



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

Agenda

Planning Committee

Date: **Wednesday 19 June 2019**

Time: **6.00 pm**

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

For any further information please contact:

Cayte Goodall

Democratic Services Officer

0115 901 3961

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Paul Wilkinson

Councillor Michael Adams
Councillor Peter Barnes
Councillor Chris Barnfather
Councillor David Ellis
Councillor Andrew Ellwood
Councillor Mike Hope
Councillor Rosa Keneally
Councillor Meredith Lawrence
Councillor Barbara Miller
Councillor Marje Paling
Councillor John Parr
Councillor Alex Scroggie
Councillor Henry Wheeler
Councillor Rachael Ellis

AGENDA

Page

1. **Apologies for Absence and Substitutions.**
2. **To approve, as a correct record, the minutes of the meeting held on 17 April 2019.** 5 - 17
- Planning Committee Protocol.**
3. **Declaration of Interests**
4. **Application No. 2018/0817 - Car Park, North Green, Calverton** 23 - 40
5. **Enforcement Ref: 0058/2019 - 3 Willerby Road, Woodthorpe** 41 - 44
6. **Enforcement Ref: 0209/2018 - Land at 7 Station Road, Carlton** 45 - 50
7. **Enforcement Ref: 0014/2019 - Land at 61 Kirkby Road, Ravenshead** 51 - 59
8. **Agreement of Membership of the Planning Delegation Panel** 61 - 63
9. **Appeal Decision Ref: 0090/2018 - 47A Riverside, Stoke Bardolph** 65 - 66
10. **Planning Delegation Panel Action Sheets** 67 - 80
11. **Future Applications** 81
12. **Any other items which the Chair considers urgent.**

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MINUTES PLANNING COMMITTEE

Wednesday 17 April 2019

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Meredith Lawrence
 Councillor Michael Adams Councillor Marje Paling
 Councillor Pauline Allan Councillor Alex Scroggie
 Councillor Peter Barnes Councillor Jane Walker
 Councillor Chris Barnfather Councillor Henry Wheeler
 Councillor Alan Bexon Councillor Tammy Bisset
 Councillor Kevin Doyle Councillor Jim Creamer
 Councillor David Ellis

Absent: Councillor Barbara Miller and Councillor Colin Powell

Officers in Attendance: M Avery, S Pregon, G Wraight and L Mellors

136 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Miller and Powell, Councillors Wheeler and Bisset attended as substitutes.

137 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 27 MARCH 2019

RESOLVED:

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

138 DECLARATION OF INTERESTS

None.

139 APPLICATION NO. 2018/1143 - LAND ON FLATTS LANE, CALVERTON

Outline planning application (all matters reserved except for means of access) for the demolition of existing buildings and structures and the erection of up to 84 no. dwellings and associated open space and infrastructure.

Mike Hope, a local resident, spoke in objection to the application.

Helen Ashworth, the applicant, spoke in support of the application.

The Service Manager – Development Services introduced the report with a verbal update to the Committee on the provision of a locally equipped area of play.

If the public open space is provided on site, it is expected that it will provide a Locally Equipped Area of Play. Through the Section 106 Agreement, it will be necessary for the applicant to provide plans and details of the equipment, and layout of the open space for the Local Planning Authority to approve. A maintenance contribution of £74, 360 will be required if any on site public open space is to be adopted by the Council.

Alternatively, the public open space requirement may be met off site and the Section 106 Agreement should make provision for the following contributions:

£133,298 for the play area provision
£44,451 for the layout of amenity space
£74,360 maintenance payment

The total off site contribution would therefore be £252,109.

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 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 10_01 Revision 00 (with regard to the site area only) and drawing number METM3003-01 Revision 01 (with regard to the five

access points onto Flatts Lane 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 dwellings 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. Any remediation works and verification reports shall be undertaken in accordance with the approved remediation scheme.

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 5 of the submitted Ecological Assessment Report (Document Ref 6710.002) dated October 2018.

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 in accordance with the

approved details 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 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

- 16 The reserved matters application for the development hereby permitted shall include detailed plans and particulars relating to the following items:(i) A detailed layout plan of the site (for the avoidance of doubt the submitted Layout Plan reference: METM3003-01 Revision 1, shall be considered to be for indicative purposes only) which shall be accompanied by a swept path analyses of an 11.5m long refuse vehicle throughout the proposed highway to become adopted, considering the likelihood of on street parking; (ii) Details of the proposed arrangements and plan for future management and maintenance of the proposed private roads including associated drainage contained within the private part of the development;(iii) Details of the proposed arrangements and plan for future management and maintenance of any hedgerows and other vegetation located between roads, both existing and proposed, and the site boundary;(iv) Bin storage locations at shared private drives. Thereafter, the scheme shall be implemented in full accordance with the approved details.
- 17 Prior to first occupation of the development hereby approved, construction details of the five vehicular site access junctions from Flatts Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved detailed access arrangements shall thereafter be implemented prior to first occupation of the development.
- 18 Prior to first occupation of the development hereby approved details of the two uncontrolled pedestrian crossings, across Flatts Lane, including dropped kerbs and tactile paving, as illustratively shown on drawing reference: "METM3003-01/Revision 1" shall be submitted to and approved in writing by the Local Planning Authority. The crossings shall be provided in accordance with the approved details prior to first occupation of the development hereby approved.
- 19 Prior to first occupation of the development hereby approved construction details of the proposed 2.0m wide footway on the western side of Flatts Lane along the sites frontage, as illustratively shown in outline on plan titled: "METM3003-01/Revision 1", shall be submitted to and approved in writing by the Local Planning Authority. The approved footway arrangement and associated works shall thereafter be implemented prior to first occupation of the development hereby approved.

- 20 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.

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 with in 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 with in the Borough, and takes into consideration the National

Planning Policy Framework and policy LPD11 of the Councils Local Plan and in the interests of residential amenity.

- 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 To ensure the development is designed and constructed to adoptable standards and appropriately maintained.
- 17 In the interest of Highway Safety, to ensure adequate access, operational capacity, and associated visibility is provided to the development, along with safe pedestrian access.
- 18 In the interest of sustainable travel.
- 19 In the interest of sustainable travel.
- 20 In the interests 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 84 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 or ecological interests. 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

Nottinghamshire County Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). 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, and /or 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 after Planning Permission is granted. Correspondence with Highway Authority should be addressed to: hdc.south@nottscc.gov.uk

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority the new roads and any highway drainage will be required to be provided in accordance with Highway Development Control's requirements for Nottinghamshire County Council as highway authority. The guidance can be found at; <http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide>

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 by installing wheel washing facilities on site.

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

The comments of the LLFA are attached.

140 APPLICATION NO. 2019/0118 - 79 KENRICK ROAD, MAPPERLEY, NOTTINGHAMSHIRE

The application was withdrawn.

141 APPLICATION NO. 2019/0130 - 16 MAIN STREET, LAMBLEY, NG4 4PN

Three storey side extension and convert existing garage to annexe.

The Service Manager – Development Services introduced 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, site location plan and drawings Ref: RS/SB/31/01/19/05 (Proposed Ground Floor Plan), Ref: RS/SB/31/01/19/04 (Proposed Elevations, First Floor Plan, Site Block Plan) and Ref: RS/SB/31/01/19/06 REV A (Proposed Second Floor Plan) received 11th February 2019. The development shall thereafter be undertaken in accordance with these plans/details.
3. The annexe hereby approved shall only be used for purposes ancillary to the use of the existing dwelling at No.16 Main Street and not as a separate dwelling unit.
4. The proposed extensions and converted garage shall be rendered in accordance with the approved plans prior to the development hereby approved being brought into first use.

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 preserve the amenity of adjoining properties and to ensure that the development accords with Policy 10 of the Gedling Borough Council Aligned Core Strategy (September 2014).
4. To ensure a satisfactory standard of external appearance in the Lambley Conservation Area.

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on the amenity of neighbouring residential properties and would not have any adverse impacts on the Lambley Conservation Area or Highways Safety. The development therefore accords with the aims set out in the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy and Policies 28, 32 and 43 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 no problems for which the Local Planning Authority had to seek a solution in relation to this 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 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

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.

**142 TREE PRESERVATION ORDER REF. 000119 - PARK HOUSE, MILE
END ROAD, COLWICK**

Protection of a group of 10 trees by a Tree Preservation Order
(TPO).

RESOLVED to confirm Tree Preservation Order 000119 without
modification.

**143 TREE PRESERVATION ORDER REF. 000120 - 27 THETFORD
CLOSE, ARNOLD**

Protection of Ash tree by a Tree Preservation Order (TPO).

RESOLVED to confirm Tree Preservation Order 000120 without
modification.

144 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

145 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

146 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 6.50 pm

Signed by Chair:
Date:

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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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Report to Planning Committee

Application Number: 2018/0817
Location: Car Park, North Green, Calverton
Proposal: Erect 20 No. single storey bungalows.
Applicant: Lovely Homes Ltd
Agent: John Booth
Case Officer: Kevin Cartwright

1.0 Site Description

- 1.1 The application site relates to an area of hardstanding formerly in use as a car park associated with the Calverton Colliery on the corner of Hollinwood Lane and North Green.
- 1.2 The application site is a rectangular plot with the width fronting North Green and has a site area of approximately 0.68 hectares.
- 1.3 North Green is to the south of the application site with residential properties sited on the opposite side of the highway. Hollinwood Lane is an adopted highway which becomes a byway adjacent to the west boundary of the application site.
- 1.4 To the west of the byway is the boundary to the Calverton Recycling Centre developed for employment uses and household recycling centre.
- 1.5 The west boundary is defined by a wide border consisting of metal railed fencing and vegetation with panelled fencing behind.
- 1.6 Agricultural land lies to the north and east of the site. The north, east and south boundaries of the application site are defined by a mixture of trees and mature vegetation.
- 1.7 The site is allocated for residential development by Policy 66 of the Local Planning Document.

2.0 Proposed Development

- 2.1 Full planning permission is sought for the erection of 20 single storey bungalows. The housing mix would be thirteen 1 bed bungalows and seven 2 bed bungalows.
- 2.2 Revised plans have been received indicating internal roads being constructed in accordance with the requirements of the 6C's Highways Design Guide.
- 2.3 The layout of the development centres around a 'T' shaped access with front facing bungalows onto the public realm.
- 2.4 Car parking is adjacent to the dwellings and ranges from 1 – 2 allocated spaces per dwelling.

3.0 Consultations

- 4.1 Environment Agency – No objection subject to conditions relating to land contamination and surface water drainage.
- 4.2 Nottinghamshire County Council – Lead Local Flood Authority – No objection subject to a drainage condition.
- 4.3 Historic England – Do not wish to offer any comments, suggest that you seek the views of your specialist conservation and archaeological advisers
- 4.4 Gedling Borough Council Economic Development – a Local Labour Agreement is required.
- 4.5 Gedling Borough Council Parks and Street Care – Given the constraints on the site and the proposed layout an off-site contribution, in accordance with LPD Policy 19 – Developer Contributions, would appear the most appropriate method of providing the local open space/play facilities. The commuted sum would be £31,025.28 and a maintenance sum of £12, 979.20. Total £44,004.48 to be expended on facilities within 2km of the site.
- 4.6 Gedling Borough Council Strategic Housing – The affordable housing requirement (as stated within the Gedling BC Affordable Housing Supplementary Planning Document) for this location, is 20% of dwellings to be developed as affordable housing. Based on a development of 20 units this would require 4 units to be built as affordable housing on site. Of these, we require that 3 are for affordable/ social rent and 1 is for intermediate sale. The size of the affordable units should be reflective of the overall development and propose 2x2 bed bungalows and 2x1 bed bungalows.
- 4.7 Gedling Borough Council Scientific Officer -no objection, requests conditions relating to land contamination, electric vehicle charging points and a construction emission management plan.
- 4.8 Forestry Officer – The tree report and method statements are adequate for the application, but I would need to know what trees surveyed will be removed and retained.

- 4.9 NHS Clinical Commissioning Group – due to the scale of the proposal no contribution towards healthcare provision is required.
- 4.10 Nottinghamshire County Council Highways – the revised plan rev 03 received on 06/06/2019 is acceptable and accordingly there is no objection to the proposal.
- 4.11 Nottinghamshire County Council Planning Policy - objects unless a noise assessment is undertaken with respect to the adjacent waste facilities.
- 4.12 Nottinghamshire County Council Education – No contribution is required.
- 4.13 Trent Valley Drainage Board – a drainage scheme must be agreed with the Lead Local Flood Authority and the Local Planning Authority.
- 4.14 Calverton Parish Council – We have no major objection to this development but dwellings are likely to be targeted at retired people and they are far from the village's amenities particularly the shops, there are still no links between this development and the Park Road development adjacent to it. It would be helpful if some sort of path/cycleway could be provided so that residents don't always have to use the public highway to access the village.

Calverton Neighbourhood Plan Policy G1 – Comprehensive development states:

Proposals for residential development in the 'North-West Quadrant Urban Extension' will only be permitted where it is accompanied by an overall masterplan illustrating the following aspects:

A high quality residential environment
 Footpath and cycle links into the village
 Provision of open space and structural landscaping
 The inter-relationship and open frontages between new development and North Green and Park Road.

We are aware this is a small development in the North West quadrant but feel that some effort should have been made to link this into the greater plan proposed for this area which has been submitted by Persimmon Homes. It should be possible to link the two developments together with footpaths or cycleways.

- 4.15 Members of the Public

A press notice was published, three site notices were displayed and neighbour notification letters were posted. No representations were received.

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 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 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2019

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 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

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.

Policy 17: Biodiversity – sets out the approach to ecological interests.

Policy 19: Developer Contributions – set out the criteria for requiring planning obligations.

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 4: Surface Water Management – sets out the approach to surface water management.

LPD 7: Contaminated Land – sets out the approach to land that is potentially contaminated.

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 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.

LPD 21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site.

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 36: Affordable Housing – sets out that a 20% affordable housing provision will be required in Calverton but that a lower requirement may be justified provided there is sufficient evidence which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this.

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 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.

LPD 66: Housing Allocations– identifies the application site as part of housing allocation H16, for approximately 390 new dwellings.

6.5 Calverton Neighbourhood Plan

The Calverton Neighbourhood Plan was adopted by Gedling Borough Council on 31 January 2018. As such the Calverton Neighbourhood Plan forms part of the Development Plan for Gedling Borough.

Policy G2: Developer Contributions – sets out that developer contributions will be sought towards education provision (nursery, primary, secondary, 16-18), primary GP healthcare provision and village centre environmental improvements

Policy G5: Housing Mix – states that development should include a mix of dwelling sizes, that planning permission will be granted for developments which provide bungalow and other types of accommodation for elderly and disabled people, that proposals for major development that do not include a mix of dwelling sizes and tenures and accommodation suitable for elderly and disabled people will be refused, that on all major development schemes, planning permission will be granted for the provision of plots for self-build subject to other policies in the development plan and that affordable housing should be designed and delivered to be indistinguishable from market housing and should be distributed throughout the development as a whole.

Policy ISF1: Sustainable Transport – states that opportunities for the use of sustainable modes of transport must be maximised.

Policy ISF2: Car Parking – states that any new development outside of the Village Centre will only be permitted where it has sufficient parking provision.

Policy ISF3 – Highway Impact – sets out the criteria for assessing highway impact.

Policy ISF4: Infrastructure Provision – states that residential developments will be required to provide the necessary infrastructure, such as education provision, healthcare provision, open space and drainage provision.

Policy BE1: Design & Landscaping – states that all development on the edge of Calverton must provide soft landscaping on the approach into the village and sets out criteria to achieve this.

Policy BE2: Local Distinctiveness and Aesthetics – states that development should be designed to a high quality that reinforces local distinctiveness including that buildings on the fringes of major developments should have variations in height, style and position.

Policy BE3: Public Realm – sets out the approach to the public realm and to landscaping.

Policy BE4: Parking Provision – sets out that adequate parking must be provided.

Policy NE3: Flooding- sets out the approach to preventing flooding and to ensure that adequate drainage is provided.

Policy NE4: Green Infrastructure –sets out the approach to green infrastructure and ecological considerations.

Policy NE5: Biodiversity – sets out the approach to biodiversity.

6.6 Other

Parking Provision for Residential Developments – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

Open Space Provision SPG (2001) – sets out the open space requirements for new residential development.

Affordable Housing SPD (2009) – sets out the affordable housing requirements for new residential development.

7.0 **Planning Considerations**

Principle of the development

- 7.1 The site forms part of housing site (H16) allocated by Policy LPD 66 of the Local Planning Document which was adopted in July 2018. Policy LPD 66 identifies the H16 site as providing approximately 390 dwellings. The principle of residential development on this site is therefore accepted, subject to a detailed consideration of the following matters.

Density

- 7.2 The site area is approximately 0.68 hectares and 20 dwellings are proposed, giving a density of 29.4 dwellings per hectare. Policy LPD 33 states that development in Calverton should be of a minimum density of 25 dwellings per hectare, so the proposed development would meet with this requirement.

Compliance with Calverton Neighbourhood Plan Policy G1 (Comprehensive Development)

- 7.3 Policy G1 states that proposals for residential development in the 'North-West Quadrant Urban Extension' will only permitted where it is accompanied by an overall masterplan illustrating the following aspects:

- A high quality residential environment
- Highway access links including to/from the existing village road network and the feasibility of links to/from the B6386 Oxtan Road
- Off-site highway improvements
- Footpath and Cycle links into the village
- Provision of open space and structural landscaping
- Retention of open frontages between new development and North Green and Park Road
- The inter-relationship between new development and the Community Hall & Sports Pavilion and William Lee Memorial Park
- Housing mix, including starter homes, affordable housing and housing for the elderly
- Ecological corridors
- Health Impact Assessment

- 7.4 An overall masterplan for the North-West Quadrant has not been provided however this site represents a proportionately small part of the H16 allocation. It is considered that the site would represent a high quality residential environment and would provide acceptable highway links for a development of this scale. Off-site highway improvements are not considered to be necessary due to the quantum of development proposed. The site has excellent links to the byway which runs to the west of the site and it is also envisaged that access will be available to the wider H16 housing allocation in due course, both from the byway and from North Green. The site has good sustainability credentials in that the nearest bus stop is approximately 500m away providing connectivity to the facilities of Arnold and Nottingham.
- 7.5 Open space provision would be provided by way of an off-site contribution and the site is already landscaped to the north and eastern sides, which would be retained as part of the development. The proposed development is considered to be acceptable with regard to its relationship with North Green and it is not immediately adjacent to the Community Hall or associated facilities. The development would provide bungalows that would add to the housing mix available in Calverton and is acceptable from an ecological point of view. The NHS have advised that the size of this development does not meet its threshold for requiring a financial contribution towards healthcare provision.
- 7.6 In conclusion it is considered that the approval of this application would not prejudice the development of the North-West quadrant nor would it conflict with the objectives of Policy G1 of the Calverton Neighbourhood Plan.

Impact upon visual amenity

- 7.7 The proposed dwellings would be arranged with 6 units facing onto North Green (two detached and two pairs of semi-detached). An adoptable standard road would lead from North Green to serve the remaining 14 units to the rear. The dwellings would be externally faced with brickwork with elements of cladding. Porches and brick detailing would also be included to increase the visual interest of the dwellings.
- 7.8 The dwellings would be low scale with respect to their height and are considered to be of an acceptable design. It is considered that they would integrate into the surrounding area in an acceptable manner and would not cause harm to the visual amenity or character of the surrounding area. It is considered that the proposal is acceptable and would meet with the objectives of National Planning Policy Framework, Policy 10 of the Aligned Core Strategy, Policy 35 of the Local Planning Document and Policies BE2 and BE3 of the Calverton Neighbourhood Plan

Impact upon residential amenity

- 7.9 The dwellings are all single storey in height which reduces their impact upon the nearest adjacent dwellings, which are located on southern side of North Green. It is considered that the proposed dwellings would be located an adequate distance from these existing dwellings to ensure that there would be

no undue impact arising from massing, loss of daylight/sunlight or through overlooking.

- 7.10 It is noted that Nottinghamshire County Council has raised concern due to the relationship between the application site and the waste facilities located on the adjacent industrial estate and has requested that a noise assessment be carried out to evaluate the potential noise impact from the waste facilities. This is due to the risk of waste site sterilisation and the potential for these two land uses being adjacent causing considerable impact on the quality of life of future occupiers of the proposed dwellings. However, the proposed development site is not significantly closer to the waste facilities in question than the existing dwellings on North Green, and therefore it is not considered reasonable or necessary for a noise assessment to be provided,
- 7.11 It is therefore not considered that the proposed development would have an undue impact upon residential amenity and the proposal would be in accordance with the objectives of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy and Policy LPD 32 of the Local Planning Document.

Sherwood Forest Special Protection Area

- 7.12 Paragraph 3.17.3 in the Council's Aligned Core Strategy (ACS) (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.
- 7.13 Natural England's current position in respect of the Sherwood Forest Region is set out in an advice note to Local Planning Authorities (March 2014) regarding the consideration of the likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest Region. While no conclusion has been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interests, Natural England advise those affected Local Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight.
- 7.14 In light of this decision the Advice Note recommends a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will help to ensure that any future need to comply with the provisions of the 2010 Regulations is met with a robust set of measures already in place. However

unlike the Council's ACS, Natural England's Standing Advice Note does not recommend that the Sherwood Forest Region should be treated as a confirmed European site.

- 7.15 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the Habitats Regulations until it has been actually designated as a SPA. Furthermore, the site does not qualify for protection under the NPPF as paragraph 176 refers to pSPAs and footnote 59 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.
- 7.16 Having regard to evidence submitted to the inquiry in 2010, the site is not located within a core ornithological interest for breeding nightjar and woodlark area but is situated within an indicative 5km buffer zone. An ecology report has however been prepared by the applicant and this does not find any evidence of nightjar or woodlark on the planning application site. The precise extents of any buffer zones are not known. The proposal is a variance with Paragraph 3.17.3 of the Council's ACS, however the benefits of the scheme would outweigh any harm identified and the approach is consistent the Habitats Regulations and NPPF.
- 7.17 It should also be noted that this site is an allocated housing site within the recently adopted (July 2018) Local Planning Document, with Policy LPD 66 identifying it as a housing allocation. The Local Planning Document has been through a Public Inquiry, has been found to be sound and has subsequently been adopted by Gedling Borough Council, meaning that housing development on this site is in full conformity with the Local Planning Document. Against this background it is considered that it can be reasonably concluded that the site would not have any adverse effects on the breeding populations of Nightjar and Woodlark in the Sherwood Forest Area and that the development would meet with the objectives of Policy 17 of the Aligned Core Strategy. Furthermore, the scale of this development is very limited in the context of the wider housing allocation.

Other ecological considerations

- 7.18 The proposed built development on the site would take place on land which is already hard surfaced, as a result of its previous use as a car park. As a result, it is not considered that the proposal would have an adverse impact upon any ecological interests.
- 7.19 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Aligned Core Strategy 17, Local Planning Document Policy 18 and Calverton Neighbourhood Plan Policy NE5.

Impact upon trees

- 7.20 As noted the development would take place on land which is already hard surfaced. The Tree Officer has advised that the tree report and method

statements are adequate for the application but they need to know what trees surveyed will be removed and retained. These matters can however be addressed by way of planning conditions requiring details of tree protection and landscaping to be submitted and approved by the council prior to the commencement of the development. It is noted that trees will need to be removed on the site frontage however it is advised that these are highway trees and discussions would need to be undertaken between the application and Nottinghamshire County Council. The trees in question and not considered to be of any specific visual importance and their removal would not have a significant impact upon the character or appearance of the surrounding area.

Impact upon designated heritage assets

- 7.21 Whilst the impact upon designated heritage assets is a consideration with regard to the development of the north-west quadrant due to the presence of a Scheduled Ancient Monument (two Roman marching camps located 350m north east of Lodge farm) in the vicinity, the application site is limited in size and is located a significant distance away from the SAM, behind existing landscape buffers. It is therefore not considered that the development would have any impact upon designated heritage assets.

Highways matters

- 7.22 The proposed development has been assessed by the local highway authority. The layout includes appropriate access to the site, car parking for each unit and the ability for a refuse vehicle to manoeuvre within the site. The local planning authority has not raised any objection to the development as such I am satisfied that the scheme is acceptable on highway grounds.

The car parking requirements for the development with a mix of 13 one bed and 7 two bed units as set out in the SPD is a total of 35 spaces. The development accords with this and provides the required 35 spaces.

In light of the above it is considered that the proposal would not be harmful to highway safety or the surrounding highway network in general, and therefore the proposal would accord with the objectives of the National Planning Policy Framework, Local Planning Document Policies LPD 57 and 61, the Parking Provision SPD and Calverton Neighbourhood Plan Policy ISF2 and ISF3..

Planning obligations

- 7.3 The development proposed would require that the following planning obligations be met:
- 20% on-site affordable housing (70% must be social rented and 30% intermediate housing) in accordance with LPD Policy 36 and the adopted Affordable Housing Supplementary Planning Document 2009.
 - £31,025.28 towards off-site public open space provision together with £12,979.20 for 10 years maintenance to be expended on facilities within 2km of the site
 - Local Labour Agreement to meet with the requirements of LPD Policy 48

7.4 These obligations would need to be secured by way of a S106 Planning Obligation which shall be completed prior to determination of the planning application. It is considered that all of the above obligations meets with the tests set out in Section 122 of The Community Infrastructure Levy Regulations 2010.

8.0 **Conclusion**

8.1 The principle of the development accords with the objectives of national and local planning policies, in particular as the site is part of a housing allocation in the adopted Local Planning Document. The development would be of an acceptable layout, design and density and would not have an undue impact upon visual amenity, residential amenity, ecological considerations, existing landscape features or highway safety. The development would therefore accord with the general objectives of the national and local planning policies set out above.

Recommendation: 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, education 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: 2012-15-004 received 25/09/18, 2012-53-021 REV A received 05/04/19, 2012-53-022 REV A received 05/04/19, 2012-53-030 received 05/04/19, 2012-53-031 received 05/04/19, 2012-53-032 received 05/04/19, 2012-53-03 REV 03 received 6/6/2019. The development shall thereafter be undertaken in accordance with these plans.
3. 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.

4. 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.

5. 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 site to a 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.
b) 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.
c) 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.

6. 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 byBS5837:2012.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.
7. Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floors levels of the proposed dwellings shall be submitted to and approved in writing by the local planning authority.The development shall be undertaken in accordance with the approved details.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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, visibility splays, 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.
15. No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with the approved plans. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions.
16. No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the LPA. 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.

17. No part of the development hereby permitted shall be brought into use until the pedestrian crossing has been constructed, together with the footway fronting the site has been constructed and is available for use in accordance with drawing number 03 rev 03.

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 residential amenity.
4. To ensure that the drainage scheme is appropriate to meet the needs of the site and the approved development.
5. 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.
6. To ensure that existing trees and hedges are adequately protected.
7. To ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.
8. To ensure a satisfactory standard of external appearance.
9. In the interests of visual amenity.
10. In the interest of visual amenity.
11. 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.
12. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).
13. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
14. To ensure the development is constructed to adoptable standards
15. To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.
16. In the interests of Highway safety.
17. To ensure a safe crossing point is available for pedestrians.

Notes to Applicant

The comments of the Rights of Way Officer are attached.

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.

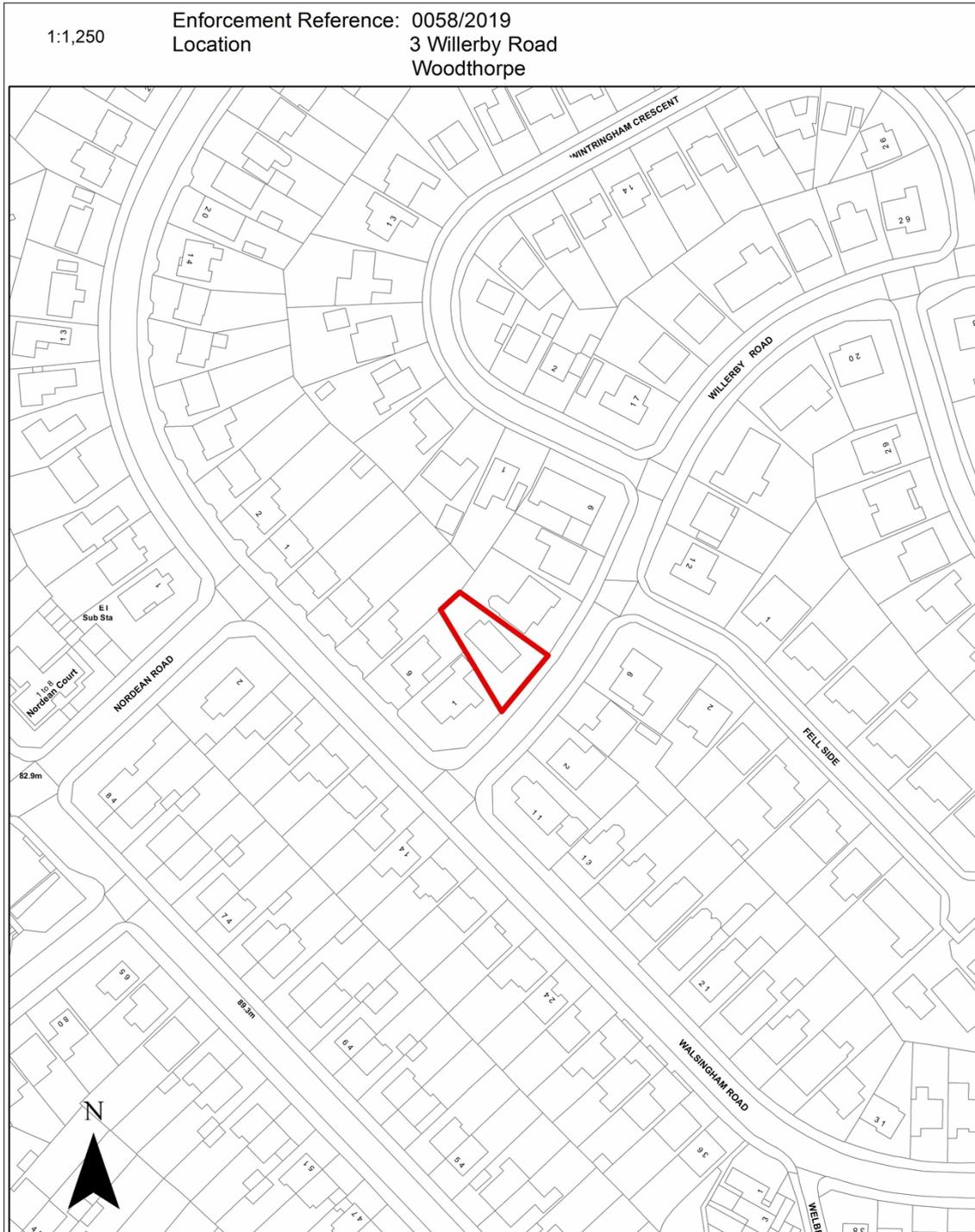
The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Additional and amended information has been submitted to address matters raised during the determination of the application.

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 Environment Agency advises with respect to Condition 8 that Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality



Planning Enforcement Report for 0058/2019



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Date: 05/06/2019

Report to Planning Committee

Reference Number: 0058/2019

Location: 3 Willerby Road Woodthorpe

Breach of Planning Control: Land detrimental to the amenity of the area.

1 BACKGROUND

1.1 No. 3 Willerby Road is a detached single storey property situated in a popular residential area. The adjoining property on the south-western side (No 1 Willerby Road) occupies the corner plot with Walsingham Road and its rear garden adjoins part of the side of the subject site. The rest of this side boundary adjoins the rear garden of No 9 Walsingham Road. Willerby Road slopes gently upwards to the north and the northern boundary of the property is shared with No. 5 Willerby Road.

1.2 The property was bought by the current owner in 2010 and the owner agrees the property has never been occupied except for the odd overnight stay.

1.3 On the 26th June 2012 planning permission was granted on appeal for “the alteration of a bungalow with an increase in ridge height of 1500mm and the conversion of the loft into 2 bedrooms with en-suite and storage space, together with front, side and rear conservatories and the widening of the garage”.

1.4 The permission commenced with the owner digging the foundations of the extension to the rear of the property and demolishing the existing garage and removing the front porch but no further work was ever carried out.

1.5 On the 22nd March 2016 the Council received a complaint about the deteriorating condition of the property and the untidy garden. The garden area was tidied at the request of the Council and the file was closed.

1.6 On the 13th March 2019 the Council again received a complaint about the condition of the property and the fact that the owner appeared to be bringing waste from other sites and depositing in a skip parked at the entrance to the property on the drive way and over the garden.

1.7 The site was visited by the Council’s Enforcement Officer. At the time of the visit there was a skip positioned at the entrance to the drive way full of old carpet and

hard core and rubble. The garden was covered with bricks, rubble, wood and other items. The windows, eaves, and guttering of the property were rotting and there were chunks of the render missing leaving holes in the wall of the property allowing water and damp to enter the dwelling. In addition the electricity and gas metres were suspended on an external wall and open to the elements.

- 1.8 A meeting was held with the owner of the property and they admitted that rubble and items from other sites had been brought to the property and tipped over the garden and deposited in the skip. An internal inspection of the property showed that the property was not being lived in and was in a poor condition.

2 ASSESSMENT

- 2.1 The property is situated in a popular residential area and where other properties are well cared for and has been owned by the current owner since 2010. Although part of the front garden is screened by a 2 metre high hedge the drive way has no gates and is open, giving a view from the highway of the front and side garden and of the property which appears very run down and dilapidated.
- 2.2 It can be seen that the front door, windows, soffits and eaves are rotting. Part of the guttering has fallen away and rendering has fallen off the walls. The bricks from the demolished garage are piled up along the side of the house while rubble, bricks and wood is scattered over the front and side garden. This together with a view of a skip on the driveway full of old carpet and rubble is out of keeping with the area and is detrimental to the visual amenity of the occupiers of nearby properties and of visitors walking or driving past the property.
- 2.3 Available action
- 2.4 Section 215 (s215) of the Town & Country Planning Act 1990 (the Act) provides a local planning authority (LPA) with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears that the amenity of part of their area is being adversely affected by the condition of neighbouring land and buildings, they may serve a notice on the owner requiring that the situation be remedied.
- 2.5 There is a right of appeal against the s215 notice to the Magistrates Court. However, very few s215 notices are actually appealed and of those that are only a small proportion are upheld.
- 2.6 If the notice is not complied with Local Planning Authorities have the option of prosecuting the owner for non-compliance or the Authority may carry out the work itself and recover the costs of doing so from the owner or occupier of the site. Experience has shown that each route is equally as successful as the other in terms of outcome. It is for the LPA to decide which is the most appropriate action to take, taking into consideration the details of each

individual case. In some cases LPAs may take the view that both courses should be pursued together. The majority of s215 cases are resolved before these stages need to be considered.

Human Rights

- 2.7 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence’.
- 2.8 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing a s215 notice and taking direct action or commencing proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients’ rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the condition of the land.

3 CONCLUSION

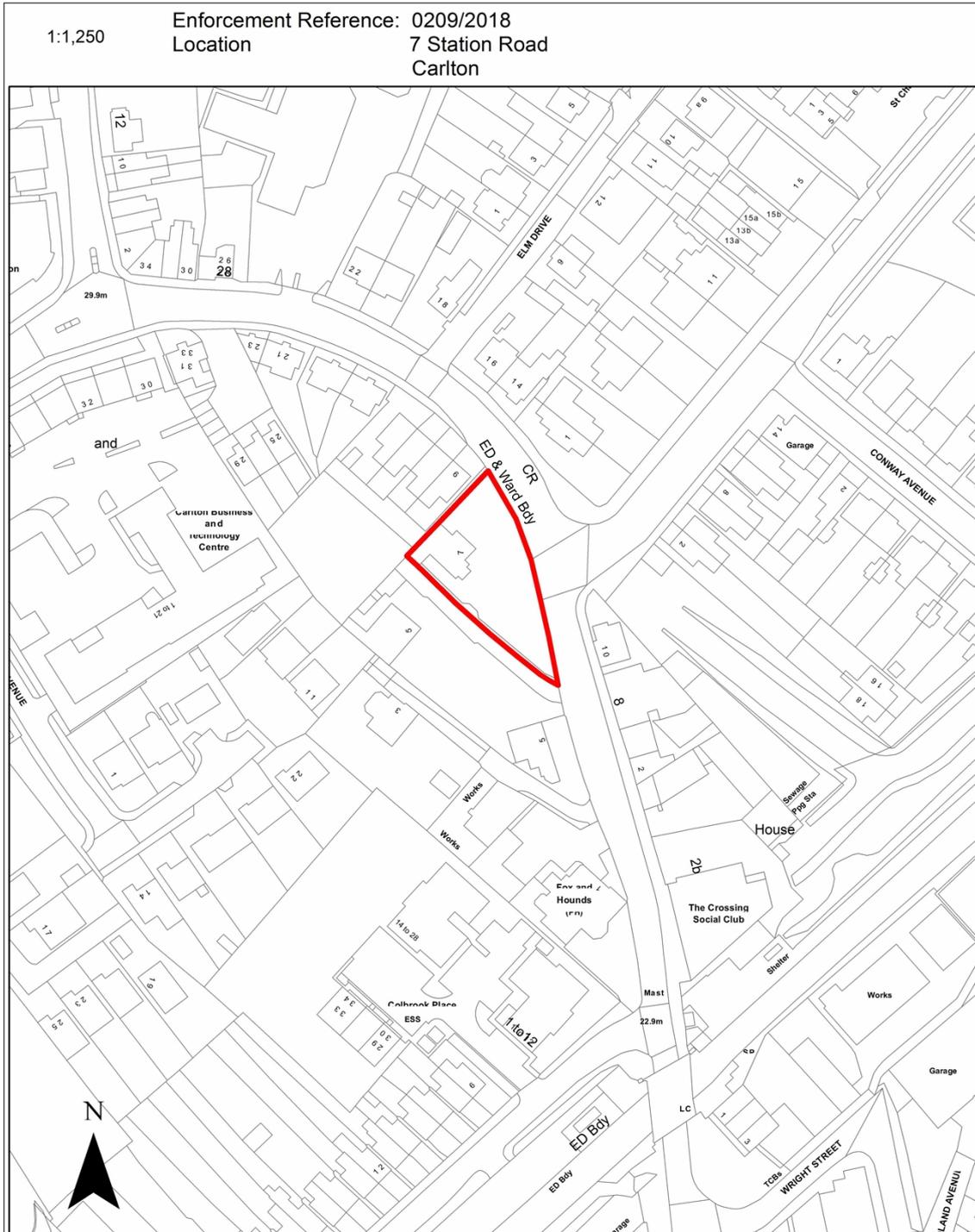
- 3.1 The current owner was warned about the condition of the property and land three years ago in 2016 and tidied the garden area but the garden is once again covered in rubble and other items which have been brought from other development sites. The property has continued to deteriorate and is currently inhabitable with no improvements having been made since 2010 when the current owner acquired the property.
- 3.3 The land is detrimental to the visual amenity of the area with views of the site from the public highway
- 3.4 In the circumstances the Council should now issue and serve a s215 amenity notice on the owner.

4 RECOMMENDATION

- 4.1 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 front door, windows, soffits and eaves and rain water goods are made good and repainted where necessary or alternatively replaced, any holes in the external walls are filled and repaired, the render is repaired and repainted, all bricks, rubble and wood and other items spread over the front and side garden areas are removed to a point of lawful disposal unless they consist of materials required for the refurbishment of the dwelling when they shall be stored neatly in an area of the garden which cannot be easily seen from the highway and ensure the removal of any skip required in connection with the improvement of the property within 3 days of it being filled.



Planning Enforcement Report for 0209/2018



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Serving People Improving Lives

Date: 06/06/2019

Report to Planning Committee

Reference Number:	0209/2018
Location:	Land at 7 Station Road Carlton
Breach of Planning Control:	Change of Use of the land for the siting of a mobile home used for residential purposes.

1 Background

- 1.1 In November 2018, it was brought to the Council's attention that a mobile home had been positioned on garden land to the south east of No. 7 Station Road, Carlton. The land had been separated from the rest of the garden belonging to the main dwelling thus forming a new and separate planning unit.
- 1.2 A Council Officer visited the site and met with the owner who advised the mobile home was being occupied by his son but he wanted his son to move out temporarily and to allow some relatives who were visiting from abroad to stay in the mobile home for the duration of their visit.
- 1.3 An internal inspection of the mobile home showed the caravan had all the facilities for day to day living including a kitchen area with a fridge and microwave, a sitting room area with a TV and a bedroom and shower room.
- 1.4 The courts have made it clear that mobile homes and caravans can only be kept within the residential curtilage of a property providing it is 'incidental to the enjoyment of the dwelling' and they require planning permission if they are intended for separate residential accommodation.
- 1.5 A planning application was submitted to retain the mobile home as a residential unit but planning permission was refused on the 6th March 2019. The owner advised the Council's Enforcement Officer he had no intentions of removing the mobile home.
- 1.6 On Wednesday 21st May 2018 a further site inspection was carried out and it was seen the mobile home was still in position on the land.

2 Site Description

- 2.1 The mobile home is sited on a parcel of land to the south and within the garden area of 7 Station Road, which is a detached dwelling situated within the established residential area of Carlton.
- 2.2 The property is located to the west of Station Road, accessed with a shared driveway which serves no. 7 Station Road and a number of flats within no. 5 Station Road.
- 2.3 The mobile home has been separated from the garden area of the main dwelling by fencing and sits within its own curtilage. The land levels across the site rises steeply to the north which results in the site being set approx. 2 – 3 metres above the adjacent highway. There is an area of hardstanding within the application site which provides off street parking for a minimum of two vehicles. The boundaries of the site are delineated by timber panel and concrete post fences which measure approx. 1.8 metres in height.

3 Planning History

- 3.1 As per paragraph 1.5

4 Assessment

- 4.1 The residential unit comprises of a static caravan which measures approx. 10 metres in length, 3 metres in width and approx. 3.1 metres high when measured from its highest point above the existing ground level. The unit has been finished in Horiz Timber cladding.
- 4.6 The main considerations when deciding whether to take enforcement action in this case are;
 - i) whether the structures are detrimental to the character of the area or to the amenities of the occupiers of nearby properties and whether there are any highway safety issues arising.
 - ii) whether the Local Planning Authority is within the four year statutory time limit for taking action for a material change of use of the land.

Planning policy considerations

- 4.5 One of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land). The NPPF's definition of brown field land is 'previously developed land that is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface or surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens.'
- 4.6 This advice is reflected in the ACS Policy 10 – 10.4 which goes on to state; 'Although now considered to be greenfield sites, gardens can provide sustainable locations for new homes, and reduce the need to develop land

within Green Belt and or the country side. However, it can also change the characteristics of areas, and may damage biodiversity. In accordance with this policy and the NPPF, subsequent Local Development Documents may seek to restrict development to avoid areas of special character and to protect the amenity value of private gardens.'

- 4.7 The changes in guidance means that garden land is no longer considered to be previously developed land. Whilst I note the change in definition, I do not consider that paragraph 3.10.4 of the ACS precludes development on such sites. The key aspects that need to be considered are whether the proposed development would be in a sustainable location, would adversely affect the characteristics of the area or damage biodiversity.
- 4.8 Policy LPD34 requires that development involving the loss of residential gardens will not be permitted unless the proposal would represent a more efficient use of land or would significantly improve the urban design of an area.
- 4.9 In my opinion the design of the development significantly harms the appearance of the locality. I am also mindful that the structure is a static caravan and is not something that would usually be considered of sufficiently high quality for a new residential dwelling and therefore does constitute an acceptable form of residential development.

Visual Impact

- 4.10 Whilst I note that the development is somewhat screened from the adjacent highway by the existing boundary treatments of the site, I still consider that the retention of this residential unit as a permanent fixture would result in an adverse effect on the appearance and character of the surrounding area.
- 4.11 Policy 10 of the ACS states that all new development proposals should be designed to, inter alia, 'make a positive contribution to the public realm and sense of place'. It goes on to state that 'it is important that new housing development is of high quality, in order to enhance or create a distinctive sense of place, where people will be proud of their neighbourhood'. In my opinion the unit would not constitute good design and the form, scale and materials used would be incongruous within the street scene.
- 4.12 LPD 40 outlines that planning permission will be granted for residential development on unallocated sites that are not within the Green Belt provided that the proposal is of a high standard of design and does not adversely affect the area.
- 4.13 The proposal fails to meet with the objectives of these policies.

Impact on Residential Amenity

- 4.14 In my opinion the residential unit, given its orientation and relationship with neighbouring properties, together with its scale will result in no undue overlooking, overbearing or overshadowing impact.

Car parking and Highway Safety

- 4.15 The Highway Authority raised no objections to the proposal and I am therefore satisfied that there are no highway safety implications arising from the proposal. In addition there is adequate parking provided on site to serve the residential unit in the form of the hardstanding area.

Time Limits

- 4.15 The statutory time limit for taking action for a change of use of the land for siting a mobile home is ten years. In this case the evidence available to the Council strongly suggests the mobile home has been placed on the land in the last 12 months and the Council is within time to commence enforcement proceedings such as issuing an enforcement notice requiring the use to cease.

Human Rights

- 4.16 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.17 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place and depending on compliance with the notice it might well be justified to take court action.

Equalities

- 4.18 The Council's Planning Enforcement team operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a

legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.

- 4.19 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 4.20 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.
- 4.21 In light of all the facts it is now considered expedient to serve an enforcement notice to require the removal of both structures.

5 Conclusion

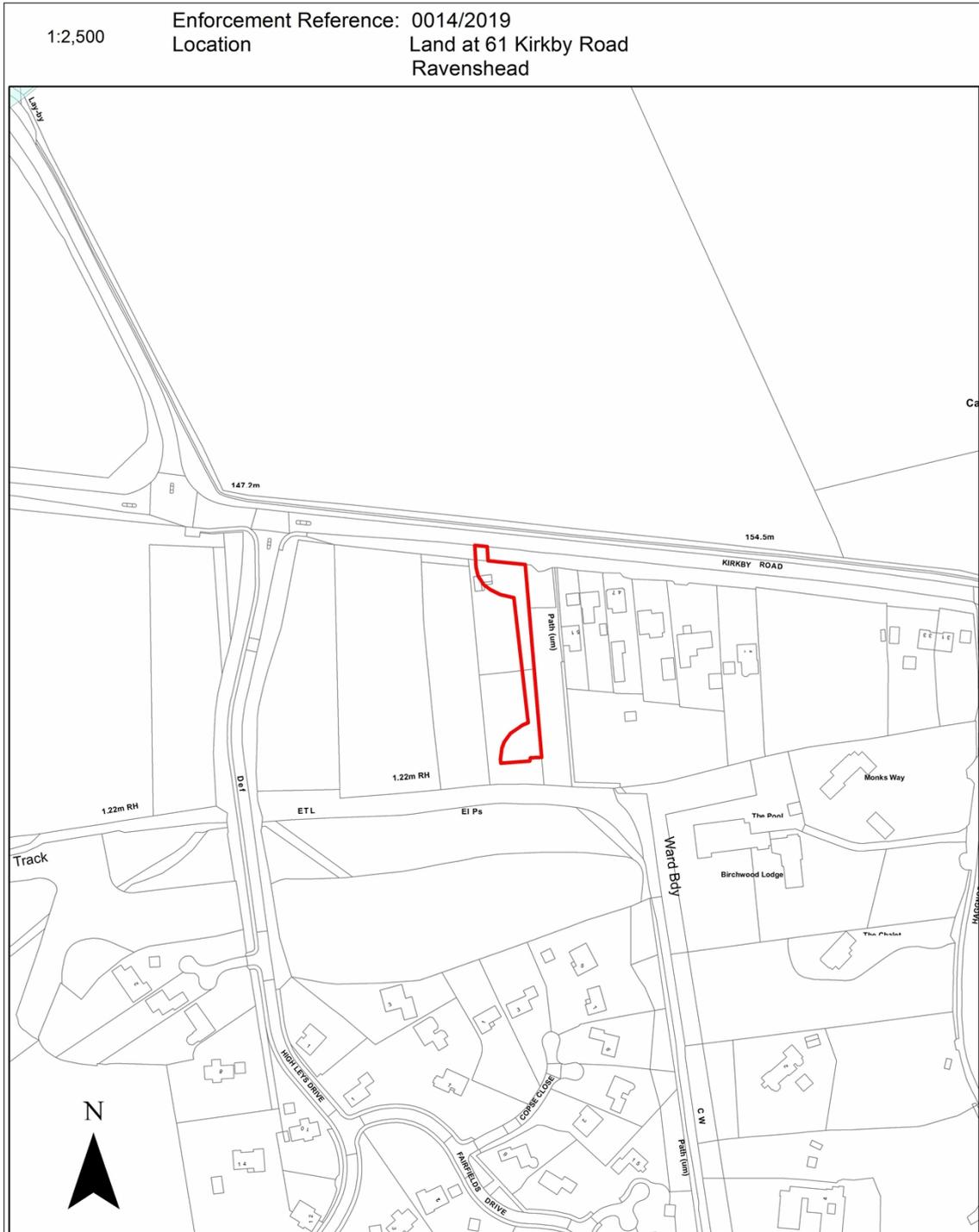
- 5.1 In conclusion therefore I consider that the development of the new residential unit on the site would not be of a satisfactory level of design and as such would result in a detrimental impact the appearance of the locality. As such I consider the development to be contrary to Part 2 and 12 of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy and Policies 34 and 40 of the Local Planning Document.
- 5.2 Accordingly, I recommend that formal action should now commence without delay by issuing a planning enforcement notice requiring the removal of the mobile home.

6 Recommendation

- 6.1 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 both structures are removed.**



Planning Enforcement Report for 0014/2019



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Date: 05/06/2019

Report to Planning Committee

Reference Number:	0014/2019
Location:	Land at 61 Kirkby Road Ravenshead
Breach of Planning Control:	Material change of use of land to residential curtilage, the construction of a garage and patio area outside the residential curtilage.

1 Background

- 1.1 Planning permission was refused on appeal in October 2015, (Reference 2015/1273) for the conversion of a stable block to a residential dwelling to the south west of 51 Kirkby Road.
- 1.2 In October 2016 planning permission reference 2017/0704 was granted on appeal for the conversion to residential accommodation but this time the residential curtilage was drawn closely around the rear and side elevation of the building and driveway excluding the open grass land to the front and rear of the property, leaving this land outside of the residential curtilage.
- 1.3 On the 9th August 2017 Planning permission was granted for a detached garage to the east of the dwelling 61 Kirkby Road, Ravenshead (Reference 2017/0704). The approved drawings showed the front of the garage to be set in line with the dwelling, and within the narrow residential curtilage.
- 1.4 In 2018, it came to the Council's attention the garage had been constructed in the wrong position, set back from the front of the dwelling and projecting to the rear and outside of the residential garden area.
- 1.5 In July 2018, the Council received a planning application to retain the garage as built and for the change of use of Green Belt grass land to residential garden for the 2.0m depth that hosts the part of the garage that is outside the residential curtilage. (Reference 2018/0685).
- 1.6 The garage has dual pitched roof with front and rear facing gables and measures 7.0m in depth, 3.7m in width, 2.274m at eaves height and 3.174m at ridge height from ground level. It is set in from the building line by some 2.5m, it has been built 1.3m from the side elevation of the dwelling and it

extends outside the residential curtilage by some 2.0m in depth. The total floor area of the garage is 25.9sqm.

- 1.7 Planning permission was refused for the application on the 4th September 2019 and the decision was upheld at appeal on the 8th May 2019.
- 1.8 The Council's enforcement officer visited the site on Wednesday 22nd May 2019 and met with the owner and Planning Consultant. At the time it was noted there was a further encroachment into the Green Belt with the construction of a patio to the rear of the garage which measures approximately 4.1m X 5.7m and a narrow footpath which extends the width of the rear elevation of the dwelling.
- 1.9 The owner was keen for Members to be made aware that the garage had been constructed in its current location by builders employed by the owner whilst they were away from home. The builders had set the garage back to make it easier to turn vehicles around on the site without consultation with the owner.

2 Site Description

- 2.1 The application site, no.61 Kirkby Road, is a single storey detached dwelling converted from stables. There is a long driveway which runs along the eastern boundary of the site and there are two parking areas, one at the front of the site immediately behind the boundary with the highway and a second area in front of the dwelling. This is the full extent of the garden area to the dwelling. The land to the front of the dwelling and to the rear of the dwelling is open grass land and is not included within the garden area of the property.
- 2.2 The site is located within the Green Belt of Nottinghamshire, outside the settlement area of Ravenshead. The dwelling is set in some 75m from the adjoining public highway, Kirkby Road.
- 2.3 The detached garage is positioned 1.3m to the east of the dwelling and set behind the building line by 2.5m. The footprint of the garage overlaps the residential curtilage by some 2.0m to the rear and further projecting into the Green Belt to the rear of the garage is a patio area of approximately 23.3sq metres and a narrow footpath around the rear of the dwelling.
- 2.4 The site and the land around it slope gently upwards where the dwelling and detached garage sit in a higher position than Kirkby Road. Several trees are present along the driveway and around the larger area of land that is within the ownership of the applicant.
- 2.5 Adjoining land to the west comprises of a paddock land. The nearest residential property is at no.51 Kirkby Road which adjoins an open area of land to the east.

2.6 The total floor area of the dwelling is approximately 133.5sqm. The total area of the garage is 25.9sqm.

3 Planning History

Reference	Proposal	Decision	Date
2018/0604	Single storey rear extension and change of use of land to residential.	Refused and upheld on appeal	08.05.2018
2017/0704	Detached garage to the east of the dwelling. The approved drawings showed the garage to be set in line with the building, and within the residential curtilage (as approved under 2015/1273).	Granted	09.08.2017
2016/1268DOC	Discharge of conditions for 2015/1273	Agreed	25.01.2017
2015/1273	Convert the stables and barn into a dwelling house with reduced residential curtilage. (resubmission of 2014/1227).	Granted on appeal	16.11.2016
2014/1227	Convert stables and barn to a dwelling	Refusal upheld on appeal	16.07.2016
2013/0069	Removal of Condition 3 of planning consent 2011/1435 and 2012/1163. This condition stated "the proposed stables should not be brought into use until all elevations had been clad in horizontal soft wood boarding and stained a dark green or dark brown colour".	Allowed on appeal	09.12.2013
2012/1163	Planning permission was granted for a variation on 2011/1435 in that the height of the hay barn was increased to 5.2m and projected forward creating a 'U' shaped form.	Granted	27.11.2012
2011/1435	'L' shaped stable building to the rear of the site to replace the existing stables at the front of the site.		28.02.2012

4 Assessment

4.1 The existing dwelling is a relatively modern single detached building that has been previously converted from a stable block. A single detached garage positioned in close proximity to the original building with a patio area to the

rear and a footpath along the rear elevation of the dwelling has been added since the conversion both of which project from the garden into the open countryside and which do not have the benefit of planning permission.

- 4.2 Although development has occurred without planning permission and is therefore unauthorised, local planning authorities are required to consider government guidance when deciding whether to take planning enforcement action. Government guidance is found in the National Planning Policy Framework (NPPF) (Paragraph 207) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.
- 4.3 The main considerations when deciding whether to take enforcement action in this case are;
- i) whether the change of use of the open grass land to garden curtilage and the construction of the garage and patio on the open land would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - ii) the effect of the openness of the Green Belt
 - iii) would the harm by reason of inappropriateness and any other harm be clearly outweighed by other considerations and if so would this amount to the very special circumstances required to justify the proposal.
 - iv) whether the Council within the legislative time frame to take action

Planning considerations

Whether the development is inappropriate development in the Green Belt

- 4.4 The construction of the garage has been considered and dismissed at an appeal. The Planning Inspector in his decision letter has considered relevant national and local policies including;
- Policy 3 of the Greater Nottingham Aligned Core Strategy (2014) which seeks to retain the principle of the Nottingham Green Belt such that development will be strictly controlled in accordance with the Framework.
 - Paragraphs 144 and 145 of the Framework (NPPF 2018) which makes it clear that the construction of new buildings within the Green Belt will be regarded as inappropriate development except for certain categories of development including an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (Paragraph 145(c)).
 - Policy LPD13 Of the Gedling Borough Local Plan 2018 which states planning permission will be granted for extensions and alterations to buildings providing the proposal does not result in the floor space of the building being over 50% than when originally constructed and providing it does not have a detrimental impact on the openness of the Green Belt or the reasons for including the land within it.

- 4.5 The Inspector considered that although the garage would not amount to a disproportionate increase in floor space by reason of it being within the threshold set by Policy LPD13, he considered the garage projects approximately 2metres beyond the residential curtilage and there would be a loss of openness in spatial terms given that the garage would introduce built form into a presently unbuilt and open area of grassland.
- 4.6 Although the patio and footpath around the rear elevation of the dwelling were not considered as part of the appeal, as the patio protrudes beyond the rear elevation of the garage and the footpath also protrudes beyond the residential curtilage into the open land, the patio and footpath must therefore also impact on the openness of the Green Belt.
- 4.7 The Inspector states that although the garage is modest in scale and does not appear visually intrusive he has had regard to the previous appeal decision whereby the residential curtilage had been significantly reduced from that of an earlier appeal decision and tightly drawn around the dwelling, in order to overcome the concerns of a previous Inspector.
- 4.8 In his decision letter, the Inspector states; “The garage as constructed introduces built development outside of this area [outside of the previously agreed red line and residential curtilage]...the garage is a marginal alteration from the dwelling and garage granted consent but to my mind this was an important consideration in the earlier appeals and as such a material consideration to which I attach significant weight”.
- 4.9 He goes on to say, “I find the proposal would contribute towards the outward sprawl of Ravenshead and thus be an encroachment into the countryside, contrary to the purposes of the Green Belt as set out in paragraph 134 of the Framework... I find there is substantial harm to the Green Belt.... I conclude the proposal amounts to inappropriate development”.

The effect on the openness;

- 4.10 The construction of the garage, patio and footpath outside of the curtilage approved under the appeal reference APP/N3020/W/16/3153884 results in a material change of use of land within the Green Belt.
- 4.11 The Government attaches great importance to Green Belt. 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. Paragraph 134 lists the 5 purposes of the Green Belt which includes ‘c) to assist in safeguarding the countryside from encroachment.

- 4.12 The reduced residential curtilage, tightly drawn around the footprint of the building to the rear and side was a material planning consideration by the planning inspector as a way of preventing further encroachment into the countryside when the planning application (2015/1273) (ref: APP/N3020/W/16/3153884) was allowed under appeal.
- 4.13 The change of use of the land results in built form occupying part of this land. Given that the land was previously free from built form and the curtilage was drawn tightly around the original proposal to re-use an existing building it must be concluded that the change of use of the land does not preserve the openness of the Green Belt in this location and is contrary to paragraph 146 which requires the change of use of land to preserve the openness of the Green Belt.
- 4.14 Whilst there is no specific definition of openness in the NPPF, this is a concept which relates to the absence of built form; 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 openness quite irrespective of its impact in terms of obtrusiveness or its aesthetic attractions.

Special circumstances

- 4.15 No very special circumstances have been provided in respect of the retention of the garage, patio or footpath or the change of use of the land to garden land.

Time Limits

- 4.16 The statutory time limit for taking action for a material change of use of the land is 10 years. In this case the evidence available to the Council is the change of use has taken place since the conversion of the stable and certainly within the last 10 years and the Council is within time to commence enforcement proceedings such as issuing an enforcement notice requiring the use to cease and the garage, patio and footpath to be removed from the non-domestic land.

Human Rights

- 4.16 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- 4.17 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place and depending on compliance with the notice it might well be justified to take court action.

Equalities

- 4.18 The Council's Planning Enforcement team operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 4.19 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

Crime and disorder

- 4.20 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.
- 4.21 In light of all the facts it is now considered expedient to serve an enforcement notice to require the cessation of the unauthorised domestic use of the land and removal the garage, patio and footpath from the land.

5 Conclusion

- 5.1 Planning permission was only granted for the conversion of the stable on the provision that the open Green Belt land at the front and rear of the property was protected by ensuring it was kept outside of the residential curtilage.

- 5.2 Although the owner maintains the garage was built in the wrong location without his knowledge, enforcement action is never taken because of the intention of the owner but it is only taken because there is demonstrable harm caused by the unlawful development.
- 5.3 The patio and footpath add to the domestic appearance of the land and affect the openness of the Green Belt. The breach conflicts with both national and local policies. Negotiations with the owners have failed to rectify the breach and failure of the Council to act in these circumstances will set a precedent for future development in the Green Belt.
- 5.4 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the cessation of the unauthorised residential use of the land, removal of the part of the garage, the patio and footpath which protrudes beyond the garden curtilage and if the notice is not complied with proceedings should be taken through the courts if necessary.

6 Recommendation

- 6.1 **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 change of use of the open land to domestic curtilage ceases and the part of the garage, patio and footpath which protrudes onto the non-domestic land is removed and the land reinstated to its previous undeveloped state.**

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Report to Planning Committee

Subject: Agreement of Membership of the Planning Delegation Panel

Date: 19 June 2019

Author: Service Manager Legal Services

Purpose

To agree the Membership of the Planning delegation panel.

Recommendation

THAT:

That the following members of the Planning Committee be agreed as the six permanent members of the Planning Delegation Panel:

Councillor David Ellis

Councillor Barbara Miller

Councillor Marje Paling

Councillor John Parr

Councillor John Truscott

Councillor Paul Wilkinson

1 Background

- 1.1 The Planning Delegation Panel (the Panel) is a consultative body, made up of members drawn from and agreed by the Planning Committee, although all Councillors may attend meetings of the Panel and contribute to discussions.
- 1.2 The purpose of the Panel, as set out in the Constitution, is to be consulted by the Director responsible for the planning service (or in practice, the Planning Service Manager or Principal Planning Officer with delegated authority), in respect of all planning applications which do not fall to be

decided by him under his other delegations, and to decide which of these applications he will determine and which he will refer to the Planning Committee for determination. To be clear, this does not apply to the following applications which will always go before the Planning Committee:

a) Applications proposing 5,000 or more square metres of new commercial floor-space.

b) Applications proposing ten or more residential dwellings

The Panel do not determine planning applications, but do provide another level of oversight of planning decisions to ensure further probity and transparency in the decision making process.

1.3 The Gedling Borough Council Code of Practice for Councillors in Dealing with Planning Applications, within the Constitution, provides detail as to the make- up and operation of the Panel.

1.3.1 The Panel must consist of a permanent membership of six Councillors drawn from and agreed by the Planning Committee. In the event a permanent member of the Panel is unable to attend, another member of the Planning Committee may act as substitute.

1.3.2 The quorum for the Panel is three.

1.3.3 Meetings of the Panel will be held each Friday and the agenda for the meeting will be issued in advance.

1.3.4 Where an application is added to the agenda after it has been circulated, the panel members and relevant ward members will be notified.

1.3.5 All Councillors may attend the meetings and contribute to discussions.

1.3.6 Notes of each meeting of the Panel will be included as information items on the next available Planning Committee agenda.

2 Proposal

2.1 In accordance with the Constitution, and as set out at para 1.3.1, it is proposed that the following members of the Planning Committee be approved as the six permanent members of the Panel:

Councillor David Ellis

Councillor Barbara Miller

Councillor Marje Paling

Councillor John Parr

Councillor John Truscott

Councillor Paul Wilkinson

- 2.2 Having a permanent membership of six members ensures compliance with the Constitution, and also ensures that there are sufficient members to call on to ensure quoracy at all meetings of the Panel.

3 Resource Implications

- 3.1 There are no financial implications associated with this report.

4 Appendices

- 4.1 None

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Report to Planning Committee

Enforcement Number: 0090/2018 – Appeal Ref: APP/N3020/C/18/3211290

Location: 47A Riverside Stoke Lane Stoke Bardolph

Breach: Construction of an unauthorised dwelling and works to increase land levels.

Case Officer: Christine James.

1 Appeal Decision

1.1A Planning Enforcement Notice was issued on the 15th August 2018 alleging that an unauthorised building had been erected and works or operations had been undertaken to raise land levels.

1.2 The requirements of the notice are;

- i) Demolish the building, including the removal of the foundations
- ii) Remove the deposits made on the land to raise the land levels and restore the garden to its natural land level and previous condition before the works or operations to increase the land levels took place
- iii) Remove all resulting rubble and waste materials to a point of lawful disposal
- iv) Remove the diving fence along the boundary between the existing dwelling house and the land enclosing the unauthorised building

1.3 The period for compliance with the requirements is 6 months

1.4 An appeal against the notice was lodged with the Planning Inspectorate. The grounds of appeal were;

- a) That planning permission should be granted for what was alleged in the enforcement notice
- b) That the alleged breach has not occurred
- f) The steps required as cited in the enforcement notice are excessive and lesser steps would overcome the objections.

1.5 The appeal has been dismissed.

- 1.6 The Inspector concluded there were four main issues including causing him to dismiss the ground a) appeal including the proposal is inappropriate development in the Green Belt; there are no very special circumstances which would outweigh the general presumption against inappropriate development in the Green Belt, the implications for flood risk have not been addressed and the living conditions of the neighbours would be adversely affected.
- 1.7 Under ground b) that the matters alleged in the notice have not occurred as a matter of fact, the Inspector concluded that “The appellant’s submissions lend scant support to this proposition. Indeed, the candid acceptance that the land has been raised leads me to the almost inescapable conclusion that the matters alleged have occurred as a matter of fact. There is nothing before me that indicates otherwise.”
- 1.8 The appeal on ground f) was directed at requirements i), ii) and iv) of the notice. There was no issue from the appellant with requirement iii).
- 1.9 The Inspector concluded, “...its purpose [of the notice] appears to be to remedy the breach...In light of this I do not find requirement i) [requiring the demolition of the building and the removal of the foundations] excessive; as I see it, it represents a reasonable response to the alleged breach of planning control in this instance. The same view applies to requirement ii)...I see nothing untoward in requiring the removal of the deposited material. Requiring the restoration of the land to its previous condition is both intelligible and reasonable”.
- 1.10 However, on the matter of requirement iv) the removal of the fence, the Inspector stated that he was not satisfied the fence could be considered to be part and parcel of the development to which the notice was directed and he therefore deleted requirement iv)
- 1.11 Requirements i), ii) and iii) must be complied with by the 9th October 2019.

Recommendation; to note the information.

ACTION SHEET PLANNING DELEGATION PANEL 12th April 2019

2019/0064

7 Cheadle Close Mapperley Nottinghamshire

Erection of log cabin in garden to side of house

The proposed development would have an undue impact on the street scene and character and appearance of the area.

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

Decision to be issued following completion of paperwork.

2019/0084

Former G and M Electrics West View Road Carlton

Retention of the existing building, the erection of a first floor extension and a single storey rear extension to form a residential dwelling.

The proposed development would have no undue impact on residential amenity, visual amenity or highway safety.

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

Decision to be issued following completion of paperwork.

2019/0123

7 Standhill Road Carlton Nottinghamshire

Change of use of the ground floor of the premises to a nail salon/nail bar (sui generis)

The proposed development would have no undue impact on the amenity of neighbouring occupiers or highway safety/capacity.

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

Decision to be issued following completion of paperwork.

2019/0116

92 Main Street Calverton Nottinghamshire

Application to vary Conditions 2 (approved plans) and 3 (materials) on planning permission reference 2018/0908 (erection of 5 No. dwellings), to allow the use of uPVC windows

The proposed variation would have an undue impact on the character and appearance of the host properties and would not preserve or enhance the conservation area.

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

Decision to be issued following completion of paperwork.

12th April 2019

ACTION SHEET PLANNING DELEGATION PANEL 26th April 2019

2018/0731

6 Gretton Road Woodthorpe NG3 5JT

Construction of new roof to form second floor living accommodation including dormer windows to the front and rear and raising of existing roof ridge height.

The proposed development would have an undue impact on the character and appearance of the host property and street scene.

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

Decision to be issued following completion of paperwork.

2018/1086

36 Foxwood Grove Calverton Nottinghamshire

Two storey side extension and front porch.

The proposed development would have no undue impact upon the character of the surrounding area.

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

Decision to be issued following completion of paperwork.

2018/1117

105 Wighay Road Linby NG15 8AH

Single storey flat roof extension and internal alterations to form suitable ground floor living accommodation for disabled person

This application was withdrawn from the agenda.

2019/0045

Land At Top Farm Blidworth Way Papplewick

Permanent hard surfacing, temporary soil importation and temporary soil storage area for gas pipeline maintenance works including temporary storage area for parking, plant, equipment and temporary welfare facilities, heras fencing and 3m high perimeter safety bund. These works are required to increase the depth of soil above the pipeline to improve the pipeline's safety.

The proposed development would not have any undue impact on the character of the area, openness of the Green Belt, residential amenity or highway safety/capacity of the highway network.

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

Decision to be issued following completion of paperwork.

2019/0073

243 Cavendish Road Carlton NG4 3SA

Change of Use from shop with ancillary residential accommodation to a 9 bedroom House of Multiple Occupation (Sui Generis) including single storey side and rear extension, removal of canopy, steps and ramp to the front elevations and external alterations.

The proposed development would have no undue impact on the character and appearance of the area, residential amenity or highway safety/capacity.

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

Decision to be issued following completion of paperwork.

2019/0076

Land Cranmore Close Arnold

Erection of one dwelling

The proposed development would have no undue impact on the character and appearance of the area or residential amenity.

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

Decision to be issued following completion of paperwork.

2019/0168

Clock Tower Building Park Road Bestwood

Replace all windows with double glazed white UPVC windows

The proposed development would result in less than substantial harm to a Locally Important Heritage Asset that is not outweighed by public benefit.

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

Decision to be issued following completion of paperwork.

2019/0185

84 Chapel Lane Ravenshead NG15 9DH

Outline Application with all matters reserved for 4no. detached dwellings

The proposed development would have an undue impact on the character and appearance of the area and residential amenity. Additionally, insufficient information has been provided to demonstrate that the site can be safely accessed.

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

Decision to be issued following completion of paperwork.

2019/0212

218 Kenrick Road Mapperley NG3 6EX

Outline planning application with all matters reserved except for scale - demolition of existing bungalow and erection of 3 No. dwellings

The proposed development would have an undue impact upon the visual amenity of the street scene and surrounding area.

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

Decision to be issued following completion of paperwork.

2019/0235

31 Catriona Crescent Arnold Nottinghamshire

Two storey front and side extension.

The proposed development would have an undue impact on the character and appearance of the host property and street scene.

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

Decision to be issued following completion of paperwork.

2019/0229

135 Nottingham Road Ravenshead NG15 9HJ

Construction of annex in the rear garden

The proposed development would have an undue impact on the character and appearance of the area and residential amenity.

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

Decision to be issued following completion of paperwork.

2019/0237
10 Pavilion Road Bestwood NG5 8NL
Two story side and front extension

The proposed development would have an undue impact on the character and appearance of the host property, street scene and residential amenity.

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

Decision to be issued following completion of paperwork.

2019/0252
100 Main Road Ravenshead NG15 9GW
Single storey front extension to comprise alterations to garage and porch entrance and two storey rear extension.

The proposed development would have an undue impact on residential amenity.

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

Decision to be issued following completion of paperwork.

2019/0308
Reed Pond House Park Lane Lambley
Demolition of existing double garage and build new double garage

The proposed development would represent inappropriate development in the Green Belt and cause harm to openness.

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

Decision to be issued following completion of paperwork.

2019/0303
2 Campbell Drive Carlton NG4 1RB
Two storey front, side & rear extension & single storey rear extension

The proposed development would have no 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.

Graham Wraight and Kevin Cartwright 26th April 2019

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ACTION SHEET PLANNING DELEGATION PANEL 24th May 2019

2018/0925

Units 13 15 And 17 Catton Road Arnold

Retrospective application material change of use from B1 to B2. This applies to 13, 15 & 17 Catton Road.

The proposed development would have an undue impact on the amenity of nearby occupiers.

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

Decision to be issued following completion of paperwork.

2018/1166

22 Kighill Lane Ravenshead NG15 9HN

Outline planning application for the construction of 6 No. custom build residential units with the matters of access, layout and scale for determination

The proposed development would fail to respect the layout and appearance of the surrounding area.

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

Decision to be issued following completion of paperwork.

2018/1186

22 Kighill Lane Ravenshead NG15 9HN

Construction of 6 Residential Units With Associated Garages & New Private Drive (resubmission of 2018/0727)

The proposed development would fail to respect the layout and appearance of the surrounding area.

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

Decision to be issued following completion of paperwork.

2018/1198

876 Woodborough Road Mapperley Nottinghamshire

Demolish the existing single storey gym building, construct 4 storey building with 7 no. 2 bed apartments with bin store and bike store to rear.

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

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

Decision to be issued following completion of paperwork.

2019/0081

23 Crifftin Road Burton Joyce NG14 5FB

Two Storey Extension to Side and Rear of Property.

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.

2019/0083

14 Woodside Road Burton Joyce NG14 5AW

Approval of the reserved matters of access, scale, layout, appearance and landscaping - erection of 2 No. dormer bungalows approved under outline planning permission

2017/1083

The proposed development would have no undue impact on the character and appearance of the street scene or the amenity of neighbouring occupiers.

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

Decision to be issued following completion of paperwork.

2019/0146

Westdale Dental 406 - 408 Westdale Lane West Mapperley

Two storey side extension

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

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

Decision to be issued following completion of paperwork.

2019/0129
18 Kighill Lane Ravenshead NG15 9HN
5 bedroom, two storey detached dwelling

The proposed development would fail to respect the layout and appearance of the surrounding area.

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

Decision to be issued following completion of paperwork.

2019/0184
10 Bullins Close Bestwood Nottinghamshire
Double storey side extension. Single storey rear extension & loft conversion.

The proposed development would have no undue impact on the character and appearance of the host property/street scene or the amenity of neighbouring occupiers.

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

Decision to be issued following completion of paperwork.

2019/0174
10 Cavendish Avenue Gedling NG4 4FZ
Proposed conversion of loft space including the addition of front and rear dormer windows. Change of use of converted garage space to accommodate day care business and family use (Retrospective).

The proposed development would 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.

2019/0271
Jerk Kitchen 776 Mansfield Road Woodthorpe
Retrospective application for a change of Use from A3 restaurant/cafe use to a mixed use of a restaurant/cafe A3 and hot food takeaway A5.

The proposed development would have no undue impact on the amenity of neighbouring occupiers.

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

Decision to be issued following completion of paperwork.

2019/0297TPO
4 Church View Close Bestwood Nottinghamshire
Fell Oak Tree

This application was withdrawn from the agenda.

2019/0357
16 Huckerbys Field Carlton NG4 3SN
Conversion of existing garage to living room, replacing existing garage door with new window

The proposed development would have no undue impact on the character and appearance of the host property/street scene or highway safety.

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

Decision to be issued following completion of paperwork.

2019/0391
107 Mansfield Road Papplewick Nottinghamshire
Retain existing double garage with first floor, removing incomplete balcony with Juliette balcony.

The proposed development would have an undue impact on the openness of the Green Belt.

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

Decision to be issued following completion of paperwork.

**Graham Wraight and Kevin Cartwright
24th May 2019**

ACTION SHEET PLANNING DELEGATION PANEL 7th June 2019

2019/0175

Land Adjacent 8 Myrtle Road Carlton
Construct 1 No. new dwelling house

The proposed development would have an undue impact on the character and appearance of the street scene and on the amenity of neighbouring occupiers.

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

Decision to be issued following completion of paperwork.

2019/0297TPO

4 Church View Close Bestwood Nottinghamshire
Fell Oak Tree

The works 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.

2019/0320

33 Maitland Road Woodthorpe Nottinghamshire
Demolish existing outbuilding and construct new two storey rear extension.

The proposed development would have no undue impact on the character and appearance of the streetscene, host property or amenity of neighbouring occupiers.

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

Decision to be issued following completion of paperwork.

2019/0315

26 Marlborough Road Woodthorpe NG5 4FG
Side and rear extension to replace existing conservatory, dormer to rear roof elevation and new replacement garage

The proposed development would have no undue impact on the character and appearance of the streetscene, host property or amenity of neighbouring occupiers.

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

Decision to be issued following completion of paperwork.

2019/0353
45 Furlong Avenue Arnold NG5 7AR
Rear extension to No 45 & 47 Furlong Street

The proposed development would have no undue impact on the character and appearance of the host property or amenity of neighbouring occupiers.

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

Decision to be issued following completion of paperwork.

2019/0379
65 Finsbury Road Bestwood NG5 9QF
Two storey extension to existing dwelling and internal changes

The proposed development would have no undue impact on the character and appearance of the host property or the amenity of neighbouring occupiers.

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

Decision to be issued following completion of paperwork.

2019/0418TPO
12 Derry Drive Redhill Nottinghamshire
Removal of two hawthorne trees

The proposed works 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.

7th June 2019



Report to Planning Committee

Subject: Future Planning Applications

Date: 07/06/2019

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.

App No	Address	Proposal	Possible Date
2019/0010	34 Main Street Calverton	Demolition of existing dwelling and erection of 10 dwellings	19/06/2019

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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