local Planning Authority and Nottinghamshire County Council for the provision of / or financial contributions towards: Public Open Space; Education; Management Company for Maintenance of access road and areas of open space not within residential curtilages; and a Local Labour Agreement and subject to the following conditions:**

**Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be constructed strictly in accordance with the Application Forms and the following approved submitted with the application, drawing numbers: Site as Existing (P002 P); Geodyne Plans and Reports (36011/DRAFT); Severn Trent Commercial Extra Drainage and Water Report (SF23263878000); Site Location Plan (P001); Topographical Study (0001); Emec Ecology Protected Species Walk Over (8518/SG/16); Design and Access Statement; Plot 1 (P201); Plot 2 and 3 (P202); Plot 4 (P204); Plot 5 (P205); Plot 6 (P206); Plots 7 - 10 (P207); Plot 11 (14 handed) (P211); Plot 12 (P212); Plot 13 (P213); Single Garage (P300); Double Garage (P301); Proposed Site Access (16041-01 K); Swept Path Analysis (16041-04 A); Proposed Private Levels Sheet 1 (16041-210 C); Proposed Private Levels Sheet 2 (16041-211 D); Private Drainage Layout Sheet 1 (16041-240 C); Private Drainage Layout Sheet 2 (16041-241 C); Proposed Site Section (16-137-001); Proposed Site Plan (P003); Proposed Site Boundaries (P005);

and Emec BS 5837 Arboricultural Report and Impact Assessment.

- 3 No part of the development hereby permitted shall be brought into use until the access has been constructed as per plan reference 10641-01 Rev K. These access works are proposed on land which falls outside the applicant's control, and is subject to the provisions of the Highways Act 1980. To be able to carry out these works on the Public Highway the applicant will need to enter in a S278 legal agreement with the County Council as Highway Authority.
- 4 Prior to occupation, details of the proposed arrangements and plan for future management and maintenance of the private road including associated drainage should be submitted to and approved in writing by the Local Planning Authority, under a S106 Agreement. The private road and drainage shall thereafter be maintained in accordance with the approved management and maintenance details, until such time that a private Management and Maintenance Company has been established.
- 5 No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with plan reference 10641-01 Rev K. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions.
- 6 No part of the development hereby permitted shall be brought into use until the access drive and internal access drives/ parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 7 No part of the development hereby permitted shall be brought into use until the access driveway and internal access driveways/ parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 8 No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

- 9 Prior to any above ground works commencing on site there shall be submitted to and approved in writing by the Local Planning Authority full details of both soft and hard landscape works. The detailed landscape plans and particulars shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways, and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 10 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to Condition 9, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 11 No above ground construction works shall commence until samples of the proposed materials to be used in the external construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 12 Prior to the development hereby approved commencing (including site preparation) a tree protection plan and an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority, which shall include: (i) Tree Protection Plan: to graphically show proposed site with retained trees and locations of root protection barriers; (ii) Arboricultural Method Statement: to give guidance on aspects of the proposed works which may have an Arboricultural impact to retained trees and show how they are mitigated; and (iii) Details of any special engineering works and surfacing required near trees; in accordance with BS5837:2012.
- 13 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) for the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial

options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

- 14 In the event that remediation is required to render the development suitable for use, the remediation scheme approved pursuant to condition 13 shall be implemented strictly in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.
- 15 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period of the development. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 16 Prior to any above ground works commencing on site there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development.

### **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interests of Highway Safety.
- 4 To ensure that the road infrastructure is maintained to an appropriate standard.

- 5 To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.
- 6 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 7 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 8 In the interests of Highway safety.
- 9 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy 17 of the Aligned Core Strategy.
- 10 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy 17 of the Aligned Core Strategy.
- 11 To ensure a satisfactory standard of external appearance.
- 12 To ensure a satisfactory development in accordance with Policy LPD 18.
- 13 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD6 and LPD7.
- 14 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD6 and LPD7.
- 15 To protect the residential amenity of the area in accordance with the aims of Section 15 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy LPD32 (Amenity).
- 16 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.

### **Reasons for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate. In the

opinion of the Borough Council, the proposed development accords with the relevant policies of these frameworks and plans.

### **Notes to Applicant**

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

S278 Agreement - In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have / no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Daniel Sullivan on 0115 9773991 for details.

Your attention is brought to the recommendations of the Highway Authority. The plans submitted are not to an adoptable standard therefore the road will always remain Private. For private developments with six building frontages or more, it is required under Sections 219 to 225 of the Highways Act to serve a notice on the applicant with an assessment of the full cost of the proposed roadworks under the Advance Payment Code (APC), to protect frontage's interests. The cost of the APC notice will reflect the full cost of the proposed street works likely to be required to complete the works to an adoptable standard and must be paid in cash and not by bond. The requirement for an APC notice can only be removed by entering into a S38 agreement to have the road adopted. However as the road layout is not to adoptable standards and the ownership unknown, it cannot therefore be adopted. However, just as the APC would be served and money paid or retained, the Highway Authority are not indicating any future intention to adopt and maintain the street works at public expense.

Your attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how to decrease levels by incorporating mitigation measures into scheme design as standard. (see: <http://gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>). It is therefore requested commitment to incorporate provision for an EV (electrical vehicle) charging point per dwelling; to allow future residents to charge electrical/hybrid vehicles into the future. Reference can be made to guidance produced by IET 'Code of Practice for EV Charging Equipment Installation' for details of charging points and plugs specifications.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view

that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application to address adverse impacts identified by officers to address concerns in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (March 2012).

Your attention is brought to the implications of the private drive for future occupiers if the roads are not adopted. (i) Future maintenance liabilities; (ii) Public liabilities; (iii) Street cleansing; (iv) Lack of pedestrian facilities; (v) Lack of / or poor standard of lighting and drainage; (vi) Nottinghamshire County Council have no powers under the Highways Act; (vii) The police have no powers to remove obstructions.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Date Recommended: 18th September 2018

**65 PLANNING APPLICATION 2018/0628 - 12 BANK HILL,  
WOODBOROUGH, NG14 6EF**

**Replacement dwelling (resubmission of 2018/0026).**

Adam Quincey, the applicant, spoke in support of the application.

The Service Manager – Development Services introduced the report.

**RESOLVED to Refuse Planning Permission** for the following reason:

**Reason**

- 1 The proposed replacement dwelling, by virtue of its design, would result in an incongruous development, out of keeping with the prevailing character and appearance of neighbouring properties, causing harm to the streetscene and setting of the adjacent Woodborough Conservation Area as a designated heritage asset, contrary to Paragraphs 124, 127, 130, 131, 192 & 193 of the National Planning Policy Framework, Policies 10 & 11 of the Aligned Core Strategy and Policies LPD14, LPD15 & LPD28 of the Local Planning Document.

**66 PLANNING APPLICATION 2018/0045 - KENDON PACKAGING LTD,  
MEADOW ROAD, NETHERFIELD**

**Outline planning application for up to 40 No. dwellings with all matters reserved except access.**

The Service Manager – Development Services introduced the report.

**RESOLVED to Grant Outline Planning Permission with the matter of Access approved: Subject to the applicant entering into a Section 106 Agreement with the Borough Council as Local Planning Authority and with the County Council as Local Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.**

**Conditions**

- 1 Approval of the details of layout, scale parameters, landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.



- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 This permission shall be read in accordance with the Site Location Plan and Access Layout Plan, drawing ADC1606-DR-001 Rev P1, and the Flood Risk Assessment, RSE\_950-02V1 received by the Local Planning Authority on 16th January 2018.
- 4 Prior to first occupation of the development and with reference to Noise Impact Assessment by Noise Vibration Consultants Ltd (Date: 17th January 2018), verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.
- 5 Prior to the commencement of the development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The noise management part of the plan should make reference to the submitted Noise Impact Assessment by Noise Vibration Consultants Ltd (Date: 17th January 2018). The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice - Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders The approved Noise and Dust Management Plan shall be implemented throughout the construction and demolition works undertaken on site.
- 6 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by

the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

#### Submission of Remediation Scheme.

Where required following the site characterisation assessment, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works.

Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements set out in Condition 6 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 8 No part of the development hereby permitted shall commence until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, Traffic Regulation Orders, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be

implemented in accordance with these details to the satisfaction of the Local Planning Authority

- 9 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 10 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 11 No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times during the construction of the development and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
- 12 No development shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and any protective fencing is erected as required by the AMS. The AMS shall include full details of the following:
  - a) Timing and phasing of Arboricultural works in relation to the approved development.
  - b) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges adjacent to the site.
  - c) Details of any construction works required within the root protection area of trees, hedges or shrubs adjacent to the site, as defined by BS5837:2012.
  - d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

- 13 Prior to the submission of any reserved matters application, a nocturnal bat emergence or dawn swarming survey and a badger monitoring survey, in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal and Bat Building Assessment (RSE\_950\_01\_V1) shall be undertaken and submitted to the Local Planning Authority.
- 14 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

### **Reasons**

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 To define the permission, for the avoidance of doubt.
- 4 To protect the amenity of the occupiers of the approved dwellings.
- 5 To protect the amenities of the occupiers of adjacent dwellings.
- 6 To ensure that land contamination matters are fully addressed.
- 7 To ensure that land contamination matters are fully addressed.
- 8 In the interests of Highway safety.
- 9 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 10 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 11 In the interests of Highway safety.
- 12 To ensure that existing trees on adjacent land are adequately protected.
- 13 To ensure that ecological interests are adequately protected.

- 14 To ensure that the surface water drainage scheme is appropriate to meet the needs of the site and the approved development.

### **Reasons for Decision**

The proposed redevelopment of the site for residential use is considered to be acceptable in principle and it is considered that residential density of up to 40 dwellings could reasonably be achieved. It is not considered that the proposal would cause harm to visual or residential amenity, subject to a detailed consideration at reserved matters stage. The proposal is considered to be acceptable in highway safety terms and is acceptable with respect to ecological, flood risk and heritage matters. It is therefore considered that the proposal meets with the objectives and relevant policies of the National Planning Policy Framework, the Aligned Core Strategy, the Replacement Local Plan and the Emerging Local Plan.

### **Notes to Applicant**

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.

The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is

essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

#### **Construction & Demolition Proposed Method of Demolition**

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Gedling Borough Council's Environmental Health Team (Tel: 0115 9013972) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

#### **Noise Control: Hours of Work and Equipment**

The acceptable hours for demolition or construction work are detailed below; -Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800) Saturday: 0830-1700 (noisy operations restricted to 0900-1300) Sunday: at no time Bank Holidays: at no time Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Gedling Borough Council's Environmental Health Team (Tel: 0115 9013972)

#### **Equipment**

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression / silencers. Dust/Grit and Other Fugitive Emissions Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality. Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate measures include;-Flexible plastic sheeting Water sprays /damping down of spoil and demolition waste Wheel washing. Periodic road cleaning.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as

standard. (See [http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanand](http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanandpolicydocuments/supplementaryplanningdocumentsandguidance/)

[policydocuments/supplementaryplanningdocumentsandguidance/](http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanandpolicydocuments/supplementaryplanningdocumentsandguidance/)) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow workers and customers to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET

Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

The comments of the Local Lead Flood Authority are attached.

The comments of Network Rail are attached.

The comments of the Environment Agency with regard to finished floor levels and flood resilience measures are attached.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

**67 TREE PRESERVATION ORDER 000110 - 6 SHELT HILL, WOODBOROUGH, NOTTINGHAMSHIRE**

**Protection of a Yew tree by a Tree Preservation Order (TPO)**

**RESOLVED to Confirm Tree Preservation Order 000110 without modification.**

**68 ENFORCEMENT 0009/2015 - THE TOWER HOUSE, NEWSTEAD ABBEY PARK, STATION AVENUE, NEWSTEAD**

**Unauthorised works to a listed building.**

**RESOLVED that the Service Manager, Development Services, in conjunction with the Director of Organisational Development & Democratic Services, be authorised to take all necessary planning enforcement action including the service of a listed building enforcement notice and proceedings through the courts if required to ensure improvement works are carried out to negate the impact of the existing unauthorised works to the two dormer windows and the first floor side window at the Tower House, Newstead Abbey Park, Station Avenue, Newstead.**

**69 ENFORCEMENT 0090/2018 - LAND TO THE WEST OF 47A RIVERSIDE, STOKE BARDOLPH**

**The construction of an unauthorised building.**

The Service Manager – Development Services introduced the report.

**RESOLVED that Members note the contents of the report and the changes to officers assessment.**

**70 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**71 FUTURE APPLICATIONS**

**RESOLVED:**

To note the information.

**72 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

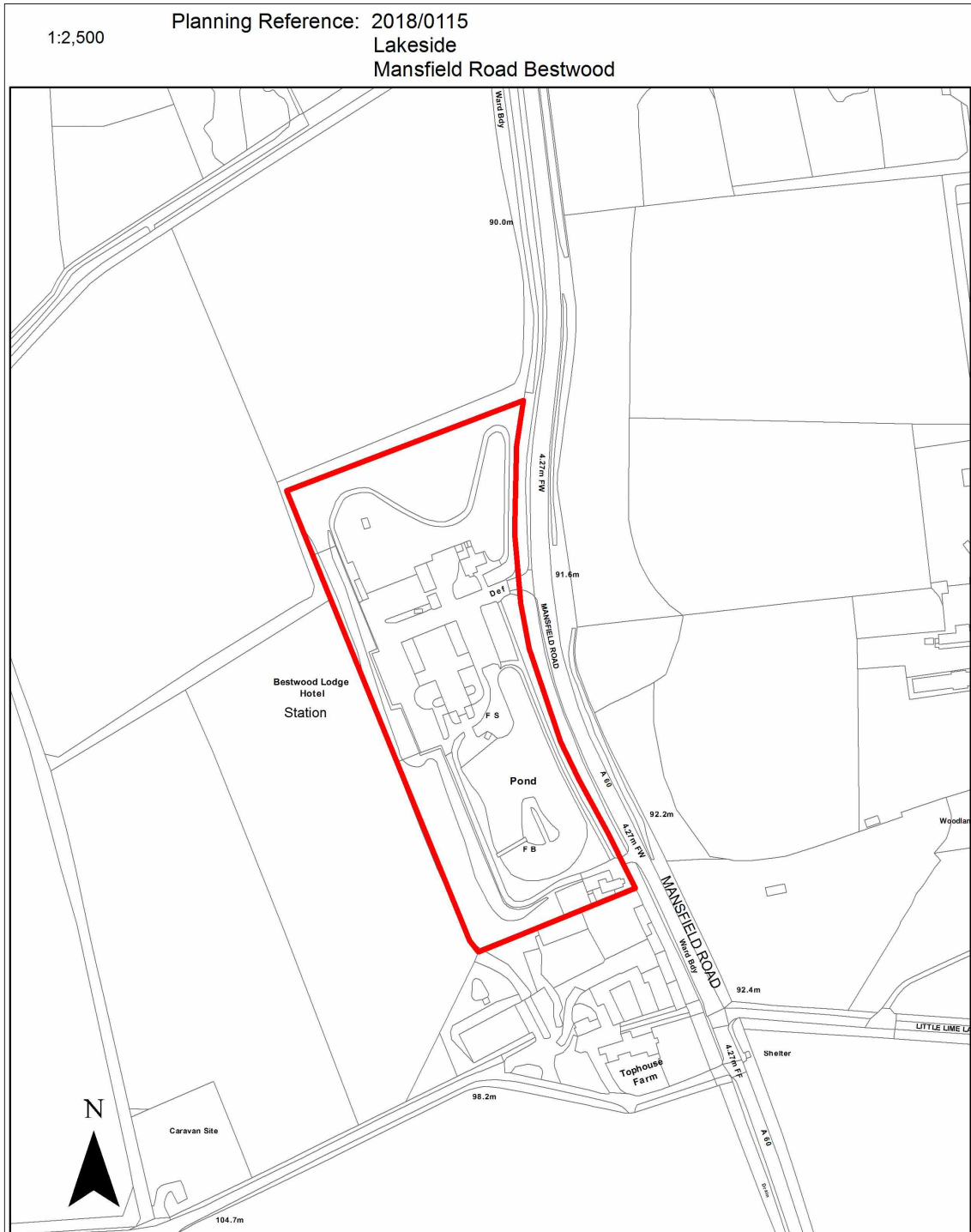
The meeting finished at 7.00 pm

Signed by Chair:  
Date:





**Planning Report for 2018/0115**



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Date: 18/09/2018

## Report to Planning Committee

<b>Application Number:</b>	<b>2018/0115</b>
<b>Location:</b>	<b>Lakeside Mansfield Road Bestwood</b>
<b>Proposal:</b>	<b>Proposed hotel</b>
<b>Applicant:</b>	<b>Movefast Ltd</b>
<b>Agent:</b>	<b>RPS Planning and Development</b>
<b>Case Officer:</b>	<b>David Gray</b>

### 1.0 Site Description

- 1.1 The development site is to the northern portion of the grounds to the former Bestwood Pumping Station. The building is surrounded by grounds measuring approximately 2.5 hectares which are almost rectangular in shape and orientated virtually north/south.
- 1.2 The eastern boundary abuts the A60 Mansfield Road with open countryside to the north and west, and the buildings and structures of Top House Farm to the south. The site is located within open countryside and within the designated Green Belt of Nottinghamshire. The Pumping Station is a visually dominant and attractive feature within the countryside.
- 1.3 The overall site is a former Pumping Station built between 1871 and 1874 a Grade II\* Listed Building. To the south of the former Pumping Station is the former cooling pond which is Grade II listed. To the north is an area of woodland. There are Grade II listed buildings and structures in the grounds, such as the East and West Lodge, gas lamps, the boundary wall and the piers and gate to the entrance from the A60.
- 1.4 The West Lodge is located to the north of the Pumping Station. The grounds are Grade II listed within the Historic England 'Parks and Gardens of Special Historic Interest' and are subject to a Tree Preservation Order.
- 1.5 A short distance to the north of the original Pumping Station is a more recent electric pump house and booster station, together with a small sub-station. There is also a car parking area, which was created in association with the conversion of the Pumping Station to a former health club. A footbridge has also been created which enables access to a small island at the southern end of the former cooling pond.

## **2.0 Relevant Planning History**

- 2.1 The Bestwood Pumping Station was erected between 1871 and 1874, and is attributed to Thomas Hawksley, engineer to Nottingham Waterworks Company and considered to be the most pre-eminent engineer of his day.
- 2.2 The Pumping Station was built in the flamboyant Victorian Gothic style; the building comprised a large engine house of red brick with stone facings and a variety of elegant and imaginative ornamental features both internally and externally. The exterior ornamental brickwork includes arcades supported by large columns with carved foliate capitals. A tall 43m high chimney is concealed and disguised as a huge campanile topped by a cupola.
- 2.3 The Pumping Station operated until the 1960's when steam engines were considered to be outdated. In 1964 a new pump house and booster station were built. In 1968 consent was given for the removal of all the plant from the Bestwood Pumping Station, which was then abandoned and as a consequence began to decay. In 1972 documents were prepared for its demolition. Local national conservation groups opposed this action and in 1974 the Pumping Station and its ancillary buildings and features were listed Grade II and the grounds included in the Register of Parks and Gardens. In 1974 Severn Trent became responsible for the site. In 1975 a Tree Preservation Order was made which encompassed the site. Later in 1997 the listed status of the Pumping Station was upgraded to grade II\*.
- 2.4 One of the previous owners of the site purchased the site in 1997. The former Pumping Station was in a dilapidated state and essential repairs were undertaken to prevent further deterioration. In May 1999 listed building consent was granted for internal and external works to both the Pumping Station and West Lodge. In July 1999 planning permission was granted for a change of use to a health club, bar/restaurant, function room, creche and associated parking facilities. Attached to this latter permission was a landscape management plan. In addition, a Section 106 Agreement secured improvements to the highway, including almost 2km of lighting along the A60.
- 2.5 The building and landscaping have been sensitively restored to a high standard, although this restoration has not included the woodland area to the north. In December 2002, planning permission was granted for the construction of a reed bed water treatment system and associated landscaping in the northeast corner of the site. This permission has not been implemented and has elapsed.
- 2.6.0 In August 2003 an application was submitted for the erection of a three-storey lodge and beauty treatment centre spa with accommodation within the northern part of the site, behind the modern pumping station. The building would have been 40 metres long x 14.5m wide and 11m high and would have required the felling of 19 trees which are subject to a Tree Preservation Order. 32 additional car parking spaces would have been provided, which would have enlarged the current car parking area.
- 2.6.1 The application was referred to the Secretary of State under section 77 of the Town and Country Planning Act 1990. The Secretary of State called the

application in for decision in March 2004 and an Inquiry was held in December 2004.

2.6.2 The Secretary of State wished to be informed on the following matters to aid consideration of the application:

- The relationship to the proposal to the development plan
- The proposed impact of the development on the openness of the Green Belt
- Whether very special circumstances existed to justify inappropriate development
- The impact the proposed development would have on the listed buildings and historic gardens
- The potential for valuable archaeological remains to be disturbed during the development process
- The quality of the design of the proposed development
- The scale and compatibility of the proposal with its surroundings
- The accessibility of the development by a choice of means of transport
- Possible increase in traffic generation
- Whether there was adequate justification for the removal of trees covered by Tree Preservation.

2.6.3 The Inspector considered that the (then) proposed development would enhance the existing facilities at Lakeside and encourage tourism; whilst the associated tree planting and other landscape works would complete the restoration of the historic grounds. Consequently, with the exception of the design of the hotel and adequate justification for development in the Green Belt, the Inspector considered that the application would accord with the policies of the development and the emerging policies of the replacement Local Plan.

2.6.4 Given the existing tree coverage of the site and the proposed tree planting, the Inspector thought that the proposed development would have little impact on the openness of the Green Belt. However, he did consider the development to be an inappropriate form of development within the Green Belt. He did acknowledge that the previous industrial use of the site meant that the site could also be classified as a 'brown field site' where development might be encouraged. The Inspector did place some weight on the fact that the present health club retained and indeed enhanced the former Pumping Station and considered that an alternative use of the building perhaps requiring the sub-division of space may not be so sympathetic to its character. Even though in absence of any economic viability reports, the Inspector did think that there were special circumstances, which could justify the development.

2.6.5 In principle the Inspector did not consider that a building of approximately the same size and location as the 2003 proposal would be intrinsically unacceptable. However, he considered the proposed building to be squat and unattractive. As a result he concluded that the design of the building would be both harmful to the setting of the former Pumping Station and detrimental to the character of the Registered Park and Garden.

- 2.6.6 Whilst the building was seen to be an excellent example of an industrial site of the Victorian period, the Inspector considered that there was no immediate evidence of any valuable archaeological remains.
- 2.6.7 Due to the proposed design of the building the Inspector did not believe that it would accord with the advice within Planning Policy Guidance with regards to the appearance of the proposed development and the relationship between buildings. Having regard to the overall size of the grounds and the present disposition of buildings and other structures, the Inspector did consider that in principle the scale of the building was compatible with the surroundings.
- 2.6.8 The Inspector considered that it would be unrealistic to anticipate any fundamental alteration with regard to access to the facilities by a choice of different transport modes. However, he did acknowledge on the basis of the comments made by the Local Highway Authority that the vehicular movements likely to be generated by the hotel would be insufficient to justify any objection.
- 2.6.9 With the amount of tree planting proposed as part of the development the Inspector considered that overall this justified the removal of some trees subject to the blanket Tree Preservation Order.
- 2.6.10 The Inspector concluded that permission be refused due to the inappropriate and unacceptable design and massing of the proposed building.
- 2.6.11 The Secretary of State agreed with the Inspector that, with the exception of the design of the lodge and subject to adequate justification for development in the Green Belt, the proposal would comply with the development plan and the emerging development plan policies. However, he did not consider that the proposal would accord with Green Belt or Historic buildings policies.
- 2.6.12 The Secretary of State did not agree that the proposed development would have little impact on the openness of the Green Belt, as he considered that the fundamental aim of Green Belt policy is to prevent urban sprawl and encroachment into the countryside by keeping land permanently open. The Secretary of State concurred with the views of the Inspector that due to the absence of economic viability reports that there was no evidence to suggest that the Lakeside enterprise might stagnate or fail without the additional facilities proposed. He considered that the Inspector had placed too much weight on the effect that alternative uses of the site could have on the Grade II\* building and its grounds. The Secretary of State concluded that there were no very special circumstances that clearly outweighed the harm caused to the development by reason of inappropriateness and any other harm.
- 2.6.13 The Secretary of State concurred with the views of the Inspector that in principle, a building of approximately the same size and in a similar location would not be intrinsically unacceptable, although very special circumstances would need to be demonstrated. However, he too considered that the design of the building was unacceptable as it would neither echo nor reflect the flamboyance of the Grade II\* building, nor be a visual contrast to its neighbour. The proposal would be harmful to the setting of the Grade II\* building and detrimental to the character of the Registered Park and Garden.

He also considered that the development by reason of its design would not accord with PPG1 which was in force at the time.

2.6.14 The Secretary of State agreed with the Inspector that there was no immediate evidence of any valuable archaeological remains and that the proposal would be unlikely to generate significant amounts of traffic. He also considered that overall the proposed planting would offset the loss of trees subject to a blanket Tree Preservation Order.

2.6.15 The Secretary of State considered that the design and massing of the application proposals were inappropriate and failed to enhance the setting of the Grade II\* listed building and its Grade II listed grounds. He concluded that the application proposals would harm the Green Belt both through inappropriateness and through a reduction in openness of the Green Belt and that no special circumstances had been demonstrated to outweigh this harm. The Secretary of State refused the application.

2.7 Since the 2003 application was refused, a series of applications for listed building consent have been made to carry out internal works to the former Pumping Station.

2.8 In May 2008 (2008/0094) Full Planning Permission was granted for a Proposed Hotel and Beauty Salon. The application was referred to the Secretary of State at the East Midlands Office and was not 'called in' and a decision was issued. An application to extend the time limit to implement the permission was then subsequently granted in November 2010 (ref: 2010/0803). Financial viability appraisal and a revised design were submitted with the application as very special circumstances to support the application and address the Secretary of State's previous concerns. The reason for decision was as follows:

*'In the opinion of the Borough Council the applicant has demonstrated special circumstances that would outweigh the harm to the Green Belt and the proposed design of the building would appropriately reflect the architecture of the Grade II star Listed Building. It is also considered that there would be no adverse impact on the setting of the Grade II landscape. The proposed development would accord with Planning Policy Guidance Note 2, Planning Policy Statement 5 and Planning Policy Statement 1. The proposal would also accord with policies ENV26, ENV21, ENV25, ENV1 and ENV47 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.'*

2.9 An application to discharge the planning conditions attached to 2010/0803 was received part discharging some of the conditions.

2.10 In November 2011 a Non Material Amendment (ref: 2013/1403NMA) to 2010/0803 was granted deleting the proposed basement from the scheme.

2.11 The 2008 application was commenced with the foundations laid out, however, the details required for all pre-commencement conditions were not received prior to the expiry of the planning permission and therefore the planning permission was not lawfully implemented.

### **3.0 Proposed Development**

- 3.1 Full Planning Permission is sought for the erection of a 29-bedroom hotel and beauty salon. Access to the site would be via the existing off Mansfield Road. The application is an identical scheme to the one approved in 2008 albeit without the basement level.
- 3.2 The proposed hotel and beauty salon would be sited 44m from the northern elevation of the former Pumping Station, and would be located within an area of previously developed land that has self-set young trees. The West Lodge is located 22m to the south east of the proposed new building and the modern pumping station would be sited just to the south east of the proposed new building at a distance of 8m.
- 3.3 31 car parking spaces would be provided in association with the new development. Some new parking spaces would be located to the north of the existing car park area and some would be located to the rear of West Lodge.
- 3.4 The proposed hotel and beauty salon would be 22.5m wide x 34m long x 10m high; it would have accommodation within the roof space. To the western elevation is proposed a small-enclosed staircase that would increase the length of the building to 38.6m.
- 3.5 The proposed hotel and beauty salon has been designed to reflect the scale and architectural features and details of the northern part of the Pumping Station. This part of the former Pumping Station is 22.5 m wide x 28.5m long and 10m high. It has rounded stone arch features that surround entrances and window openings. The arches of this part of the building range approximately from 1m in width and 3m in height to 3m in width and 5m in height. The brickwork would be broken up through the use of two bands of stone coursing. From the ground to the first stone course the distance is approximately 1.4m, the next vertical proportion of the building is 1.8m in height and the final part is 2.8m in height. The roof of the northern element of the former Pumping Station is created by five individual pitched roofs running north to south that are each approximately 5.5m wide x 22.5m long x 3.6m high and each have decorative iron work. There is a deep eaves detail to each of the roofs.
- 3.6 The proposed building would be the same width and height as the northern part of the former Pumping Station. It would have stone arch features to all its entrances and window openings that would be approximately 6m high and 2m wide. The arches would be broken up into three elements, so that the lower portion would look like French patio doors with two window lights above, the second part a rectangular window with a wide window light at the bottom and two smaller panes above and the final element would comprise of an arch window of four window lights. These arch features would be more slender in proportions than the arch features on the main building. There would be three arched features on the main building. There would be three arched features within the eastern elevation (Mansfield Road side) that would be centrally located but offset more towards the left side of the elevation. Four arches are proposed in the southern and northern elevations and in the western elevation two arch features are proposed.

- 3.7 The brickwork of the building would reflect the northern part of the former Pumping Station and would be broken up vertically through the use of horizontal stone coursing. Unlike the former Pumping Station the middle portion of the building would be the longest at 3.8m in height. The bottom element would be approximately 0.8m in height and the top portion would be 1.4m in height.
- 3.8 Like the northern part of the former Pumping Station it would appear that the roof of the building would be broken up into five parts running north to south. The first two roofs and the last two roof elements would be 6.6m wide and 3.6m high. The middle roof feature would be 8.5m in width and 4.6m high. Beneath the middle roof a glazed area is proposed. It is intended that this glazing would break up the length of the building and would be a central entrance feature to the hotel and beauty salon.
- 3.9 Three roof lights are proposed in the eastern elevation and two roof lights are proposed in the western elevation. An enclosed staircase would be located to the left hand side of the two arch features within the western elevation. This staircase would have a glazed frontage and brick sides (the brick work would be broken up in a similar manner to the rest of the building). The two arch features and a glazed staircase would be centrally located within the western elevation of the building.
- 3.10 As part of the proposed development it is intended to restore and enhance the grounds. The modern pumping station would be screened with trellis and climbers. Part of the existing car parking area alongside the new pumping station is to be given over to create a feature garden with pedestrian and wheelchair access to the front of the new hotel. The garden will have a mix of traditional and sensory planting with a seating area off the main walkway. A rose border is proposed along the existing lawn, which borders the car park. The new proposed car parking would be laid out with car parking spaces provided within the trees details of surfacing would be sought by way of landscaping condition.
- 3.11 The tree survey provided as part of the application indicates that 9 trees would need to be removed as part of the development because they would be within the area occupied by the building, or be so close to the proposed elements of the development that they would be adversely affected. However, new trees would be planted to compensate for this loss.
- 3.12 It is proposed to retain the north eastern area of the site as natural plantation areas. Originally the plantation area was designed with a woodland path; it is proposed to reinstate this and to create further paths within the woodland. Timber seats are also proposed alongside the woodland footpaths.
- 3.13 Following comments received from the Conservation Officer the applicant submitted further heritage statement to address concerns raised in relation to the development enabling the Historic Asset to remain in its most viable use. The agent has submitted information in relation to the Historic England policy on Enabling Development as set out in *'Enabling Development and the Conservation of Significant Places 2015'*



#### **4.0 Application Publicity and Consultations**

4.1 The application was publicised for representation in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The application has been advertised as a departure from the Local Plan. A Site notice was posted, a press notice has also been advertised in the Nottingham Post, and neighbouring properties have been notified by letter. The consultation responses are outlined below: -

#### **4.2 Nottinghamshire County Council (Highway Authority) –**

The Highway Authority has no highway objections to offer in principle for the proposals but in order to ensure satisfactory access and parking to the development, the Highway Authority requests that consent be made subject to conditions relating to details being submitted of the proposed improvements to the access on the A60 Mansfield Road, and the provision of parking and turning areas prior to the operational use of the development.

#### **4.3 Nottinghamshire County Council (LLFA) –**

The LLFA will not be making comments on it in relation to flood risks as it falls outside of the guidance set out by Government for those applications that do not require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Management Team at Nottingham County Council.

#### **4.4 Severn Trent –**

No objections with regards to surface or foul water subject to conditions requiring drainage plans.

#### **Source Protection Zone Comments:**

The proposed development lies in Source Protection Zone (SPZ) 1 of a public water supply (PWS) borehole and due to the nature of the construction of the borehole, the proposed development directly overlies an adit system that connects the PWS source to the wider aquifer. Insufficient information has been supplied in the application to determine the level of risk posed by the development to the PWS asset in terms of water quality and structural integrity and any measures to mitigate the impact of any risks during both the

construction phase and ongoing operation of the development once built. These risks include:

- Risk to the structural integrity of the borehole and adit system and groundwater quality (i.e. turbidity, contamination, bacteriological) during the construction phase of the development. The use of piled foundations in particular may pose a much greater risk to the PWS asset.
- Risks to groundwater water quality (i.e. bacteriological) from foul drainage. The application does not include any details for provision of foul drainage at the development. There is no mains sewerage in the area so foul drainage discharge is likely to be local to the development and as a result may pose a risk to groundwater quality.
- Risks to groundwater water quality (i.e. bacteriological. contamination) from surface drainage. The application includes options for the discharge of surface water runoff from the development via underground attenuation tanks, however no assessment has been undertaken regarding the risk this poses to groundwater quality.

It is recommended that additional information in the form of a hydrogeological risk assessment (HRA) that addresses the risks and any mitigation measures is undertaken.

#### 4.5 Arboricultural Officer –

9 mature trees are recommended to be removed.

Visually the greatest impact will be the broadleaf trees visible from the main entrance. The broadleaf trees are to be removed to facilitate the car parking spaces along the embankment.

The 3 or 4 pine trees adjacent to the new parking area are also of good value to the site; however these trees form part of a larger group of pine trees so their loss could be mitigated by replacement planting.

The site containing the proposed hotel contains self-set trees and vegetation so nothing of significance.

There are no landscaping plans to comment on.

Additional information outstanding are:

1. Arboricultural impact assessment identifying what impacts might arise from the proposed works.
2. Arboricultural Method Statement to give guidance on aspects of the proposed works which were identified within the Arboricultural impact assessment. The AMS provides guidance as to how they might be mitigated or compensated for.
3. Details of any special engineering works and surfacing required near trees.

- 4.6 Public Protection (Scientific Officer) –  
As it appears there is no desktop study / preliminary risk assessment has been submitted prior to, or with the planning application, it is requested phased contamination conditions are attached to any planning consent.
- 4.7 Economic Development –  
The size of the development meets the thresholds for an Employment and Skills Strategy to be developed and implemented in accordance with the Construction Industry Training Board and the National Skills Academy for Construction’s “Client Based Approach; Local Client Guidance for England” to be implemented during the term of the build to deliver employment and training activities – including work experience, jobs, apprenticeships and training.
- 4.8 Conservation Officer -  
It is considered that substantial harm would be caused to the setting of a Grade II\* listed building and therefore with regard to Historic England advice on Enabling Development clear and convincing justification which proves the public benefits would outweigh this harm is required.

It is apparent that the building has been in use as a leisure/restaurant use and used as a wedding venue and this appears very acceptable use given that the interior of the building was significantly altered many years ago. A complementary use allied to a hotel could be the answer that sustains the building in use since previous businesses have now failed and the building is vacant and at risk. However, there is much detail missing and planning officers and Members should consider whether sufficient clear and justified evidence has been supplied that proves the case to be wholly exceptional and sufficient to approve permission.

- 4.9 Bestwood Parish Council –  
No comments received.
- 4.10 Nottinghamshire County Council (Policy) -
- 4.10.1 Waste

In terms of Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 ‘Waste Awareness, prevention and re-use’ of the Waste Core Strategy, the development should be ‘designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development’. In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operation phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

#### 4.10.2 Minerals

In relation to the Minerals Local Plan, there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to the application site. Therefore the County Council does not wish to raise any objections to the proposal from a minerals perspective.

#### 4.10.3 Ecology

Following submission of a phase ecological survey it is suggested that the recommendations in section 5 are wrapped up together by requiring via condition the submission of an ecological mitigation and enhancement plan, to be produced prior to commencement. However, I would note that one tree (T4) earmarked for removal has 'high' bat roost potential. I would ordinarily expect that further surveys (emergence/re-entry surveys or a climbing survey) of the tree be carried out to establish whether there is a bat roost or not, to meet the requirements of para.99 Government Circular 06/2005 and to ensure that appropriate mitigation is secured, given the European Protected Species status of bats.

#### 4.11 Historic England -

Bestwood Pumping Station is listed at Grade II\* in recognition of its outstanding special architectural and historic interest, placing it amongst the top six percent of listed buildings in the country.

Whilst it is acknowledged that the principle of the proposed hotel is established by way of the planning permission that was granted in 2008, our position with regards to whether or not we believe the proposal would result in harm to the significance of those heritage assets in question remains unchanged.

Therefore in determining the current application the local planning authority must still ensure that it meets its statutory obligation under section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and if minded to grant approval, must be satisfied that any harm to the significance of heritage assets is substantiated by clear and convincing justification in accordance with paragraphs 132 – 134 of the NPPF (2012).

#### 4.12 Environment Agency

From the perspective of controlled waters protection insufficient information has been submitted to be able to determine the level of risk that the development poses to public water supplies. Without the detailed design and risk assessment the EA is unable to tell if this is an inappropriate location for a development such as this.

This development lies within a Source Protection Zone 1 and is directly adjacent to the boreholes supplying drinking water and is believed to directly overly adits (tunnels) connecting the boreholes and the wider aquifer. The water supply was constructed in 1873 and is not a conventional design. The well is 5.7 m in diameter and the adit system is 1.8 m in diameter running for several hundred metres in 3 different directions. We have serious concerns

that the proposal poses a significant risk to this supply in terms of both structural integrity and water quality.

- The construction, foundations and final building have the potential to damage the borehole and adit system.
- The proposal poses a risk of contamination entering the borehole or aquifer during construction.
- There is a risk of contaminating the drinking water source during operation of the site. There are no mains sewer servicing the area and so would either have to be stored or discharged locally. Surface water infiltration also has the potential to contaminate supplies.

Some of these points may mean that it is not feasible to construct a development of this type in this location. Other points can be addressed by conditions which ensure that best available technology is used in the design. The requirements of which may make the development less feasible for the developer.

There are currently too many unknowns to determine whether the risk is acceptable or not, and whether the risk can satisfactorily mitigated. Any damage caused to the integrity or quality of water aquifer is likely to be irreversible. If the development causes the public water supply borehole to be unusable then the current cost of supplying a replacement source of water is quoted at £1.5 million per megalitre output per day. The source is licensed at 7 megalitre per day.

I consider that each planning application should be granted on its own merits and not based on previous responses. Previous consultations were made without the benefit of a full appreciation of the water supply source construction.

If the above is considered insufficient justification to require additional information ahead of granting planning permission then we request conditions and reassurance that should the detailed design demonstrate that there is an unacceptable risk to controlled waters then the development will not progress.

- 4.13 The application has been advertised as a departure from the Local Plan and as a development that impacts on a Listed Building. Neighbouring Properties were notified and a Site Notice / Press Notice posted and no letters of representation were received as a result.

## **5.0 Assessment of Planning Considerations**

- 5.1 In 1999 planning permission was granted for a change of use of the former pumping station to health club, bar/restaurant, function room, crèche and associated car parking. The operation went out of business in October 2017. A previous application for a hotel and beauty salon in the grounds of the former pumping station was approved in 2008 (Reference 2008/0094) and an extension of time was granted in 2010. The permission has not been implemented and has lapsed. The applicant has stated that the current application is identical to the hotel scheme previously approved on 21<sup>st</sup> October 2008.

- 5.2 The key issues from a Planning Policy perspective are the potential impact on the heritage assets on site and also on openness of the Green Belt at this location. Since the previous consent for the hotel was granted on this site national planning policy has been consolidated, amended and published as the NPPF and the ACS adopted in 2014 and the LPD adopted in July 2018. I consider there has not been a significant change in the planning policy context for the consideration of this proposal since 2008 when an identical proposal was permitted.
- 5.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless other material considerations indicate otherwise'.
- 5.4 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (July 2018) and the additional information provided in the National Planning Practice Guidance (NPPG).
- 5.5 National Planning Policies  
The following parts of the NPPF are of relevance to the principle of this application:
- Part 3 (Supporting a prosperous rural economy);
  - Part 6 (Building a strong, competitive economy);
  - Part 7 (Ensuring the vitality of town centres);
  - Part 12 (Achieving well-designed places);
  - Part 13 (Protecting Green Belt Land);
  - Part 14 (Meeting the challenge of climate change, flooding and coastal change);
  - Part 15 (Conserving and enhancing the natural environment);
  - Part 16 (Conserving and enhancing the historic environment).
- 5.6 Development Plan Policies  
On the 10<sup>th</sup> September 2014 Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) which now forms part of the development plan. It is considered that the following GBACS policies are relevant: -
- ACS Policy A (Sustainable Growth);
  - ACS Policy 1 (Climate Change);
  - ACS Policy 3 (Green Belt);
  - ACS Policy 4 (Employment Provision and Economic Development);
  - ACS Policy 6 (Role of Town Centres);
  - ACS Policy 10 (Design and Enhancing Local Identity);
  - ACS Policy 13 (Culture, Tourism and Sport).
- 5.7 Local Planning Document – Part 2 – Local Plan  
In July 2018 Gedling Borough Council adopted the Local Planning Document Part 2. The following LPD policies are relevant to this application:
- Policy LPD4 – Surface Water;
  - Policy LPD7 – Contaminated Land;

- Policy LPD10 – Pollution;
- Policy LPD11 – Air Quality;
- Policy LPD15 – Infill Development in the Green Belt;
- Policy LPD18 – Protecting and Enhancing Biodiversity;
- Policy LPD24 – Tourist Accommodation;
- Policy LPD27 – Listed Buildings;
- Policy LPD29 – Historic Landscapes, Parks and Gardens;
- Policy LPD32 – Amenity;
- Policy LPD35 – Safe, Accessible and Inclusive Development;
- Policy LPD48 – Local Labour Agreements;
- Policy LPD57 – Parking Standards;
- Policy LPD61 – Highway Safety.

5.8 In considering this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this application are as follows: -

*Public Benefit of the Scheme*

- Supporting a prosperous rural economy

*Green Belt*

- Whether the proposal would be inappropriate development in Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies.
- The effect on the openness of the Green Belt and the purposes of including land within it.
- If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so to amount to the ‘very special circumstances’ necessary to justify it;

*Historic Environment*

- Enabling Development;
- The impact of the development on the Heritage Assets;
- Design, Layout and Scale of development;
- Ecology and Trees;
- Highway implications, including parking provision and access;
- Impact on the amenities of neighbouring premises;
- Flood risk and drainage;
- Contamination and health and safety;

Each of the above aspects is considered in detail below.

**6.0 *The Public Benefit***

6.1 At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 83 addressing the support of a prosperous rural economy. There is a strong emphasis that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed

new buildings. Development should also enable sustainable tourism and leisure developments which respect the character of the countryside.

- 6.2 LPD24 – Tourist Accommodation states:  
*‘Planning permission will be granted for tourist related accommodation, provided that:*
- a) It is not within the Green Belt; or*
  - b) It accords with Green Belt policy;*
  - c) It would not have a significant adverse impact on the amenity of nearby residential or non-residential properties.’*
- 6.3 The pumping station was built in 1871-4 by Thomas Hawksley engineer to Nottingham Waterworks Company. Hawksley is described as the pre-eminent waterworks engineer of his date, and Bestwood is his most accomplished piece of architecture, successfully assimilating engine house, coal store, boiler house and chimney with polychromatic effects in a picturesque landscape. The pumping station was converted to form a fitness and beauty treatment centre including a restaurant and bar in 1999. This operation went out of business in October 2017 and the applicant is the new owner looking to revitalise the business.
- 6.4 Having regard to the Public Inquiry (outlined in paragraph 2.6.2 above), and the assessment of the Secretary of State at this time, it was noted that following the decommissioning of the pumping station in the 1960’s and the removal of the plant in 1968, the former Bestwood Pumping Station and Listed gardens fell into a state of disrepair, threatening the retention of the historic building. The July 1999 permission secured a change of use of the building. The scheme was developed at considerable cost to the developer, temporarily securing the future of a Grade II\* Listed Building and Gardens. However, due to the significant investment made in the repair of the listed building and the additional running costs associated with the heritage asset the owner required a new business plan to make the existing business viable. Following the result of the ‘Call In’ by the Secretary of State the owner finally gained permission in 2008 for a hotel and beauty salon in the grounds of the Listed Building. The decision of the Secretary of State recognised the need to secure further investment to maintain the building and the gardens. The inspector noted that the cost of renovations at the time of the inquiry was over 2.4 million. The inspector advised that in essence, the hotel proposal would be akin to *‘enabling development’* in that it would ensure the continued operation of Lakeside and secure the future maintenance of the Listed Building and Registered Garden. The inspector advised that there was no doubt that the works already undertaken had saved a most attractive and significant building and the proposed development would enhance the existing facilities and encourage tourism.
- 6.5 The business has since seen two owner/operators fail to make the business work and due to a variety of financial and organisational factors, the proposed hotel approved in 2008 was not lawfully implemented and the premises is now not in operation. The agent has outlined that the business model of the current operation without the hotel is unsustainable without the additional development and income that this would achieve. The agent has stated that without this additional investment and approval of the proposal hotel there



is a significant risk that the current leisure and restaurant business would fail once more. Therefore the retention of the heritage asset requires significant, on-going investment and a successful business operating the premises.

- 6.6 The proposal again seeks to erect a hotel within the grounds of the listed building and gardens. The applicant has advised that the hotel would form part of the business model of the scheme, providing accommodation to visitors to the area and also guests of the function rooms within the former pumping station. The applicant also advises that the use of the pumping station as a wedding venue forms a significant part of the business plan with guests enjoying the architecture of the building and its setting with the listed gardens. The application has been promoted on the basis that the hotel would complement the existing facilities at Lakeside and provide overnight accommodation to the wedding guests through the proposed hotel as well as providing general high quality tourist accommodation in its own right. The development would offer a unique proposition in this area and the business case is dependent on this location which is noted is outside of the city or town centre location. It is also noted that there is a wealth of tourist related attractions within the wider area including Bestwood Pumping Station itself, Papplewick Pumping Station, Newstead Abbey and Sherwood Forest.
- 6.7 In the above context, the proposal seeks to provide a new tourist venture to attract people to Gedling from all over the UK in conjunction with providing overnight accommodation for people attending weddings, conferences and events at the Lakeside.
- 6.8 The financial benefits of the proposal are acknowledged insofar as Lakeside would receive further significant investment, 10 full time jobs would be created and other indirect jobs would be created in the local economy through what is known as “the multiplier effect”. Moreover, it is also acknowledged that anyone staying at the proposed hotel would provide support for local amenities and facilities including shops and restaurants. This assessment was supported by the inspector in 2005 where it was noted that the scheme and supporting economic case would maintain the listed building and gardens and would also provide additional jobs.
- 6.9 In this regard, the benefits of the proposal towards supporting strong economic rural growth are welcomed. I would also acknowledge that there is an established need to create jobs in rural areas. In this regard it is welcomed that the business venture would provide jobs for local people and that this can be secured by condition requiring a local employment agreement using the CITB’s Client Based Approach.
- 6.10 In my opinion the need to support a prosperous rural economy, the ongoing maintenance and upkeep of the Listed Building and Registered Gardens and the continued operation of a successful business supporting tourism in the Borough should be given substantial weight in the planning balance. It is considered that the public benefit of the proposal is accepted and supported; however, its acceptability rests in parts on the detailed consideration in particular to the impact on Green Belt, the Listed Building and Registered Park and Gardens, on Nature Conservation, on the character and appearance of the site and on highway safety. In the following chapters the impact on the

openness of the Green Belt and the impact on the setting of the listed building and registered gardens have been assessed in greater detail and these impacts need to be carefully balanced against the public benefits of the proposal that have been identified above.

## **7.0 Green Belt**

7.1 *Whether the proposal would be inappropriate development in Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies;*

7.2 From a principle perspective Chapter 13 'Protecting Green Belt Land' of the NPPF is the most relevant policy basis for assessing this application.

7.3 Paragraph 133 of the NPPF states that *'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.'*

7.4 Paragraph 134 sets out the five purposes of Green Belt which includes 'c) to assist in safeguarding the countryside from encroachment'

7.5 Paragraph 145 of NPPF states that *'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt'*. It goes on to set out exceptions to inappropriate development in the Green Belt which includes:

*'g) limited infilling or the partial complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority'*

7.6 Substantial weight should be given to ACS Policy 3 as far as it is relevant to this proposal.

7.7 The site itself does come under the definition of a previously developed site in the Green Belt and would therefore not be inappropriate development in the Green Belt provided it would not have a greater impact upon the openness of the Green Belt when compared to existing development. Given that the site is free from buildings it is my opinion that the development would have a greater impact on the openness of Green Belt and should therefore be considered inappropriate development within the Green Belt.

7.8 Paragraph 143 of the NPPF states that *'Inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

- 7.9 Paragraph 144 goes on to state that ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed
- 7.10 *The effect on the openness of the Green Belt and the purposes of including land within it;*
- 7.11 Whilst there is no specific definition of openness in the NPPF, this is a concept which relates to the absence of building; it is land that is not built upon. Openness is therefore epitomised by the lack of buildings, but not by buildings that are unobtrusive, camouflaged or screened in some way. Any construction harms the openness quite irrespective of its impact in terms of obtrusiveness or its aesthetic attractions or qualities.
- 7.12 Measures taken to limit the intrusiveness of a development in terms of its visual impact must not affect the assessment of openness, but may be relevant to the very special circumstance balancing exercise. Openness and visual impact are different concepts. This analysis is supported by the Courts which have held that it is wrong in principle to arrive at a specific conclusion as to openness by reference to visual impact (*Timmins & Anor v Gedling Borough Council*).
- 7.13 Paragraph 134 of the NPPF states that: ‘Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration, by encouraging the recycling or derelict and other urban land.
- 7.14 Given that the proposed development would be sited within an existing Spa/leisure/restaurant planning unit; I consider the development would assist in the first two purposes of Green Belt listed above. I also consider that a viable rural business that maintains the rural landscape assists in checking urban sprawl of large built up areas and would not result in neighbouring towns merging together.
- 7.15 The proposed hotel would be sited to the northwest corner of the application site which is currently cleared and defined by some hard core (previously development land) utilised for overspill car parking which has now been reclaimed by some vegetation. The north boundary facing the agricultural fields has significant trees marking the boundary and the west boundary also has trees and an earth bank some 2 metres in height. The boundaries of the site to the east, facing the A60 (Mansfield Road) is defined by a dwarf wall and large mature trees and vegetation.
- 7.16 I also note that there are various buildings on the site including a Severn Trent Booster Station (which is of a more contemporary design), the Pumping Station itself, and West Lodge to the north of the site entrance. There are no public footpaths or registered rights of way adjacent to the premises and

views towards the site are limited to the landmark chimney of the Pumping Station that can be seen from considerable distances approaching the site. The key views of the application site would be limited to passing road traffic adjacent to the main entrance to the site.

- 7.17 I am mindful of the character of the immediate vicinity consisting of the established gardens to the south of the Pumping Station, The Pumping Station (which is a large attractive and imposing building sited centrally on the site), West Lodge (to the north of the site entrance) and the Booster Station. The significant boundary treatments surrounding the site gives rise to a strong sense of enclosure which assists in the built form being seen in the wider context of the whole site. Whilst I consider that the proposed hotel would be visible from some locations, the strong boundary treatments and the other built development on the site does restrict many of the key views to the development. Whilst I note that the development is for a two and half story building its scale and massing does not detract significantly from the scale and massing of the Pumping Station and would appear slightly subservient in its location to the northeast of the site and to the north of West Lodge. The submitted streetscene plan demonstrates the subservient scale and massing of the development. It is therefore my opinion that the proposed hotel in this location would only have a limited impact on the openness of the Green Belt and would only result in limited encroachment when viewed in the context of the wider site. I am also mindful that the Secretary of State and the Inspector both considered that a building of the scale and massing proposed under the 2003 application would not be intrinsically unacceptable and that the current proposal is a resubmission of a smaller scheme.
- 7.18 Whilst I consider the impact on openness of the Green Belt in this location would be slight, the scale of the development means it would not maintain the openness of the Green Belt and therefore 'very special circumstances' are required to support the development.
- 7.19 *If the proposal is inappropriate development, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so to amount to the 'very special circumstances' necessary to justify it;*
- 7.19 The courts have ruled that the risk of creating a precedent is a material consideration especially in the Green Belt where a high bar is set. Where the very special circumstances put forward by the applicant are generic or capable of being easily replicated on other sites, consideration will need to be given to the extent to which any very special circumstances could be used on different sites leading to a decrease in the openness of Green Belt. The provisions of very special circumstances which are specific and not easily replicable should help mitigate the risk of precedent being created.
- 7.20 I note the considerations in regards to the public benefit of the scheme, chapter 6 above (paragraph 6.7 – 6.10), and the assessment on the openness of the Green Belt (paragraphs 7.9 – 7.18)

7.21 In conclusion the following have been identified as being capable of forming the very special circumstances required to permit inappropriate development in the Green Belt: -

1. To assist the existing business making it economically sustainable which would provide the income required for the future and ongoing maintenance of the Grade II\* Listed Building and the Registered Park and Gardens;
2. Diversification of an existing rural business creating jobs supporting a prosperous rural economy;
3. The provision of essential facilities for leisure and tourism;
4. To provide 10 new full time jobs for local people and the provision of a local labour agreement between the Lakeside and Gedling Borough Council;
5. The limited impact on encroachment and openness;
6. The less than substantial visual harm of the development.

7.22 It is my opinion that the need to support a prosperous rural economy and to support an existing business should be given substantial weight in the planning balance. I also consider that the ongoing upkeep and maintenance of the Grade II\* Listed Building and the Registered Park and Garden should be afforded significant weight given that the existing business is vacant and has failed on two occasions. I also consider that the adverse impact on the openness of the Green Belt would be limited and less than substantial. Therefore the limited impact on openness and encroachment (paragraphs 7.9 – 7.18) needs to be balanced against the public benefits of the proposal (Chapter 6). I consider that, on balance, the limited impact on the openness of and encroachment of the Green Belt in this location is outweighed by the public benefit of the development. I therefore consider there to be 'very special circumstances to justify the proposal in this instance.

7.23 Whilst I consider that very special circumstances exist these need to be balanced against the overall harm to the Green Belt by means of inappropriateness, impacts on openness and the other constraining factors. The material planning considerations that need addressing and balanced against the very special circumstances established relate to factors such as:

- Historic Environment / Enabling Development;
- The impact of the development on the setting of a Listed Building and the Registered Park and Garden;
- The Design Layout and Scale of development;
- Flood risk and drainage;
- Ecology and Trees;
- Highway implications, including parking provision and access;
- Water resources, flood risk and drainage;
- Contamination and health and safety;
- Impact on the amenities of neighbouring premises; and
- Other considerations.

## 8.0 **Historic Environment**

### 8.1 **Enabling Development**

- 8.2 Paragraph 192 of the NPPF states that: ‘in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.3 Paragraph 193 goes on to state: ‘When considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.4 Paragraph 195 states: ‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 8.5 Paragraph 202 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
- 8.6 The proposed hotel would be located within the Green Belt and within a Registered Park and Garden and as such would contravene the planning policy objective of protecting openness. However, special circumstances may apply if a number of tests as set out by Historic England justify the proposed development to secure the long term future of the Grade II\* Listed Building and its surroundings and associated heritage assets. The NPPF requires that when substantial harm to the setting of heritage assets of the highest significance are proposed clear and convincing justification is required to prove that the harm that would be caused is wholly exceptional (paragraph 194).

8.7 I note that neither the Appeal Inspector nor the Secretary of State assessed the 2003 application from the enabling development perspective. The Secretary of State and the Inspector both indicated that a very special circumstance could be if the applicant could demonstrate that without the additional facilities, in the long term the Lakeside enterprise might stagnate or even fail. In my opinion, the Appeal Inspector in his report implies that the importance of ensuring that the Lakeside enterprise is economically viable is to prevent the need for an alternative use to be found for the site which might not be so sympathetic to its character and to safeguard the future upkeep of the site.

8.8 The agent has submitted information in relation to the Historic England policy on Enabling Development as set out in *'Enabling Development and the Conservation of Significant Places 2015'*

8.9 The policy states: *'Enabling Development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:*

- a) It would not materially harm the heritage values of the place or its setting;*
- b) It avoids detrimental fragmentation of management of the place;*
- c) It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose;*
- d) It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid;*
- e) Sufficient subsidy is not available from any other source;*
- f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and its form minimises harm to other public interests*
- g) The public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies.'*

8.10 The agent has addressed each of the above points as follows:

- a) An approval of an identical scheme on the site under planning reference 2008/0094, and the details of the consideration by the Secretary of State under reference APP/N3020/V/04/1146604. This approval has demonstrated that it has previously considered that the proposal would not materially harm the heritage values of the place or its setting;
- b) The aim of the proposal is to enable a viable business to operate on the site. The aim is to operate a wedding and conference venue on the site supported by visitor accommodation. The business model is also to provide accommodation on the site with access to dining and services within the Pumping Station. The proposal would also make the business viable allowing the continued use of the Pumping Station as a restaurant. Visitors to the site would have access to the grounds which are a key asset to the scheme. It is the heritage assets that are the unique selling point of the business. As such, it is important that the management of the site is coordinated and not fragmented.

- c) (i) The developer seeks to achieve a long-term future for the site and to use experience in the tourism industry to make a success of the scheme. Whilst the company running the site may change over time, the business model is sound and if sold the venture would be sold as a going concern including both the hotel and the pumping station.  
(ii) The purpose of the proposed hotel is sympathetic to the use of Bestwood Pumping Station and the grounds. As explained above, the elements of the site would work together to provide the unique selling point of the business. The proposed hotel would make the use of the pumping station as a conference/wedding venue and restaurant and economically viable concern, thus generating an income for maintenance and repair of the heritage assets.
- d) Bestwood Pumping Station and the surrounding gardens require constant maintenance and thus these are inherent needs. The owner is a successful company with experience in the tourism industry and is seeking to expand the business through the development of the site. The proposal is not connected to the purchase price. The proposal would allow for an economically viable and sustainable business. The costs of maintaining the pumping station and gardens are a significant factor in the failure of the previous businesses without the supporting development.
- e) No known subsidy is available to maintain the heritage assets.
- f) The proposal comprises a 29 bed hotel. The owner purchased the site based on the previous approval which demonstrated that the development was acceptable. Previous operators have run the business without the hotel and failed. Information has been submitted regarding hotel market in the surrounding area. This proposal for a 29-bed hotel is a unique size hotel which is not currently catered for in the area. Competing hotels are either small, boutique hotels of around 10 rooms or large hotels of around 70 rooms. The hotel would allow guest to stay in a unique location.
- g) The proposal does not breach public policies by securing significant public benefit, making the business viable. The conservation of the building is in the public interest allowing access to the site and associated gardens for future generations.

8.11 It is my opinion that substantial weight should be attached to the economic viability of the enterprise in order to support the ongoing maintenance and upkeep of the significant heritage assets in this instance. In relation to point a) this will be addressed in the section below (*The impact of the development on the Heritage Assets*). In relation to point (b) *the proposed development should avoid detrimental fragmentation of the place*; I note that the site location plan submitted includes the whole of the Registered Park and Garden and the existing buildings and is being considered as one planning unit. It is my opinion the building of an allied hotel in the proposed location would avoid the need for the fragmentation to happen and would allow for a leisure use within the Pumping Station to retain the existing plan form and layout of the Grade II\* Listed Building without extensive subdivision to the detriment of the internal historic fabric of the building. In this instance I consider that the future allied hotel and former pumping station would be sympathetic uses that would help sustain one another which in my view also addresses point (c).

8.12 Points (d), (e), and (f) relate to the needs of the heritage asset. The NPPF requires clear and convincing justification in this case. Enabling development



allows new development that is the minimum necessary to secure the future of the place and to minimise harm. It is apparent that the current use which has been run intermittently for around 15 years as a leisure / restaurant use and as a wedding venue is an acceptable use for the pumping station that retains the internal historic fabric of the building without the need for subdivision. However, the sole use as a leisure suite and venue without the additional accommodation to support the primary use has resulted in the enterprise becoming financially unviable and uncompetitive in the market it is serving. It is my opinion that a complementary use allied to a hotel could be the answer that sustains the building in use since previous businesses have now failed and the building is now only in part use as an office and at risk. It is my opinion given the planning history of the site and the failure of the current enterprise that there is clear and justified evidence that is wholly exceptional in this instance to support an allied hotel which would support the existing leisure / restaurant use of the Pumping Station.

- 8.13 Point (g) has been addressed in full in chapter 6.0 above and substantial weight should be attached to the public benefit that would arise from the scheme.
- 8.14 It is my opinion that it has been demonstrated that there is clear and justified evidence that would support the development of a hotel to complement the existing use and substantial weight should be attached in the planning balance to the ongoing maintenance of the heritage asset. It is my opinion that the substantial harm caused by the erection of a building within the Registered Park and Garden adjacent to Grade II\* Listed Buildings is necessary to achieve the substantial public benefits which in my view would outweigh that harm in this instance.
- 8.15 *The impact of the development on the setting of a Listed Building and the Registered Park and Garden*
- 8.16 ACS Policy 10 and Policy LPD35 require development to be of a high standard of design that is safe, accessible and inclusive. The policies require regard to be given to the appearance of the surrounding area, the provision of safe and convenient access and circulation of pedestrians and vehicles, and should incorporate crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space, and well considered layouts and landscaping.
- 8.17 Policy LPD27 (Listed Buildings) and LPD29 (Historic Landscapes, Parks and Gardens) require development within the setting of listed buildings and within Registered Parks and Gardens to consider the scale, form, mass, design, siting, detailing and materials. Policy LPD29 requires development not to compromise key views or prejudice its future restoration.
- 8.18 The Grade II\* Pumping Station has a formal Victorian Municipal Park and pleasure grounds style setting to its southern elevation as a result of the former cooling pond which was constructed and set within a landscaped area with significant formal planting and footpaths surrounding it. To the rear of the building deciduous and coniferous trees are present with woodland walks through, providing a semi-formal setting to the rear of the building. The

frontage of the West Lodge (a Grade II building) was laid out as a formal garden comprising of shrubs and specimen conifers, with an area of lawn to the eastern elevation planted with deciduous trees, some of these features still remain. The rear of West Lodge has a woodland setting as a result of the plantation to the northern part of the site. There is also a contemporary booster station building to the rear of West Lodge.

- 8.19 The hotel would be sited on previously developed / brownfield land and would be separated from the Pumping Station by the creation of a formal garden area with car parking provided and pedestrian linkages to the Pumping Station. The West Lodge would be separated to some extent from the proposed hotel by the modern booster station and would be further screened by the proposed car parking area that would be bounded by trees. In my opinion, subject to suitable detailed landscaping and surfacing plans being secured by condition, the proposed spaces between the buildings would enhance the setting of the listed buildings. Visitors to the site would still perceive it as being formal parkland setting with a backdrop of woodland planting. As a result of the existing and additional planting the new building would only be readily visible from the car parking area.
- 8.20 I am also mindful that the Secretary of State and the Inspector both considered that a similar smaller building of the scale proposed under the 2003 application would not be intrinsically unacceptable. The current proposal is for a building that would be smaller in scale.
- 8.21 In light of the above considerations I consider that the proposed development would preserve the setting of the listed buildings as required by LPD 27 and LPD29 and subject to acceptable planting the proposed hotel would assimilate well with the existing use and formal gardens that presently occupy the site.
- 8.22 *The Design Layout and Scale of development*
- 8.23 In my opinion, the design of the proposed building would be subservient to the former pumping station. It would be smaller in scale and its design would not compete with the architecture, as a more simple style has been proposed which still echoes the design features of the existing building. The new hotel would not be subservient to West Lodge; however I do not consider that it would be inappropriate for the new hotel to be more prominent than this building given the domestic scale of the West Lodge and that it would be viewed within the same context with the substantial woodland backdrop.
- 8.24 I have given careful consideration to the extent in which the new building would reflect the prominent architectural features of the existing pumping station and the scope to which its characteristics can be adapted, interpreted and reflected to suit the modern requirements of the hotel. Taking into account the relationship of the proposed new building to the former Pumping Station, in terms of its siting, design, massing and architectural features, I am of the opinion that the proposed building would appropriately reflect the architectural merits of the former Pumping Station and complement the design features present on its elevations.

- 8.25 Should planning permission be forthcoming conditions would be attached to control the quality of the design and the buildings specific detailing to ensure that quality materials and mortar are used. Reveals may be capable of being incorporated within the design in order to give the impression of solidity and to add visual interest.
- 8.26 LPD27 and LPD29 require development to conserve and/or enhance features which form part of the significance of the asset and ensure that development does not detract from the enjoyment, layout, design, character, appearance or setting of Registered Parks and Gardens and the setting of Listed Buildings. In my opinion the design, scale and layout of the proposal accords with the requirements of the above Policies.

## **9.0 Ecology and Trees:**

- 9.1 The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 15 of the NPPF, Policy 17 of the ACS and LPD18.
- 9.2 I note the comments from NCC Ecology (para: 4.10.3) and the absence of a bat survey to cover the proposed removal of a tree with 'high' bat roost potential. Policy LPD18 (Protecting and Enhancing Biodiversity) sets out that development proposals affecting designated sites and priority habitats and species should only be permitted if there is no significant harm to the biodiversity site. Any harm should be avoided, and where this is not possible the impacts should be mitigated. The policy goes on to state that lastly, residual impacts should be compensated. Should planning permission be forthcoming I would attach a condition to any approval requiring a Bat Survey and Mitigation Strategy to be submitted to meet the requirements of para.99 Government Circular 06/2005. A condition would also be attached requiring the recommendations the submitted Ecology Survey – section 5 – to be adhered to and an Ecological Mitigation and Enhancement Plan to be submitted prior to the commencement of development.
- 9.3 I note the site is covered by a Tree Preservation Order and I note the comments from the Arboricultural Officer (para: 4.5) and that no objections are raised to the removal of 9 trees to facilitate the car parking areas. Whilst I consider the removal of the large broadleaf tree would have a limited visual impact within the site, when viewed in the context of the wider woodland, I consider that its loss and the loss of the less significant pine trees could be mitigated against by the implementation of replacement planting and by securing a comprehensive landscaping scheme prior to the development commencing. I also note the requirements for additional information to be submitted regarding Arboricultural Method Statement and any details of engineering works prior to the commencement of development and I consider that the request for these details by condition would be a reasonable in this instance.
- 9.4 Subject to the details being sought to mitigate potential biodiversity impacts to bats and to secure tree protection and landscaping details, I consider that, on balance and taking into account the public benefits achieved as a result of the

proposal, it would constitute sustainable form of development in accordance with Policy 17 of the ACS and LPD18.

**10.0 Highway implications, including parking provision and access;**

- 10.1 I note the comments from the Highway Authority that do not raise any objections to the proposed development in planning terms subject to a condition requiring details of the proposed improvements to access the A60 Mansfield Road and the provision of the car parking and turning areas to be submitted prior to the operational use of the hotel.
- 10.2 I concur with the comments received from the Highway Authority and consider that the development would be acceptable in terms of highway safety and appropriate car parking provision.

**11.0 Water resources, flood risk and drainage;**

- 11.1 Policy LPD4 – Surface Water Management requires all development proposals to include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- 11.2 I note the application site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding.
- 11.3 I note the comments from the Environment Agency (EA) and Severn Trent with regards to the controlled waters, contamination and existing engineering works and the significant additional information required prior to the development going ahead. I consider that this information can be secured by way of planning conditions to ensure that suitable engineering solutions are provided prior to the commencement of development.
- 11.4 I also note that the EA have requested various conditions to address their concerns to include the submission of the following prior to commencement of development: a hydrological risk assessment, a scheme for foundation design, foul water drainage scheme, a remediation strategy, and a verification report. I consider that subject to satisfactory details being approved prior to the commencement of development in consultation with the EA and Severn Trent Water that the development could be made acceptable in terms of water resources, flood risk and drainage.

**12.0 Contamination and health and safety;**

- 12.1 The relevant planning policies which need to be considered in relation to land contamination and pollution are set out in Section 15 of the NPPF and LPD7, LPD10 and LPD11.
- 12.2 Section 15 of the NPPF as reinforced by local policy which requires development to contribute to and enhance the natural and local environment

by preventing new development from contributing to or being put at unacceptable risk from levels of soil, air, water or noise pollution.

- 12.3 I note that Gedling Borough Public Protection have no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to ensure that contamination is monitored and mitigated against. Subject to conditions it is my opinion, therefore, that the proposed development would accord with Section 15 of the NPPF and Policies LPD7 and LPD10.

**13.0 Impact on the amenities of neighbouring premises;**

- 13.1 Given the substantial distances to the nearest neighbouring properties I consider there to be no undue impact on residential amenity arising from this development.

**14.0 Other Considerations;**

- 14.1 I note the comments from Nottinghamshire County Council (Waste). The main impact from the development is likely to be from the construction phase of the development. The impacts of the construction activities would be managed through a Construction Environmental Management Plan (CEMP) which would ensure that working hours, traffic, management, control of pollution, waste management, noise, dust, and vibration are all managed and controlled to acceptable standards. The CEMP and the requirements it needs to cover would be secured through planning condition.

**15.0 Conclusion;**

- 15.1 It is my opinion, as considered in the above chapters, that the substantial public benefit arising from maintaining a heritage asset in its most viable use, the continued maintenance and upkeep of Grade II\* Listed Building and Registered Park and Garden, the diversification of an existing rural business creating jobs supporting a prosperous rural economy, and the provision of essential facilities for tourism and leisure, are capable of forming the very special circumstances required to support this development.
- 15.2 In light of the considerations given above in relation to:
- Public Benefit of the Scheme;
  - Green Belt;
  - Historic Environment;
  - Highway implications;
  - Water resources, flood risk and drainage;
  - Contamination and health and safety;
  - Impact on the amenities of neighbouring premises;

I consider that, on balance and taking into account the benefits that would be generated as a result of the proposal, that it would constitute sustainable form of development. In reaching this conclusion I have had regard to paragraph 47 which states that planning permission be determined in accordance with the development plan, unless other material considerations indicate otherwise. Given the considerations set out in chapters 5.0 – 13.0, above, I

consider that it has been demonstrated that on balance the planning impacts have been addressed, are outweighed by the public benefits that result from the scheme, and therefore the impacts of the proposal have been made acceptable.

## **16.0 Secretary of State Referral**

- 16.1 The proposed development is for inappropriate development within the Green Belt and is also for the provision of a building where the floor space to be created by the development is 1000 square metres or more. Under the provisions of The Town and Country Planning (Consultation) (England) Direction 2009 the local planning authority is required to consult the Secretary of State at the Case Work Unit.

## **17.0 Recommendation: Following referral to the Secretary of State Case Work Unit. That the Borough Council GRANTS FULL PLANNING PERMISSION, subject to the following conditions:**

### **Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be constructed strictly in accordance with the Application Forms and the following approved plans submitted with the application: Heritage Statement (February 2018 - ref: PP1109); Planning Design and Access Statement (February 2018 - ref: PPS1109); Lakeside Eaves Detail (rec'd: 06.02.18); Site Location Plan; Floor Plans (ref: 970 - 1); Site Plan (ref: 970 - 3); Elevations (ref: 970 - 2); Sections (ref: 970 - 4); Streetscene (rec'd: 06.02.18); Preliminary Ecology Report (dated: 10th May 2018); Preliminary Ecological Appraisal (ref: OXF10939); Additional Information: Heritage Assets (Date: July 2018 - ref: PPS1109); and Flood Risk Assessment (ref: RCEF64439-002 R).
- 3 Prior to the first use of the hereby approved Hotel details of the proposed improvements to the access on the A60 Mansfield Road, as shown for indicative purposes on drawing number 970-3 shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include construction specification of the access, together with the re-location of street lighting column and signage near the entrance point. The works shall be implemented strictly in accordance with the approved details prior to the hotel being first brought into use.
- 4 The Hotel shall not become operational until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 970-3. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 5 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree protection plan

to graphically show the locations of any tree and root protection barriers; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the Arboricultural impact assessment. The AMS provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees. The approved measures of protection shall be implemented strictly in accordance with the approved details for the duration of the construction period.

- 6 Prior to any above ground works commencing on site there shall be submitted to and approved in writing by the Local Planning Authority full details of both soft and hard landscape works. The detailed landscape plans and particulars shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) precise details of the feature garden, rose border and trellis to the booster station; (c) the proposed means of surfacing access roads, car parking areas, roadways, and footpaths (d) a programme of implementation. (e) a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, and (f) details of any proposed external lighting to car parking areas and walkways. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 7 No above ground construction works shall commence until samples of the proposed materials to be used in the external construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 8 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; and assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 9 In the event that remediation identified in the Remediation Scheme is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates

the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. Prior to the first occupation of the development an Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 11 Before development commences details of reveals to be introduced within the brickwork of the building and to window openings shall be submitted to and approved in writing by the Local Planning Authority. The depth of reveals on the former Pumping Station shall be used for reference. The building shall be constructed in accordance with the approved details for the brickwork and window opening reveals.
- 12 Before above ground works commence a sample panel of the proposed brickwork, stonework and eaves details showing the proposed bond, mortar and joints to be used within these aspects and details of proposed downpipes and guttering shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the approved details.
- 13 The development hereby permitted shall not commence until such time as a hydrogeological risk assessment has been submitted to, and approved in writing by the Local Planning Authority. The risk assessment should cover all aspects of the construction and operation of the development. The assessment must demonstrate how the integrity of the source will not be compromised by the foundation design and loading of the development. It should show how during construction site run off will not contaminate the boreholes and any fuel will be stored and transferred in such a way where it is not possible for contamination to enter the aquifer. The risk assessment will need to show that foul and surface water drainage will be managed in such a way that it is not possible for contamination to enter the aquifer and impact the source. The risk assessment should include a site management plan to identify how site personnel will manage the risk and any mitigation action that will be taken.
- 14 The development hereby permitted shall not commence until such time as a scheme for foundation design has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented strictly in accordance with the approved details.
- 15 The development hereby permitted may not commence until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and completed prior to the development being brought into use. Any foul drainage



design must use best available technology to ensure that there is no risk of contamination entering the public drinking water system. Any discharge of effluent will require an environmental permit.

- 16 Prior to the commencement of development there shall be submitted to and approved in writing by the Local Planning Authority, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details and shall be retained for the lifetime of the development. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. Any proposed infiltrating drainage must adequately demonstrate that contaminated water will not enter the aquifer.
- 17 Before development has commenced there shall be submitted to and approved in writing a Bat Scoping Survey and Mitigation Strategy for the tree marked T4 on Appendix 1: Phase 1 Habitat Plan. Once approved the development shall be carried out strictly in accordance with the approved Bat Scoping Survey and Method Statement.
- 18 Before development has commenced there shall be submitted to and approved in writing an ecological mitigation and enhancement plan which accords with the recommendations of Section 5 - Preliminary Ecological Appraisal (Dated: April 2018). Once approved the development shall be constructed strictly in accordance with the approved details.
- 19 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 20 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted and the creation of new jobs in the local area. The Local Employment Agreement shall be implemented strictly in accordance with the approved details, unless otherwise prior agreed in writing by the Local Planning Authority.

## Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure works are carried out on the public highway prior to the Hotel opening.
- 4 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 5 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 6 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy 17 of the Aligned Core Strategy.
- 7 To ensure a satisfactory standard of external appearance.
- 8 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7 and LPD10.
- 9 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 10 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 11 To ensure a satisfactory development that accords with Policy 10 of the Aligned Core Strategy.
- 12 To ensure a satisfactory development that accords with Policy 10 of the Aligned Core Strategy.
- 13 To protect controlled waters, the adjacent public water supply source, bore holes and underlying adit system in accordance with LPD7.

- 14 To ensure that the proposed development does not damage the underlying drinking water supply source. The use of piled foundations will pose a much greater risk to the integrity of the underlying adit system and nearby borehole.
- 15 To protect controlled waters, the adjacent public water supply source, bore holes and underlying adit system in accordance with LPD7.
- 16 To protect controlled waters, the adjacent public water supply source, bore holes and underlying adit system in accordance with LPD7. Infiltration drainage inherently increases the risk of contamination entering the aquifer and water supply source.
- 17 To ensure that practicable and effective measures are taken to protect bats and their roosts during the construction of the development in accordance with LPD18.
- 18 To ensure that practicable and effective measures are taken to protect and mitigate against impacts on biodiversity and ecology in accordance with LPD18.
- 19 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 20 To seek to ensure that the development provides appropriate employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014).

### **Reasons for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) The Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Planning Document where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

### **Notes to Applicant**

Your attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how to decrease levels by incorporating mitigation measures into scheme design as standard. (see:

<http://gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>). It is therefore requested commitment to incorporate provision for an EV (electrical vehicle) charging point per dwelling; to allow future residents to charge electrical/hybrid vehicles into the future. Reference can be made to guidance produced by IET 'Code of Practice for EV Charging Equipment Installation' for details of charging points and plugs specifications.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

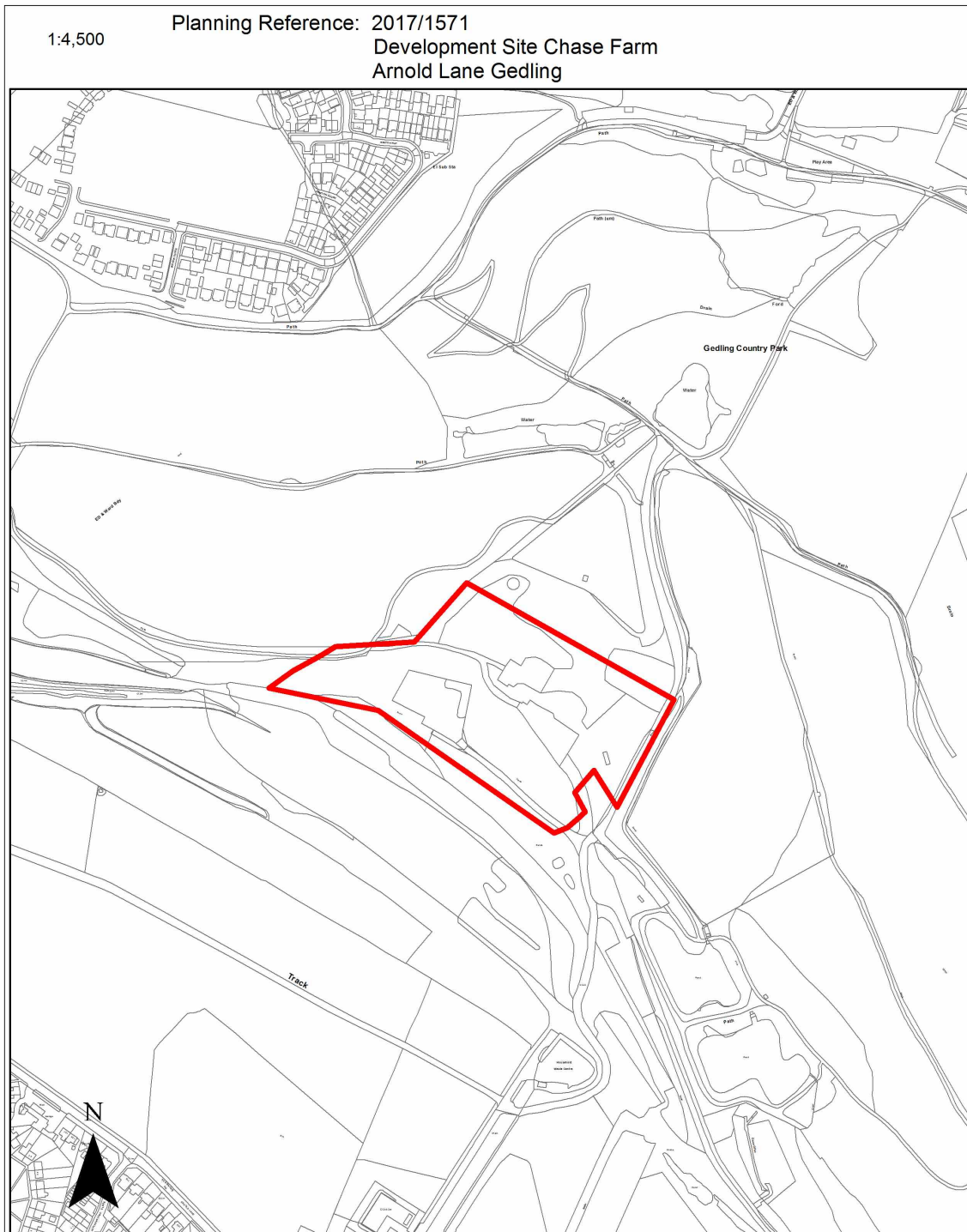
No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).



**Planning Report for 2017/1571**



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.  
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Date: 19/10/2018

**Report to Planning Committee**

**Application Number: 2017/1571**

**Location: Development Site Chase Farm Arnold Lane Gedling**

**Proposal: Erection of employment units (Class B1c/B2/B8 Use), Pub/Restaurant (Class A3/A4 Use) and Drive Thru (Class A3 Use), together with associated parking, servicing and landscaping.**

**Applicant: Harworth Group Ltd**

**Agent: Pegasus Planning Group**

**Case Officer: David Gray**

**1.0 Site Description**

- 1.1 The application site is situated to the north west of Lambley Lane, north of Gedling, and approximately 6.5km north east of the centre of Nottingham. The application site is to the north of Carlton, southeast of Arnold and west of Burton Joyce.
- 1.2 The site has an overall area of approximately 4.12ha and is located at the former Gedling Colliery. The site slopes generally from north to south, with the highest part located in the northern corner.
- 1.3 Gedling Colliery opened in 1899 and closed in 1991. The land occupied by the colliery extends between the A6211 Arnold Lane, Spring Lane and Lambley Lane. To the north is Gedling Country Park, which opened in March 2015, along with the recently opened visitor centre, café, children's play area, and solar park. To the south and south west is a residential led development known as Chase Farm. To date there has been 53 properties completed.
- 1.4 The site lies to the north, and would be accessed from the proposed Gedling Access Road (GAR) which has an extant planning approval reference: 2015/1033.
- 1.5 The application site is previously developed land which is now mostly reclaimed by grassland and areas of hardstanding remaining from the previous industrial uses.
- 1.6 The site is an Employment Allocation under Policy LPD71 in the Local Planning Document.

- 1.7 The site is covered by a Local Wildlife Site – the Gedling Colliery and Dismantled Railway LWS which includes Open Mosaic Habitat on previously developed land.
- 1.8 The site is located within Flood Zone 1 and not at risk of fluvial flooding. The flood risk assessment identifies that the site currently drains via a system of land drains to two existing lagoons located to the southeast of the site, which then drain into the nearby Ouse Dyke.
- 1.9 There is currently an energy plant run by Alkane Energy Limited in the northwest area of the site.

## **2.0 Relevant Planning History / Site Background**

### *Relevant Planning History*

- 2.1 In December, 2014, full planning permission was granted under application no: 2014/0915 for the GAR, the construction of which was proposed to be carried out in two phases.
- 2.2 In February, 2015, planning permission was granted under application no: 2015/0110 for a variation of condition 2 attached to planning permission no: 2014/0915 to amend the details of the approved plans so as to also refer to additional drawings, showing limited vegetation clearance to allow gas main re-alignment and preparation for an interim roundabout, which would otherwise have constituted a commencement of development and require a wide range of pre-commencement conditions to be discharged at that stage.
- 2.3 In June, 2016, planning permission was granted under application no: 2015/1033 for a variation of condition 1 attached to planning permission no: 2014/0915 to enable the construction of the GAR to take place as a single construction programme, instead of two distinct, timed phases. The two phases would remain but there would be no restriction as to the order the phases are commenced.
- 2.4 On the 3<sup>rd</sup> March 2017 Conditional Permission was granted for the “Demolition of existing structures and phased development of 1,050 dwellings, local centre with retail units and health centre, and new primary school. Full planning permission for phase 1 to comprise the erection of 506 no. dwellings (2, 3, 4 and 5 bedroom houses and flats), vehicular access from Arnold Lane, internal roads and all associated infrastructure. Outline planning permission for subsequent phases, all matters reserved except for indicative access to the sites from phase 1, and future accesses from Gedling Access Road.” *app ref: 2015/1376.*

### **Site Background**

- 2.6 The Gedling Borough Replacement Local Plan (adopted July 2005), now superseded by the adopted Local Planning Document (July 2018), provided a housing and employment strategy for the area which identified the former Gedling Colliery site as an allocated housing site for future development

under H3 and the current application site as an allocation of employment land under RLP Policy E1. The Gedling Borough Local Planning Document (July 2018) provides an employment strategy for the site under Policy LPD 71 where the site is allocated for employment-led mixed use development. This is in recognition that a wider range of employment uses is required to help facilitate the development of the former colliery site. The development is reliant on the future construction of the GAR.

- 2.7 The construction of the GAR would follow a southern route from a new junction with the B684 created at Mapperley Plains, running parallel with the A6211 Arnold Lane, through the centre of the former Gedling Colliery site, to the east of which is Gedling Country Park. From the former colliery site, the GAR would cross a number of arable and pastoral fields, Glebe Farm and a section of the walled garden at Gedling House, which is a Grade II Listed Building, and a small section of the Carlton Academy grounds. The route would terminate at a new junction created with the A612 Burton Road, Burton Joyce. The proposed route of the GAR follows the route indicated on the Local Planning Document.
- 2.8 The GAR is a 3.8km road which unlocks the Gedling Colliery / Chase Farm site. The principle objectives of the GAR are twofold:
1. to facilitate the redevelopment of the Gedling Colliery / Chase Farm site and accommodate additional traffic generated; and
  2. to provide a 'bypass' link around Gedling, linking the area with the wider strategic road network to help ease traffic congestion on local roads.
- 2.9 Nottinghamshire County Council is undertaking the land acquisition, design and construction of the GAR and have overall responsibility for its delivery, working in partnership with the Homes England, Gedling Borough Council, and Keepmoat. Compulsory Purchase Orders (CPOs) to secure land required by the road; are being managed by Nottinghamshire County Council and implemented as Local Highway Authority. In 2013, a Transport Modelling Appraisal established the basis for a phased programme of development. This allows the development of a maximum of 315 dwellings on the Gedling Colliery / Chase Farm site prior to completion and opening of the GAR.

### **3.0 Proposed Development**

- 3.1 Outline Planning Permission is sought with all matters; except access, reserved for subsequent approval.
- 3.2 The application seeks permission for the erection of employment units (Use Class: B1c (Business) / B2 (General Industry) / B8 (Storage and Distribution)), a Pub / Restaurant (Use Class A3 / A4) and a Drive Thru (Class A3 Use), together with associated car parking, servicing and landscaping.
- 3.3 Access into the site would be provided via a connection to the GAR. All the proposed buildings, car parking and service areas would be accessed via a new access road that would run through the centre of the site.



- 3.4 Outline Planning Permission is sought for the erection of five units and a car park with the indicative parameters indicated below:
- Drive Thru (Class A3 use) – approximately 280sqm;
  - Public House / Restaurant (Class A3 / A4 use) – approximately 800sqm;
  - Employment Units (Class B1c / B2 / B8 use) – 60,000sqft (5,574sqm) split across three 20,000sqft (1,858sqm) units; and
  - An overflow car park for the site measuring 0.15ha.
- 3.5 Access into the site would be via a new four-arm roundabout from the Gedling Access Road (GAR), the northern arm of which would be 7.3m wide.
- 3.6 A foul sewage pumping station is proposed to be discussed with Nottinghamshire County Council outside of the application site.
- 3.6 Various studies and reports have been submitted in support of this application and these are listed below:
- Planning Statement (Pegasus Group);
  - Master planning (Harris Partnership);
  - Flood Risk Assessment and Drainage Strategy (Rodgers Leask);
  - Transport Assessment and Travel Plan (ADC Infrastructure);
  - Extended Phase 1 Habitat Survey Report (Applied Ecological Services);
  - Bat Survey Report (Applied Ecological Services);
  - Breeding Bird Report (Applied Ecological Services).
- 3.7 The Design and Access Statement outlines the surface water strategy is to discharge runoff to the lagoons via a new on-site sustainable drainage networks incorporating water treatment.
- 3.8 The accompanying Transport Assessment demonstrates that the site is in a sustainable location with opportunities to travel by all sustainable modes of transport. The proposed new Gedling Access Road has been designed to accommodate the vehicle trips from both Chase Farm and the proposed development.
- 3.9 The development is located 800m from the nearest bus stop on Shelford Road; however, on completion of Chase Farm, a bus service would be rerouted close to the proposed development.

#### **4.0 Application Publicity and Procedures**

- 4.1 The application was publicised for representation on 10<sup>th</sup> January 2018 in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Five Site Notices advertising the application were displayed at Arnold Lane, Lambley Lane Recreational Ground, Glebe Farm View, Gedling Country Park, and Braunton Crescent. The required Press Notice has also been advertised in the Nottingham Post.

#### **4.2 Neighbour Consultation and General Publicity Responses**

4.2.1 The comments below were made in respect of this application. Three letters of representation were received as a result. One letter came from a member of the general public, one letter was received from the group 'Friends of Gedling Country Park' and, one letter was from 'Alkane Energy' a tenant at the site. Comments can be outlined as follows:

#### 4.2.2 Landscape and Visual

- The development would not be in-keeping with the area.
- The proposed Industrial units would be harmful to the areas natural beauty and that of Gedling Country Park.

#### 4.2.3 Highway Safety

- The proposed development would increase traffic of the GAR which is designed to reduce traffic.

#### 4.2.4 Principle of Development

- Industrial development is not right for the area with the country park so near. It would be more suited to brown field land in Netherfield next to the retail park.
- The application form describes the land as vacant grassland, however, Alkane Energy operate from part of the site with a long term lease.

#### 4.2.5 Land Contamination / Flood Risk / Pollution

- The application states that the surface water drainage for the site would be to two lagoons. It is intended for the surface water drainage from the site to be via these lagoons. These lagoons are important wildlife habitats and it is requested that planning permission is not granted until an alternative drainage strategy is agreed to protect the ponds.
- All new surface water drainage should use the attenuation proposed for the GAR.
- Surface water drainage into the existing ponds would result in unacceptable pollution.
- Consideration should be given to alternative drainage within the applicant's site which is not to be developed to prevent surface water from the higher areas entering the lagoons.
- The proposed foul sewage pumping plant is outside of the application site and within the Country Park which is in the ownership of Gedling Borough Council. The installation of the proposed pumping station would cause noise disturbance.

#### 4.2.6 Ecology

- The site accommodates Dingy Skipper Butterfly and this is a registered species of importance for conservation in England under section 41 of the NERC Act (2006). It is also listed as a species of conservation concern under Nottinghamshire's Local Biodiversity Action Plan (LBAP) a Priority Species in the UK Biodiversity Action Plan. The proposal

should incorporate a butterfly bank as way of mitigation from the proposed development.

- Mitigation measures to deal with the destruction of vascular plant habitat should be sought. Translocation of habitats would be welcomed to ensure no loss of habitat as a result of the development.

#### 4.2.7 Loss of Amenity

- The site will require street lighting and premises lighting (no details provided). The proposal would result in potential light pollution adversely affecting bats, insects, birds and other wildlife. A detailed lighting strategy should be sought.
- Gedling County Park is very popular and the paths along the western and eastern edges are well used. The following could be considered adverse impacts to the amenity of users of the park:
  - Noise pollution from the employment uses.
  - The loss of visual amenity unless the building heights are restricted.
  - The formation of a bank on the north boundary of the development raises stability concerns due to the steep slope above the development. The problem could be mitigated by stabilising the slope by planting a variety of native species and shrubs on the bank.
- The proposed public house and coffee shop could be used by visitors to the park. Concerns are raised about the increase in litter which should be mitigated by the installation of litter bins on the application site.

### 4.3 Consultation Responses Received from Technical Bodies

#### 4.3.1 Nottinghamshire County Council (Highway Authority (HA))

The development proposal is located to the North East of the Proposed Gedling Access Road (GAR). Main construction in relation to this road is due to commence in summer 2019 with completion anticipated late 2020. The proposal cannot be occupied or utilised until it has a suitable access to the GAR and this will not be available until GAR is completed.

The Transport Assessment has been reviewed for the site and the HA have compared the forecast traffic generation in the TA for the Employment, PH and Drive Thru against the traffic assumptions made in the traffic modelling for the Gedling Access Road planning application. The GAR junction design calculations assumed that the Chase Farm development site was used entirely for a mix of B1/B2 and B8 uses only. The hour generations used for the GAR junction design exceed those now forecast for the planning application site. In this case we can advise that the roundabout junction of GAR with the employment site would operate satisfactorily and with significant amount of spare capacity in both the GAR opening (2020) and design years (15 years after opening).

A planning condition would be necessary on this application which restricts the use of any part of the application site (2017/1571) until the Gedling Access Road is built and open to traffic in its entirety.

Parking provision has been assessed based on the proposed uses and is considered acceptable for this development. Displacement of parking is not likely to occur as the GAR will have a clearways order which will prohibit parking in the vicinity of the proposed development.

Servicing to plots is acceptable from the proposed new access road and areas within the plots have been reserved for turning vehicles.

#### 4.3.2 Nottinghamshire County Council (Travel and Transport)

The closest bus stops would be in excess of 550 metres from the centre of the site, not 400 metres as stated in the Planning Statement. The local bus service contribution requested would enable the development to be served by bus and for this site, situated on an incline, to be sustainable in planning terms. The level of contribution is derived from the Council's Local Bus Service Funding Model and would support provision of a local bus service to serve the site, with a view to the service being sustainable at the end of the funding term. A summary of the factors used for the model includes the following: size of site; number of projected trips/ridership; gross vehicle cost; local bus modal share; average fare / yield per trip; build out projections.

For this site the Planning Statement states that the scheme could result in the region of 133 – 203 direct jobs (dependent on the eventual end users), and also refers to an estimated additional 21 public transport trips in the average peak hour. The funding requested is based upon a projected level of 62 daily two-way trips from all users of the development (124 trips per day).

Using the above assumptions gives a local bus service contribution of £100,000, which would provide a service to serve the development and for at least two years, subject to review, based on usage and revenue. No contingency or inflation is applied. The level of the bus service contribution would be reviewed using the Local Bus Service Funding Model should there be a significant change to the scope of the Outline application submitted for the proposed development / numbers of jobs.

In terms of the total contributions sought, the Transport and Travel Services response dated 19/1/18 refers to a Public Transport contribution of £100,000, and a separate request for a bus stop contribution via a Section 106 agreement for bus stop improvements to the value of £26,000 to provide two new bus stops in the vicinity of the site or to provide upgrades to the closest available bus stops. As such the combined funding contribution requested is £126,000.

#### 4.3.3 Nottinghamshire County Council (Waste and Minerals)

##### 4.3.3.1 *Minerals*

The site is not within a minerals safeguarding and consultation area.

The site incorporates the whole area of the operational Gedling Energy Park; a site generating electricity from coal mine methane drained from historic mine workings under NCC planning references 7/2010/1033NCC and 7/2013/1212NCC until 4<sup>th</sup> August 2021. Nottinghamshire County Council are

considering a further two applications to vary conditions to extend the life of the development until 2037. The extraction of mine gas is supported in the Nottinghamshire Minerals Local Plan policy M13.5.

The applicant is encouraged to discuss with the operator of the Energy Park how the current application will relate to the current permitted use as a Methane Drainage Site. Clarification should be sought on how these two uses would operate together and how the safe drainage of methane could be achieved should this development be approved.

In the planning statement emphasis is on the principles of sustainable development and the transition to a low carbon economy, and if the Energy Park were to be removed then this would remove a purpose-built facility which specifically contributes to these aims and objectives.

#### 4.3.3.2 *Waste*

There are no existing waste sites within the vicinity of the site where by the development would cause a safeguarding issue.

#### 4.3.4 Nottinghamshire County Council (Arboricultural Officer)

The application shows very little in terms of explaining how existing trees and vegetation are to be retained and nor does it explain fully what the proposed landscaping will consist of post development.

##### 4.3.4.1 *Tree and Scrub Retention*

It would be recommended that a tree constraints plan (TCP) is produced showing the proposed development and identifying trees, hedges and wooded areas which are to be retained and removed.

A tree protection plan should also be overlaid to graphically show root protection areas for retained trees and hedges including locations of tree protection barriers in accordance with BS 5837:2012

##### 4.3.4.2 *Replacement tree planting*

It would be recommended that a landscape plan is provided to graphically show the level of landscaping and details of all tree planting species and specifications in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations or as amended.

#### 4.3.5 Nottinghamshire County Council (Ecology)

The application is supported by an Extended Phase 1 Habitat Survey, Bat Survey and Breeding Bird Survey.

The site sits within Gedling Colliery and Dismantled Railway Local Wildlife Site (LWS) (5/211), described as a 'former colliery with a notable plant assemblage and of faunal interest', the reasons for designation are listed as Botanical and Butterfly.

The site is correctly identified as supporting Open Mosaic Habitat on Previously Developed Land (OMH), which is a Habitat of Principle Importance in England (a 'priority' habitat) and its enhancement and protection is important. Of particular concern is the fact that the extent of the OMH habitat

affected by the development has not been quantified, and no mitigation or compensation is proposed for its loss.

In summary, NCC objects to this application, and request that GBC defer a decision until the following matters have been addressed:

- The provision of further information in relation to the loss of Open Mosaic Habitat on Previously Developed Land, including mitigation and/or compensation measures and quantification of losses/gains using an ecological accounting approach.
- The undertaking of further surveys and/or assessment in relation to badger, common toad, grass snake and butterflies.
- A consideration of the combined impacts of this development when coupled with other adjacent developments (GAR and Keepmoat)
- The provision of more detailed mitigation and landscaping proposals in relation to dingy skipper.

4.3.6 Nottinghamshire County Council (Rights of Way)

No definitive paths are affected by the development.

4.3.7 Nottinghamshire County Council (Lead Local Flood Authority)

The information submitted is incomplete and does not allow for a detailed understanding of the applicants proposed methods of managing surface water.

4.3.8 Environment Agency

No objections subject to a condition for a remediation strategy to deal with the risks from contamination.

4.3.9 Severn Trent

No comments received.

4.3.10 Gedling Borough Council (Scientific Officer)

As it appears there is no desktop study / preliminary risk assessment has been submitted prior to, or with the planning application, it is requested phased contamination conditions are attached to any planning consent.

4.3.11 Gedling Borough Council (Parks and Street Care)

Parks and Street Care would welcome the transfer of Open Mosaic Habitat from the site to Gedling Country Park.

4.3.13 Gedling Borough Council (Economic Development)

The size of the development meets the thresholds for an Employment and Skills Strategy to be developed and implemented in accordance with the Construction Industry Training Board and the National Skills Academy for Construction's "Client Based Approach; Local Client Guidance for England" to be implemented during the term of the build to deliver employment and training activities – including work experience, jobs, apprenticeships and training.

## **5.0 Assessment of Planning Considerations**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless other material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (July 2018) and the additional information provided in the National Planning Practice Guidance (NPPG).

### **5.3 National Planning Policies**

The following parts of the NPPF are of relevance to the principle of this application:

- Part 6 – Building a strong, competitive economy;
- Part 7 – Ensuring the vitality of town centres; and
- Part 15 – Conserving and Enhancing the Natural Environment.

### **5.4 Development Plan Policies**

On the 10<sup>th</sup> September 2014 Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) which now forms part of the development plan. It is considered that the following GBACS policies are relevant: -

- ACS Policy 2 – The Spatial Strategy;
- ACS Policy 4 – Employment Provision and Economic Development;
- ACS Policy 6 – The Role of Town and Local Centres;
- ACS Policy 7 – Regeneration; and
- ACS Policy 10 – Design and Enhancing Local Identity.

### **5.5 Local Planning Document – Part 2 – Local Plan**

In July 2018 Gedling Borough Council adopted the Local Planning Document Part 2. The following LPD policies are relevant to this application:

- Policy LPD4 – Surface Water;
- Policy LPD7 – Contaminated Land;
- Policy LPD10 – Pollution;
- Policy LPD11 – Air Quality;
- Policy LPD18 – Protecting and Enhancing Biodiversity;
- Policy LPD35 – Safe, Accessible and Inclusive Development;
- Policy LPD48 – Local Labour Agreements;
- Policy LPD 32 – Amenity;
- Policy LPD 43 – Retention of Employment Uses;
- Policy LPD 71 – Employment Allocations;

5.6 In considering this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this application are as follows: -

- Principle of Development
- Transport and Connectivity
- Masterplan and Design
- Water Resources, Flood Risk and Drainage

- Land Contamination
- Meeting the challenge of climate change
- Ecology
- The Impact on Neighbouring Amenity
- Heritage and Archaeology
- Other Material Considerations

## **6.0 Principle of Development**

- 6.1 At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 80 stating significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and the wider opportunities for development.
- 6.2 ACS Policy 2 (clause 4) makes provision for significant new employment development at Gedling Colliery Chase Farm. ACS Policy 4 elaborates where clause 4 e) enables the promotion of significant new economic development as part of sustainable Urban Extensions at Gedling Colliery/Chase Farm. ACS Policy 4 does recognise the need to cater for the full range of employment uses. ACS Policy 7 clause e) identifies Gedling Colliery / Chase Farm as focus for regeneration.
- 6.3 Policy LPD 71 Employment Allocations allocates the application site for employment-led mixed use development. The supporting text states inter-alia: *10.3 'The land to the north of Gedling Access Road is allocated for 5 hectares of employment-led mixed use development. This is recognition that a wider range of employment uses is required to help facilitate the development of this former colliery through an element of "pump priming" as the site has remained undeveloped for a number of years. It also recognises that the site's location adjoining the newly opened Gedling Country Park presents new opportunities for visitor related facilities that could provide significant levels of employment. The types of employment led mixed uses that the Borough Council would consider acceptable include an element of food and drink, such as pub/diner and coffee shop or other facilities connected with the Country Park. It is considered that the amount of pump priming development can be determined through the detailed planning process taking into account site viability. The site would be developed predominantly for suitable business (B1), storage and distribution (B8) and general industry (B2) uses, subject to the latter being appropriate in this location (which may require the imposition of suitable conditions on any planning permission).'*
- 6.4 It goes on to state: *10.4 'The employment allocation will provide sustainable employment opportunities close to the new housing provision and also contribute towards meeting the overall employment requirements for Gedling Borough. This site will have direct access to the new road making the site highly accessible'.*
- 6.5 Given that the site falls within a site allocated for the employment uses proposed there are no limitations in place in respect of its redevelopment for a mixture of B1 c, B2, B8 and A4 and A5 uses as proposed. The A4 and A3 uses are a small proportion of the overall floor areas proposed. The principle



of the redevelopment of the site is acceptable subject to the detailed consideration of the following matters.

## **7.0 Transport and Connectivity**

- 7.1 I note the comments from the Highway Authority which raise no objections to the proposed development subject to conditions relating to the submission of a Travel Plan and surfacing of the parking and turning areas.
- 7.2 I concur with the comments received and consider that the development would be acceptable in terms of highway safety and appropriate car parking provision.
- 7.3 I note that details relating to the access are being sought for detailed approval and the Highway Authority has not objected to the detailed plans. I am satisfied that the details of access are acceptable in this instance.
- 7.3 I note the comments from Strategic Highways in relation to the bus stop and redirected bus routes. In my view given the location of the development away from main town centres and good public transport linkages the contributions to support direct bus links to the employment site are reasonable in this instance to support the development. Contributions would be sought that are proportionate to the development under the current NCC obligations strategy (detailed in section 14).

## **8.0 Masterplan and Design**

- 8.1 Policy 10 of the Aligned Core Strategy requires all new development to be designed to make a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; reinforce valued characteristics; be adaptable to meet evolving demands and the effects of climate change; and reflect the need to reduce the dominance of motor vehicles.
- 8.2 Part 12 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; respond to local character and history; and is visually attractive as a result of good architecture and appropriate landscaping.
- 8.3 The proposed development would be located to the north of the proposed Gedling Access Road a major piece of infrastructure to support the growth in the Borough. The north of the proposal is currently Gedling Country Park that rises in level steeply to the north.
- 8.4 Matters relating to Appearance, Landscaping, Layout, and Scale, are being reserved for subsequent approval. This application has been submitted with Access being considered in detail at this outline stage.
- 8.5 Whilst only indicative a layout has been submitted in support of this application that indicates that a development of 5 employment plots with the floor areas indicatively proposed can be accommodated on the site without appearing over intensive. The layout illustrates that front facing development

can be achieved adjacent to the proposed Gedling Access Road. The submitted planning statement also indicates that the development would create building fronts with areas of soft landscaping including trees and hedgerows. The layout plan illustrates how the deliveries and back of house functions of the employment uses could be serviced from the centre of the site rather than the edges looking towards Gedling Country Park. It also indicates that established trees and hedgerows to the site boundaries could be retained.

- 8.6 Overall, given the sites employment allocation, it is considered that an imaginative design can be achieved that reflects the developments context to the existing Country Park and the Gedling Access Road. I am content that an appropriate design can be achieved at reserved matters stage, using the illustrative layout as a guide, which would closely relate to existing features on the site and the surrounding area. I am therefore satisfied that the application accords with the broad aims of the NPPF, Policy 10 of the ACS, and LPD35.

## **9.0 Water Resources, Flood Risk and Drainage**

- 9.1 Policy LPD4 – Surface Water Management requires all development proposals to include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.

- 9.2 I note the application site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding.

- 9.3 I note the comments from the EA with regards to the control of contaminated waters and should permission be forthcoming the suggested conditions would be attached to any approval.

- 9.4 I note the comments from the LLFA with regards to the submission of a Surface Water Drainage Scheme, however, as this is an outline planning application with matters relating to landscaping and layout being reserved for future consideration I am satisfied that an appropriate surface water drainage scheme can be sought via a condition which may be discharged once the layout and landscaping proposals have been progressed.

- 9.5 Subject to the precise details being approved at reserved matters stage I am satisfied that the development accords with LPD4.

## **10.0 Land Contamination and Health and Safety**

- 10.1 The relevant planning policies which need to be considered in relation to land contamination and pollution are set out in Section 15 of the NPPF and LPD7, LPD10 and LPD11.

- 10.2 Section 15 of the NPPF as reinforced by local policy which requires development to contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from levels of soil, air, water or noise pollution.

- 10.3 I note that Gedling Borough Public Protection have no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to ensure that contamination is monitored and mitigated against. Subject to conditions it is my opinion, therefore, that the proposed development would accord with Section 15 of the NPPF and Policies LPD7 and LPD10.
- 10.4 I note the comments received from the operator of Alkane Energy, whom state they operate from the site on a long term lease, and the potential for a conflict of interest between the competing uses. However, should the development go ahead, whether the current operator would have to vacate the site would be a private legal matter between the land owner and the operator of Alkane Energy and would not be material planning consideration that would carry enough weight to warrant the refusal of this application.

### **11.0 Meeting the challenge of climate change**

- 11.1 Part 14 of the NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.
- 11.2 I note that, following correspondence with the Scientific Officer it was recommended that that scheme should incorporate provision for an EV (electrical vehicle) charging point. Should planning permission be forthcoming an informative would be attached to encourage any future developer to address the need of meeting climate change by providing sustainable transport options for employees in line with the requirements of Paragraph 93 of the NPPF. There is currently no LPD Policy that would support the requirement to provide EV charging points.

### **12.0 Ecology**

- 12.1 The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 15 of the NPPF, Policy 17 of the ACS and LPD18.
- 12.2 I also note the subtext of LPD 72 specific to this employment allocation which states at paragraph 10.5 *'A Local Wildlife Site is located on the employment land but the need for employment and the aim of supporting regeneration by providing jobs on the Gedling Colliery/Chase Farm site are, on balance, considered to outweigh any adverse impact on the Local Wildlife Site. This position is subject to mitigation and the scope to compensate any loss through translocation of habitat to the adjoining Gedling Country Park.'*
- 12.3 I note the comments from NCC ecology who object to the proposal due to the lack of information and suitable mitigation and compensation. I also note that the whole of the application site was considered during the process of preparing the LPD and it has already been considered that the loss of the

LWS is outweighed by the need for employment. I also note the comments received with regards to inappropriate lighting impacting on wildlife.

- 12.4 Policy LPD18 (Protecting and Enhancing Biodiversity) sets out that development proposals affecting designated sites and priority habitats and species should only be permitted if there is no significant harm to the biodiversity of the site. Any harm should be avoided, and where this is not possible the impacts should be mitigated. The policy goes on to state that lastly, residual impacts should be compensated. As the application is outline with all matters relating to layout and landscaping reserved for later approval I consider that matters raised by NCC ecology can be addressed with the suitable studies and reports and a detailed landscaping scheme being sought by planning condition.
- 12.5 I note the comments with regard to the 'Open Mosaic Habitat' (OMH) that is present on the site and the potential for this to be lost as a result of the development. I also note that LPD72 states that any loss should be compensated through the translocation of habitat to the adjoining Gedling Country Park. The translocation of OMH to Gedling Country Park is supported by Parks and Street Care. It is my opinion that should the results of the updated ecology/biodiversity reports and approved landscaping plans (sought through reserved matters) give rise to the requirement to compensate and translocate OMH this can be secured by way of s106 obligation between Gedling Borough Council (Landowner of the Country Park) and the Developer.

### **13.0 The Impact on Neighbouring Amenity**

- 13.1 Given the substantial distances to the nearest neighbouring properties, the location of the Gedling Access Road inbetween the development and the Chase Farm housing development I consider there to be no undue impact on residential amenity arising from this development.
- 13.2 The nearest buildings that could be affected are those on the new housing development at Chase Farm. In my view the impacts of the construction activities could be managed through a Construction Environmental Management Plan (CEMP) which would ensure that working hours, traffic management, control of pollution, waste management, noise, dust and vibration are all managed and controlled to acceptable standards. The CEMP and the requirements it needs to cover would be secured through condition.

### **14.0 Planning Obligations**

- 14.1 Travel and Transport Contributions  
A contribution through s106 would be sought towards Public Transport (£100,000) to provide a service to serve the development for at least 2 years.

A contribution towards bus stop improvements of £26,000 would be sought.

- 14.2 Economic  
I note the comments from the economic development officer, the size of the site and the numbers of dwellings to be built meet the Council's thresholds to

implement the Construction Industry Training Board (CITB) to create work and opportunities during the term of the build. Should planning permission be forthcoming CITB would form part of the s106.

**14.3 Open Space and Ecology Mitigation**

Given that the development would result in an access roads, car parking, loading areas and incidental landscaped open space (to compensate the loss of habitat), should planning permission be forthcoming details of a Management Company responsible for the upkeep of the non-adopted areas and the open space would be sought via Section 106 Agreement to retain acceptable surfacing and biodiversity mitigation associated with the development.

An obligation between Gedling Borough Council and the Landowner would be sought to address the translocation of any identified Open Mosaic Habitat to Gedling Country Park.

**14.4 Community Infrastructure Levy (CIL)**

The application is CIL liable. The CIL would only apply to the elements that are identified for A3 and A4 uses. A borough-wide charge of £64.69sqm currently applies to retail floorspace of over 100sqm. A zero charge applies for employment uses at this time. The actual amount of CIL payable would be calculated when a decision is made on the subsequent reserved matters application.

**15.0 Other Material Considerations**

15.1 I note the comments with regards to the steep bank proposed on the north boundary of the site and the potential for its stabilising using native plants. I concur with this view and any detailed landscaping and ecology mitigation would be sought as part of any reserved matters application could address this issue.

15.2 I note that the development is reliant on the completion of the Gedling Access Road and therefore consider that extending the time limit in which to the applicant can submit the reserved matters to five years rather than three years from the date of the permission would be reasonable in this instance.

**16.0 Conclusion**

16.1 The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Plan Part 2 where appropriate.

16.2 In my opinion, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is my opinion that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

16.3 Planning obligations are being sought in accordance with the requirements of the NPPF.

**17.0 Recommendation: That the Borough Council GRANTS OUTLINE PLANNING PERMISSION with matters relating to Appearance, Landscaping, Scale, and Layout reserved for subsequent approval; subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway authority for the provision of, or financial contributions towards a Management Company, Integrated Transport Facilities, Translocation of Habitat and a Local Employment Agreement (in accordance with Section 14.0 of the report), and subject to the following conditions:**

### Conditions

- 1 Approval of the details of Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than five years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The submission of all reserved matters and the implementation of the development shall be carried out in accordance with the plans and documents received on the 22nd December 2017: - Application Forms; Extended Phase 1 Habitat Survey; Bat Survey Report; Breeding Bird Surveys; Design and Access Statement (P17-1794\_200); Drainage Strategy (P15-157 - 202A); Planning Statement (Dec 2017 - SLR/ST - P17-1794); Overall Proposed Site Plan (14005-102); Overall Proposed Site Plan (14005-103); Existing Location Plan (14005-100); Existing Location Plan (14005-101); Framework Travel Plan (ADC1616-B); Indicative Zoning Plan (14005-105); and Indicative Design Site Section (14005-104).
- 4 No part of the development hereby permitted shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.
- 5 No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking areas shall then be maintained in such hard bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the Gedling Access Road is built and open to traffic in its entirety.

- 7 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8 Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development.
- 9 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree / hedge protection plan to graphically show the locations of any tree / hedge and root protection barriers. A tree protection plan should be overlaid to graphically show root protection areas in accordance with BS 5837:2012; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement (AMS). The AMS provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees / hedges. The approved measures of protection shall be implemented in accordance with the approved details for the duration of the construction period.
- 10 Before development is commenced, there shall be submitted to and approved in writing by the Local Planning Authority a Desktop Study for Existing Ecological Information, to include: (1) Consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC); (2) An Extended phase 1 Habitat Survey; (3) Details of avoidance, mitigation and compensation measures, and opportunities for enhancements (4) Further surveys and/or assessment in relation to badger, common toad, grass snake and butterflies, and (5) Further information in relation to the loss of Open Mosaic Habitat, including mitigation and/or compensation measures and quantification of losses/gains using an ecological accounting approach. The development shall be implemented strictly in accordance with the approved details.
- 11 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted (in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape), which shall consist of native species, ideally of local provenance, where possible; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking

areas, roadways and the frontages of properties (d) details of the mitigation and compensation for the loss of Open Mosaic Habitat (e) details of the mitigation and landscaping proposals in relation to dingy skipper (butterflies) and (f) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.

- 12 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 13 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details.
- 14 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development.
- 15 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 16 In the event that remediation identified in the Remediation Scheme is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.



- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. Prior to the first occupation of the development an Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

## **Reasons**

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt.
- 4 To promote sustainable travel.
- 5 In the interest of Highway safety.
- 6 There is no alternative access from the highway.
- 7 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 8 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 9 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy LPD18 (July 2018).
- 10 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014) and Policy LPD18.
- 11 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).

- 12 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 13 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 14 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 15 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7 and LPD10.
- 16 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7 and LPD10.
- 17 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.

### **Reasons for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Local Planning Document 2017, where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted.

### **Notes to Applicant**

The detailed surface water drainage scheme to be submitted shall: - require all flows to be attenuated to Qbar for the entire site;- include provision for the entire site to be drained to the surface water drainage system with appropriate run-off coefficients or other factors used to represent the differing run off characteristics of the various parts of the site;- include an exceedance check using microdrainage software to simulate the drainage system for the 100year + 30% climate change event for a range of durations from 15 minutes to 24 hours to assess where the drainage system may flood. If this occurs, provision must be made for the accumulated volumes and flows to be directed to the surface water attenuation areas; - demonstrate that the surface water drainage system is designed in accordance with CIRIA C635 and C753, and the National SUDS Standards;- demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year plus climate change return periods;- confirm how on-site surface water

drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Your attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how to decrease levels by incorporating mitigation measures into scheme design as standard. (see: <http://gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>). It is therefore requested commitment to incorporate provision for an EV (electrical vehicle) charging point per dwelling; to allow future residents to charge electrical/hybrid vehicles into the future. Reference can be made to guidance produced by IET 'Code of Practice for EV Charging Equipment Installation' for details of charging points and plugs specifications.

No removal of hedgerows, trees or shrubs shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

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**Planning Report for 2018/0926**



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Date: 22/10/2018

**Report to Planning Committee**

**Application Number:** 2018/0926

**Location:** Land On The North Side Of Briarbank Avenue Carlton

**Proposal:** Erect 12 No. apartments (resubmission of 2018/0365).

**Applicant:** Tindall Developments Ltd

**Agent:** Apex Design

**Case Officer:** Graham Wraight

**1 Site Description**

- 1.1 The site is located to the rear of Nos. 1 to 15 Briarbank Avenue and is accessed by a private access located between No.15 Briarbank Avenue and several dwellings that front onto Rowan Walk and Honeywood Drive. The northern part of the site is heavily vegetated and rises steeply upwards with this area of land being protected open space, as defined by Policy LPD 20 of the adopted Local Planning Document. The southern part of the site, on which the proposed development would be located, is relatively flat and is predominantly hard surfaced.
- 1.2 The dwellings located to south and west are bungalows, some of which have accommodation in their roof space, and the dwellings to the east are two storey in height. All of the adjacent dwellings have their rear elevations facing towards the site and there are various established boundary treatments on the site boundary.

**2 Relevant Planning History**

- 2.1 2004/1608 – Erection of 14 No. 2-bed flats with associated parking and bin storage areas – Approved with conditions, permission has expired.
- 2.2 2008/0333 – Erection of 14 No. 2 bedroom flats (See previous approval 2004/1608) – Refused.
- 2.3 2009/0034 – Proposed erection of 14 no. 2 Bedroom Flats and associated works – Approved with conditions, permission has expired.
- 2.4 2018/0365 – Erect 14no. apartments – Refused at Planning Committee on 5<sup>th</sup> September due to the adverse impact that the three storey development

would have on the upon the character and appearance of the area and street scene.

### **3 Proposed Development**

- 3.1 The proposed development consists of three blocks of flats, comprising a total of 12 dwellings. The proposed buildings would be two storey in height with a maximum height of approximately 8.1 metres and the front elevations would be constructed using brick, render and cladding. All of the flats proposed would be two bedroomed and 16 car parking spaces would be provided, in addition to cycle storage and a bin store.
- 3.2 The development differs from the proposal that was refused under reference 2018/0365 as it no longer includes development that is three storey in height. This has had the result of reducing the height from approximately 10.4 metres to the height of approximately 8.1 metres that is now proposed.

### **4 Consultations**

- 4.1 Gedling Borough Council Economic Development – a Local Labour Agreement would be required.
- 4.2 Gedling Borough Council Housing Strategy – no comments received but proposal does not meet the threshold for affordable housing provision.
- 4.3 Gedling Borough Council Parks and Street Care – no comments received but does not meet the threshold for requiring public open space provision.
- 4.4 Gedling Borough Council Scientific Officer – no objection, recommends conditions relating to land contamination, electric vehicle charging and a construction emissions management plan.
- 4.5 Nottinghamshire County Council Highways – no objection subject to conditions relating to parking and bin collection areas.
- 4.6 Nottinghamshire County Council Lead Local Flood Authority – no comments to make.
- 4.7 Nottinghamshire County Council Planning Policy – conditions should be imposed relating to vegetation clearance, protection of retained vegetation, bat and bird boxes and lighting.
- 4.8 Nottingham City Council Education – no education contribution required.
- 4.9 NHS – no healthcare contribution required.
- 4.10 A press notice has been published, a site notice displayed and neighbour notification letters posted. Two objections have been received and these are summarised as follows:
- The flats are too close to existing dwellings and will block light and overlook
  - Not in keeping with scale of surrounding development
  - Damage to access road during construction

- What happens with drainage?

## **5 Assessment of Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG)

## **6 Development Plan Policies**

- 6.1 The following policies are relevant to the application:

- 6.2 National Planning Policy Framework 2018

Sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land) and 12 (Achieving well-designed places) are particularly relevant.

- 6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

Policy 10 –Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

- 6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 20: Protected Open Space – states that planning permission will not be granted for development on land that is used or was last used as open space, unless one of the stated criteria is met



LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 40: Housing Development on Unallocated Sites – sets out the criteria that new housing development should meet, including in relation to design, residential amenity and parking.

LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61 – Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

#### Other

Gedling Borough Council's *Parking Provision for Residential Developments* – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

## **7.0 Planning Considerations**

### Principle of the development

- 7.1 The site is considered to be sustainably located within an established residential area. The use of the land for residential purposes would be in keeping with the surrounding area, which is predominantly in residential use.
- 7.2 Whilst the site is relatively large in area, only part of it is developable due to the presence of the steep bank to the north. Notwithstanding this, the proposed density of development, at approximately 42 dwellings per hectare, still meets with the requirements of Local Planning Document Policy LPD 33.
- 7.3 The principle of residential development is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 8 and Local Planning Document Policy LPD 33, subject to a detailed consideration of the following matters.

### Impact upon the streetscene

- 7.4 The site sits behind the existing bungalows on Briarbank Avenue and it is within that context that the proposed development would be viewed. The scale of the proposed development would mean that it would be higher than these existing properties, although it would be of scale more in keeping with the two storey properties which front onto Rowan Walk and Honeywood Drive.
- 7.5 Whilst the proposed development would be higher than most of the dwellings immediately adjacent to the site, on balance it is considered that the visual harm caused by this two storey development would not be so severe to justify the refusal of planning permission, in particular because the surrounding area is also characterised by two storey development and therefore the scale of the development would be commensurate with this. Furthermore, the land rises to the rear of the site which is considered to be an additional mitigating factor.
- 7.6 For these reasons, the proposal is considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy 10 and Local Planning Document Policies 35 and 40.

### Impact upon residential amenity

- 7.7 The site shares boundaries with existing residential dwellings on three sides. It is considered that the proposed buildings would be located an adequate distance from the dwellings to the east and west (a minimum of approximately 9 metres to the east although the nearest property to this side is angled away thus increasing the distance along most of the elevation and a minimum of approximately 13 metres to the west) to ensure that there would not be an undue impact from massing or through loss of light/overshadowing. There are no windows proposed in the side elevations of these buildings.
- 7.8 With respect to the properties to the south, an approximate distance of at least 11 metres would be maintained between the windows on the front of the proposed development and the rear garden areas and an approximate distance of at least 27 metres would be maintained between facing windows on the existing and proposed dwellings. It is considered that these distances are adequate to ensure that unacceptable overlooking would not arise between the dwellings. Furthermore, it is considered that these distances are adequate to ensure that there would not be an adverse impact arising from the massing of the proposed building or through loss of light/overshadowing.
- 7.9 It is considered that the proposed flats would provide adequate internal space for future occupiers. Further clarification was requested from the Agent during the course of planning application 2018/0365 as to the relationship that the windows on the rear elevation of the development would have with the steep vegetated bank on the northern part of the site. The information provided was not particularly conclusive in this regard however, given that all of the living spaces are positioned to the front of the proposed buildings, it is considered that an adequate level of amenity would be provided for the occupants of the dwellings.

- 7.10 The impact upon residential amenity is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policies LPD 32, 35 and 40

#### Highways matters

- 7.11 The application proposes that the site would be accessed via an existing hard surfaced access drive. 16 parking spaces would be provided within the car parking area. The Highway Authority does not object to the proposal subject to the imposing of conditions relating to the surfacing of the parking area and to the bin collection area being provided, which are considered to be reasonable and necessary.
- 7.12 Adequate car parking is proposed to meet with the requirements of the Borough Council's Supplementary Planning Document, which on an unallocated basis would require 0.8 space per flat. It is therefore not considered that the proposal would be likely to be harmful to highway safety or to the surrounding highway network in general.
- 7.13 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework and Local Planning Document Policies LPD 57 and 61.

#### Other matters

- 7.14 The embankment to the northern part of the site is protected open space as defined by Local Planning Document policy LPD 20. However, the built development proposed would be located on the flat southern part of the site and therefore not within the protected open space. Whilst it may be necessary to carry out works to or to remove trees within the protected open space area, this would not compromise the objectives of the LPD designation. The area of open space in question is not publically accessible and has a steep gradient.
- 7.15 A Local Labour Agreement would be required in order to comply with Policy LPD 48. This can be secured by way of a planning condition.
- 7.16 It is noted that the Council's Scientific Officer has requested that electric vehicle charging points be provided, in the context of Local Planning Document Policy LPD 11. It is not however considered that this proposed would adversely impact upon air quality and therefore it is reasonable that a note to application is added with respect to electric vehicle charging points.
- 7.17 Matters relating to drainage would be covered under separate Building Regulations legislation and no further consideration is considered necessary under the planning process.
- 7.18 Matters relating to vegetation clearance, bat and bird boxes, lighting and contamination can be addressed by planning conditions and/or notes to applicants.
- 7.19 Potential damage to property or to the access road is a private matter and cannot be considered during the determination process.

## 8 Conclusion

- 8.1 The proposed development would be of height that is acceptable within the context of the surrounding area and would not have an adverse impact upon visual amenity, residential amenity or highway safety. The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies, A, 1, 8 and 10 and Local Planning Document Policies 11, 20, 32, 33, 35, 37, 40, 48, 57, 61.

**RECOMMENDATION: Grant planning permission subject to the following conditions:**

### Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the following plans and details submitted to the Local Planning Authority: application form, site location plan and drawing numbers 217:38:11, 217:38:12 and 217:38:14 all received on 17th September 2018 and drawing number 217:38:13B received on 22nd October 2018. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
- 3 No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 4 No building shall be occupied until a detailed scheme for the boundary treatment of the site, including the position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the buildings are first occupied and shall be retained thereafter.
- 5 Prior to the erection of any external lighting there shall be submitted to and approved in writing by the Local Planning Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the approved buildings or elsewhere within the site. Any security lighting/floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway or adjacent properties. The external lighting shall be provided in accordance with the approved details and shall be retained for the lifetime of the development.
- 6 Prior to the first occupation of the building hereby approved there shall be submitted to and approved by the Local Planning Authority a landscape plan of the site showing the position, type and planting size of all trees, hedges, shrubs or seeded areas proposed to be planted. The approved landscape

plan shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place.

- 7 Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details.
- 8 No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 217:38:13B. The parking, and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 9 No part of the development hereby permitted shall be brought into use until the bin collection area is constructed in the location shown on approved drawing number 217.38.13B.
- 10 No part of the development hereby permitted shall be brought into use until the secure cycle storage as indicated on drawing 217:38:13B has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 11 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

#### Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

#### Submission of Remediation Scheme.

Where required following the site characterisation assessment, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management

procedures. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements set out in Condition 12 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 13 No development shall commence on site in connection with the development thereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority and any protective fencing is erected as required by the AMS. The AMS shall include full details of the following:
- a) Timing and phasing of Arboricultural works in relation to the approved development.
  - b) Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges on and adjacent to the site.
  - c) Details of any construction works required within the root protection area of trees, hedges or shrubs on and adjacent to the site, as defined by BS5837:2012.
  - d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.
- 14 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the IAQM Guidance on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.
- 15 Prior to the erection of any bin store structure, details shall first be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

- 16 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided prior to the first occupation of the development hereby approved.

### **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 To ensure a satisfactory standard of external appearance.
- 4 To ensure a satisfactory standard of external appearance and in the interests of residential amenity.
- 5 In the interests of residential amenity.
- 6 In the interests of visual amenity.
- 7 To ensure that the construction of the development provides appropriate employment and training opportunities.
- 8 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 9 For ease of collection by the refuse team, and located within the 25m pulling distance.
- 10 To promote sustainable transport.
- 11 To ensure that land contamination matters are fully addressed.
- 12 To ensure that land contamination matters are fully addressed.
- 13 To ensure that existing trees are adequately protected.
- 14 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough.
- 15 In the interests of visual and residential amenity.
- 16 In the interests of enhancing ecological provision on the site.

### **Reasons for Decision**

The development would be of height that is acceptable within the context of the surrounding area and would not have an adverse impact upon visual amenity, residential amenity or highway safety. The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies, A, 1, 8 and 10 and Local Planning Document Policies 11, 20, 32, 33, 35, 37, 40, 48, 57, 61.

### **Notes to Applicant**

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). No amendments were considered to be necessary to the proposal as originally submitted.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk) Property specific summary information on past, current and future coal mining activity can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Daniel Sullivan 01159 773991 for details.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or



recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

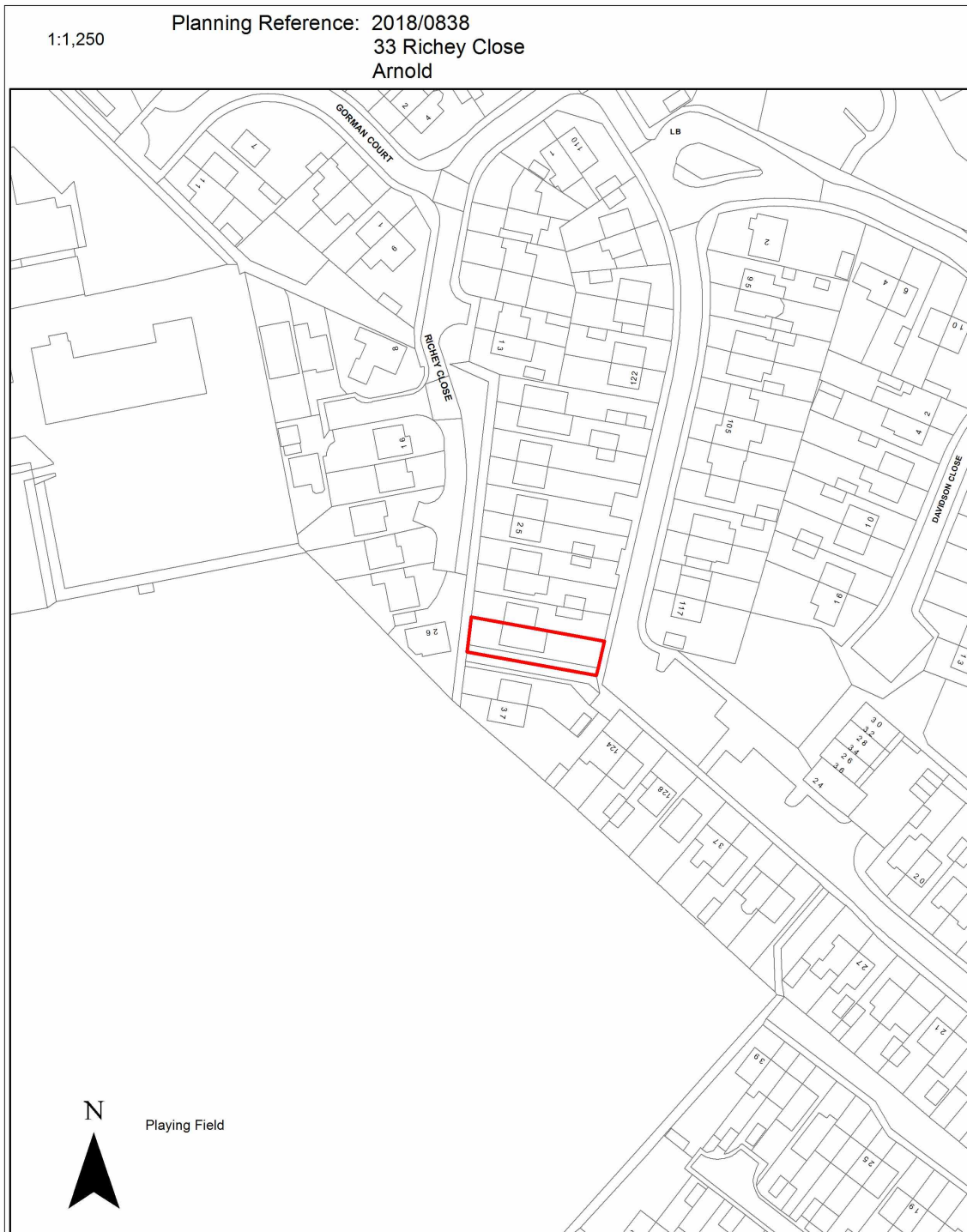
Consideration should be given to providing suitable electrical sockets to allow for the charging of electric vehicles on the site.

Date Recommended:

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**Planning Report for 2018/0838**



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Serving People Improving Lives

Date: 22/10/2018

**Report to Planning Committee**

<b>Application Number:</b>	<b>2018/0838</b>
<b>Location:</b>	<b>33 Richey Close Arnold</b>
<b>Proposal:</b>	<b>Change of use to residential garden land</b>
<b>Applicant:</b>	<b>Rajendra Kanani</b>
<b>Case Officer:</b>	<b>Cristina Dinescu</b>

**The application site is within the ownership of the Borough Council and therefore, in accordance with the Council's Constitution, this application has been referred to Planning Committee.**

**1.0 Site Description**

- 1.1 The application site is a grass verge strip of land that runs along a public footpath, adjacent to a residential property at no.33 Richey Close, within the built up area of Arnold.
- 1.2 The strip of land measures subject to the change of use measures 1.57m in width and approximately 33m in depth (length) and it is currently maintained by the Borough Council.
- 1.3 The public footpath adjacent to the strip of land is registered as Arnold FP2, measures approximately 2.36m in width and connects Richey Close to Darlton Drive. The public footway forms part of a network of public rights of way in this locality.
- 1.4 Another grass verge strip of land is present on the opposite side of the public footpath adjoining a residential property at no.35 Richey Close. This strip of grass verge is narrower than the application site.

**2.0 Planning History**

- 2.1 2000/0873 – Planning permission was granted to replace the fence and relocate 0.6m from Richey Close boundary.
- 2.2 Single storey rear extension at no.33 Richey Close erected under Permitted Development since 2010.

### **3.0 Proposed Development**

- 3.1 The proposal seeks Planning Permission to change the use of the land to residential garden land and move the fence to the back edge of the public footpath. As a result the grass verge would form part of the residential curtilage of no.33 Richey Close.
- 3.2 The fence would measure from front to rear 1.2m in height for the first 5 wooden panels then it would measure 1.8m in height for the next 13 wooden panels.

### **4.0 Consultations**

- 4.1 Highways Authority (NCC) – No observations are required.
- 4.2 Rights of Way (NCC) – No objection to the proposed change of use subject to an informative regarding safety, state and obstruction of the public right of way.
- 4.3 Parks and Street Care – No comments to make.
- 4.4 Estates Surveyor – No comments to make.
- 4.5 Neighbouring properties have been notified and a Site Notice posted. No letters of representation were received as a result.

### **5.0 Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless other material considerations indicate otherwise'.
- 5.2 The following policies/documents are relevant to this proposal:
- National Planning Policy Framework (2018): 8.Promoting healthy and safe communities (paragraphs 91-101); 12.Achieving well-designed places (paragraphs 124-132);
  - Gedling Borough Aligned Core Strategy: Policy 10 – Design and Enhancing Local Identity.
- 5.3 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:
- LPD 32 – Amenity;
  - LPD 35 – Safe, Accessible and Inclusive Development;
  - LPD 58 – Cycle Routes, Recreational Routes and Public Rights of Way.
- 5.4 In my opinion, the main planning considerations in the determination of this application are as follows:

- The impact of the proposal on the safety and accessibility of the public footpath;
- The impact of the proposal on residential and visual amenity.

5.5 The impact of the proposal on the safety and accessibility of the public footpath;

5.5.1 I note that there are currently no side facing windows onto the footpath presently that offer natural surveillance over Arnold FP2 footpath. I also note that the footpath without the grass verges would measure 2.36 metres in width. When referring to the Highway Authority 6C's Design Guide a footpath in a normal residential area should have a minimum width of 2 metres. In this instance I am satisfied that the change in use of grass verge adjacent to the footpath would not restrict the safe passage of pedestrians as it would accord with the 6Cs Design Guide. Whilst I note that there are no residential windows overlooking the site providing natural surveillance the length of path measures 33 metres and pedestrians could see the whole length of the path; in my view, this would not compromise the safety or security of users. Whilst the works would narrow the path I consider a width of 2.36 metres along with the narrow grass verge to the south to be sufficient to not result in an enclosed, cramped or overbearing development.

5.5.2 I note the comments received from the Area Rights of Way Officer with regards to the information that should be passed to the Applicant and as such, I would suggest, should planning permission be forthcoming, attaching the suggested information to the Decision Notice.

5.6 The impact of the proposal on residential and visual amenity;

5.6.1 Given the proposed height of the fence, the residential character of the area and relationship with adjoining properties, I am of the opinion the proposed development would have no undue impact on neighbouring residential amenity.

5.7 Conclusion;

For the reasons set out above I consider the proposal to accord with the above mentioned policies and would therefore recommend that Planning Permission be granted.

**6.0 Recommendation: GRANT PLANNING PERMISSION** subject to conditions:

**Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the application form and drawing received on 13th August 2018, Certificate B received on 31st August 2018, site location plan received on 4th September 2018, and e-mail regarding the proposed fence received on 24th October 2018. The development shall thereafter be undertaken in accordance with these plans/details.

## Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.

## Reasons for Decision

In the opinion of the Borough Council the proposed development would result in no significant undue impact on the safety of pedestrians and accessibility of the public footpath and it would have no undue impact on neighbouring residential amenity. The proposal therefore accords with the guidance set out in the National Planning Policy Framework (July 2018), policy 10 of the Aligned Core Strategy (2014) and policies LPD 32, LPD 35 and LPD 58 of the Local Planning Document (July 2018).

## Notes to Applicant

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path. There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team. The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of Way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed. The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way. Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-hoarding-and-advertising-boards> If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email [countryside.access@nottscc.gov.uk](mailto:countryside.access@nottscc.gov.uk) If a skip is required and is sited on a highway, which includes a RoW then the company

supplying the skip must apply for a permit.

<http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if on a bridleway, motorised vehicles if on a byway open to all traffic

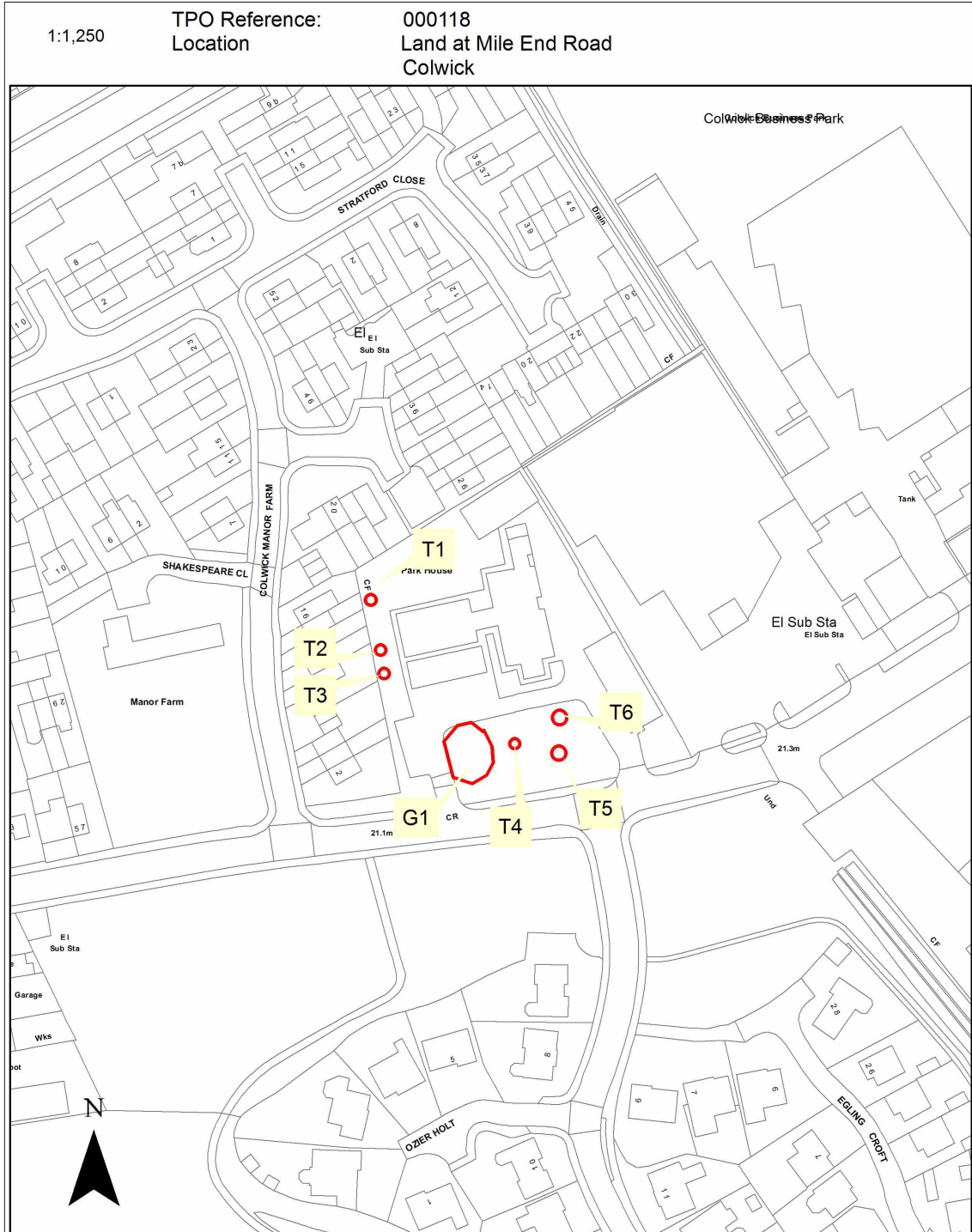
The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.gedling.gov.uk/cil](http://www.gedling.gov.uk/cil). The proposed development has been assessed and it is the Council's view that the development hereby approved is not CIL Liable as the development is for a use that is not chargeable on Gedling Borough Council's Community Infrastructure Levy Charging Schedule.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).





Report to Planning Committee



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Date: 26/10/2018

**Report to Planning Committee**

**Location: Park House, Mile End Road, Colwick**

**Proposal: Protection of a group of 10 trees by a Tree Preservation Order (TPO)**

**Case Officer: Lewis Widdowson**

**1.0 Site Description**

- 1.1 The site is situated within the existing built up area of Colwick on the north side of Mile End Road. Park House is set back from the adjacent highway approx. 35 metres with a grassed area to the front which incorporates a number of trees.
- 1.2 The site is allocated as Protected Employment Land within the Local Planning Document (LPD).
- 1.3 The land uses surrounding the site are predominantly residential to the west and commercial/industrial to the east.
- 1.4 Ten of the trees on the site are mature and, due to their size and prominence, are considered to have significant amenity value within the local street scene.

**2.0 Relevant History**

- 2.1 The Forestry Officer inspected the trees on the 10<sup>th</sup> October 2018. An evaluation of the trees was carried out to determine whether or not the trees would be worthy of protection by a Tree Preservation Order (TPO).

**3.0 Proposed Action**

- 3.1 Authorisation is sought to make a provisional TPO in relation to a group of 10 trees. These comprise of:
- T1 London Plane,
  - T2 Sycamore,
  - T3 London Plane,
  - T4 Copper Beech,
  - T5 Norway Maple Tree,
  - T6 Birch,
  - and, G1 which consists of 4 Birch trees.

#### **4.0 Consultations**

- 4.1 Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, giving all persons with an interest in the land affected by the order 28 days to submit objections or representations to Gedling Borough Council.
- 4.2 The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

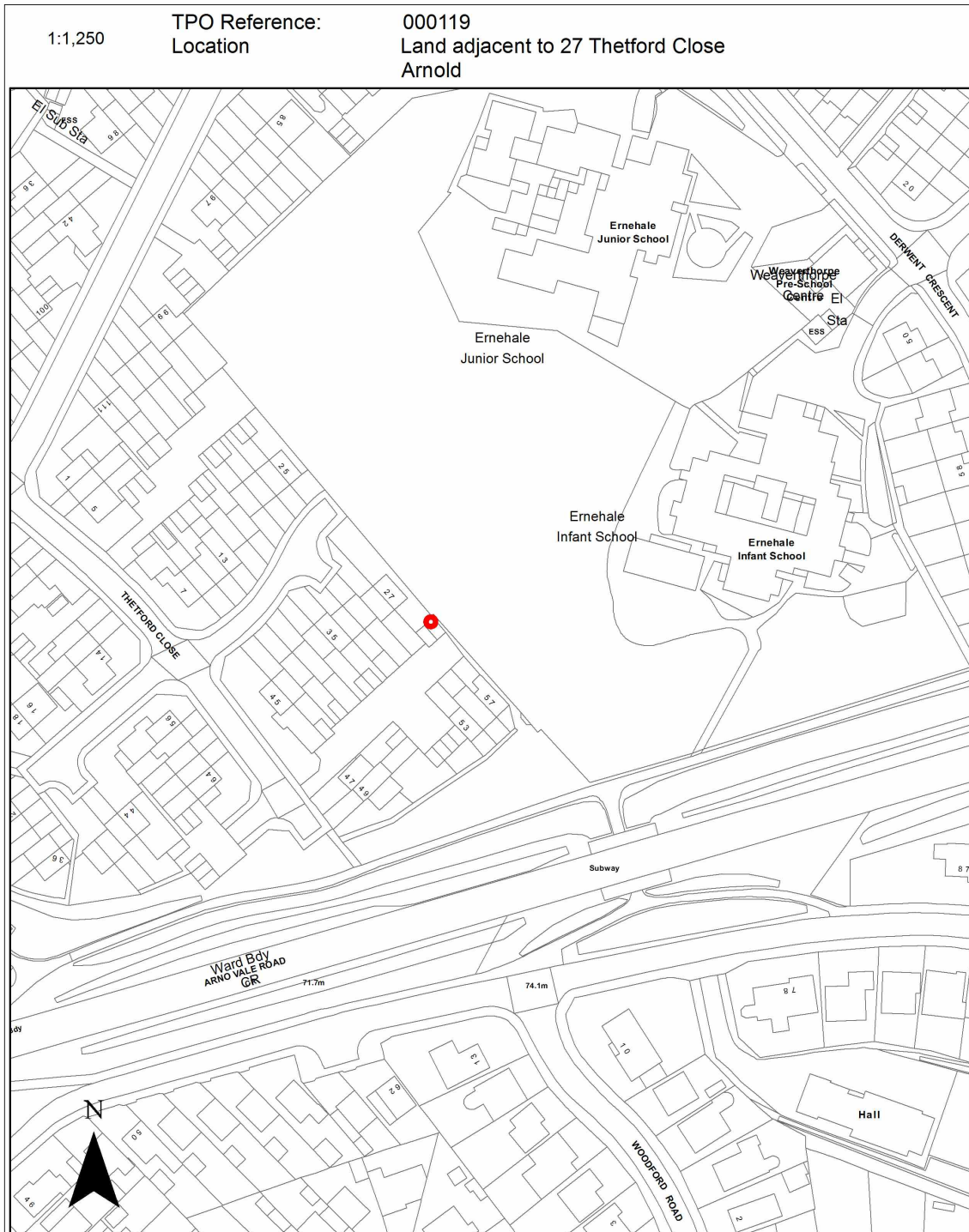
#### **5.0 Planning Considerations**

- 5.1 The site has been inspected by the Forestry Officer and an evaluation of the trees to assess the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five, and an assessment of any immediate threat.
- 5.2 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.
- I. Condition and suitability for TPO: **5/5**
  - II. Retention span (in years) & suitability for TPO: **5/5**
  - III. Relative public visibility & suitability for TPO: **4/5**
  - IV. Other factors: **2/5**
- 5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the trees and a score of **2/5** was deemed appropriate.
- 5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the above group of trees scored a cumulative total of **18/25**.
- 5.5 In my opinion, the identified trees are located in a prominent location within the street-scene and provides a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the group of trees by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.
- 5.6 **Recommendation: – That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated at Park House, Mile End Road.**

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Report to Planning Committee



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Date: 26/10/2018

**Report to Planning Committee**

**Location: Land at Thetford Close**

**Proposal: Protection of an Ash tree by a Tree Preservation Order (TPO)**

**Case Officer: Lewis Widdowson**

**1.0 Site Description**

- 1.1 The site is situated on land at 27 Thetford Close, along the northeast boundary which borders Ernehale Infant School. There is a mature Ash Tree close to the boundary which appears to be situated within the curtilage of 27 Thetford Close.
- 1.2 Land uses surrounding the site are predominantly residential in nature with an Infants School and associated grounds to the north.
- 1.3 The land directly adjacent to the site which comprises of the schools playing fields has been allocated as Protected Open Space in the Local Planning Document (LPD).
- 1.4 The Ash tree is mature, and due to its size and prominence, is considered to have significant amenity value within the local street scene.

**2.0 Relevant History**

- 2.1 The Forestry Officer inspected the trees on the 16<sup>th</sup> October 2018. An evaluation of the trees was carried out to determine whether or not the trees would be worthy of protection by a Tree Preservation Order (TPO).

**3.0 Proposed Action**

- 3.1 Authorisation is sought to make a provisional TPO in relation to one Ash tree at the above site.

**4.0 Consultations**

- 4.1 Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, giving all persons with an interest in the land affected by the order 28 days to submit objections or representations to Gedling Borough Council.
- 4.2 The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

## **5.0 Planning Considerations**

- 5.1 The site has been inspected by the Forestry Officer and an evaluation of the tree to assess the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five, and an assessment of any immediate threat.
- 5.2 Part 1 of a TEMPO assessment assesses the attributes below. The higher the attribute scores the more weight that is given to the protection of the trees.
- I. Condition and suitability for TPO: **5/5**
  - II. Retention span (in years) & suitability for TPO: **4/5**
  - III. Relative public visibility & suitability for TPO: **4/5**
  - IV. Other factors: **3/5**
- 5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the tree and a score of **2/5** was deemed appropriate.
- 5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the above group of trees scored a cumulative total of **18/25**.
- 5.5 In my opinion, the identified tree is located in a prominent location within the street-scene and provides a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the tree by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.
- 5.6 **Recommendation: – That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified tree situated on land at 27 Thetford Close, Arnold.**

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## **ACTION SHEET PLANNING DELEGATION PANEL 31st August 2018**

2018/0481

224 Oakdale Road Carlton NG4 1AH

Proposed two storey side/rear extension, single storey front/rear extensions and raised decking area to rear.

The proposed development would not have an undue impact upon the residential amenity of nearby properties or upon the character of the area. In terms of the highways impact, the proposal would not have an adverse impact upon highway safety, subject to the receipt of an amended plan to provide a total of two off street car parking spaces.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0670

20A Baker Avenue Arnold Nottinghamshire

Erection of garage & front porch.

The proposed development would not have an undue impact upon the residential amenity of nearby properties or upon the character of the area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0661

75 Whittingham Road Mapperley NG3 6BH

Erection of single storey rear and side extension together with patio

The proposed development would not have an undue impact upon the residential amenity of nearby properties or upon the character of the area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0693

148 Mapperley Plains Mapperley Nottinghamshire

Erect 1 No. dwelling

The proposed development would not have an undue impact upon the residential amenity of nearby properties, highway safety, or the character of the area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0672  
34 Sheepwalk Lane Ravenshead Nottinghamshire  
Boundary wall and entrance gate.

The proposed development would appear incongruous within the street scene.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

Mike Avery  
**Service Manager, Development Services**  
31st August 2018

## **ACTION SHEET PLANNING DELEGATION PANEL 7th September 2018**

2018/0498

Gardeners Cottage Hall Lane Papplewick  
Erection of garage building

The proposed development would not comply with national and local Green Belt planning policies.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0545

Plemont Private Road Woodborough  
First floor extension to create two storey dwelling, pitched roof to existing garage and external alterations

The proposed development would not have an undue impact upon visual or residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0674

82 Cliff Road Carlton NG4 1BT  
Outline planning application with all matters reserved for 1no. dwelling

The development site could not accommodate a dwelling in a manner that would be visually acceptable and not cause harm to residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**Graham Wraight – 7th September 2018**

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**ACTION SHEET PLANNING DELEGATION PANEL 14th September 2018**

2018/0395TPO

Glebe Farm Glebe Drive Burton Joyce

Crown lift and prune trees subject to the TPO. Remove dead and unhealthy trees.

Remove and replant any tree subject to the TPO which impedes access to the land.

The proposed development would have no undue impact on the visual amenity of the area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0503

42 Hill Road Bestwood NG6 8TJ

Two new build semi-detached dwellings to the land adjacent to 42 Hill Road, Bestwood

The proposed development would have no undue impact on the character of the area, the amenity of nearby residential properties or on highway safety.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0538

19 Bulcote Drive Burton Joyce Nottinghamshire

Erection of posts and trellis

The proposed development would not have an undue impact upon residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0542

20-22 Westdale Lane East Gedling

Single Storey Rear Extension.

The proposed development would have no undue impact on highway safety, the character of the area or on the amenity of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0650

Land South Sycamores Moor Road Bestwood

Erection of 8no. Four and Five-bedroom dwelling with associated parking at Moor Lane, Bestwood Village.

Withdrawn from the agenda.

2018/0703

284 Longdale Lane Ravenshead Nottinghamshire

The relocation of tractor shed and stable as previously approval lapsed and the provision of a manege.

The proposed development would have no undue impact on the openness of the Green Belt or the visual amenity of the area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0748TPO

12 Oakwood Drive Ravenshead Nottinghamshire

Tree works.

The proposed development would have an undue impact on the visual amenity of the area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0791

Land Adjacent 21 Lowdham Lane Woodborough

Variation of Condition 6 on planning permission 2016/1099 to change the screening proposed to the side boundaries of the rear balcony.

The proposed development would not have an undue impact upon residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**Graham Wraight and David Gray – 14th September 2018**

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**ACTION SHEET PLANNING DELEGATION PANEL 21st September 2018**

2018/0650

Land South Sycamores Moor Road Bestwood

Erection of 8no. Four and Five-bedroom dwelling with associated parking at Moor Lane, Bestwood Village.

The proposed development would have no significant undue impact on the character of the Conservation Area, Highway Safety, or the amenity of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0724

195 Main Street Calverton Nottinghamshire

Open fronted oak porch.

The proposed development would have an undue impact on the Conservation Area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**David Gray - 28th September 2018**

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## **ACTION SHEET PLANNING DELEGATION PANEL 28th September 2018**

2018/0458

Newstead Abbey Park, 2 Stable Cottages Station Avenue Newstead  
Attic conversion, internal amendments and rear extension.

**Withdrawn from the agenda.**

2018/0459

Newstead Abbey Park, 2 Stable Cottages Station Avenue Newstead  
Attic conversion, internal amendments and rear extension

**Withdrawn from the agenda.**

2018/0546

22 Crow Park Drive Burton Joyce Nottinghamshire  
Single storey front and rear extensions, two storey side and rear extensions and alterations to the front elevation.

The proposed development would have an adverse impact upon the street scene and residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0583TCA

5 Hall Mews Hall Lane Papplewick  
Fell self set Ash tree

The tree is in good condition and has significant amenity value. There is no evidence to suggest that this particular tree is causing damage to buildings and pathways which are located a significant distance from the tree.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0725

Spring Farm Kennels Salterford Lane Calverton  
Application for the approval of the reserved matters of access, appearance, landscaping, layout and scale on outline application 2017/1096 - Erection of single dwelling and garage requiring demolition of existing cattery and boarding kennels buildings.

The reserved matters are in conformity with the extant outline planning permission.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0726

Spring Farm Kennels Salterford Lane Calverton

Application for the approval of the reserved matters of access, appearance, landscaping, layout and scale on outline application 2015/0431 - Demolition of three buildings and the erection of a single 2 storey dwellinghouse, garage and private curtilage.

The reserved matters are in conformity with the outline planning permission.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0732

Morrisons 4 Victoria Park Way Netherfield

Installation of new Timpson's Retail Unit

The proposed development would have an adverse impact upon the vitality and viability of the Netherfield Local Centre.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0744

65 Wood Lane Gedling Nottinghamshire

Retrospective application for an extension to patio area together with erection of a privacy screen

The proposed development would have an adverse impact upon residential amenity.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0762

7 Great Northern Way Netherfield Nottinghamshire

Change of use from Use Class B8 to Use Class B1

The proposed development is acceptable in principle and would not have an undue impact upon highway safety.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0765

Modern Acre Whitworth Drive Burton Joyce

Loft conversion with new rear dormer, new side and front gables, and raised ridge height

The proposed development would result in a disproportionate addition to the existing property and would not comply with national and local Green Belt policies. The varying roof heights would also create an unbalanced facade.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0768TPO

1 Main Street Woodborough Nottinghamshire

Fell 1 No. Silver Birch tree

The tree is in good condition and has significant amenity value. There is no justification to support the removal of the tree.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0774

Land To The South Of Ricket Lane Ravenshead

Variation of Condition 2 of Planning Consent 2018/0190 - Proposed conversion to form new dwelling and domestic out building including single storey extension to the front (south) of the new building

The proposals are minor amendments to the approved plans.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

Mike Avery

**Service Manager, Development Services**

28th September 2018

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**ACTION SHEET PLANNING DELEGATION PANEL 12th October 2018**

2018/0116

230 Nottingham Road Burton Joyce NG14 5BD

Change of use of existing garage block to residential dwelling

The proposed development would be compliant with Green Belt policy and would have no undue impact on the openness, the amenity of nearby residential dwellings or the character of the area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0324

16 Kirkby Road Ravenshead Nottinghamshire

Proposed two storey extension to front, side & rear, front boundary wall and gate and underground garage.

The proposed development would have no undue impact on the openness of the Green Belt, the character of the area or on the amenities of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0428

9 Avondale Road Carlton NG4 1AE

The erection of a two storey side extension, a single storey rear extension, insertion of dormer windows and new windows into side elevations and the increase in ridge height of the dwelling.

The proposed development would have no undue impact on the character of the area or on the amenities of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0466  
Old Manor Farm Lowdham Lane Woodborough  
Construction of a manege

The proposed development would have no undue impact on the openness of the Green Belt or on the amenity of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0507  
76 Cavendish Road Carlton NG4 3SB  
Extensions to the rear & side to include loft conversion with dormer window

The proposed development would have no undue impact on the character of the area or on the amenities of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0528PN  
28 Victoria Road Netherfield Nottinghamshire  
Prior Notification under Part 3 Class M(a) and M(b) - change of use from Financial & Professional Services (Class A2) to Residential (Class C3) and associated operational development.

The proposed development would have an undue impact on the vitality or viability of the local shopping centre.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.



2018/0612

24 Lowdham Road Gedling NG4 4JP

Erection of a two storey extension to rear and single storey extension to side together with the insertion of 1no. window at first floor level to the side elevation

The proposed development would have no undue impact on the character of the area or on the amenities of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2018/0717

9 Church Street Carlton NG4 1BJ

Erection of first floor roof extension & change of use to create 5 No. one bed flats together with erection of detached bin store

The proposed development would have no undue impact on the character of the area, highway safety or on the amenities of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**David Gray - 12th October 2018**

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## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 25/10/2018

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Management.

<b>App No</b>	<b>Address</b>	<b>Proposal</b>	<b>Possible Date</b>
2018/0613	Mill Field Close Burton Joyce	Application for the approval of the reserved matters of access, layout, scale, appearance and landscaping following outline approval 2015/0424	05/12/2018
2017/1263	Land Adj. Dark Lane Calverton	Erect 54 dwelling	05/12/2018
2016/0347	26 Vale Road Colwick	Section 73 application to amend Condition 12 (approved plans) on 2008/028	05/12/2018
2018/0228	Land Adjacent Oakdene Georges Lane Calverton	The change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities buildings	05/12/2018
2018/0360	Main Street Calverton	Outline planning for up to 79 dwellings	05/12/2018
2018/0607	Park Road Calverton	Outline planning for up to 430 dwellings	05/12/2018
2018/0549	Carlton Police Station Cavendish Road	Conversion of former police station into 42 apartments	05/12/2018
2018/0347	Land between Mansfield Road and Calverton Road Arnold	Outline planning for up to 148 dwellings	05/12/2018

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

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