

**MINUTES
PLANNING COMMITTEE**

Wednesday 27 March 2019

Councillor John Truscott (Chair)

In Attendance:	Councillor Paul Wilkinson	Councillor David Ellis
	Councillor Michael Adams	Councillor Meredith Lawrence
	Councillor Peter Barnes	Councillor Barbara Miller
	Councillor Chris Barnfather	Councillor Marje Paling
	Councillor Alan Bexon	Councillor Colin Powell
	Councillor Tammy Bisset	Councillor Alex Scroggie
	Councillor Jim Creamer	Councillor Henry Wheeler
	Councillor Kevin Doyle	

Absent: Councillor Pauline Allan and Councillor Jane Walker

Officers in Attendance: M Avery, C Goodall, F Whyley and K Cartwright

122 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Allan and Walker. Councillors Bisset and Creamer attended as substitutes.

123 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 13 FEBRUARY 2019

RESOLVED:

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

124 DECLARATION OF INTERESTS

The Chair declared a non-pecuniary interest, on behalf of all Members, in item 6 of the agenda due to the financial contribution being made to Carlton Le Willows Academy for the football pitches by Gedling Borough Council should the development be granted.

125 APPLICATION NO. 2017/1263 - LAND ADJACENT DARK LANE, CALVERTON

Erection of 57 No. Dwellings and associated works.

The Service Manager – Development Services introduced the report and gave the following updated information to the committee:

The applicant had confirmed that they were content to enter into policy compliant obligations as detailed in the report. Concern had however been expressed in relation to the proposed Local Labour Agreement. The applicant had advised that as a small local company they operate using local sub-contractors, most of who had worked with them for many years. The applicant had also advised that they only directly employ supervisory and management staff. It was however considered that it was possible to enter into a flexible Local Labour Agreement which met the business model of the developer, but also provided a formal commitment to use local labour and to provide the Borough Council with appropriate monitoring targets.

The Service Manager – Development Services informed Members that further to the publication of the report, Calverton Parish Council had raised concern that the proposed planning obligation did not seek a planning obligation for village centre improvements as required in the Calverton NP (Policy G2 – Developer Contributions). He accepted that the report did not specifically address the issue, which was an oversight and provided the following update:

This policy consideration has now been fully considered and I do not consider that the request made by CPC meets the tests set out in Section 122 of The Community Infrastructure Levy Regulations 2010, namely that an obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In particular, unlike with the requirements for education and healthcare, there is no quantifiable basis or policy that could be used to set out how a sum of money or a scheme of improvements would be both necessary to make the development acceptable in planning terms or be fairly and reasonably related in scale and kind to either of the developments being proposed. This being the case, if village centre improvements were to be included in the list of S106 requirements, the Borough Council would subsequently have no basis on which to negotiate what form or amount that this would take, notwithstanding the fact that to do so would not meet with the tests I have just outlined. The Parish Council has however suggested that the contribution should be £1,000 per dwelling.

It should also be noted that a planning application to improve the village centre (St Wilfred's Square) has recently been approved and that much of the centre is in private ownership, meaning that it cannot benefit from S106 monies. Likewise, S106 monies should not be used to maintain

existing areas under public ownership, as this too would not meet the tests.

Furthermore, I note that paragraph 52 of the Neighbourhood Plan states that the Community Infrastructure Levy will be used to deliver village centre environmental improvements. Paragraph 53 advises that receipt will also be expended village centre car parking. In light of the fact that a planning obligation would fail to meet with the necessary tests, it is considered to be procedurally correct that the Community Infrastructure Levy instead be used to fund such improvements as required. The Parish element of the CIL receipt, which equates to 25% of the payment, would be approximately £86,000.

RESOLVED:

To Grant Full Planning Permission: 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, bus stop improvements, maintenance of open space areas and drainage features and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

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:
 - o 001_B
 - o 201_E
 - o 202_E
 - o 203_E
 - o 204_E
 - o 205_E
 - o 206_D
 - o 207_D
 - o 208_D
 - o 209_D
 - o 210_D
 - o 211_D
 - o 212_E
 - o 213_E
 - o 214_E
 - o DLCPD01 REV D

The development shall thereafter be undertaken in accordance with these plans.

- 3 The development shall be constructed using the external materials set out in the Rebuttal Statement received on 9th August 2018.
- 4 Prior to the first occupation of the dwellings 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.
- 5 No dwelling shall be occupied until a detailed scheme for the boundary treatment of the site, including 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 dwellings are first occupied and retained as such in perpetuity.
- 6 Prior to any above ground work construction works taking place, plans showing existing and proposed ground levels of the site and details of the finished floor levels of every dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 7 The development shall be undertaken in accordance with the recommendations set out in Section 7.0 of the submitted Preliminary Ecological Appraisal (Report No: RT-MME-127579-02) dated April 2018.
- 8 Prior to the erection of any external lighting (other than within the curtilages of the approved dwellings) 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.. Any lighting to be installed along the site boundaries should be kept to a minimum and directed away from the building and retained boundary features to maintain

'dark' areas and corridors as set out within the Preliminary Ecological Appraisal. The external lighting shall be provided in accordance with the approved details and shall be retained as such thereafter for the lifetime of the development.

- 9 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 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 Local Planning Authority 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.

- 10 Unless otherwise agreed 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) is 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. 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.

- 11 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 good practice 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.

- 12 All retained trees and hedgerows on the site, as defined by the Arboricultural Survey (RT-MME-127579-01 April 2018) and the Hedgerow Regulations Assessment (RT-MME-127579-03 April 2018), shall be protected for the duration of site preparation and construction works in accordance with the recommendations set out in both reports.
- 13 No part of the development hereby permitted shall take place 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, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall thereafter be implemented in accordance with the approved details.
- 14 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.
- 15 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.
- 16 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.
- 17 Prior to commencement of any above ground construction works, details of Electric Vehicle charging points to be provided at each

dwelling, to include their location and specification shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to the first occupation of the development.

- 18 Development shall not commence until a scheme for the satisfactory disposal of foul and surface water from the site has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall then be occupied or brought into use until the approved foul and surface water drainage works are completed in accordance with the approved scheme.
- 19
 - a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority, and until all pre-start elements of the approved scheme have been completed to the satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
 - i) The programme and methodology of site investigation and recording
 - ii) The programme for post investigation assessment
 - iii) Provision to be made for analysis of the site investigation and recording
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v) Provision to be made for the archive deposition of the analysis and records of the site investigation
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
 - b) The development shall not take place other than in accordance with the Written Scheme of Investigation for archaeological work approved under part a).
 - c) The new dwellings shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation for archaeological work approved under part a) and the provision to be made for analysis, publication and dissemination of results has been secured.

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 In the interests of visual amenity.
- 4 In the interests of visual amenity.
- 5 In the interest of visual amenity.
- 6 In the interests of visual and residential amenity.
- 7 In the interests of protecting ecological interests.
- 8 In the interests of protecting ecological interests.
- 9 In the interests of residential amenity.
- 10 To ensure that land contamination matters are fully addressed.
- 11 To ensure that land contamination matters are fully addressed.
- 12 To ensure that retained trees and hedges are adequately protected.
- 13 To ensure the development is constructed to adoptable standards.
- 14 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 15 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 16 In the interests of Highway safety
- 17 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration policy LPD11 of the Councils Local Plan.
- 18 To ensure that the drainage scheme is appropriate to meet the needs of the site and the approved development.
- 19 To safeguard any potential archaeological remains.

Reasons for Decision

The proposed development would take place on a site that is identified as a housing commitment with the Local Planning Document and would

be of an acceptable layout, design, density, would not have an undue impact upon residential amenity, designated heritage assets, ecological considerations, existing landscape features or highway safety. The development would therefore accord with the general objectives of the relevant national and local planning policies

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, 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. All correspondence with the Highway Authority should be addressed to:- TBH - NCC (Highways Development Control) (Floor 9) Nottinghamshire County Council County Hall Loughborough Road West Bridgford Nottingham, NG2 7QP

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. 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.

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 Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Additional information has been submitted to address matters raised during the determination of the application.

It is the responsibility of the developer to ensure that the provision of Electric Vehicle charging is adequately incorporated into the design of the development such that there are no health and safety matters arising from trailing cables in public areas. If necessary cables may need to be placed beneath footpath areas and brought back to the surface nearer the parking areas. The minimum requirement is an operational weatherproof 3 pin socket on a dedicated 16A circuit with an ability to isolate from inside the property for security reasons. The developer is encouraged to consider upgrading the EV charging facilities to incorporate additional mode 3 charging capability as this will help future proof the development and improve its sustainability. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

With respect to Condition 18, Severn Trent Water advise that a hydraulic modelling study may be required to determine if the proposed flows from the development can be accommodated in the existing system, and if not to identify what improvements may be required. If surface is drained sustainably, this will only apply to the foul drainage. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to all for these works to be completed before any additional flows are connected. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

APPLICATION NO. 2018/0360 - LAND SOUTH OF MAIN STREET, CALVERTON

Outline planning application for up to 79 No. dwellings with all matters reserved except access.

Mr Sunil Vidhani, a local resident, spoke in objection to the application.

The Service Manager – Development Services introduced the report and gave the following updated information to the committee:

The applicant had confirmed that they were content to enter into policy compliant obligations as detailed in the report. Concern had however been expressed in relation to the proposed Local Labour Agreement. The applicant had advised that as a small local company they operate using local sub-contractors, most of who had worked with them for many years. The applicant had also advised that they only directly employ supervisory and management staff. It was however considered that it was possible to enter into a flexible Local Labour Agreement which met the business model of the developer, but also provided a formal commitment to use local labour and to provide the Borough Council with appropriate monitoring targets.

The Service Manager – Development Services informed Members that further to the publication of the report, Calverton Parish Council had raised concern that the proposed planning obligation did not seek a planning obligation for village centre improvements as required in the Calverton NP (Policy G2 – Developer Contributions). He accepted that the report did not specifically address the issue, which was an oversight and provided the following update:

This policy consideration has now been fully considered and I do not consider that the request made by CPC meets the tests set out in Section 122 of The Community Infrastructure Levy Regulations 2010, namely that an obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In particular, unlike with the requirements for education and healthcare, there is no quantifiable basis or policy that could be used to set out how a sum of money or a scheme of improvements would be both necessary to make the development acceptable in planning terms or be fairly and reasonably related in scale and kind to either of the developments being

proposed. This being the case, if village centre improvements were to be included in the list of S106 requirements, the Borough Council would subsequently have no basis on which to negotiate what form or amount that this would take, notwithstanding the fact that to do so would not meet with the tests I have just outlined. The Parish Council has however suggested that the contribution should be £1,000 per dwelling.

It should also be noted that a planning application to improve the village centre (St Wilfred's Square) has recently been approved and that much of the centre is in private ownership, meaning that it cannot benefit from S106 monies. Likewise, S106 monies should not be used to maintain existing areas under public ownership, as this too would not meet the tests.

Furthermore, I note that paragraph 52 of the Neighbourhood Plan states that the Community Infrastructure Levy will be used to deliver village centre environmental improvements. Paragraph 53 advises that receipt will also be expended village centre car parking. In light of the fact that a planning obligation would fail to meet with the necessary tests, it is considered to be procedurally correct that the Community Infrastructure Levy instead be used to fund such improvements as required. The Parish element of the CIL receipt, which equates to 25% of the payment, is unable to be confirmed due to this being an outline application and therefore the floor areas are unknown.

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, bus service improvements, bus stop improvements, maintenance of open space areas and drainage features 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, 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 drawing number 002_C (with regard to the site area) and drawing numbers 17-0636-001 Revision A and GA_101_J (with regard to the two access points onto Main Street only). Development shall thereafter be undertaken in accordance with these plans.
- 4 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 5 Development shall not commence until a scheme for the satisfactory disposal of foul and surface water from the site has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall then be occupied or brought into use until the approved foul and surface water drainage works are completed in accordance with the approved scheme.
- 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 development shall commence on site in connection with the development hereby approved (including, 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.

The development shall thereafter be undertaken in accordance with the approved Arboricultural Method Statement.

- 9 Prior to commencement of any above ground construction works, details of Electric Vehicle charging points to be provided at each dwelling, to include their location and specification shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to the first occupation of the development.

- 10 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 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 Local Planning Authority 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.

- 11 The development shall be undertaken in accordance with the recommendations set out in Section 6 of the submitted Report of Ecology & Protected Species Surveys (Report No: 2019/01/532) dated January 2019.
- 12 Prior to the erection of any external lighting (other than within the curtilages of the approved dwellings) 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.. Any lighting to be installed along the site boundaries should be kept to a minimum and directed away from the building and retained boundary features to maintain 'dark' areas and corridors. The external lighting shall be provided in accordance with the approved details and shall be retained as such thereafter for the lifetime of the development.
- 13 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.

- 14 a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority, and until all pre-start elements of the approved scheme have been completed to the satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
- i) The programme and methodology of site investigation and recording
 - ii) The programme for post investigation assessment
 - iii) Provision to be made for analysis of the site investigation and recording
 - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v) Provision to be made for the archive deposition of the analysis and records of the site investigation
 - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- b) The development shall not take place other than in accordance with the Written Scheme of Investigation for archaeological work approved under part a).
- c) The new dwellings shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation for archaeological work approved under part a) and the provision to be made for analysis, publication and dissemination of results has been secured.
- 15 Prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, visibility splays and drainage, precise details of the proposed works shall be submitted to and approved in writing by the Local Planning Authority. All details submitted to the Local Planning Authority for approval shall comply with the Nottinghamshire County Council's current Highway Design and Parking Guides and all works shall thereafter be implemented in accordance with the approved details.
- 16 Occupation of the proposed dwellings shall not take place until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

- 17 No part of the development hereby permitted shall be brought into use until the pedestrian crossing as shown for indicative purposes only on drawing 17-0636-001 Revision A has been provided.
- 18 Occupation of the proposed dwellings shall not take place until their access driveway is fronted by a suitably constructed vehicular crossing.
- 19 No development shall take place, including any works of demolition, until a Construction 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

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 ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.
- 5 To ensure that the drainage scheme is appropriate to meet the needs of the site and the approved development.

- 6 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 7 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 8 To ensure that existing trees and hedges are adequately protected.
- 9 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration policy LPD11 of the Councils Local Plan.
- 10 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 11 In the interests of protecting ecological interests.
- 12 In the interests of protecting ecological interests.
- 13 In the interests of enhancing ecological provision on the site
- 14 To safeguard any potential archaeological remains.
- 15 In the interest of highway safety.
- 16 In the interest of highway safety.
- 17 In the interest of highway safety.
- 18 To ensure that drivers can cross the footway in a safe and controlled manner.
- 19 In the interest of highway safety.

Reasons for Decision

The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that up to 79 dwellings could be accommodated on the site in a manner that would not cause undue harm to visual and residential amenity, highway safety, archaeological interests and ecological interests or would cause drainage concerns. It is therefore considered that the

granting of outline planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents and Calverton Neighbourhood Plan.

Notes to Applicant

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.

Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk

The pedestrian crossing on Main Street will be constructed within the extents of the public highway. These works shall be provided to the satisfaction of the Highway Authority. You are therefore required to contact licences@viaem.co.uk to obtain the necessary licence prior to works taking place.

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

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 Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Additional information has been submitted to address matters raised during the determination of the application

It is the responsibility of the developer to ensure that the provision of Electric Vehicle charging is adequately incorporated into the design of the development such that there are no health and safety matters arising from trailing cables in public areas. If necessary cables may need to be placed beneath footpath areas and brought back to the surface nearer the parking areas. The minimum requirement is an operational weatherproof 3 pin socket on a dedicated 16A circuit with an ability to isolate from inside the property for security reasons. The developer is encouraged to consider upgrading the EV charging facilities to incorporate additional mode 3 charging capability as this will help future proof the development and improve its sustainability. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

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. 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.

127

**APPLICATION NO. 2018/0836 - CARLTON LE WILLOWS
ACADEMY, WOOD LANE**

Installation of 3G artificial grass pitch, fencing, hardstanding, flood light system, together with the erection of 1No. single storey pavilion and 1No. storage container.

Mr Michael Davies, the applicant, spoke in support of the application.

The Service Manager – Development Services advised the committee that the indicative location plan provided with the agenda pack was incorrect as it identified the originally proposed location and that the

facility was proposed to be sited between the school buildings and adjacent to Wood Lane as detailed in the report.

RESOLVED:

To 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 application form, Ground Floor Layout 2 Changing Rooms drawing no 928.002-A-20-02 Rev A00, Ground Floor Layout - 4 Changing Rooms drawing no 928.002-A-20-01 Rev A00, Proposed elevations 4 changing rooms drawing no 928.002-A-21-02 Rev A00, Proposed elevations 2/4 changing rooms-Phasing drawing no 928.002-A-21-03 Rev A00, Proposed elevations-2 changing rooms drawing no 928.002-A-21-01 Rev A00, Typical Section drawing no 928.002-A-22-02 Rev A00 received 21st August 2018; Roof Plan - 2 Changing Rooms drawing no 928.002-A-20-12 Rev A00, Roof Plan - 4 Changing Rooms drawing no 928.002-A-20-13 Rev A00 received 12th September 2018; Design & Access Statement received 15th February 2019; Proposed Site Location Plan drawing no 928.002-A-10-01 Rev A03, Site Plan drawing no 928.002-A-10-02 Rev A07, Proposed Floodlighting Drawing no 04 Rev 02, Proposed AGP Layout Drawing no 02 Rev 03, Block Plan drawing no 928.002-A-10-03 Rev A06, Proposed Site Plan drawing no 01 Rev 02 received 27th February 2019. Proposed Elevations Drawing no 03 Rev 02 received 6th March 2019. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 The development hereby approved shall only be available for use by non-school clubs or groups between the hours of 16:00-22:00, Monday to Friday during school term time, or not earlier than 1 hour after the official school day ends if later than 3pm. At any other time the development shall only be available for use between the hours of 0900 and 2200.
- 4 The development hereby approved shall not be bought into use until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to the development hereby approved and include details of pricing policy, hours of use, access by non-[educational establishment] users [non-members], management responsibilities and a

mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

- 5 Before development is commenced, there shall be submitted to and approved in writing by the Local Planning Authority, details of the location and specification of the bat boxes specified as a mitigation measures within the Follow-up Aerial Tree Survey - Bats, March 2019. The mitigation measure shall be implemented in accordance with the approved details and shall be retained for the lifetime of the development.
- 6 The flood light system hereby approved shall be implemented in accordance with the Floodlighting Performance Report received on 11/03/2019 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 To reduce the impact upon the highway network on Wood Lane and in the interest of residential amenity.
- 4 To secure well managed and safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.
- 5 To minimise any potential impacts on biodiversity in accordance with the National Planning Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
- 6 To minimise any potential impacts on biodiversity in accordance with the National Planning Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.

Reasons for Decision

In the opinion of the Borough Council, the proposed development will result in no undue impact on the amenity of adjacent properties and any undue detriment to the visual amenity of the locality. Very special circumstance justify any harm to the openness or character of the Green Belt. The proposal is also considered to have no adverse effects in terms of highway safety. The proposal accords with; Policy 3 (Green Belt), Policy 10 (Design and Enhancing Local Identity) and Policy 12 (Local Services and Healthy Lifestyles) of the Aligned Core Strategy 2014; LPD19, LPD20, LPD32, LPD35, LPD57 & LPD61 and Part 8

(Promoting healthy communities), Part 12 (Achieving well-designed places and Part 13 (Protecting Green Belt land) of the National Planning Policy Framework.

Notes to Applicant

Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

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. 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.

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.

The Applicants attention is drawn to your obligations to ensure the protection of bats under The Conservation of Habitats and Species Regulations 2010 (as amended). It is therefore recommended to resurvey the trees prior to the flooding lights first coming into use to ensure that no bats are roosting within the trees.

Change of use from Office (B1) to Residential (C3) and side extension of less than 50% of the existing floor area.

Councillor Wilkinson left the meeting.

RESOLVED to:

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 details within the Application Form, the OS Location Plan and following Drawings 1898-01 "Site Plan", 1989-02 "Existing Floor Plan", 1898-03 "Existing Elevations", 1898-04 "Proposed Floor Plan" and 1898-05 "Proposed Elevations" submitted on the 3rd January 2019 and the email dated 15th February 2019 received from the applicant / agent confirming the description of works. The development shall thereafter be undertaken in accordance with these details.
3. No works permitted under Class A, B, C, D or E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Local Planning Authority.
4. Prior to commencement of any external works, details of the Electric Vehicle charging point to be provided at the hereby approved dwelling, to include the location and specification shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to the first occupation 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 and to define the terms of this permission.
3. To ensure any future development does not impact on the openness of the Green Belt or the reasons for including land within it, in accordance with the aims of the National Planning Policy Framework (2019) Policy 3 of the Aligned Core Strategy (2014) and Policies 12 and 13 of the Local Planning Document (2018).
4. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration policy LPD11 of the Council's Local Plan.

Reasons for Decision

In the opinion of the Borough Council the proposed development would not cause harm to the openness of the Green Belt, is visually acceptable, results in no significant impact on the amenity of neighbouring residential properties and would not have any adverse impacts on Highway Safety. The development therefore accords with the objectives of the National Planning Policy Framework, Policies A, 3, 8 and 10 of the Aligned Core Strategy, and Policies LPD 11, 12, 13, 32, 57 and 61 of the Local Planning Document.

Notes to Applicant

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). During the processing of the application there were considered to be no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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. 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.

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

129

APPLICATION NO. 2019/0034 - BURNTSTUMP COTTAGE, BURNTSTUMP HILL, ARNOLD, NG5 8PQ

Demolition of existing single storey rear extension, erection of two storey rear extension and conversion of existing garage to en-suite.

The Service Manager – Development Services advised Members that the application had been referred to Planning Committee as the agent was related to a member of staff at Gedling Borough Council and therefore, in accordance with the Council's constitution, the application had been referred to Planning Committee.

RESOLVED:

To 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 application form & site location plan, ref: PDL-08-100 Rev 2 received on 22nd January 2019, revised plan submitted on the 4th February 2019, ref: PDL-22-004 Rev 2 and revised block plan received on the 12th February 2019, ref: PDL-22-005 Rev 1. The development shall thereafter be undertaken in accordance with these plans/details.
3. The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

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 the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).

Reasons for Decision

In the opinion of the Borough Council the proposed development would not have any detrimental impact on the openness or character of the Green Belt, and is considered to be appropriate development within the Green Belt. It is also considered that the proposed development will result in no undue impact on the amenity of adjacent properties or on highway safety. The proposal therefore accords with Policy 3, Policy 10 of the Aligned Core Strategy 2014, Policy LPD13, LPD19, LPD32, LPD35, LPD 57 and LPD 61 of the Local Planning Document 2018, Policies 2, 3 & 7 of the Papplewick Neighbourhood Plan as well as the Policies contained within the National Planning Policy Framework (2019) and Policy SPZ 3 of the Greater Nottinghamshire Landscape Character Assessment.

Notes to Applicant

Planning 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 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.

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. 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 gross internal area of new build is less 100 square metres.

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. 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.

**130 ENFORCEMENT REF. 0072/2018 - LAND AT ROSE COTTAGE,
GOOSEDALE LANE, BESTWOOD**

Cllr Wilkinson joined the meeting.

Unauthorised storage container, material change of use of agricultural land to garden and untidy land.

The Service Manager – Development Services informed the committee that further to the publication of the report, an agent acting on behalf of the owner of the land had advised that the container would be removed by Friday the 5th April and arrangements were currently being made for the rubble to be collected from the site but that his recommendation was unchanged. A further compliance check would be undertaken after the 5th April, and if the breach of planning control had been addressed by the land owner, it would not be necessary to serve a notice.

RESOLVED that:

The Service Manager, Development Services, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Director of Organisational Development & Democratic Services, proceedings through the courts if required to ensure the unauthorised storage container is removed and the land is tidied and returned to its lawful use.

**131 ENFORCEMENT REF. 0052/2018 - NOTTINGHAM CARE VILLAGE,
168 SPRING LANE, LAMBLEY**

Unauthorised construction of a car park.

RESOLVED:

That the Service Manager, Development Services, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Director of

Organisational Development & Democratic Services, proceedings through the courts if required to ensure the car park is removed and the land to be reinstated to its previous undeveloped state.

132 APPEAL DECISION - 218 KENRICK ROAD, MAPPERLEY

The proposed demolition of the existing dwelling on the site and the erection of three dwellings on the site.

RESOLVED:

To note the information.

133 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

134 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

135 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 7.20 pm

Signed by Chair:
Date: