



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

Agenda

Planning Committee

Date: **Wednesday 2 October 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 Rachael 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

AGENDA

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1. **Apologies for Absence and Substitutions.**

2. **To approve, as a correct record, the minutes of the meeting held on 4 September 2019.** 5 - 24

- Planning Committee Protocol.**

3. **Declaration of Interests**

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14. Any other items which the Chair considers urgent.

MINUTES PLANNING COMMITTEE

Wednesday 4 September 2019

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Rosa Keneally
Councillor Michael Adams Councillor Meredith Lawrence
Councillor Peter Barnes Councillor Ron McCrossen
Councillor Chris Barnfather Councillor Marje Paling
Councillor David Ellis Councillor John Parr
Councillor Rachael Ellis Councillor Alex Scroggie
Councillor Andrew Ellwood Councillor Henry Wheeler
Councillor Mike Hope

Absent: Councillor Barbara Miller

Officers in Attendance: C Goodall, S Pregon, K Cartwright and M Avery

26 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Miller. Cllr R McCrossen attended as a substitute.

27 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 7 AUGUST 2019.

RESOLVED:

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

28 DECLARATION OF INTERESTS

None.

29 APPLICATION NO. 2017/1571 - DEVELOPMENT SITE CHASE FARM ARNOLD LANE GEDLING

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

The Service Manager – Development Services introduced the report.

RESOLVED:

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

Conditions

- 1 Approval of the details of Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than five years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The submission of all reserved matters and the implementation of the development shall be carried out in accordance with the plans and documents received on the 22nd December 2017: -; Extended Phase 1 Habitat Survey; Bat Survey Report; Breeding Bird Surveys; Design and Access Statement (P17-1794_200); Drainage Strategy (P15-157 - 202A); Planning Statement (Dec 2017 - SLR/ST - P17-1794); Overall Proposed Site Plan (14005-102); Overall Proposed Site Plan (14005-103); Existing Location Plan (14005-100); Existing Location Plan (14005-101); Framework Travel Plan (ADC1616-B); Indicative Zoning Plan (14005-105); and Indicative Design Site Section (14005-104) and Amended Application Forms received on 11th June 2019.
- 4 No part of the development hereby permitted shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

- 5 No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking areas shall then be maintained in such hard bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the Gedling Access Road is built and open to traffic in its entirety.
- 7 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8 Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development.
- 9 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree / hedge protection plan to graphically show the locations of any tree / hedge and root protection barriers. A tree protection plan should be overlaid to graphically show root protection areas in accordance with BS 5837:2012; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement (AMS). The AMS provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees / hedges. The approved measures of protection shall be implemented in accordance with the approved details for the duration of the construction period.

- 10 Before development is commenced, there shall be submitted to and approved in writing by the Local Planning Authority a Desktop Study for Existing Ecological Information, to include: (1) Consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC); (2) An Extended phase 1 Habitat Survey; (3) Details of avoidance, mitigation and compensation measures, and opportunities for enhancements (4) Further surveys and/or assessment in relation to badger, common toad, grass snake and butterflies, and (5) Further information in relation to the loss of Open Mosaic Habitat, including mitigation and/or compensation measures and quantification of losses/gains using an ecological accounting approach. The development shall be implemented strictly in accordance with the approved details.
- 11 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted (in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape), which shall consist of native species, ideally of local provenance, where possible; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties (d) details of the mitigation and compensation for the loss of Open Mosaic Habitat (e) details of the mitigation and landscaping proposals in relation to dingy skipper (butterflies) and (f) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 12 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 13 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details.
- 14 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in

accordance with the approved details, which shall be retained for the lifetime of the development.

- 15 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 16 In the event that remediation identified in the Remediation Scheme is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. Prior to the first occupation of the development an Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

Reasons

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

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

Reasons for Decision

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

Notes to Applicant

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

arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year plus climate change return periods;- confirm how on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

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

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

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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. 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.

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

thereby resulting in a more acceptable scheme and a favourable recommendation.

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

30 APPLICATION NO. 2019/0304 - LAND AT CHASE FARM (FORMER GEDLING COLLIERY), ADJACENT TO ARNOLD LANE AND LAND OFF LAMBLEY LANE

3 plot re-plan of plots 229,230 and 231.

The Service Manager – Development Services introduced the report.

RESOLVED to:

Grant Full Planning Permission: Subject to the applicant entering into a deed of variation amending the original Section 106 Agreement to planning approval: 2015/1376 with the Borough Council as Local Planning Authority and with the County Council as Local Highway and Education Authority for the provision of, or financial contributions towards affordable housing, open space, healthcare facilities, highways, educational, air quality, a local labour agreement and library facilities; 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 details within the Application Form received on the 17th April 2019, the Design and Access Statement received on the 27th March 2019 and the plans received on the 27th March 2019, drawing numbers P100, P101, P102, P103, P104 and P105.

Reasons

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

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring residential properties and amenities and would not have any impact on highway safety. The proposed development therefore accords with Policy LPD32 of the Local Planning Document, Policy 10 of the Aligned Core Strategy 2014, and the aims set out in the National Planning Policy Framework 2019.

Notes to Applicant

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

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019).

31 APPLICATION NO. 2019/0586 - LAND AT CHASE FARM (FORMER GEDLING COLLIERY), ADJACENT TO ARNOLD LANE AND LAND OFF LAMBLEY LANE.

Plot 329 substitution from ILKE house type to a traditionally built house type (1233).

The Service Manager – Development Services introduced the report.

RESOLVED to:

Grant Full Planning Permission: Subject to the applicant entering into a deed of variation amending the original Section 106 Agreement to planning approval: 2015/1376 with the Borough Council as Local Planning Authority and with the County Council as Local Highway and Education Authority for the provision of, or financial contributions towards affordable housing, open space,

healthcare facilities, highways, educational, air quality, a local labour agreement and library facilities; 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 details within the Application Form received on the 20th June 2019, the plans received on the 20th June 2019, drawing numbers P100, P102, P103 and P200 and the additional plan received on the 20th August 2019, drawing number P104.

Reasons

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

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring residential properties and amenities and would not have any impact on highway safety. The proposed development therefore accords with Policy LPD32 of the Local Planning Document, Policy 10 of the Aligned Core Strategy 2014, and the aims set out in the National Planning Policy Framework 2019.

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 (2019).

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

32 APPLICATION NO. 2019/0553 - 10 CAVENDISH AVENUE, GEDLING.

Change of use of existing garage from residential to residential and childcare business (retrospective).

Mr Kiel Peters, the applicant, spoke in support of the change of use.

The Service Manager – Development Services introduced the report.

It was proposed and seconded to refuse planning permission.

RESOLVED:

To not support refusal of the planning application.

An alternative motion was then proposed to grant planning permission subject to conditions relating to hours of operation and on the number of children on the premises, the wording of such conditions to be delegated to the Service Manager – Development Services in consultation with the Chair of the Planning Committee. This was seconded.

RESOLVED:

To grant planning permission subject to conditions relating to hours of operation and on the number of children on the premises with wording delegated to the Service Manager – Development Services in consultation with the Chair of the Planning Committee for the following reason:

Reason

1. The principle of operation of a child care business from a residential unit is acceptable in this location and the proposal does not have an adverse impact upon residential amenity or highway safety. The proposal is therefore in accordance with the objectives of policy 12 of the Aligned Core Strategy and policy LPD32, LPD41 and LPD61 of the Local Planning Document.

APPLICATION NO. 2019/0401 - LAND WEST OF BEESTON CLOSE, BESTWOOD.

Re-orientation of dwellings on Plots 4 & 5 and additional dwelling to Plot 8 (between plots 2 and 3).

The Service Manager – Development Services introduced the report.

RESOLVED to:

GRANT FULL PLANNING PERMISSION subject to the applicant entering into a deed of variation amending original Section 106 Agreement to planning approval: 2017/0194 with the Borough Council as Local Planning Authority for the provision of a financial contribution to be expended on offsite Public Open Space, and the provision of a Management Company for the maintenance of the access road and areas of open space not within residential curtilages; 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 application form, site location plan, Section 6.0 of Arboricultural Report, Tree Protection Method Statement and deposited plans, drawing no's JWS/BCBR/PP5 rev A and JWS/BCBR/PP4 rev A, received on 16th April 2019 and deposited plans, drawing no's JWS/BCBR/PP8 rev B, JWS/BCB/SECT/1 rev D and JWS/BCBR/EW/1 rev C, received on 21st June 2019. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to drawing no. JWS/BCBR/EW/1 rev C received on 21st June 2019, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.
- 4 Hours of construction including deliveries to the site shall be limited to: 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday. No works or deliveries of materials shall be undertaken on Sundays or Public Holidays.

- 5 The development hereby approved shall be implemented in accordance with the approved Dust Management Plan as per planning reference 2018/1187DOC.
- 6 No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 7 No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, and never exceeds 1:12 thereafter, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 8 No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
- 9 No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 10 No part of the development hereby permitted shall be brought into use until a bin collection point is provided within 15.0m of the public highway in accordance with details first submitted to, and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the details so approved and shall be retained as such thereafter.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure a satisfactory development in accordance with the aims of policy LPD 10 of the Aligned Core Strategy.

- 4 In the interest of residential amenity, in accordance with the aims of policy LPD 32 of the Local Planning Document.
- 5 In the interest of residential amenity, in accordance with the aims of policy LPD 32 of the Local Planning Document.
- 6 In the interests of Highway safety.
- 7 In the interests of Highway safety.
- 8 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).
- 9 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 10 To allow the refuse team to pull the bins within pulling distance to the public highway, as the refuse lorry will not enter a private development.

Reasons for Decision

The proposed development, by virtue of the design, scale and relationship with adjoining properties, would be visually acceptable in the streetscene and would result in no significant undue impact on the amenity of neighbouring residential properties and amenities and would have no undue impact on highway safety. The proposal is in accordance with the NPPF, Policies 8, 10 and 11 of the Aligned Core Strategy and policies LDP 28, LPD 32, LPD 35, LPD 40, LPD 57 and LPD 61.

Notes to Applicant

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

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

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

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

The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services, on telephone 0300 500 80 80, to arrange for these works be carried out.

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

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

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before

clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Date Recommended: 19th August 2019

34 APPLICATION NO. 2019/0324 - 77 MAIN ROAD, GEDLING.

Remove existing roof, increase eaves and ridge height to provide loft conversion, construct dormer windows to front and dormer windows & balcony to rear elevations and construct new entrance to front elevation.

Tracy Featherstone, a local resident, spoke in objection to the application.

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; Existing Floor Plans drawing no 2006.016.004; Proposed First Floor Plans drawing no 2006.016.001 Rev D and Proposed Ground Floor Plans drawing 2006.016.002 received 4th April 2019; Site Location Plan drawing no 2006.016.006 Rev B and Existing Elevation drawing no 2006.016.005 received 19th April 2019 and Proposed Elevations drawing no 2006.016.003 Rev G received 10th July 2019 and emails from the Applicants Agent regarding the proposed roofing and dormer window materials received 30th July 2019. The development shall thereafter be undertaken in accordance with these plans/details.
3. The floor level of the porch extension hereby approved shall be set no lower than the floor level of the existing dwelling.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To reduce the risk of flooding to the proposed extended dwelling and its occupants.

Reasons for Decision

In the opinion of the Borough Council the proposed development would be visually acceptable in the streetscene and in keeping with the character of the property and the area. The proposal would not result in a significant undue impact on the amenity of neighbouring properties and is acceptable in terms of flood risk. Therefore the proposed development would be in accordance with the advice contained within the NPPF (2019), Policy 1 & 10 of the ACS (2014) LPD3, LPD32 & LPD43 of the Local Planning Document (2018).

Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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

35 APPEAL DECISION REF: APP/N3020/W/18/3218826 - 12 BANK HILL, WOODBOROUGH

Replacement dwelling (resubmission of 2018/0026)

RESOLVED:

To note the information.

36 APPEAL DECISION REF: APP/N3020/W/19/3223336 - 12 BANK HILL, WOODBOROUGH

Replacement dwelling (resubmission of 2018/0026 and 2018/0628)

RESOLVED:

To note the information.

37 APPEAL DECISION REF: APP/N3020/W/19/3227512 - 7 STATION ROAD, CARLTON

Single bedroom residential unit on land within the grounds of 7 Station Road

RESOLVED:

To note the information.

38 FUTURE APPLICATIONS

RESOLVED:

To note the information.

39 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

40 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.10 pm

Signed by Chair:
Date:

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

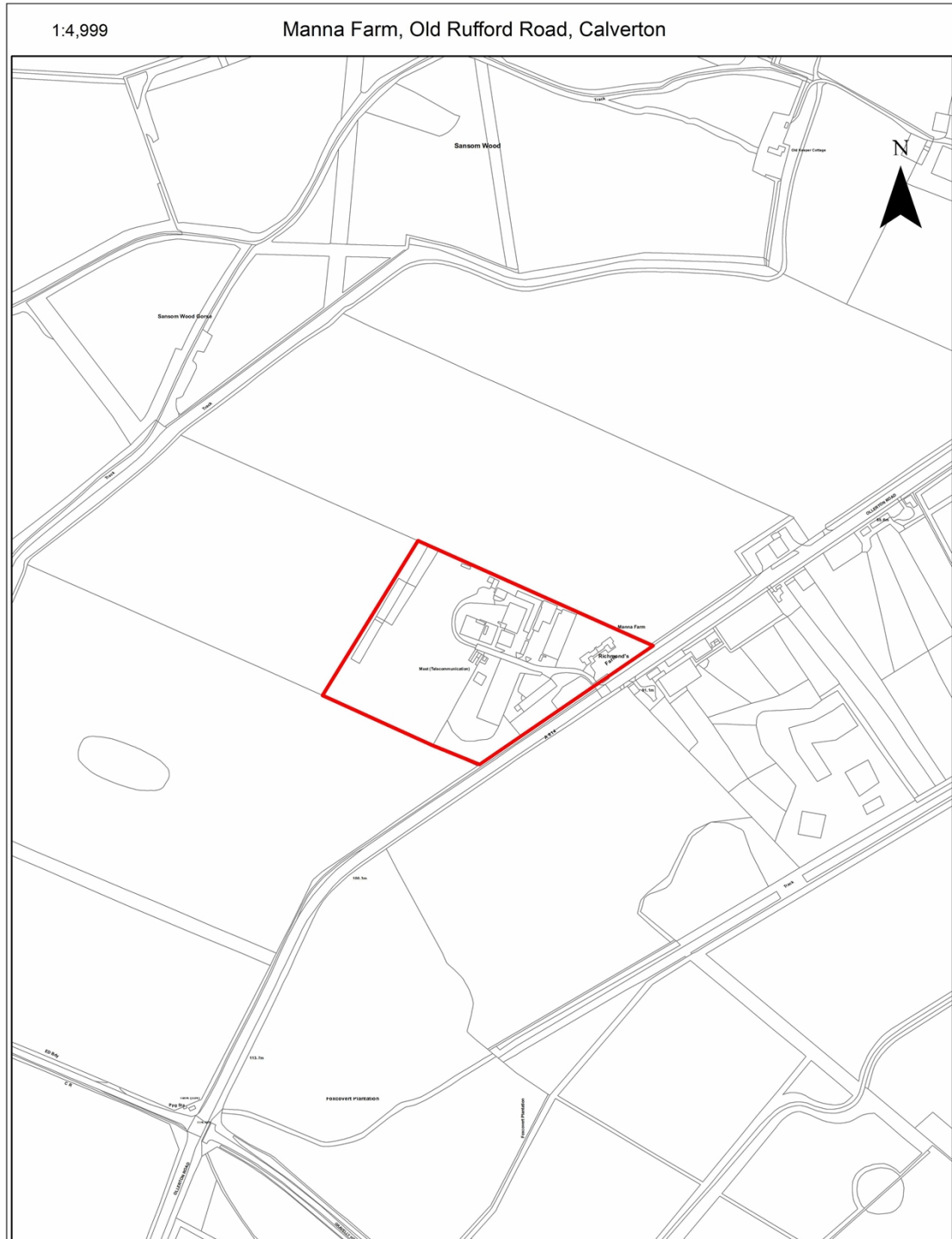
19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the 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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Planning Report for 2019/0158



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Serving People Improving Lives

Date: 12/09/2019

Report to Planning Committee

Application Number:	2019/0158
Location:	Manna Farm, Old Rufford Road, Calverton
Proposal:	Erection of a new accommodation block and staff apartments.
Applicant:	Betel UK.
Agent:	Mr Michael Hulme
Case Officer:	Paula Daley

This application has been referred to Planning Committee by the Planning Delegation Panel to allow Members to consider the weight given to the very special circumstances provided by the applicant.

1.0 Site Description

- 1.1 The site is Manna Farm, a former agricultural farm which is now used by Betel UK Nottingham. Betel is a registered charity which operates a residential training establishment from the site with the purpose of helping homeless and addicted people make a fresh start and lead healthy, productive and independent lifestyles. The charity helps men, women and families affected by the hardships that lead to social exclusion, especially homelessness, drug and alcohol abuse and long-term unemployment.
- 1.2 The site is located in a relatively isolated location within the Nottinghamshire Green Belt, immediately to the western side of the main A614 road. The site is largely screened by existing tree planting along the boundary with the A614. A number of existing buildings are currently located on the site and include residential accommodation and buildings used in association with a furniture restoration business.
- 1.3 The proposed development would be undertaken on a piece of vacant grassland to the south west of the former farm complex. The land rises up from the east of the site toward the west.
- 1.4 Local Wildlife Sites are located to the north and the south, but not immediately adjacent to the site.

2.0 Relevant Planning History

- 2.1 90/0834 – Registered Home for rehabilitation of addicted persons & erect two storey detached house – Refused.
- 2.2 90/1507 – Registered home for rehabilitation of addicted persons & conversion of existing building – Approved.
- 2.3 95/0595 – Change of use from residential (wardens accommodation) to registered home for addicted persons – Approved.
- 2.4 98/0757 – Erection of free standing telecommunication mast – Approved.
- 2.5 2002/0635 – Change of use of seminar room to staff accommodation – Approved.
- 2.6 2003/2030 – Change of use of existing annexe to staff accommodation - 3 flats – Approved.
- 2.7 2005/0459 – Erect conservatory to rear elevation – Approved.
- 2.8 2007/0885 – Erect agricultural barn to replace one destroyed by fire – Approved.
- 2.9 2011/1409 - Installation and operation of a packaged wastewater treatment plant for Manna Farm - Approved.

3.0 Proposed Development

- 3.1 The development proposes the erection of a two and single storey building which would provide residential accommodation in conjunction with the existing use of the site. The building would provide accommodation for an additional 40 people (in 10, four person rooms) plus three staff families (in self-contained flats). A lounge and dining area would be accommodated in a single storey element of the building and would provide space for 40 people to dine and provide recreation space. The planning application form indicated that the facility could also be used for training events and a formal meeting space for up to 100 people. However, the amended Design and Access Statement clarifies that the facility will be used by residents and staff only.
- 3.2 The two storey part of the building would be approximately 9.45 metres in width and 35.2 metres in length, with a maximum height of approximately 7.6 metres. The single storey part of the building would be approximately 8.5 metres in width and 9.55 metres in length, with a maximum height of approximately 5.55 metres. The building will consist of a steel framed building with a metal cladding system in brown/darkgrey coloured material in order to appear as a typical agricultural building. Full details of the proposed materials have not been provided and will be subject to an appropriate condition.
- 3.3 In order to reduce the impact upon the openness of the green belt, the building is proposed to be set down into the existing site by approximately

1.5m. A landscaping bund is proposed along the south eastern elevation of the building in order to further screen the build and reduce the visual impact. An area of garden amenity space is proposed adjacent to the building for use by the residents.

- 3.4 To the rear of the building a car parking area is proposed which provides 10 car parking spaces. The development will be accessed via the existing access off the A614. The access is proposed to be upgraded to accommodate the development and this will include the widening of the existing access to 5.5m and the provision of 6m kerb radii in order to provide an appropriate access and enable vehicles to enter and exit the site at the same time. Visibility splays of 2.4m x 130.8m are proposed to be provide to the left and 2.4m x 138.8m is provided to the right.

4.0 Consultations

- 4.1 Nottinghamshire County Council Highways – The Highway Authority is now satisfied with the proposed vehicle access arrangements and off street parking provision. No objections subject to conditions regarding:

1. Provision of parking, turning and serving in accordance with the approved plans prior to occupation.
2. Widened access to be surfaced in a bound material
3. No development to be bought into use until the vehicular access is altered and made available

Informative regarding works within the public highway.

- 4.2 Nottinghamshire County Council – Lead Local Flood Authority – No observations.

- 4.3 Gedling Borough Council Economic Development – a Local Labour Agreement is required.

- 4.4 Gedling Borough Council Scientific Officer – No objection but requests planning conditions relating to electric vehicle charging points and a Construction Emissions Management Plan. Informative regarding asbestos due to an agricultural building being removed.

- 4.5 Members of the Public – A press notice was published and a site notice displayed, both advertising the proposal as a departure from the development plan. No representations have been received.

- 4.6 Calverton Parish Council
No observations 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 8 (Promoting healthy and safe communities), 12 (Achieving well-designed places), 13 (Protecting Green Belt land) and 15 (Conserving and enhancing the natural environment) 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 3: Green Belt – sets out that the principle of the Nottingham Derby Green Belt will be retained.

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

Policy 12: Local Services and Healthy Lifestyles – sets out the criteria that new, extended or improved community facilities should meet.

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

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 18: Protecting and Enhancing Biodiversity – sets out the criteria for protecting designated site, including Local Wildlife Sites.

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 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 4 – Surface Water Management – sets of the requirements for surface water drainage.

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.

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 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 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 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.

7.0 Planning Considerations

Principle of the development

- 7.1 The site is located within the Green Belt and accordingly the relevant national and local planning Green Belt policies apply. Paragraph 134 of the National Planning Policy Framework states that the Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;*
 - b) to prevent neighbouring towns merging into one another;*
 - c) to assist in safeguarding the countryside from encroachment;*
 - d) to preserve the setting and special character of historic towns; and*
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*
- 7.2 Paragraph 145 of the National Planning Policy Framework states that *a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt*. A number of exceptions are listed however the development proposed does not fall within any of these categories.
- 7.3 Paragraph 146 of the National Planning Policy Framework states that *certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it*. Again, the development proposed does not fall within any of these categories.
- 7.4 The development proposed is therefore inappropriate development within the Green Belt. Paragraph 143 of the National Planning Policy Framework states *that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Very Special Circumstances

- 7.5 A number of considerations have been advanced by the Applicant in support of the proposed development within this location and these are summarised as follows:
- Betel is a registered charity which operates a residential training establishment from the site that helps men, women and families affected by the hardships that lead to social exclusion, especially homelessness, drug and alcohol abuse and long-term unemployment. Betel has welcomed over 12,000 people into their community within the UK since opening its doors in 1996. Betel is not a rehabilitation centre but provides an alternative model of recovery. It aims to help those who are seeking to make a fresh start in life by providing a safe, caring and encouraging environment to develop a work ethic and life skills.
- 7.6 Within the application site are a number of buildings including communal residential accommodation for residents and staff, training facilities and

business units. Residents presently live within the community house and thereafter participate in an assigned work team. These teams include flyer distribution, furniture collection and delivery, charity shop sales, furniture restoration, landscape gardening, and household duties such as preparing meals and cleaning. Betel provides a safe, structured, family-like environment where there is consistent peer-support. Betel recommends that residents stay a minimum of 12 to 18 months which provides time for the residents to effectively deal with the issues which cause addiction. In this way, many go on to build their own businesses, start families and live stable, healthy lives.

- 7.7 Betel runs a structure programme for their residents which includes:
- Teaching the responsibilities of personal hygiene, house cleaning, cooking and working a regular work day within the charities businesses. All of the funds earned from these business go back into paying for the living expenses and no resident received employment or housing benefit and there is no charge for residing at the centre.
 - Biblically based instruction to build positive values, a strong work ethic and to foster lifestyle skills in a safe and instructive environment.
- 7.8 Training and employment provided are a boost to the local economy and Betel moves people from a dysfunctional lifestyle and who are hurting, homeless and addicted and gives them a healthy, productive and independent lifestyle. The new building would enhance the scope of the services that can be offered at Manna Farm and the application seeks to expand the current operation with the erection of a new accommodation block due to local and national need. This will enable the charity to house and help 40 additional people at any one time.
- 7.9 The accommodation is communal and gives a mixture of social activities but allows for personal study and privacy. 53% of the Betel new entrants are either homeless or in unstable living situations. This new accommodation will help to give people a sense of belonging and purpose. The scale of the facility at Manna Farm will provide enough accommodation to offer good training in landscape services, building works, upholstery services, furniture restoration, retailing, catering and other skills.
- 7.10 There are significant benefits to the Betel community in having this facility situated outside the city and the temptations that exist for their residents within urban areas. The site is conveniently situated within easy travelling distance of other local sites that Betel use Basford, Arnold, Grantham, Lincoln, etc and within reach of landscape work and furniture sources necessary for the restoration business.
- 7.11 The Betel facility is an established use of this site on which a lot of time and financial investment has taken place over a period of 17 years where over £100K has been spent on building improvements. The site provides a healthy rural environment for the Betel community and there is no direct cost to local social services and national government but in turn save a significant amount of money. The city and towns around Nottingham benefit from the caring service that Betel provides and the economic benefits are significant to the economy.

- 7.12 The design of the new accommodation block uses materials that respect the agricultural heritage of the site but are also contemporary and in sympathy with the rural nature of the site. The visual impact will be visually unobtrusive when viewed from most vantage points. If necessary the scheme can incorporate a tree planting/landscape design that will further reduce the impact. It should, however, be said that even if the building can be seen it will be a well-designed and attractive building that naturally sits within the existing landscape.
- 7.13 The development continues the important work of Betel in this area and has a major positive impact upon the communities where residents have been living. The different businesses that are operated from this site are not easily carried out in a more urban environment.
- 7.14 In addition, the planning application submission includes letters of support for the proposed development and the work that Betel undertakes from:
- The Rt. Revd. Tony Porter, Bishop Of Sherwood
 - Craig Guildford, Chief Constable, Nottinghamshire Police
 - Dr Paul Greatrix, Registrar, University of Nottingham
 - Chris Eyre, former Chief Constable, Nottinghamshire Police, writing in his capacity as a private citizen
 - Rabbi Tatsiana Sakhnovich, Nottingham Liberal Synagogue
 - R M Stevenson OBE DL, Chairman, Nottinghamshire Regeneration Limited
 - Sir John Peace, Lord-Lieutenant of Nottinghamshire

The planning balance

- 7.15 Paragraph 144 of the National Planning Policy Framework states that *when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*
- 7.16 It is therefore necessary to determine whether the considerations advanced by the applicant clearly outweigh the harm that would arise to the Green Belt from this inappropriate development, and therefore whether they constitute the very special circumstances that would be necessary to allow the development to be permitted.
- 7.17 The proposal would result in encroachment into the countryside and would therefore be contrary to the purpose of the Green Belt as set out by Paragraph 134 of the National Planning Policy Framework. The development would also have an impact upon the openness of the Green Belt, in both a visual and a spatial sense, due to its location and its scale. It is noted however that the amended plans have sought to reduce the impact of the development upon openness by setting the development down into the site and by also providing a landscaping bund adjacent to the south eastern elevation. It is also noted that the site is largely screened by existing trees adjacent to the boundary with the A614 and views of the new building from

public vantage points along the A614 will be minimal. Within the site however, the development would have an impact upon the openness of the green belt.

- 7.18 In support of the development, Betel is a charitable organisation which seeks to help people who are in difficulty on its established base at Manna Farm. The charity is well regarded, as is demonstrated by the letters provided in support of the application. It is considered that the work of the charity is positive and of benefit to both those who are treated at Manna Farm and to the wider community on both a local and national level.
- 7.19 The proposal seeks to provide additional residential accommodation and staff facilities which will enable the existing operation to help a significant amount of additional people in need. As the proposal is an extension of the unique operation that presently is operated from Manna Farm, it would not be appropriate to suggest that this proposed development is located off site, within the existing urban area. The reasons for Betel seeking to locate the development at Manna Farm are understood, in terms of the fact that the isolated location reduces the temptations that exist in an urban area, the availability of land and the links to the existing operation that takes place on the site. The furniture restoration business on the site also provides employment in close proximity to the residential blocks, providing a self-contained, sustainable living/work environment.
- 7.20 It is clear that the proposal seeks to expand the existing operation which provides significant social and economic benefits to not only the residents it supports but also to the wider local community. It is considered that the expansion of the operation has both local and national social and economic benefits that is material in the consideration of this application. Paragraph 91 of the NPPF states that decisions should:
- aim to achieve healthy, inclusive and safe places which promotes social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other.
 - enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

It is considered that the proposal is in compliance with paragraph 91 of the NPPF in this regards and the proposed development achieves the aims of this paragraph.

- 7.21 On balance it is considered that these factors advanced by the Applicant in support of the development should be given substantial weight. The local social and economic benefits of the proposal outweigh the harm that would be caused to the Green Belt as a result of this development in terms of its inappropriateness and the impact the development has upon openness. It is therefore considered that very special circumstances have been demonstrated subject to consideration of any other potential harm.

Other harm - Impact upon the landscape character and visual amenity

- 7.22 Aside from the Green Belt considerations it is necessary to assess whether the impact on the surrounding landscape would be acceptable. The site is

located to the south west of the main buildings within the site. The site is set back from the A614 and is largely screened by existing trees that run along the boundary with the A614. Views of the existing and proposed buildings on site are therefore minimal from public vantage points. There will be a glimpse of the proposed building some 400m to the south west of the site along the A614 as is demonstrated by drawing no 055 P 005 A.

- 7.23 The building has been designed to be set down into the site by 1.5m from the existing ground level. A landscaping bund is also proposed along the south eastern elevation of the building to further reduce its impact. Full landscaping details will be secured via a condition in order to ensure compliance with Policy LPD19 of the Local Planning Document and BE1 of the Calverton Neighbourhood Plan.
- 7.24 The building is set within Manna Farm which was historically a working farm and many of the buildings on site reflect this agricultural heritage. The proposed building has been amended to reflect a building that would be typically found within a farm complex and is to be formed as a steel framed building with a metal cladding system in a brown/dark grey colour to reflect a typical agricultural building. Precise details of the proposed materials will be subject to a condition. In this regards, the application complies with Core Strategy Policy 10 Policy BE2 of the Calverton Neighbourhood Plan regarding local distinctiveness.
- 7.25 For the reasons outlined above and specifically with regard to the location of the proposed development, its appearance and its scale, it is concluded that the proposal building would not have a significantly adverse impact upon the landscape character and visual amenity of the surrounding area that would justify a reason for refusal. Notwithstanding the above, it is considered that the proposed development, due to its siting and scale will have an impact upon landscape character and visual amenity. However, in light of the very special circumstances demonstrated above, it is considered that the application is acceptable as the very special circumstances outweigh the limited landscape character and visual harm.

Sherwood Forest Special Protection Area

- 7.26 With regards to the Special Protection Area, 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'.
- 7.27 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.

- 7.28 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.
- 7.29 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. The precise extents of any buffer zones are not known and therefore it is considered that the proposal would have a minimal variance with Paragraph 3.17.3 of the Council's ACS and the benefits of the scheme would outweigh any harm identified.
- 7.30 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. The application therefore complies with Policy LPD18 of the Local Planning Document and NE4 and NE5 of the Calverton Neighbourhood Plan.

Highway matters

- 7.31 Manna Farm is accessed from the A614 via a ghost island right turn lane. The Highway Report submitted with the application identifies that no accidents have been reported on this section of the A614 within the last 5 years. There are no footways along the A614 so the site is only accessible via the car and cycle. The site has limited public transport connections with the nearest bus stop being 1.8km from the site. The site is therefore relatively remote and therefore there are limited opportunities to maximise sustainable mode of transport in accordance with policy ISF1. However it is noted above, that the sites remoteness is a benefit for the operation of this site and ISF1 would not override other material considerations.
- 7.32 The existing access serving the farm measures 4.2m in width and following negotiations with the Highway Authority, the access will be widened to 5.5m and incorporate a 6m kerb radii in order to provide an appropriate access and

enable vehicles to enter and exit the site at the same time. Visibility splays of 2.4m x 130.8m are proposed to be provide to the left and 2.4m x 138.8m is provided to the right.

- 7.33 It is noted that the residents generally do not have a car, and the car parking will be provided for the staff and visitors. The application proposes a car park to the rear of the proposed building which will provide sufficient space for 10 parking spaces. There are large courtyard within the site area that currently provide additional car parking if necessary.
- 7.34 The Highway Authority have concluded that they have no objection to the proposal subject to the imposition of appropriate conditions to secure the improved access and parking provision. It is considered that the proposal provides a safe and appropriate access and adequate parking to serve the development and therefore the proposal complies with LPD57 and LPD61 of the Local Planning Document and Policy ISF2, ISF3 and BE4 of the Calverton Neighbourhood Plan.

Other Issues

- 7.35 Public Protection has requested an informative regarding asbestos due to an agricultural building being removed. However, the amended application has removed the proposal to demolish a building on site and therefore this informative is not necessary. A condition was also requested regarding the provision of a Construction Emission Management Plan to control dust and air emissions. It is noted that the site is isolated and is not located within close proximity of any residential properties with the exception of the residential properties that form part of the Betel operation. It is therefore not considered necessary to require the submission of a Construction Emission Management Plan.
- 7.36 Economic Development has requested that a labour agreement is secured through this approval. It is not considered that the application meets the necessary criteria for requiring a Local Labour Agreement under Policy LPD48 as the proposal is not for more than 10 dwellings, does not create more than 15 jobs and the application development site are is less than 0.5hectares.
- 7.37 The Design and Access state indicates that a sustainable urban drainage system is proposed via a soakaway system and potentially a pond holding area. Foul drainage will be taken into the existing septic tank which may need upgrading to provide sufficient capacity of the new development. Full details have not been submitted with this application and therefore it is proposed to condition the foul and surface water drainage to ensure that proposal complies with LPD4 of the Local Planning Document and NE3 of the Calverton Neighbourhood Plan.

8.0 Conclusion

- 8.1 Having regard to the above considerations, whilst the application consists of inappropriate development within the Green Belt and the proposal would have an impact upon openness, very special circumstances have been provided

that, in the planning balance, outweigh the harm to the Green Belt by virtue of its inappropriateness, impact upon openness and the impact upon landscape character and visual amenity. On balance I am of the opinion that the proposal is in accordance with the National Planning Policy Framework, Policy 3, 10, 12 and 17 of the Aligned Core Strategy 2014, Policies LPD18, LPD19, LPD32, LPD57 and LPD61 of the Local Planning Document 2018 and Policies ISF2, ISF3, BE1, BE2, BE4, NE3, NE4 and NE5 of the Calverton Neighbourhood Plan 2018. Accordingly, I recommend that planning permission be granted.

9.0 Recommendation: That the Borough Council GRANTS FULL PLANNING PERMISSION, subject to conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the Site Location Plan drawing no 005 P 001, Proposed Elevations Sheet 1 drawing no 005 P 015, Proposed Elevations and Section drawing no 055 P 016, Proposed Site Plan drawing no 005 P 002 A, Proposed First Floor Plan drawing no 055 P 011 Rev C and Proposed Ground Floor Plan drawing no 055 P 010 Rev C received 30th July 2019; Access Junction Layout and Required Visibility Splays Drawing no ADC2101-DR-001 Rev P2 received 13th August 2019 and Proposed Section Plan drawing no 055 P 007 and Proposed Layout drawing no 055 P 006 received 12th September 2019. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 No above ground level works shall take place until a scheme for the on-site storage and regulated discharge of surface water run-off and foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 4 No above ground works shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5 No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the widened access driveway has been surfaced in a bound material (not loose gravel). The surfaced drive shall then be maintained in such bound material for the life of the development.

- 7 No part of the development hereby permitted shall be brought into use until the vehicular access has been altered and made available for use in accordance with the Access Junction Layout and Required Visibility Splay drawing no ADC2101-DR-001 Rev P2 received 13th August 2019.
- 8 Prior to commencement of any above ground construction works, details of an Electric Vehicle charging point to be provided for the proposed use, 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.
- 9 No above ground works shall commence until a scheme of landscaping, , which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure that an appropriate surface water and foul drainage system is provided to accommodate the proposed development.
- 4 To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.
- 5 In the interests of Highway safety
- 6 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 7 In the interests of Highway safety.
- 8 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 Chapter 9 of the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

9. To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policy LPD19 of the Local Planning Document and BE1 of the Calverton Neighbourhood Plan.

Reasons for Decision

In the opinion of the Borough Council, whilst the application consists of inappropriate development within the Green Belt and the proposal would have an impact upon openness, very special circumstances have been provided that, in the planning balance, outweigh the harm to the Green Belt by virtue of its inappropriateness, impact upon openness and the impact upon landscape character and visual amenity. On balance, the proposal is in accordance with the National Planning Policy Framework, Policy 3, 10, 12 and 17 of the Aligned Core Strategy 2014, Policies LPD18, LPD19, LPD32, LPD57 and LPD61 of the Local Planning Document 2018 and Policies ISF2, ISF3, BE1, BE2, BE4, NE3, NE4 and NE5 of the Calverton Neighbourhood Plan 2018.

Notes to Applicant

The development makes it necessary to amend a vehicular crossing within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:

<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

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 Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

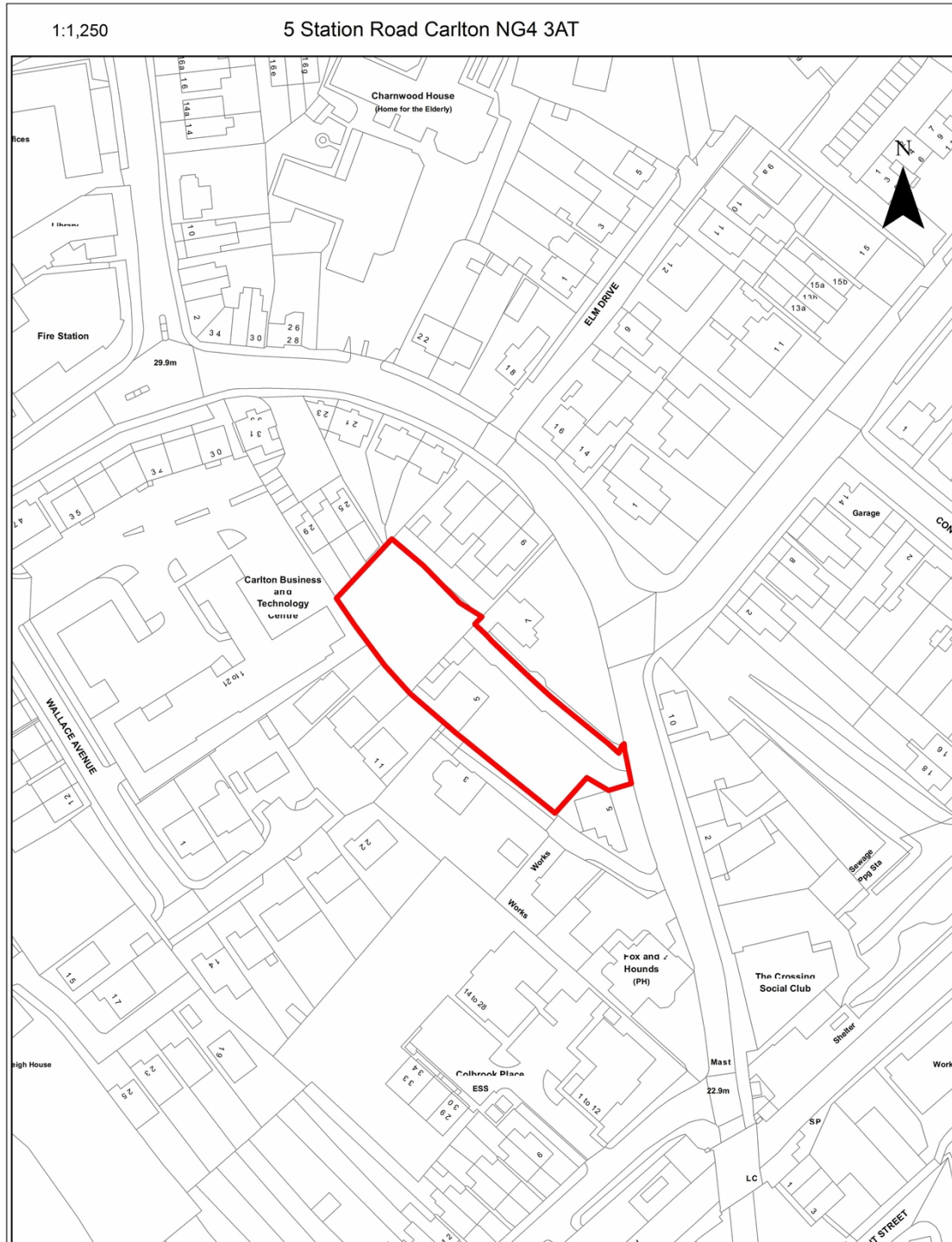
The Applicants attention is drawn to the Nottinghamshire County Council Local Lead Flood Authority comments attached regarding surface water drainage.

With regards to the EV charging point, optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. 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).

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Planning Report for 2019/0479



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



Serving People Improving Lives

Date: 12/09/2019

Report to Planning Committee

Application Number: 2019/0479

Location: 5 Station Road Carlton, Notts NG4

Proposal: Outline Planning Application for the demolition of The Cottage to the rear of 5 Station Road and the erection of 12 No. x C3 Apartments and 2 dormer bungalows on land to the rear of 5 Station Road, Carlton (access, appearance, layout and scale to be determined).

Applicant: Mr Chand.

Agent: Swish Architecture Ltd

Case Officer: Paula Daley

This application has been referred to Planning Committee to accord with the Constitution as more than 9 dwellings are proposed.

1.0 Site Description

- 1.1 The site extends to 0.1861ha and incorporates no 5 Station Road which is a residential property separated in 4 flats and The Cottage which is a detached residential property to the rear of no. 5 Station Road. No. 5 Station Road is set back from Station Road and is elevated from the street. To the frontage of this existing property is an area of amenity space that is landscaped and incorporates a number of substantial trees.
- 1.2 The Cottage is located immediately to the rear of no. 5 Station Road and was formally an outbuilding within the curtilage of no.5 Station Road. A certificate of lawful use was issued in 2014 identifying The Cottage as a separate residential dwelling.
- 1.3 The rear amenity area serving The Cottage is currently overgrown and The Cottage is derelict and not in use. The rear garden area serving The Cottage is bounded by the rear gardens of adjoining residential properties and by the Carlton Business and Technology Centre to the north western corner of the site. To the south, adjacent to the site vehicular entrance is a single storey commercial book publishing business.
- 1.4 The site is accessed via a private drive off Station Road that presently serves The Cottage, no.5 and no.7 Station Road. The access drive leads onto a small area of hardstanding near the site entrance that is utilised for parking. A number of mature trees are located to the site frontage, adjacent to Station Road. The private drive extends along the north eastern boundary of the site which incorporates a steep gradient which leads up to 5 Station Road and The Cottage.

2.0 Relevant Planning History

- 2.1 90/1600 – Application for 2 dwelling refused on the grounds of an inadequate access, below the minimum standard required and that the proposed development would lead to increased vehicular activity causing traffic dangers and difficulties on the adjoining highway for both drivers and pedestrians.
- 2.2 2014/0992 - In September 2014 a Certificate of Lawful Use was issued in relation to the use of the outbuilding to the rear of no.5 Station Road as an independent dwelling.
- 2.3 2014/0068 - Proposed rear and side extension to The Cottage conditionally approved.

3.0 Proposed Development

- 3.1 This is an outline application for the demolition of The Cottage to the rear of 5 Station Road and the erection of 12 No. apartments and 2 dormer bungalows on land to the rear of 5 Station Road, Carlton. Access, appearance, layout and scale are to be determined as part of this application.
- 3.2 The application is accompanied by a proposed layout plan that identifies that access will be gained via the existing access point off Station Road. The mature trees will be removed adjacent to the site entrance and this will lead onto a parking area providing 6 parking spaces to serve the new proposed apartments. The access will then lead up the existing driveway where an area of parking is proposed to be retained for no 5 Station Road adjacent to the existing retained building. The access drive then proceeds to the land to the rear of no 5 Station Road where the layout proposes a 3 storey apartment block providing 6, 1 bedroom apartments, a 2.5 storey apartment block providing 6, 2 bedroom apartments and 2 attached 1.5 storey, 2 bedroom dormer bungalows. Three parking spaces are provided adjacent to these units to serve the development and areas of landscaping are provided around the apartment blocks. To the rear of the bungalow is a small area of private amenity space for each property.

4.0 Consultations

- 4.1 GBC Tree Officer: The site mostly comprises of young self-set vegetation which is of low visual amenity and these are scheduled to be removed. The trees to be retained in front of the main property are Yew and another tree in the rear garden. It would therefore be necessary for the applicant to show how the retained trees are going to be protected during the construction phase. Main concerns are the protection of trees and rooting areas of retained trees caused by storage of materials, construction of parking area and construction of Unit 6. In the meantime, a TEMPO assessment to assess if the trees should be protected with a TPO may be recommended at this stage. (Following the TEMPO Assessment, the Tree Officer recommended that 3 of the trees should be protected by a Tree Preservation Order.)
- 4.2 GBC Public Protection: No objection. Conditions regarding EV charging and construction emissions management plan required.
- 4.3 GBC Economic Development: The size of the development meets the threshold for an Employment and Skills Strategy to be developed and implemented in accordance with the CITB.
- 4.4 Nottinghamshire County Council Highways: The current driveway is sub-standard, where any additional intensification would cause highway concerns. Therefore; the traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway

due to increased use of the existing access/junction which is geometrically substandard in that:

- a) the access is of insufficient width to accommodate vehicular movements;
- b) the entry radii are insufficient to accommodate larger vehicles to comply with the Building regulations requirement for a Fire Engine to turn and exit in a forward gear.

The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing access which affords restricted visibility for:

- a) drivers emerging from the access and or
- b) drivers turning right into the access and drivers of vehicles at the access.

The proposed gradient of the access would make movement between the site and the highway difficult and would consequently increase the likelihood of danger to users of the highway.

The parking for the site is sub-standard with no turning facilities within the site. Therefore; cars would have to reverse down the steep hill if there were no available spaces. Gedling Borough Council's parking policy for developments will need to be adhered to.

In view of the above, the Highways Authority would not support the application and would recommend Refusal on the current layout proposed.

4.5 Nottinghamshire County Council Policy: No objections and no contributions are required.

4.6 Severn Trent Water Limited: No objections subject to conditions regarding drainage. There is a public sewer located within the application site and therefore an informative is suggested stating that the development cannot build close to, directly over or divert a public sewer without consent.

4.7 Adjoining neighbours have been notified and a Site Notice and Press Notice have been posted. 7 letters of representation have been received as a result. In summary issues raised relate to:

- 4 flats currently struggle with parking and have to park offsite on Conway Road due to lack of spaces.
- Insufficient parking proposed.
- Increase in traffic in the area.
- Poor condition of drive.
- Inadequate width to allow 2 cars to pass, leading to cars reversing onto the highway, if a car is exiting the site.
- Steep hill in site and traffic coming out will have to negotiate a blind corner with speeding along Station Road.
- Too many properties for this road and area.
- Bats have been seen leaving The Cottage and therefore a bat survey is required.
- Concerns regarding utilities.
- Concerns with disruption during demolition and construction.
- Close proximity of apartments block to the rear boundary and land levels causing overlooking, loss of light and blocking of view.
- Loss of light to adjacent gardens.
- Overlooking concerns.
- No of properties excessive for small area.
- Concerns with noise issues.
- Devaluation of property.

- 4.8 A slightly amended redline plan was submitted and adjoining neighbours have been notified. Three additional objections were received and the following additional comments were made:
- Insufficient detail to assess impact. Concerns regarding heights which could overlook garden and windows.
 - Access concerns
 - Only 5 dwellings should be allowed off a private drive. Drive not big enough to accommodate development and not wide enough to allow two vehicles to pass.
 - No visitor parking.
 - Impact on house prices.
 - Disruption to services
 - Appearance of these flats doesn't fit surrounding area.
 - Owners do not maintain site at moment, overgrown and untidy.
 - 2 of existing flats empty and no need for this type of accommodation

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 planning policies are relevant in the consideration of this application.
- 6.2 National Planning Policy Framework 2019
Part 2 – Achieving sustainable development
Part 5 – Delivering a sufficient supply of homes
Part 9 – Promoting sustainable transport
Part 11 – Making effective use of land
Part 12 – Achieving well-design places
Part 14 – Meeting the challenge of climate change, flooding and coastal change.
- 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 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 Policy 4: Surface Water Management - sets out the approach to surface water management.

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

LPD Policy 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 Policy 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 Policy 34: Residential Garden Land – states that development involving the loss of residential gardens will not permitted unless a number of criteria within the policy is met.

LPD Policy 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 Policy 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 Policy 40: Housing Developments on Unallocated Sites – sets out criteria that housing development on unallocated sites need to comply with.

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

LPD Policy 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.

6.5 Gedling Borough Council's Supplementary Planning Document 'Parking Provision for Residential Development' 2012 sets the local parking standards for the Borough.

7.0 **Planning Considerations**

Principle of development

7.1 The National Planning Policy Framework establishes the principle of development is in favour of sustainable development with paragraph 11 identifying the need to approve development proposals that accord with an up-to-date development plan without delay. This national presumption in favour of sustainable development is also reflected in the Adopted Core Strategy Policy A. The proposal therefore accords with the NPPF and ACS Policy A and the Spatial Strategy of urban concentration and regeneration as set out in ACS Policy 2.

- 7.2 The site is located within the main urban area of Carlton and within a mixed use area that incorporates residential properties. The site accommodates a single residential property that is proposed to be demolished. The site consists of residential garden land and therefore Policy LPD34 applies. It is considered that the general principle of residential development at this location is acceptable subject to the development complying with all other national and local planning policies. Compliance with Policy LPD34 and other relevant policies will be discussed in more detail below.

Residential Amenity

- 7.3 Concerns have been raised with regards to the impact of the proposal upon the residential amenity of the existing dwellings which are located immediately adjacent to the site and the occupiers of the existing apartments within no 5 Station Road.
- 7.4 The proposed development has been given detailed consideration and the proposal consists of the overdevelopment of the site. If approved would have a detrimental impact upon residential amenity of the adjoining occupiers and existing occupiers within the site.
- 7.5 The layout proposes the utilisation of the existing access driveway serving no. 5 and 7 Station Road and will extend along and within close proximity to the side elevation of no 5 and 7 Station Road, leading onto the proposed development to the rear of no 5 Station Road. It is considered that the increased vehicular movement and the comings and goings within close proximity to the residential properties within no 5 and 7 Station Road would have a detrimental impact upon their residential amenity in terms of noise and disturbance.
- 7.6 It is considered that the layout proposed would provide a poor relationship between the existing apartments located within no. 5 Station Road and the proposed three storey apartment block with only a 6.2m separation between the two principle elevations. Furthermore, there is only a 2-2.8m separation between the rear elevations of the 3 storey apartment block and the side elevation of the 2.5 storey apartment block. It is considered that this relationship will create a poor outlook and an overbearing impact.
- 7.7 The 2.5 and 3 storey apartment blocks are located between 0.8m-1.4m from the north western side boundary of the site. The three storey apartment block extends to 8.6m to the ridge with the 2.5 storey apartment unit extending to 9.5m in height. The rear elevations of 7-9 Wallace Avenue are located only 10.5m from the common side boundary and it is considered that the siting of the apartment blocks would create an overbearing impact and massing on the boundary creating overshadowing and a poor outlook for the adjacent dwellings.
- 7.8 The side elevation of the three storey apartment block which includes principle windows is located 7.25m from rear boundary with 9-11 Station Road creating overlooking concerns.
- 7.9 In addition, it is also considered that the layout provides a poor relationship between 2.5 storey apartments and the proposed bungalows with only a 3.5m separation between the side elevations of the bungalows and some of the principal windows on the apartment unit. It is considered that this would create a poor outlook and massing between the two proposed dwellings.
- 7.10 Furthermore, the bungalows are located within 2.95m of the rear boundary of the application site which leads to insufficient and useable amenity space for

the bungalows. The dwellings to the north west identified as 25-29 Station Road, are set at a lower level from the site and it is considered that the erection of dormer bungalows extending 6.5m in height and within 2.9m of the rear boundary, would lead to massing on the boundary and a poor outlook for the proposed bungalows and the adjacent dwellings. The side elevations of the bungalows are also located only 1.2m from the side boundary with 9-11 Station Road which again will create massing on the boundary.

- 7.11 Taking all of the above issues into consideration, it is considered that the land to the rear of no. 5 Station Road is of an insufficient size to accommodate the quantum of development proposed without the proposal having a detrimental impact upon the residential amenity of the adjoining occupiers and proposed occupiers of the site in terms of the comings and goings of vehicles, overlooking, over bearing impact, outlook and a lack of private amenity space for the bungalows which is contrary to policies LPD32, LPD33 and LPD40.

Impact upon visual amenity

- 7.12 The site consists of a residential garden area and therefore policy LPD34 applies. Policy LPD34 identifies that development leading to the loss of residential gardens will not be permitted unless:
- i) the development proposal would represent a more efficient use of the land at a location where higher densities are appropriate; or
 - ii) the development proposed would result in a significant improvement to the urban design of the area. Furthermore, development should not harm the character and appearance of the area.
- 7.13 Although it is noted that the layout retains the site's open frontage with the main development being largely contained on the land to the rear of no. 5 Station Road, it is considered that the layout proposes a high density development on land to the rear. It is considered that the proposal would consist of a cramped and contrived form of development that would incorporate overdevelopment of the site and consist of a poor design which would harm the character and appearance of the area
- 7.13 Within the application site are a number of trees which include mature trees to the site frontage which have amenity value and are important trees within the street. The proposed layout identifies that the 4 trees to the site frontage will be removed to accommodate the car parking area. The Tree Officer has assessed these trees and has concluded that two of the trees to be removed are worthy of protection by a Tree Preservation Order. A report is presented to the Planning Committee within a separate agenda item that seeks to protect the trees through a Tree Preservation Order. It is considered that the loss of these trees will also have a detrimental impact upon the landscape character of the area and lead to the loss of trees that are worthy of protection.
- 7.14 The layout, if approved, would have detrimental impact upon the character of the area and consist of a poor design contrary to Policy 10 of the ACS and Policy LPD19, LPD32, LPD34 and LPD40.

Highways & Car Parking

- 7.15 The application is accompanied by a proposed layout plan that identifies that access will be gained via the existing access point off Station Road. The Highway Authority has objected to the application on the grounds that the current access and driveway is sub-standard and any additional intensification would cause safety highway concerns.

- 7.16 The Highway Authority considers that the traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway due to an increased use of the existing access which affords substandard/restricted visibility. Furthermore, the existing access/junction which is geometrically substandard in regards to an insufficient width to accommodate two way vehicular movements and the entry radii being insufficient to accommodate larger vehicles to comply with the Building regulations requirement for a Fire Engine to turn and exit in a forward gear.
- 7.17 The proposed gradient of the access would make movement between the site and the highway difficult and would consequently increase the likelihood of danger to users of the highway.
- 7.18 Following discussions with the Highway Authority, it is considered that the access road would need to be brought up to adoptable standards for the length of the access with suitable access and turning for refuse and emergency vehicles for all dwellings.
- 7.19 In addition, the proposed layout incorporates parking to the site front, which is over 50m away from the entrances to the proposed dwellings. It is considered that isolated parking is inappropriate and would lead to occupiers having to walk some distance and along a steep gradient to access their property. This would also be unsuitable for deliveries and access for emergency vehicles. It is considered that the provision of insufficient parking adjacent to the proposed dwellings would lead to a risk of increased parking and congestion within the court yard area.
- 7.20 Furthermore, the parking provision provided does not meet the required Parking standards. Only 9 spaces are provided to serve 12 apartments and 2 bungalows which are not in accordance the Parking SPD which requires 0.8 unallocated spaces per apartment and 1.1 unallocated spaces per bungalow. The shortfall is therefore 4 parking spaces. The proposal, if approved, therefore could lead to increased risk of on street parking which would not be considered suitable in this location particularly in light of the double yellow lines that exist along this section of Station Road and any on-street parking would lead to a highway safety risk.
- 7.21 In conclusion to the above, the layout, if approved, would have detrimental impact on highway safety and provide insufficient and inappropriately located parking provision contrary to Policy LPD57 and LPD61 of the Local Planning Document 2018 and the Council's Parking Provision for Residential Development SPD.

Trees & Ecology

- 7.22 In terms of ecology it is noted that the proposal involves the demolition of an existing dwelling. The building has been derelict for some time and therefore has the potential value for the roosting and foraging of bats. It is understood from neighbouring occupiers that there may be signs of bat activity within the locality. Therefore an ecological assessment must be submitted with regards to bats and the wider ecology of the site prior to the determination of this application. The Applicant's Agent has confirmed that they wish for the application to be determined as submitted. It is considered that the application lacks the required ecological information, contrary to section 15 of the NPPF and Policy LPD18.
- 7.23 Within the application site are a number of trees which include mature trees to the site frontage which have amenity value and arboricultural value. The

proposed layout identifies that the 4 trees to the site frontage will be removed to accommodate the car parking area. It is considered that the loss of these trees will have a detrimental impact upon the character of the area.

- 7.24 A Tree Survey has not been submitted with the application in order to provide an assessment as to whether these trees are worthy of protection. The Tree Officer has undertaken an assessment of the trees and has confirmed that the trees are worthy of being protected by a Tree Preservation Order. The application if approved would therefore lead to the loss of trees worthy of protection by a Tree Preservation Order would therefore be contrary to Policy LPD19 and LPD40.

Other issues

- 7.25 Objection has been raised with regards to the proposed development impact upon the value of the adjacent properties. The devaluation of properties is not a material planning consideration and would not form a valid reason for refusal.

8.0 Conclusion

- 8.1 Having regard to the above considerations, on balance I am of the opinion that the principle of residential development is acceptable on this site. However, it is considered that the proposed development would constitute the over development of this site and would lead to a cramped and contrived form of development that would be out of character with the area and of a poor design. The layout would lead to the detrimental impact upon residential amenity for adjoining and proposed occupiers with regards to noise and disturbance through the comings and goings along the access driveway, massing on the boundary, poor outlook and overlooking concerns. Furthermore, the layout does not accommodate sufficient parking to serve the development. Access via the existing driveway would be substandard in terms of width, radii, gradient and visibility which would have a detrimental impact upon highway safety resulting in an increase in danger to other users of the highway owing to increased use of the existing access. Furthermore, the proposed development would lead to the removal of trees worthy of protection by a Tree Preservation Order. The development therefore fails to meet the requirements of Section 10 of the National Planning Policy Framework relating to achieving well-designed places, Policy 10 Design and Enhancing Local Identity of the Aligned Core Strategy 2014 and policies LPD19, LPD32, LPD34, LPD35, LPD40 LPD57 and LPD61 of the Local Planning Document 2018 and the Parking Provision for Residential Developments SPD 2012. Accordingly, I recommend that planning permission be refused.

Recommendation: Refuse Permission

Reasons

- 1 The development does not constitute an acceptable form of residential development and would consist of the over development of this site. The layout proposed is of a poor design and would lead to a cramped and contrived form of development that would be out of character with the form of development within the area. Furthermore, the layout would cause harm to the residential amenity of neighbouring properties, the residential properties

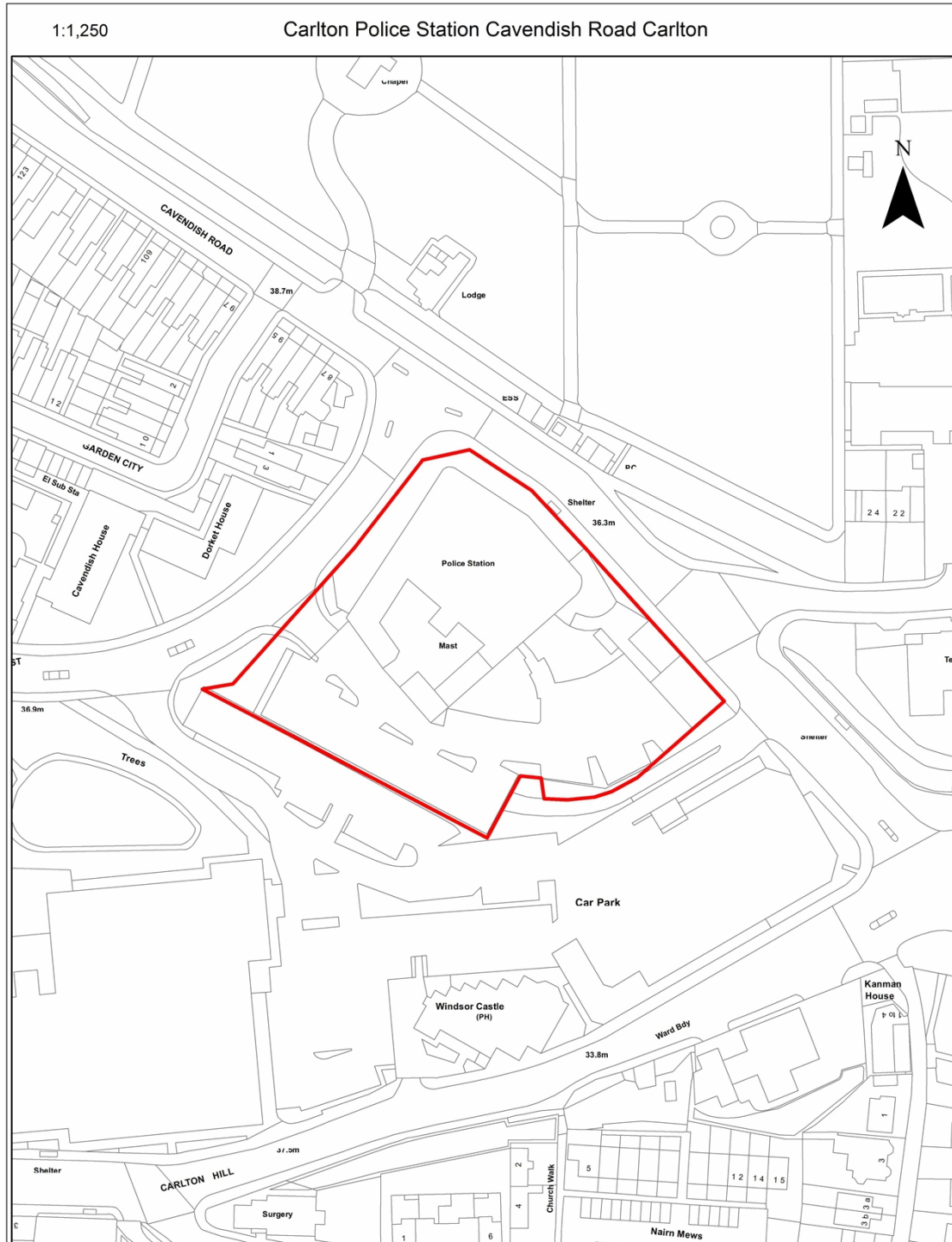
within the application site area and the future proposed occupiers in terms of overlooking, poor outlook, massing on the boundaries and noise and disturbance created by vehicular movements generated by the development along the access driveway serving no 5 and 7 Station Road. The layout also fails to provide sufficient private amenity garden space for the proposed bungalows. The development is therefore contrary to Section 12 of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy 2014 and Policies LPD32, LPD34, LPD35 and LPD40 of the Local Planning Document 2018.

- 2 The development does not provide a safe and appropriate access with the current driveway being sub-standard, and any additional intensification would cause highway safety concerns. The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access/junction which is geometrically substandard, of an insufficient width and insufficient entry radii that would be able to accommodate the proposed development including the ability for larger vehicles and emergency vehicles to turn and exit the site in a forward gear. The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing access which has sub-standard visibility. The proposed gradient of the site and the insufficient width of the access driveway would make movement between the site and the highway difficult and would consequently increase the likelihood of danger to users of the highway. Furthermore, at this density the site would not be of a sufficient size to accommodate sufficient parking to serve the development. The development is therefore contrary to Section 9 of the National Planning Policy Framework, Policies LPD57 and LPD61 of the Local Planning Document 2018 and the 'Parking Provision for Residential Development' SPD 2012.
- 3 The application would lead to the loss of trees worthy of protection of a Tree Preservation Order and their loss would have a detrimental impact upon the character of the area contrary to the provisions of the National Planning Policy Framework and Core Strategy Policy 10 and LPD19.
- 4 Insufficient information has been submitted to allow a full assessment of the implications of the development on the ecology and wildlife within and around the site contrary to section 15 of the National Planning Policy Framework and LPD18.

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Planning Report for 2019/0735



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Date: 16/09/2019

Report to Planning Committee

Application Number: 2019/0735

Location: Carlton Police Station Cavendish Road, Carlton

Proposal: Section 73 application to vary condition 6 - levels of planning permission 2018/0549 - amendments to finished floor levels.

Applicant: Tameway (Midlands) Ltd.

Agent: Terry Malpass Associates

Case Officer: Paula Daley

This application has been referred to Planning Committee to accord with the Constitution as a deed of variation amending an existing Section 106 Agreement is required.

1.0 Site Description

- 1.1 The site is the former Carlton Police Station which is now vacant. The main building on the site is located on the corner of Foxhill Road East and Cavendish Road with frontages on to both roads. An extensive hard surfaced car parking area is located to the rear and side of the building.
- 1.2 The site shares boundaries to the south with the Tesco store and its associated car parking areas and to the north-east and north-west with the public highway. The surrounding area is characterised by a mixture of uses including retail, residential and commercial.
- 1.3 The site is located within the Carlton Square Local Centre and partially within Flood Risk Zones 2 and 3.

2.0 Relevant Planning History

- 2.1 On the 29th March 2019 Conditional Permission was granted for the “Conversion of former police station into 42 apartments including external alterations, erection of a three storey block of 24 apartments, erection of a three storey office block (B1 use) and reconfigured car parking”, application reference 2018/0549
- 2.2 2019/0522DOC - Approval of details reserved by Condition 5 - Finish to exposed walls, Condition 10 – Contamination, Condition 12 - Electric Vehicle

Charging Points, Condition 13 - Bat and Bird box provision and Condition 14
Archaeology of Planning Permission – Application pending

- 2.3 2019/0564NMA - Non Material Amendment for Application Ref 2018/0549
regarding the amended brick for new office buildings – Application pending

3.0 Proposed Development

- 3.1 Application 2018/0549 was approved on 29th March 2019 for the conversion
of former police station into 42 apartments including external alterations,
erection of a three storey block of 24 apartments, erection of a three storey
office block (B1 use) and reconfigured car parking.

- 3.2 The site is partially located within Flood Risk Zones 2 and 3 and a Flood Risk
Assessment was submitted with the application. The Environment Agency
raised no objection with the application subject a planning condition 6 of the
consent which related to finished floor levels. Condition 6 stated:

“The development shall be carried out in accordance with the submitted flood
risk assessment (compiled by SCC Consulting Engineering dated August
2018) and the following mitigation measures it details:

- o Finished floor levels for the apartment building shall be set no lower
than 37.0m above Ordnance Datum (AOD).
- o Finished floor levels for the office building shall be set no lower than
36.3m AOD.”

- 3.3 This is a section 73 application that seeks to amend condition 6 to amend the
finished floor levels. An amended Flood Risk Assessment is submitted with
this Section 73 application which proposes to change the floor levels for the
apartments to no lower than 36.8m and the offices to be no lower than 36.0m
AOD.

4.0 Consultations

- 4.1 Environment Agency The proposed FFL of 36.8m AOD for the apartments
and 36.0m AOD for the offices is acceptable provided resilience measures are
included as outlined in FRA Rev A.

- 4.2 Nottinghamshire County Council Lead Local Flood Authority – No
observations.

- 4.2 Local residents were notified by letter and a site notice was posted near to the
application site – No objections or representations were received as a result.

5.0 Planning Considerations

- 5.1 The principle of the development has already been established through
planning application 2018/0549. The Council granted full planning permission
for the conversion of former police station into 42 apartments, the erection of
a three storey block of 24 apartments, erection of a three storey office block
(B1 use) and reconfigured car parking. This new application seeks to amend

condition 6 of the consent to amend the finished floor level of the apartments and offices. Condition 6 was attached to the original consent as requested by the Environment Agency to reduce the risk of flooding to the proposed development and future occupants and ensure that the proposal was acceptable from a flood risk point of view.

- 5.2 The main consideration therefore in the determination of this application is whether the proposed amended finished floor levels are acceptable from a flood risk perspective. In this regards the Environment Agency have been consulted and they have no objection to the proposed amended finished floor levels subject to the flood resilience measures set out with FRA Rev A are complied with. Accordingly I consider that the revised proposal is acceptable and the condition can be amended to reflect the new proposed levels whilst also securing that the development is carried out in accordance with the amended FRA.
- 5.3 There have been no amendments to either the national or local planning policies since the approval of the 2018/0549 application and there are no other material considerations that would justify a decision at variance to the previous approval.

6.0 Planning Obligations

- 6.1 During the original 2018/0549 application, the applicant submitted a viability assessment which demonstrated that the development would not be viable if the planning obligations with respect to affordable housing, public open space and healthcare provision were met. This viability assessment was independently appraised by the District Valuer Service who concurred that the required obligations would render the proposed development as unviable. As the development may however become viable in future years and the Section 106 agreement was required to include provisions requiring a review of the viability at specified triggers. If the reassessment of viability shows that the development is viable with contributions towards affordable housing, public open space and a primary health care, such contributions will become due. The Section 106 secured a Local Labour Agreement as required by LPD Policy 48.
- 6.2 Whilst the viability of the development has not altered and a review of the viability has not been triggered, the original Section 106 agreement would need to be amended as the grant of this application would result in a new planning permission.

7.0 Recommendation:

- 7.1 **Grant Planning Permission: Subject to the applicant entering into a deed of variation amending the original Section 106 Agreement to planning approval 2018/0549 with the Borough Council as Local Planning Authority for the provision of a Local Labour Agreement and a viability review of the development in respect of planning obligations for affordable house, public open spaces and primary healthcare contribution and the following conditions:**

Conditions

- 1 The development must be begun not later than three years beginning with the date of the original 2018/0549 planning permission which was issued by the Local Planning Authority on 29th March 2019.
- 2 This permission shall be read in accordance with the following plans: TMA 18-07-01, TMA 18-07 09, TMA 18-07 11, TMA 18-07 12, TMA 18-07 13 and TMA 18-07 14 received on 4th June 2018, TMA 18-07 15A received on 20th August 2018 and TMA 18-07 06A, TMA 18-07 07A, TMA 18-07 08A and TMA 18-07 16 received on 19th November 2018. The development shall thereafter be undertaken in accordance with these plans.
- 3 Prior to the first occupation of the buildings 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, unless otherwise prior agreed in writing by the Local Planning Authority.
- 4 The new windows and doors to be inserted into the elevations of the existing building (former Police Station) shall be of the same appearance, colour and materials as the existing doors and windows in the building.
- 5 Prior to the demolition of the enclosed yard to the rear of the existing building (former Police Station), or any other timescale agreed in writing with the Local Planning Authority, details of the proposed finish of the exposed walls shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such in perpetuity.
- 6 The development shall be carried out in accordance with the submitted flood risk assessment Revision A (compiled by SCC Consulting Engineering dated 2nd March 2019) and the following mitigation measures it details:
 - o Finished floor levels for the apartment building shall be set no lower than 36.8m above Ordnance Datum (AOD).
 - o Finished floor levels for the office building shall be set no lower than 36.0m AOD.
- 7 No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossings/accesses to serve the approved accesses are available for use and constructed in accordance with the Highway Authority specification.

- 8 No part of the development hereby permitted shall be brought into use until the existing site accesses that have been made redundant as a consequence of this permission are permanently closed and the access crossing reinstated as footway and kerbs brought up to full height kerbs.
- 9 No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number TMA 18-07 09. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 10 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
- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements set out in Condition 10 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.
- 12 Prior to commencement of an external works, details of Electric Vehicle charging points to be provided within the site, 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.

- 13 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided prior to the first occupation of the development hereby approved.
- 14 a) No external 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 buildings shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation for archaeological work approved under part a) and the provision to be made for analysis, publication and dissemination of results has been secured.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 In the interests of visual amenity.
- 4 In the interests of visual amenity.
- 5 In the interests of visual amenity.
- 6 To reduce the risk of flooding to the proposed development and future occupants.
- 7 In the interests of Highway safety.
- 8 In the interests of Highway safety.

- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 10 To ensure that land contamination matters are fully addressed.
- 11 To ensure that land contamination matters are fully addressed.
- 12 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration policy LPD11 of the Council's Local Plan.
- 13 In the interests of enhancing ecological provision on the site.
- 14 In the interests of affording protection to the archaeological interest of the site.

Reasons for Decision

The proposed development would not cause harm to the vitality and viability of the Carlton Square local centre, would be of an acceptable design and appearance, would not cause undue harm to residential amenity, would not be detrimental to the surrounding highway network or highway safety and would be acceptable in flood risk terms. The proposal would not be viable if the required planning obligations are provided however, in the overall planning balance it is considered that this is outweighed by the fact that the development would bring a vacant site in a prominent location back into use, that it would provide residential and office accommodation in a sustainable location and that it would contribute to the Council's 5 year housing land supply. The proposal would therefore meet with the objectives of the National Planning Policy Framework 2019, the Aligned Core Strategy Policies A, 1, 2, 4, 6, 10 and 19 and Local Planning Document Policies LPD 3, 11, 32, 33, 35, 37, 40, 45, 48, 49, 50, 56, 57 and 61.

Report to Planning Committee

Reference Number: 0159/2019

Location: 32 Mile End Road Colwick

Breach of Planning Control: Breach of Planning Conditions 3, 4 and 5 attached to planning reference 2018/0916

1 Background

- 1.1 Planning permission was granted in 1987, reference 86/1730 for the change of use of the premises at 32 Mile End Road, to general industrial, warehousing and storage. A number of conditions were attached to the permission including condition no. 3 which restricted the hours of operation on the site to between the hours of 8.00am – 6pm Monday to Friday and 8am – 1pm on Saturdays and at no time on Sundays or Bank Holidays excluding Good Friday and May Day”.
- 1.2 A complaint was received regarding the hours of operation of the premises, alleging that the premises were operating outside of their hours permitted by the 1986 permission, (reference 86/1730). This matter was investigated by the Council’s Enforcement Officer. The business admitted the breach and the applicant was advised to either submit an application to vary the hours of operation of the site or operate the site in accordance with the agreed hours of operation.
- 1.3 In 2018 a Section 73 planning application, reference 2018/0916 was submitted by the company to vary the hours of operation (condition 3 of 86/1730). Permission was granted subject to the following conditions;
- 1.4 **Condition 3** – “ The site shall only be used for the purposes hereby permitted between the hours of 7.00am - 7.30pm Monday to Friday and 8.00am - 1.00pm on Saturdays and at no time on Sundays or Bank Holidays excluding Good Friday and May Day.
- 1.5 **Condition 4** – “No goods or materials shall be stored on the open areas of the site”.
- 1.6 **Condition 5** – “There shall be no working on the open areas of the site”.
- 1.7 However, in March 2019, the Council again received complaints about the hours the business was operating. A letter was once again sent to the business to advise them to adhere to condition 3 of their planning permission and ensure no business took place outside of the stated hours.

- 1.8 Recently an email has been received from a group of local residents stating-
“Throughout the last 2-3 months they have continued to breach the hours allowed by planning most recently this morning when they were “throwing” boxes into a van from 6.10. In addition I have noted below some of the additional times when this has occurred:-
- 19/6 8.45pm
 - 21/6 6.10am
 - 22/6 until 6.00pm this was a Saturday
 - 5/7 6.40am
 - 15/7 8.50pm
 - 16/7 5.55am
 - 24/7 6.40am
 - 26/7 6.25am
 - 29/7 6.30am
 - 7/8 6.10am
 - 8/8 6.20am
 - 20/8 6.30am
 - 23/8 6.45am
 - 25/8 6.45am
 - 28/8 6.20am
 - 29/8 5.30am

- 1.9 The complainants have gone on to say that at times there is equipment and material stored in the open areas of the site with people working in the open areas.

2 **ASSESSMENT**

- 2.1 The premises are surrounded by other industrial and commercial units with varying heights and design to the east, residential properties to the north and parks and open space to the west and south. There are associated car parking spaces within the site together with a storage yard.
- 2.2 Local residents are complaining they are disturbed by the business operating outside of their permitted hours and by employees working in the open areas of the site.
- 2.3 The power to impose conditions on planning permissions is an extremely important part of the development management process in order to safeguard matters of planning importance, mitigate the impact caused by the development and ensure the development is acceptable all planning aspects.
- 2.4 Conditions have to be necessary; relevant to planning and the development to be permitted; reasonable; precise; and enforceable. Unless conditions fulfil all these criteria (known as the “six tests”) they are likely to fail if challenged at appeal.
- 2.5 In this case, Condition 3 was imposed to ‘ensure that the operating hours of the site are acceptable and result in no undue impact on neighbouring properties, in accordance with the aims of policy LPD32 of the Local Planning Document 2018’.

- 2.6 Condition 4 was imposed to 'ensure that the site is visually acceptable, in accordance with the aims of policy LPD32 of the Local Planning Document 2018' and condition 5 was imposed to ensure that there is no adverse impact on neighbouring properties, in accordance with the aims of policy LPD32 of the Local Planning Document 2018.
- 2.7 As the owners/managers of the business have failed to enter into any dialogue with the Council, there are two main options available to the local authority when a condition is being breached;
- i) to issue a Breach of Condition Notice (BCN) for which there is no appeal and a maximum fine of £2,500 if the Notice is not complied with or
 - ii) to issue a Breach of Condition Enforcement Notice. However, this may be appealed to the Secretary of State which would suspend the notice until the appeal decision has been reached but it does attract a maximum fine of £20,000 if it is not adhered to once it has come into effect.
- 2.8 As this is a straightforward breach of condition it is considered the simpler Breach of Condition Notice is the most appropriate action to take in this instance.
- 2.9 Time limits for taking action
- 2.10 S171B(3) provides that generally no enforcement action can be taken against a breach of a planning condition after the end of the period of ten years from the date on which the breach first occurred. It is considered the Council is within this time limit to take action in this case.
- 2.11 Human Rights
- 2.12 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'.
- 2.13 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 breach of condition notice or taking court 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.
- 2.14 Equalities
- 2.15 The Enforcement section operates in accordance with 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 and which are in accordance with the Council's policy and government legislation.

2.16 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.

2.17 Crime and disorder

2.18 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.

3 **CONCLUSION**

3.1 The owner of the business has been made aware of the planning conditions attached to the planning permission; in particular they have been made aware of the hours they are permitted to operate.

3.2 The business has not responded to the Council's letter of March this year and there is evidence from local residents that conditions 3, 4 and 5 of the planning permission are being breached regularly to the detriment of the occupiers of the neighbouring properties.

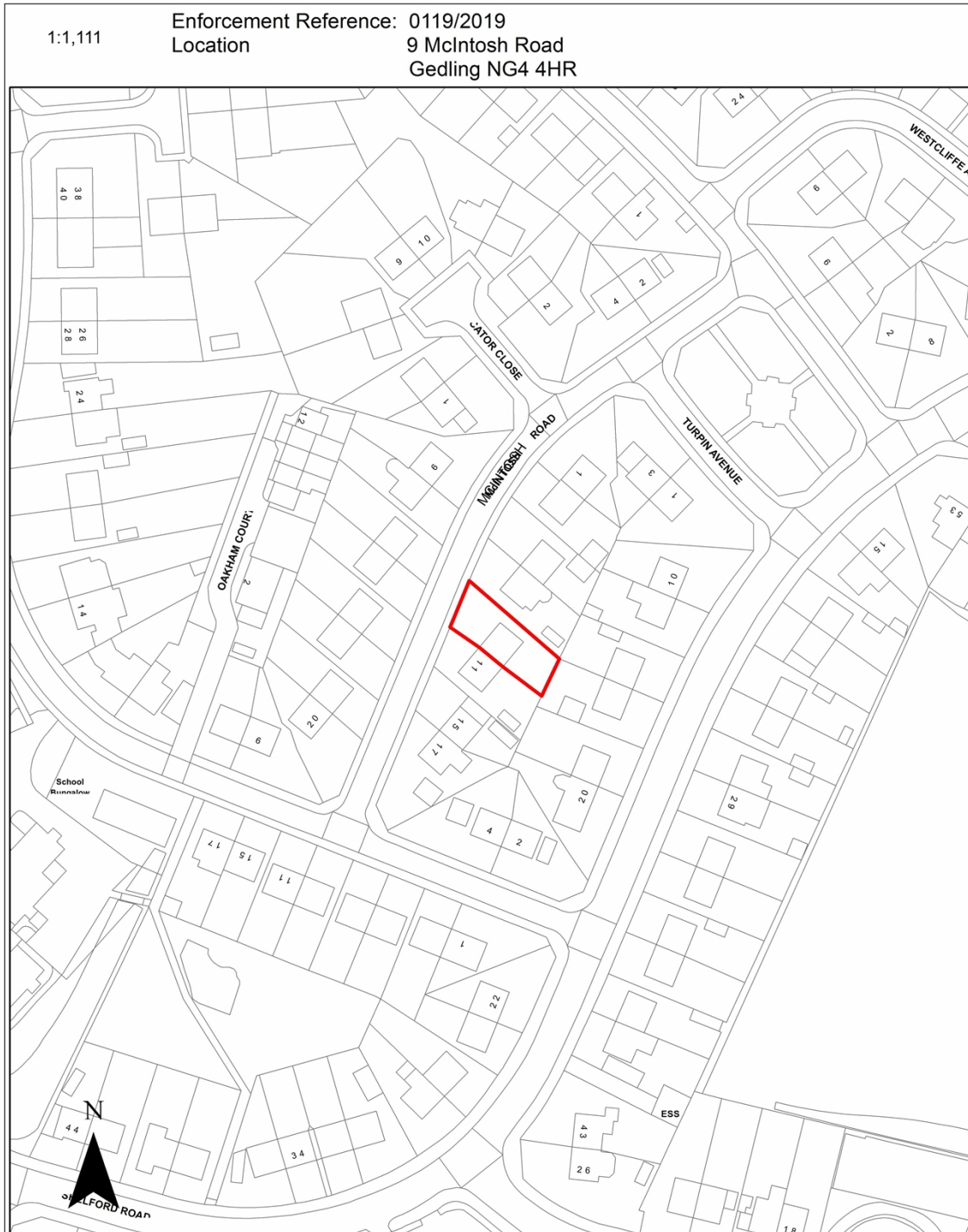
3.3 In order to remedy the breach of planning control the Council is left with little option but to take formal action and it is considered the issuing of a Breach of Condition Notice is the most appropriate action in this instance.

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/breach of condition notices and in conjunction with the Director of Organisational Development & Democratic Services take proceedings through the courts if required to ensure the business complies with conditions 3, 4 and 5 of the planning permission 2018/0916, ensuring the hours of operation are adhered to and there is no storage of goods or working in the open areas of the site.**



Planning Enforcement Report for 0119/2019



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Date: 17/09/2019

Report to Planning Committee

Reference Number: 0119/2019

Location: Land at 9 McIntosh Road Gedling

Breach of Planning Control: **Material change of use of residential dwelling and garden (Use Class C3) to a mixed use of residential dwelling and garden and a car sales business (sui generis)**

1 Background

1.1 No. 9 McIntosh Road, Gedling is a semi-detached dwelling in a wholly residential area. It is positioned on a small estate road of similar houses. There is a 1 metre high hit and miss fence and open weave metal gate across the front boundary and private driveway of the property. The drive way which is accessed from McIntosh Road is approximately 21 metres long.

1.2 In June 2019 the Council received complaints stating that the occupiers of the property were selling vehicles from the dwelling and that cars advertised for sale were parked on the driveway and on nearby streets.

1.3 On the 9th July a letter was sent from the Council to the occupiers advising that car sales from a residential property requires planning permission but permission was unlikely to be granted and so the car sales should cease.

1.4 Complaints about the car sales continued to be received and on the 6th August 2019 the Council issued a Planning Contravention Notice asking certain questions about car sales from the property. The tenant refuted all accusations stating that three adults live at the property and all three adults had co-incidentally advertised their cars for sale at the same time and there would be no further adverts for car sales. The respondent stated there was no business operating from the premises.

1.5 Despite this it appears cars are still being advertised from the property on the internet and the Council is still receiving complaints about the number of cars parked at the property and about customers attending at the dwelling.

2 Planning History

2.1 There is no planning history for this property.

3 Assessment

- 3.1 No. 9 McIntosh Road is a residential property in the residential area of Gedling. Vehicles for sale have been seen displayed in the drive way of the property and on nearby side roads.
- 3.2 The use of the dwelling to operate a car sales and associated storage business is not incidental to the enjoyment of the dwelling house and planning permission has not been granted for the use.
- 3.3 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 58) 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.
- 3.4 The main considerations when deciding whether to take enforcement action in this case are;
 - i) whether the use of the dwelling and garden for car sales and an associated storage business has any detrimental effect on the amenities of the occupiers of nearby properties, the character of the area or the environment, or highway safety.
 - ii) whether the Local Planning Authority is within the ten year statutory time limit for taking action for a material change of use of the land.

Planning policy considerations

- 3.5 The fundamental aim of the NPPF is that the planning system should achieve sustainable development by three overarching objectives and in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. It attaches great importance to positive improvements in the conditions which people live and work and paragraph 130, the NPPF states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...”
- 3.6 At the local level, Policy 10 of the Greater Nottinghamshire Aligned Core Strategy (2014) seeks to proactively promote good design and reinforce valued local characteristics. In order to achieve this, the policy approach sets out a number of criteria to reinforce valued local characteristics.
- 3.7 Policy LPD 32 seeks to protect the amenity of nearby residents or occupiers and Policy LPD 34 seeks to protect residential gardens and aims to ensure any development does not result in harm to the character or appearance of an area.

- 3.8 Policy LPD 35 requires the massing, scale and proportion of development should be appropriate to the immediate context, site constraints and the character of the surrounding area.
- 3.9 Policy LPD 61 states that “Planning permission will only be granted for development proposals which do not have a detrimental effect on highway safety...”

Impact on residential amenity

- 3.10 It is considered that the large number of vehicular movements associated with the car sale use and increased visitors to the site is detrimental to neighbours’ amenities and will cause noise and disturbance to the occupiers of nearby dwellings affecting their enjoyment of their homes. The use is contrary to LPD Policy 32 and Policy LPD 34

Impact on the character of the area and the environment

- 3.11 This area of Gedling is characterised by a number of similar semi-detached residential properties all built in close proximity to each other. There is no other commercial use in the immediate vicinity. There is an open view into the garden area of the property when walking or travelling along McIntosh Road.
- 3.12 The unusual number of vehicles displayed both in the drive way and on nearby streets is an alien feature and detrimental to the character to the area. It also reduces the number of on street parking spaces for nearby residents and visitors. The additional vehicular movement and visitors associated with the business is also be detrimental to the character of the area.
- 3.13 Policy LPD34 seeks to protect residential gardens from development and states planning permission should be refused for development in residential gardens unless development proposals would result in a significant improvement to the urban design of an area. It goes onto to advise that “in all cases, any development of residential garden land should not result in harm to the character and appearance of an area. Development involving front gardens should ensure the character of the street scene is not harmed and that appropriate boundary treatments and planting are retained”. The use is therefore in conflict with Policy 10 of the ACS and Policy LPD 34 and Policy 35 of the Local Plan and it is in conflict with the advice given in the NPPF.

Impact on highway safety

- 3.14 The Highways Authority has no objection to the use or increased vehicle movements on the minor estate roads. The proposal is not therefore considered to have a detrimental impact upon highway safety.

Time Limits

- 3.15 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 strongly suggests that the car sales business has been operating from the site 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

- 3.16 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.
- 3.17 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

- 3.18 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.

- 3.19 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 Councils 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

- 3.20 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.
- 3.21 In light of all the facts it is now considered expedient to serve an enforcement notice to require the cessation of the unauthorised car sales use of the land and removal of the vehicles which are offered for sale which are not considered incidental or ancillary to the domestic residential use of the dwelling.

4 Conclusion

- 4.1 A breach of planning control has been identified which is detrimental to the character of the area and amenities of nearby occupiers of other residential properties.
- 4.2 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 may leave local residents with a business which adversely affects their well-being and is detrimental to the character and amenity of the area and which is beyond the control of the Council.
- 4.3 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the cessation of the unauthorised business and removal of the vehicles which are not incidental to the enjoyment of the dwelling. If the notice is not complied with proceedings should be taken in the courts if necessary.

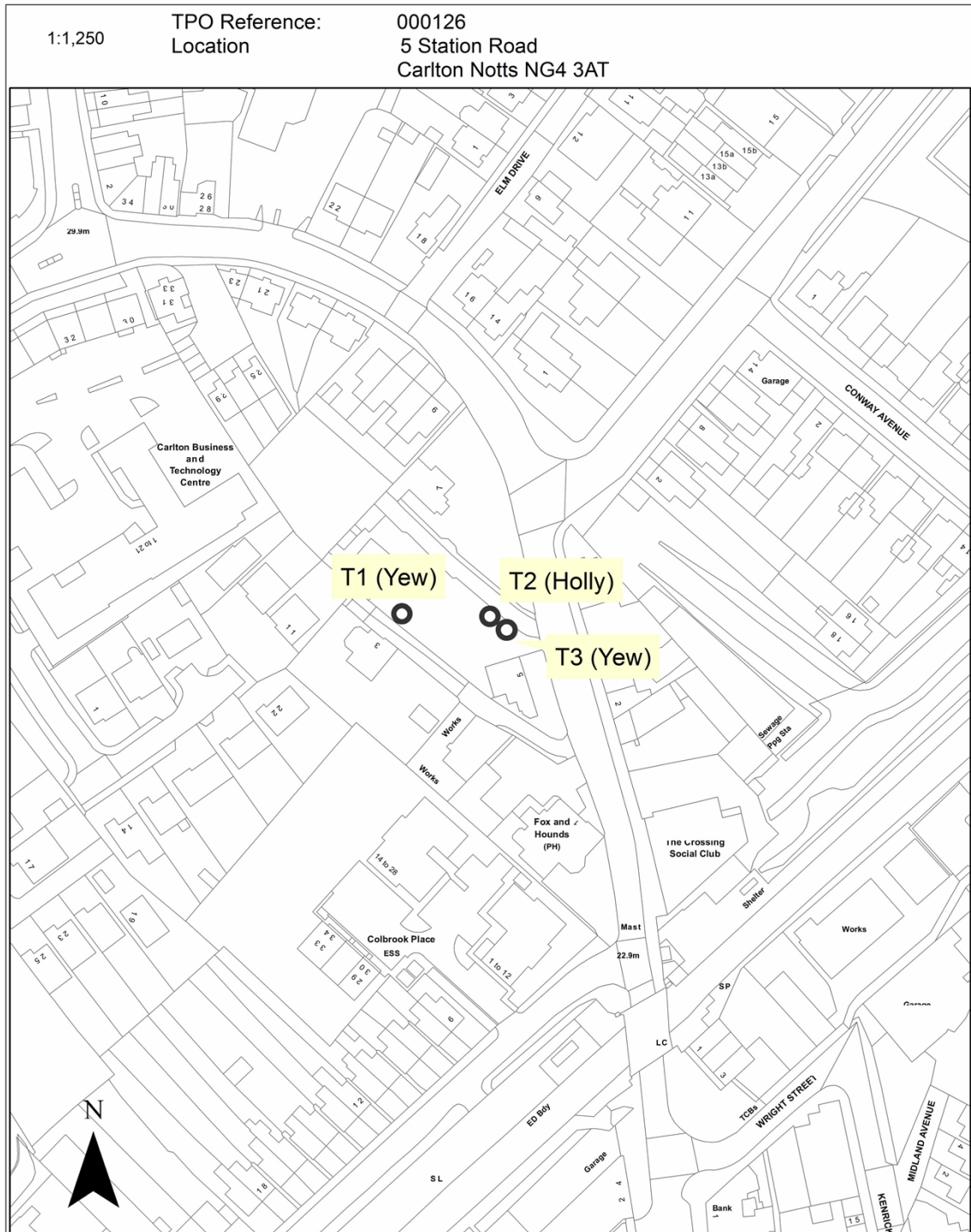
6 Recommendation

- 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 take proceedings through the courts if required to ensure;**
- (a) the cessation of the unauthorised car sales business**
 - (b) the removal of all vehicles which are not incidental or ancillary to the domestic residential use of the dwelling.**

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Report to Planning Committee



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Date: 20/09/2019

Report to Planning Committee

Location: 5 Station Road, Carlton Notts NG4 3AT

Proposal: Protection of three trees by a Tree Preservation Order (TPO)

Case Officer: Lewis Widdowson

1.0 Site Description

- 1.1. The site relates to a detached residential dwelling and its associated curtilage accessed via a private drive off Station Road.
- 1.2. The site is surrounded by other residential dwellings to the east and west, with an area of derelict land to the north.
- 1.3. Several trees are located to the front of the site which are visible within the streetscene.

2.0 Relevant History

- 2.1. An Outline Planning Application was submitted on the 17th May 2019 seeking permission for the “demolition of the Cottage to the rear of 5 Station Road and the erection of 12 No. Apartments and 2 dormer bungalows on land to the rear of 5 Station Road, Carlton (access, appearance, layout and scale to be determined)”. This application appears earlier in the agenda.
- 2.2. As part of this application the Case Officer consulted with Gedling Borough Council’s Forestry Officer who carried out an inspection of the site on the 20th August 2019 to assess the visual amenity provided by the trees and their suitability for protection by a Tree Preservation Order (TPO).

3.0 Proposed Action

- 3.1. Authorisation is sought to make a provisional TPO in relation to three trees within the curtilage of the dwelling. The trees include two Yew trees (T1 and T3), and a Holly tree(T2).

4.0 Consultations

- 4.1. Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and

Country Planning (Tree Preservation) (England) Regulations 2012, giving all persons with an interest in the land affected by the order 28 days to submit objections or representation to Gedling Borough Council.

- 4.2. The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

5.0 Planning Considerations

- 5.1 The site has been inspected by the Forestry Officer and an evaluation of the trees to access the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.

- 5.2 Part 1 of a TEMPO assessment assesses the attributes below, The higher the attribute scores the more weight that it is given to the protection of the trees.

- I. Condition and suitability for TPO: **3/5**
- II. Retention span in (years) & suitability for TPO: **4/5**
- III. Relative public visibility & suitability for TPO: **4/5**
- IV. Other factors: **4/5**

- 5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that there was a perceived threat to the trees due to the submission of a planning application and a score of **2/5** was deemed appropriate.

- 5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the trees scored a total of **17/25**.

- 5.5 In my opinion, the trees identified as part of this process are located in a prominent location within the site and provide a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the trees by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.

- 6.0 Recommendation: - That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at 5 Station Road Carlton**

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Report to Planning Committee

Location: Linby House, Linby Lane, Linby, Nottinghamshire

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

Case Officer: Lewis Widdowson

1.0 Site Description

- 1.1. Linby House is located on the south side of Linby Lane and is currently in residential use as apartments.
- 1.2. The site is surrounded by residential dwellings to the north, east and west with open fields to the south. The property has an area of undeveloped land to the front of the site.
- 1.3. Several trees are located to the front of the site which are visible from the street and wider public realm

2.0 Relevant History

- 2.1. A Planning Application was submitted on the 15th July 2019 seeking permission for “Six new detached single storey dwellings with twelve associated parking spaces”.
- 2.2. As part of this application the Case Officer consulted with the Council’s Forestry Officer who carried out an inspection of the site on the 12th September 2019 to assess the visual amenity provided by the trees and their suitability for protection by a Tree Preservation Order (TPO).

3.0 Proposed Action

- 3.1. Authorisation is sought to make a provisional TPO in relation to the group of trees at the front of the site. The group includes Beech, Sycamore, Lime and Elm trees.

4.0 Consultations

- 4.1. Should authorisation be granted to make the Order, a statutory consultation will be undertaken, in accordance with Regulation 5, Part 2 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, giving all

persons with an interest in the land affected by the order 28 days to submit objections or representation to Gedling Borough Council.

- 4.2. The Council must then, within six months of making the Order, consider objections and representations and decide whether to confirm the Order, with or without modifications.

5.0 Planning Considerations

- 5.1 The site has been inspected by the Forestry Officer and an evaluation of the trees to assess the suitability of a TPO has been undertaken using the Tree Evaluation Method for Preservation Orders (TEMPO) which is a guide to assist in the decision-making of local authorities. The process includes a systematic assessment of a number of different attributes, ranking them from one to five and an assessment of any immediate threat.

- 5.2 Part 1 of a TEMPO assessment assesses the attributes below, The higher the attribute scores the more weight that it is given to the protection of the trees.

- I. Condition and suitability for TPO: **5/5**
- II. Retention span in (years) & suitability for TPO: **5/5**
- III. Relative public visibility & suitability for TPO: **4/5**
- IV. Other factors: **4/5**

- 5.3 Part 2 of the assessment measures the likely threat of any immediate danger to the trees with a higher score indicating a more imminent danger. In this instance it was judged that the Order would be precautionary only and as such a score of **1/5** was deemed appropriate.

- 5.4 In order for a TPO to be recommended a cumulative score of 12 or more is required. Should a TEMPO assessment generate a score greater than 16 it is considered that a TPO is definitely merited. In this instance the trees scored a total of **19/25**.

- 5.5 In my opinion, the trees identified as part of this process are located in a prominent location within the site and provide a high level of visual amenity to the locality. For these reasons it is considered expedient in the interests of the amenity of the area to protect the trees by a TPO pursuant to section 198 of the Town and Country Planning Act 1990.

- 6.0 Recommendation: - That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at Linby House, Linby Lane, Linby.**

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Report to Planning Committee

Subject: Statement of Community Involvement September 2019

Date: 02/10/2019

Purpose

To inform Members that the Statement of Community Involvement has been revised and was adopted by Cabinet at its meeting on the 5th September 2019.

Recommendation

THAT:

- 1) Members note the attached revised Statement of Community Involvement 2019.**

Background

- 1.1 It is a legal requirement for Gedling Borough to have in place a Statement of Community Involvement setting out the Council's policy for involving people in the preparation of development plans and for consulting people on planning applications. Gedling Borough Council adopted its first Statement of Community Involvement in October 2006 with a revised version being adopted in 2014.
- 1.2 The Statement of Community Involvement (SCI) has been revised in order to reflect recent changes to the planning system. In particular there is a requirement for the Council to include its policy on supporting neighbourhood plan making in the Borough. Revisions are also required to reflect current good practice. It is also opportune to revise the SCI at this time as the review of the Aligned Core Strategy (ACS) adopted in 2014 has commenced with a consultation on an issues and options document planned to take place in the near future. It has also been changed in the light of comments made on a consultation draft version made available earlier this year (see below). The revised SCI is attached as **Appendix A**. The new text included to reflect changes made since the previous 2014 version of the SCI are underlined for convenience. The recommendation is to note the contents of the revised SCI document.
- 1.3 The draft SCI document was subject to consultation between 29th May and 28th June 2019. A number of comments have been received. A summary of the comments and the Council's response is attached as **Appendix B**. The revisions will continue to ensure that the level consultation to be carried out will meet or exceed the minimum statutory requirements set

out by government.

2 Proposal

- 2.1 The revised SCI is attached as **Appendix A** and Members are asked to note the content of the document.
- 2.2 Respondents made a number of comments including some which were supportive in nature. Certain comments related to general planning matters such as the decision making process, environmental protections and developer contributions as opposed to seeking changes to the document. General comments included the need to avoid jargon and to explain certain terms. This point is accepted and unnecessary jargon has therefore been removed and other terms defined in a glossary. Consultees requested that certain sections of the text (as it relates to early engagement and the streamlining of the local plan) reflect more fully the wording in the National Planning Policy Guidance and this has also been accepted.
- 2.3 Other more specific comments have led to changes in the document and the changes are set out in the Council's response to the individual comments. The schedule also sets out reasons why other comments seeking changes have not been accepted. In summary, the consultation has led to a number of changes to the SCI and as stated above the SCI will continue to set out a level of consultation which meets or exceeds the minimum legal requirements.

3 Alternative Options

- 3.1 One alternative option is to rely on the existing adopted SCI (2014). However, this is not up to date and does not reflect the latest government guidance. It would also be timely to adopt a revised document in time to be used for the planned ACS review issues and options consultation.

4 Financial Implications

- 4.1 None.

5 Appendices

- 5.1 Appendix A - Gedling Borough Statement of Community Involvement August 2019
- 5.2 Appendix B – Summary of comments made on the draft Statement of Community Involvement May 2019 and the Council's response.

6 Background Papers

- 6.1 None

7 Reasons for Recommendations

- 7.1 To note the Gedling Borough revised Statement of Community Involvement 2019

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GEDLING BOROUGH
Consultation Draft Statement of Community
Involvement

Cabinet Version 5th September 2019

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1. Introduction

1.1 This Statement of Community Involvement sets out our policies on community consultation and involvement in planning policy documents and planning applications. This Statement replaces the adopted version of the Statement of Community Involvement (called Statement of Consultation) adopted in 2014. It exceeds the minimum legal requirements for consultation set out in the Planning Acts and regulations. A glossary of terms used in the document is attached at **Appendix 2** to help the reader.

2. Planning Policy

The Local Plan (formerly Local Development Framework)

2.1 The Local Plan sets out how the Borough will develop in the future. It comprises a set of planning documents collectively called Development Plan Documents and in combination this constitutes the development plan as shown in the diagram below. These plans are subject to a statutory process including community involvement. They must be supported by a sustainability appraisal, equalities impact assessment and subject to an independent examination.

The Local Plan



Local Plans containing strategic policies

2.2 The National Planning Policy Framework states that: the development plan must include strategic policies which can be contained in joint or individual local plans by authorities working together or independently. In the context of the Greater Nottingham area the individual councils are working together to align core strategies containing key strategic policies with each authority responsible for its own individual core strategy (known as part 1 Local Plans - please see paragraph 2.10 for more details).

2.3 Strategic policies should set out the overall strategy for the pattern, scale and quality of development including for:

- Housing, employment, retail, leisure and other commercial development;
- Infrastructure or transport;
- Community facilities; and
- Conservation and enhancement of the natural, built and historic environment.

Local Plans containing non-strategic policies and Neighbourhood Plans

2.4 The NPPF goes on to state that: policies to address non-strategic matters should be included in local plans that contain both strategic policies and non-strategic policies; and/or neighbourhood plans that contain just non-strategic policies. Non-strategic policies set out more detailed policies for specific areas, neighbourhoods or types of development.

2.5 In addition to their core strategies, the Greater Nottingham councils have included planning policies of both a strategic and non-strategic nature in more detailed local plans (called Part 2 Local Plans - please see paragraph 2.12 for more details).

2.6 A number of Neighbourhood Plans have been made in Gedling Borough which contain non-strategic policies. These are prepared by Parish Councils or Neighbourhood Planning Forums who are largely responsible for their production. However, Gedling Borough Council provides a supporting role including carrying out the formal consultation and in doing so Gedling Borough Council will follow the principles set out for consulting on Local Plans in paragraph 2.9 below. For more detail on which Parishes are covered by neighbourhood Plans and Gedling Borough Council's approach to supporting their preparation see paragraphs 2.14 – 2.16.

Supplementary Planning Documents

2.7 Supplementary Planning Documents give further explanation and detail to the Local Plan. They are subject to statutory procedures including community involvement but are not subject to independent examination.

2.8 Other documents that support a Local Plan include:

- Local Development Scheme - sets out the programme for the preparation of the Local Plan and also lists supplementary planning documents to be prepared
- Statement of Community Involvement (this document)

- Authority Monitoring Report

Principles

2.9 We will abide by the following principles when consulting on the Local Plan:

- Plans should be shaped by early proportionate and effective engagement with communities, organisations, businesses and other consultees;
- Consultation will be transparent, open and accessible to all sections of the community, enabling the community to engage with the planning system, not just those who are familiar with it;
- The consultation process will allow local communities and consultees to see how ideas have developed at various stages with effective feedback and;
- Wherever possible, consultation will be carried out in tandem with other community engagement initiatives.

Consultation on Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs)

- 2.10 Gedling Borough Council along with Broxtowe Borough Council and Nottingham City Council have prepared the Greater Nottingham Aligned Core Strategies (ACS) which forms Part 1 of the Local Plan for each of the three councils. The other councils within the Greater Nottingham Housing Market Area, namely Erewash Borough and Rushcliffe Borough, have produced separate but aligned Core Strategies.
- 2.11 The Greater Nottingham councils are now undertaking a review of the Aligned Core Strategies to an agreed timetable. The history of joint working and achievements in producing Aligned Core Strategies demonstrate that there is an established and successful model of joint working across the Nottingham Housing Market Area and this is set to continue. The National Planning Policy Framework 2019 has introduced a requirement for councils to prepare a Statement of Common Ground to identify cross boundary matters and set out how they will be addressed.
- 2.12 Gedling Borough Council adopted the Local Planning Document on 18 July 2018 which forms Part 2 of the Council's Local Plan and conforms to the Aligned Core Strategy. A review of the Local Planning Document will follow on from the review of the Aligned Core Strategy and the timetable will be published at an appropriate time in the future.
- 2.13 The Government does not set out precise detail of how a council should prepare a plan but rather considers councils are best placed to decide the exact process and how to engage with their communities. However, the Regulations¹ do prescribe certain stages where the public are to be consulted and this is shown in **Appendix 1**. Essentially the consultation policy will be the same for both Development Plan Documents (like the Gedling Borough Local Planning Document) and for Supplementary Planning

¹ The Regulations are set out in The Town and Country Planning, (Local Planning) (England) Regulations 2012 as amended.

Documents. However, there are slight differences between the two as Supplementary Planning Documents are not subject to the formal examination process.

Who we will consult

For Development Plan Documents

- Statutory organisations² including councils, infrastructure providers and government bodies as legally required or those likely to have an interest;
- Organisations representing local geographical, economic, social and other communities or those likely to have an interest;
- Local businesses, voluntary and other organisations;
- Others who have expressed an interest in the subject matter; and
- The general public.

For Supplementary Planning Documents

- Statutory organisations³ including councils, infrastructure providers and government bodies as legally required or those likely to have an interest;
- Other consultees likely to have an interest;
- The general public.

How we will consult

For Development Planning Documents

- Before starting a consultation, we will prepare a consultation strategy;
- We will contact statutory consultees and organisations and individuals registered on the Planning Policy database direct;
- We will publicise consultations by methods such as leaflets, websites, posters, displays, commercial, community and social media, social network sites, existing community groups, community events and joining with other consultations;
- We will write to properties likely to be directly affected by an allocated site and put up site notices around the site;
- We will leave consultation documents on display at certain locations open to the public like Council offices and libraries;
- Consultation documents will be made available on Gedling Borough Council's web site;
- We will consider organising events such as stakeholder meetings or workshops; and
- We will publish comments received and/or provide a summary as soon as possible and will explain how these comments have been considered when decisions are taken; and
- At the discretion of the Service Manager Planning Policy, we will give consultation documents to community groups, councils and statutory organisations;

² Town and Country Planning, (Local Planning) (England) Regulations 2012 as amended by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012.

³ Statutory consultees are listed in the regulations referenced above.

For Supplementary Planning Documents

- Before starting a consultation, we will prepare a consultation strategy;
- We will write to properties likely to be directly affected by an allocated site and put up site notices around the site;
- We will contact appropriate organisations and individuals direct;
- We will publicise consultations by methods such as leaflets, websites, posters, displays, commercial, community and social media, social network sites, existing community groups, community events and joining with other consultations;
- We will leave consultation documents on display at certain locations open to the public like Council offices and libraries;
- Consultation Documents will be made available on Gedling Borough Council's website;
- We will consider organising events such as stakeholder meetings or workshops; and
- We will publish comments received and/or provide a summary as soon as possible and will explain how these comments have been considered when decisions are taken.
- At the discretion of the Service Manager Planning Policy, we will give consultation documents to community groups, councils and statutory organisations;

*When we will consult**For Development Plan Documents*

- We will ask for views on issues, ideas and information from appropriate organisations, individuals or communities;
- After considering the initial comments we will consult on documents which explain issues to be considered and which may also include potential options;
- We will consider the need to prepare documents for additional consultation stages setting out further options, information or a preferred option or other useful content; and
- We will formally publish the proposed submission document for at least six weeks inviting representations prior to independent examination.

For Supplementary Planning Documents

- We will ask for views on issues, ideas and information from appropriate organisations, individuals on communities;
- After considering the initial comments we will carry out informal consultation;
- We will consult on a draft version of the Supplementary Planning Document for at least four weeks; and
- We will adopt the Supplementary Planning Document and inform those who have commented that this is the case.

Neighbourhood Planning Support

2.14 Gedling Borough Council is also obliged to provide assistance to Parish Councils or Neighbourhood Forums to help them produce Neighbourhood Plans. The Council's role is set out in legislation⁴ which also prescribes certain statutory deadlines.

2.15 A number of Neighbourhood Plans have now been produced and form part of the development plan including:

- Burton Joyce Neighbourhood Plan;
- Calverton Neighbourhood Plan;
- Linby Neighbourhood Plan; and
- Papplewick Neighbourhood Plan.

2.16 We will continue to support neighbourhood planning by:

- Being proactive in providing information, mapping expertise and advice on strategic environmental assessments;
- Providing informal comments on draft documents in advance of statutory consultations;
- Fulfilling our duties and taking decisions as soon as possible and within the statutory time periods, unless otherwise agreed;
- Providing a clear and transparent decision making timetable on request;
- Publishing the Submission Regulation 16 Neighbourhood Plan for a minimum of six weeks and inviting representations; and
- Constructively engaging with the Parish Council throughout the process including when considering the recommendations of the independent examiner of a Neighbourhood Development Plan or Order proposal.

Seldom Heard Groups

2.17 We are committed to providing fair and equal access to planning services. Resources will be directed towards those 'seldom heard groups' identified in Equality assessments to ensure those affected by the plan have a chance to be involved and to ensure we meet our statutory obligations under equalities legislation.

2.18 We will ensure information is made available in a variety of formats, including Braille, large print, and other languages on request.

⁴ [Neighbourhood Planning \(General\) \(Amendment\) Regulations 2015](#)

Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
Neighbourhood Planning (General) and Development Management Procedure (Amendment) regulations 2017

3. Planning Applications

- 3.1 Planning decisions can often be controversial. There will often be good reasons for and against any development and the Borough Council must apply planning criteria in a reasonable manner. The important issue is to make the decision making process as clear, transparent and inclusive as possible. It is important to realise that the number of objections to a proposal is not a determining factor and applications can only be refused for clear planning-related reasons. The Council can only take into account “material planning considerations” when deciding planning applications. Guidance on these considerations is set out in **Appendix 3**.
- 3.2 Gedling Borough Council is not responsible for determining all planning applications within the Borough. Nottinghamshire County Council control certain categories of applications, such as minerals and waste developments – and in these cases, they will be responsible for any consultation.

Pre-application stage

- 3.3 The aim of pre-application consultation is to encourage discussion before a formal application is made. The process can help to identify improvements and overcome objections at a later stage. At the pre-application stage, we will:-
- Actively encourage and hold pre-application discussions with prospective applicants whatever the scale proposed. Planning proposals such as those which may give rise to local controversy, on sensitive sites or of a significant scale may require wider communication and this will commence at the pre-application stage. Consultation will be normally limited to technical consultees such as County Highways, Environment Agency, and Conservation advice;
 - For the more significant applications, encourage applicants to engage with the community including exhibitions and other events to publicise their proposals.
- 3.4 Details of charges made for providing pre-application advice are set out on the Council’s website.

Planning Application Stage

How we will publicise planning applications

- 3.5 We are required by law⁵ to give publicity to all planning applications. The Borough Council’s publicity policy for various categories of applications is set out in the following table:-

⁵ Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Type of Development	Publicity Required
Major development submitted with an environmental statement; Development affecting a public right of way	Posting of a site notice and notice in a local newspaper.
Applications involving a departure from the development plan;	Notice in local newspaper and either a site notice or neighbour notification letter.
Major Development (a) 10 or more dwellings or where the site is 1.0. ha or more; and (b) for all other uses, floor space of 1000 sq. m or more or site area of 1 ha or more.	Notice in local newspaper and either a site notice or neighbour notification letter.
Minor Development (all other development)	Site notice or neighbour ⁶ notification letter.
Amendments to Planning Applications under an application made under Section 73 ⁷ .	As set out above.
Listed Buildings and development in Conservation Areas	Notice in local newspaper and site notice.
Appeals	People who have previously made comments will be notified by letter or e-mail as well as all original consultees.
<u>Applications for works to trees covered by a Tree Preservation Order</u>	<u>Site notice or neighbour notification letter.</u>

How we will consult

- Anyone can comment not just those who have received a letter. All planning applications are available for inspection at the Civic Centre in Arnold during office hours or can be seen on the Public Access System on the Council's website⁸. The availability of information on major planning applications will be considered on a case by case basis and if it is judged necessary information will be made available at places additional to the Civic Centre.
- We will consult various specialists and relevant organisations including statutory

⁶ Neighbouring properties include those directly adjoining the development site.

⁷ Under Section 73 of the Town and Country Planning Act 1990 an application can be made to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment. Note non material amendments to planning applications will not be subject to further consultation.

⁸ <http://www.gedling.gov.uk/>

consultees⁹ such as parish councils¹⁰, the Environment Agency and Natural England and other organisations as appropriate such as district and parish councils which adjoin Gedling Borough.

- There is a statutory consultation period of 21 days and all comments must be received within the specified consultation period. Comments can be sent by letter, email or through the Planning Public Access System on the Council's website. Only those received through the Public Access System will be acknowledged as having been received. Comments should consider 'material planning considerations' (see Appendix 3 for further information).

Amendments to Applications

- 3.6 Where amendments to applications are negotiated and result in amended proposals, additional consultation of between 7 and 14 days will be undertaken, unless the amendments are very minor in nature and are not materially different to the original plans.

The Decision

- 3.7 The Council decides many planning applications under delegated powers. Applications which raise material planning objections will be referred to a panel of elected members who recommend whether an application should be determined under delegated powers or by Planning Committee. Applications that are for more than 9 dwellings or for commercial developments over 5,000 square metres are dealt with by Planning Committee. Any comments received on planning applications will be considered within the Recommendation report. All reports are available for viewing on the Council's website.
- 3.8 The Borough Council provides an opportunity for residents and applicants to speak on those applications determined by the Planning Committee. Only one speaker is allowed in support and one in opposition of any proposal. Each speaker is allowed a maximum of three minutes and this is carefully controlled by an Officer of the Council.
- 3.9 The applicant/agent will receive a decision notice detailing conditions and reasons for approval or reasons for refusal. A copy of the decision notice is kept on file and is available on the Council's website.
- 3.10 To check on the progress of a planning application:
- Contact the case officer or call the duty planner on 0115 901 3719 or call in at the Civic Centre

⁹ As set out in Schedule 4 to the Town and Country Planning (Development Management Procedure) (England) Order 2015.

¹⁰ Under the Neighbourhood Planning Act, Local Planning Authorities must also consult Neighbourhood Forums on planning applications if they have been set up to produce a Neighbourhood Plan. Currently there are no Neighbourhood Forums within Gedling Borough.

4. Further Information

- 4.1 If you wish to know more about the Statement of Community Involvement or any aspect of planning policy or planning applications, please contact us at the address shown below. Information on the Aligned Core Strategy and the Local Planning Document and the development plan process is also available on the Borough Council's website.

By post: Gedling Borough Council
Planning and Economic Growth and Regeneration
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU

By telephone (0115) 901 3733 for planning policy
(0115) 901 3719 for planning applications

By e-mail: planningpolicy@gedling.gov.uk for planning policy.
P&EServiceSupport@gedling.gov.uk for planning applications.

Website: www.gedling.gov.uk

Please contact the Planning Policy section should you require information made available in a variety of formats, including Braille, large print, and other languages.

Appendix 1

Stages of preparation of a development plan document

Development Plan Document Stage	Consultation
Early tasks	This stage involves the Council gathering evidence including concerns and proposals the community may wish to make regarding planning issues. This stage also involves consultation on the Sustainability Appraisal Scoping Report and Equalities Impact Assessment.
Pre-submission (regulation 18)	This is a key stage of plan development and community engagement is crucial. The Council will normally consult on issues and options in the early stages of this process and will continue to engage with stakeholders and the community throughout the pre-submission stage using a variety of methods.
Pre-submission Consultation or publication stage (regulation 19)	This stage involves a formal consultation on the final proposed submission document, when the Council will invite all interested parties to submit representations. The consultation will last six weeks. The Council will consider any representations received.
Submission (regulation 22)	The Council will formally submit the development plan document to the Planning Inspectorate for independent examination.
Examination	Interested parties can seek to make representations to the independent Planning Inspector.
Adoption	This is a formal process for Gedling Borough Council to adopt the document as part of the Local Plan.

Appendix 2

Glossary of Terms and Abbreviations

Adoption: The formal approval by a Council of the final version of a Development Plan Document once the Inspector has found it sound.

Aligned Core Strategy: The key strategic plan for the area, setting out the long term vision for the area, objectives and strategic policies for:

- Housing, employment, retail, leisure and other commercial development;
- Infrastructure for transport, telecommunications, utilities and flood risk etc.;
- Community facilities such as health and education; and
- Conservation and enhancement of the natural, built and historic environment

Authority Monitoring report (AMR): A report produced by local planning authorities assessing progress with and the effectiveness of the Local Plan.

Core Strategy: see Aligned Core Strategy above.

Development Plan: This includes adopted Local Plans and Neighbourhood Plans.

Development Plan Document: A spatial planning document which is part of the Local Plan, subject to extensive consultation and independent examination;

Development Management: Development management describes the range of activities and interactions in dealing with planning applications so that the control of development becomes a more positive and proactive process.

Equality Impact Assessment (EqIA): A management tool that makes sure that policies and working practices do not discriminate against certain groups and that opportunities are taken to promote equality.

Housing Market Area (HMA): Geographical area defined by household demand and preferences for housing. They reflect the key functional linkages between places where people live and work. The Nottingham Core Housing Market Area consists of the council areas of Broxtowe, Erewash, Gedling, Nottingham City and Rushcliffe, together with the Hucknall part of Ashfield.

Local Development Scheme (LDS): A project plan setting out the timetable for the preparation of planning documents.

Local Plan: The plan for the future development of the local area, drawn up by the local planning authority in consultation with the community. For Gedling Borough Council the Aligned Core Strategy forms part 1 of the Local Plan and the Local Planning Document forms part 2 of the Local Plan.

National Planning Policy Framework (NPPF): The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It provides the framework within which Local Plans and Neighbourhood Plans can be produced.

Neighbourhood Plans: A plan prepared by a Parish Council or Neighbourhood Forum for a particular neighbourhood area.

Nottingham Core Housing Market Area: See Housing Market Area above.

Planning Condition: A condition imposed on a grant of planning permission.

Planning Inspectorate (PINS): Independent agency which examines Local Plans to ensure they are sound. Also decides planning appeals for individual planning applications.

Spatial Objectives: principles by which the Spatial Vision will be delivered.

Spatial Planning: Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function for example, investment decisions which are not being delivered solely or mainly through the granting of planning permission such as investment in university research programmes or health care.

Spatial Vision: A brief description of how an area will be changed by the end of a plan period.

Statement of Common Ground: this is a document that local authorities use to identify cross boundary planning issues and how they are to be addressed by the partner Councils working together.

Supplementary Planning Document (SPD): A document which adds further detail to the policies in the Local Plan. It can be used to provide further guidance for development on specific sites, or on particular issues, such as design.

Sustainability Appraisal (SA): Examines the social, environmental and economic effects of strategies and policies in a Local Plan from the beginning of its preparation

Appendix 3

Guidance on “Material Planning Considerations”

The Council can only take into account “material planning considerations” when deciding planning applications. Examples of “material planning considerations” include:

- Residential amenity
- Highway safety and traffic;
- Design and appearance;
- Impact on Listed Buildings, Conservation Areas, trees; and
- The planning policies of the Council.

Examples of non-planning issues include:

- Private property rights;
- Access for maintenance;
- Covenants;
- Loss of view;
- Property values,
- Competition; and
- Applicants morals or motives.

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Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
Burton Joyce Parish Council	<p>The value of a Neighbourhood Plan has been brought into question in terms of its influence in planning decision making. With no statutory obligation to take on board comments made by the Parish Council it remains a consultee as it did prior to the NP with concerns being no more than “considered”.</p> <p>The NP identified a need for smaller affordable housing but this is not being reflected in development approvals. Applications are deliberately staying below the 15 houses trigger.</p>			<p>This is a comment on the weight given to neighbourhood plans relates to the determination of planning applications rather than the wording of the SCI. . No change proposed.</p> <p>The issue raised concerning affordable housing relates to the determination of planning applications and not the SCI. No change proposed.</p> <p>Noted but the threshold for affordable housing is not an SCOI matter.</p>

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
CPRE		Limiting consultation at the pre-application stage is too narrow. Other organisations such as the Nottinghamshire CPRE and communities should be consulted early in the process. It should not be left to the applicants to carry out pre-application consultation as the local authority can be neutral. Early involvement minimizes the danger of community resentment later on.		The NPPF stresses the importance of providing pre-application advice which can help speed up the planning process. It is an opportunity for the LPA to identify issues early on particularly of a technical nature and hence consultation is normally limited to technical consultees. It is given on a non-prejudicial basis and does not bind the decision of the Planning Committee. The planning application will be subject to separate consultation including with the community in accord with the SCI. No change.

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
CPRE		GBC propose only to allow valid responses via the on-line system. This creates additional barriers to participation and excludes those without access to a computer. A simple e-mail address should be offered.		Preference is to receive comments via the on-line system , however, we will accept representations sent by e-mail or letter to the address set out in the SCI.
CPRE		The reference to the dedicated phone number for Development Management Services is welcomed.		Noted
Highways England	The SCI states that the Council shall consult appropriate organisations on Supplementary Planning Documents where development plans have the potential to affect the			Agreed

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
	integrity of the Strategic Road Network, Highways England should be consulted.			
Highways England		Support pre-application engagement. In Highways England experience pre-application discussions where appropriate provides the applicant with the opportunity to address concerns prior to the submission of the planning application.		Noted.
Local Councillor	Queries what is meant by the reference to “other consultees including the public as appropriate”			It may not be necessary to consult with every consultee depending on the nature of the planning application. However, it is proposed to clarify this point as follows: . Change the bullets

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
				<p>directly under paragraph 2.13 to:-</p> <p>For Development Plan Documents</p> <ul style="list-style-type: none"> • Statutory organisations including Councils, infrastructure providers and government bodies as legally required or those likely to have an interest; • Organisations representing local geographical, economic, social and other communities or those likely to have an interest; • Local businesses, voluntary and other organisations; • Others who have expressed an

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
				interest in the subject matter; and <ul style="list-style-type: none"> • The general public. For Supplementary Planning Documents <ul style="list-style-type: none"> • Statutory organisations¹ including councils, infrastructure providers and government bodies as legally required or those likely to have an interest; • Other consultees likely to have an interest; • The general public.
Local Councillor		I am concerned under 3.3 that no reference is made to Parish Councils especially those with a		The NPPF stresses the importance of providing pre-application advice which can help speed

¹ Statutory consultees are listed in the regulations referenced above.

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
		<p>Neighbourhood Plan. It seems to me that much is decided at the pre-application stage when the community has no input. What is sure is that there appears to be a dialogue between GBC and the applicant which leads to the applicant putting forward an application which they know GBC will support long before the public have to be involved!</p>		<p>up the planning process. It is an opportunity for the LPA to identify issues early on particularly of a technical nature and hence consultation is normally limited to technical consultees. Pre-application professional advice is given on an informal non-prejudicial basis and does not bind the decision of the Planning Committee. The planning application will be subject to separate consultation including with the Parish Councils in accord with the SCI. No change.</p>
Local Councillor		I have been told that the Parish Council		Speakers are restricted to

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
		<p>representatives cannot speak on behalf of their community but that is not mentioned in the draft. Hopefully if that is the case from now on they will have that right.</p>		<p>applicants, residents and residents associations and limited to people who have made written comments. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion.</p>
Local Councillor		<p>Greater clarity is needed regarding making a representation at a GBC council meeting in relation to speaking. Request that Parish Councils be notified of objections to planning applications raised by neighbours as practiced at N&SDC.</p> <p>Request that notifications are sent</p>		<p>Notifying Parish Councils of objections by neighbours would be too onerous. A summary of objections are in the officer's report which is available to view on-line. Decision notices are also available on line. No change proposed.</p>

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
		to the PC when decision notices are issued with access to stated conditions.		
Local Resident	OK	OK	OK	Noted.
Local Resident	Environmental protections should be given high priority – developers should be aware that plans should show where existing habitat is to be retained and incorporated into plans.			The Local Planning Document identifies biodiversity sites including Local Wildlife Sites and SSSIs are shown on the Policies Map which is available to developers to inform the preparation of planning applications. Information on Nature conservation and Geological sites is also available on the GBC webpage ² under the heading Natural Environment. Policies protecting Nature Conservation sites are

² <http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/>

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
				<p>included in the Local Plan.</p> <p>Planning applications will be determined in accordance with the Local Plan. No change required.</p>
Local Resident	It would appear all areas are covered	Ditto	It is better to have community involvement, and whilst the document refers to “unheard groups” the Council must ensure that all residents of Gedling are able to comment in any way on proposals.	Noted.
Local Resident	Section 2.2 use of the word “may” in relation to producing a core strategy provides a let out and should be replaced by “will”			Paragraph 2.2 explains that development plan documents may include certain types of plans and Councils have a degree of choice over the types

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
				of plan they choose to prepare. However agree that the NPPF requires LPAs to produce development plans that must include strategic policies. Agree the SCI will be reworded to reflect guidance in paragraph 17 of the NPPF.
Local Resident		3.5 definition of neighbours is an issue and needs to be clearer for example a house behind could be on a different street.		Neighbouring properties are identified through the Development Management process as being any directly adjoining property to the proposed development site. No change required.
Local Resident			The statement generally makes good sense. Refers to local groups such as	Noted.

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
			Gedling Village Preservation Society, Friends of Gedling Country Park and Gedling House Woods who may have a view on local developments.	
Local Resident	No comments	No comments	Concerns about only one resident being allowed to speak. In the case of larger developments it is not always possible to agree who should speak greater flexibility is required over this. Likewise the three minute ruling on speaking needs looking at.	The principle that one speaker is allowed in support of the proposal and one against is considered good practice and one in common use. Speakers are restricted to applicants, residents and residents associations and limited to people who have made written comments. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
				of the Committee’s discretion. The duration of three minutes is adequate to set out the key objections. If 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. It is important to conduct business in a timely matter and no change required.
Local Resident	Section 2 strikes the right balance	No	No	Noted.
Local Resident	No comments	Historic England should be named as a relevant organisation where the application is within any wider	No comments	Regulations set out the requirements for consulting with Historic England in relation to Historic Parks and Listed

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
		setting of Grade 2 Listed Building		Buildings. The proposal to consult Historic England on proposals within the wider setting of Grade II buildings is difficult to interpret as there is no accepted definition of what constitutes the “setting”. In any case it is not considered necessary and would be somewhat onerous. No change required.
		When amendments are negotiated which satisfies objections no further consultation will be undertaken. Parish Councils raising strong objection especially in relation to a material considerations within Conservation Areas have no involvement		It is for the decision maker to consider whether objections have been satisfied. Requests for further consultation would be considered on a case by case basis depending upon the nature of the amendments.

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
		in the negotiation process. There is no appeal process to an independent body for a PC to question the decision.		There is no appeal process to an independent body – a matter which is outside the scope of this document. However, complaints relating to the planning application process can be made to the Local Government Ombudsman. No change required.
Local Resident	No	No	No	Noted.
Local Resident	Nothing in section 2 refers to consulting on the removal of trees and hedges.	Pleased section 3.5 references nature conservation. However there is nothing specific on trees.	Quite a difficult read for anyone unfamiliar with the planning process. Opportunity to include trees under their own heading. They are not covered adequately by BREEAM standards nor does the TPO process give any protection (only 207	Accept the SCI should be more easily readable through removal of unnecessary jargon and explanation of terms in a glossary. It is not felt necessary to have a separate section on trees as the document is

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
			trees covered in the whole area). Including a section specifically on trees will ensure developers are not given a green light for destroying trees.	intended to cover consultation on all development. Applications for work to trees protected by a TPO are posted on a site notice and a neighbour letter sent out. Agree to clarify this point by amending the table below paragraph 3.5.
Local Resident	No	No	Saw this on social media – surely contact should be made with local residents that will be impacted.	For planning applications, the SCI commits the Council to write to residents immediately adjoining a proposed development site. In relation to plan making, in addition to site notices residents likely to be affected by a proposed site allocation would receive a letter.

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
				No change required.
Local Resident			This response was recorded in section 6 of the feedback questionnaire. Despite having a Neighbourhood Plan for Calverton all Planning seems to respond to the landowners rather than the residents of the village, even after public meetings!	Paragraph 47 of the NPPF states that: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan includes the ACS, LPD and Neighbourhood Plan. Comments on planning applications are summarised and addressed in the officer’s report. No change required.
Mellish RFC	No comments	No comments	No comments	Noted.

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
Natural England	We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters, both in terms of shaping policy.	We are supportive of the principle of meaningful and early engagement of the general community, community organisations and statutory bodies in local planning matters in participating in the process of determining planning applications.	All planning consultations are sent electronically to the central hub for our planning and development advisory service at the following address: consultations@naturalengland.org.uk	Support welcomed and consultation contact details noted.
Nottingham North and East CCG	Respondent assumes CCG is included in the statutory organisations however, health is not mentioned anywhere in the document.			It is confirmed that the CCG is included as a statutory consultee on the planning policy consultation database. No change required.
Nottingham North and East CCG		As set out in the Nottinghamshire Spatial Health Framework 2019 – 2022 – early engagement in the		Agree. Change the wording of the first bullet in paragraph 2.9 to read:

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
		planning process is fundamental to ensure health and wellbeing is fully embedded and will enable the consideration of health/social care infrastructure requirements to meet the needs of the population.		<ul style="list-style-type: none"> • Plans should be shaped by early, proportionate and effective engagement with communities, organisations, businesses and other consultees.
Nottingham North and East CCG			<p>Healthcare contributions or planning is not clear in the document. We would like the CCG to be consulted on at the earliest possible stage for all applications over 25 dwellings direct to our generic estates inbox: noweccg.estates@nhs.net.</p> <p>We would also like regular contact and</p>	<p>The Nottingham North and East CCG is consulted on all major planning applications which includes:</p> <ul style="list-style-type: none"> (a) 10 or more dwellings or where the site is 0.5 ha or more; and (b) for all other uses, floor space of 1000 sq. m or more or site area of 1 ha or more.

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
			communications from the planning team and updates on status and triggers of previously requested S106 funds. Feel free to contact the team on the email address above with any queries.	<p>Planning applications can be tracked on the Council’s on-line system where officer reports and decision notices are publicly available. Weekly lists of planning applications are also available.</p> <p>The CCGs are encouraged to engage with the local plan preparation process at the earliest opportunity to make the case for developer contributions so that they can be identified in the local plan. No change required.</p>
Severn Trent	No objections	No objections	No objections	Noted.
Willow Farm Action Group			Need to ensure that planning jargon contained in the	Agree – include a glossary to the

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
			document is more clearly explained.	document and remove unnecessary jargon.
Willow Farm Action Group	The majority of the public are unlikely to know what a sustainability appraisal is.			Agree - include a definition in the proposed glossary.
Willow Farm Action Group	What is an overarching spatial vision.			Agree - include a definition in the proposed glossary.
Willow Farm Action Group	First bullet refers to “we will involve the public and consultees at the earliest opportunity. Prefers the wording at paragraph 16 of the NPPF which refers to “shaped by early proportionate and effective engagement between plan makers and communities.			<p>Agree reword paragraph 2.9 of the SCI to reflect NPPF paragraph 16 as follows:</p> <ul style="list-style-type: none"> • Plans should be shaped by early, proportionate and effective engagement with communities, organisations, businesses and

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
				other consultees.
Willow Farm Action Group	NPPF paragraph 128 states that applicants should work closely with those affected by their proposals to evolve designs that take account of the community. Whilst this responsibility rests with the applicant the lpa has an important role to play in facilitating/supporting this contact.			As the respondent states the onus is on the developer to engage with the community. The SCI commits the Council to encourage applicants to carry out early engagement with the community and this is considered sufficient. However, it is not possible to compel developers to carry out engagement. No change required.
Willow Farm Action Group	List of consultees appear sufficiently broad to cover all those likely to have a general interest in the plans.			Noted
Willow Farm Action Group	Bullet point refers to “we will write to			Agree change bullet point 4 under the

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
	<p>properties in the immediate vicinity of allocated sites and put up site notices around the site”. Should be widened to include those properties that will be directly affected by the allocated sites for example along an existing cul-de-sac to be used as an access road.</p>			<p>heading: <i>For Development Planning Documents</i> to read</p> <ul style="list-style-type: none"> • We will write to properties likely to be directly affected by an allocated site and put up site notices around the site. <p>Repeat above wording for Supplementary Planning Documents.</p> <p>Please note for planning applications we will write to adjoining properties as set out in the SCI and required under the regulations. No change required.</p>

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
Willow Farm Action Group	Would like to see the retention of support in relation to the provision of flyers etc. to local community groups to deliver information.			<p>Agree subject to this being at the discretion of the Service Manager for Planning Policy. Add new bullet:</p> <p>At the discretion of the Service Manager for Planning Policy we will give appropriate consultation documents to community groups, councils and statutory organisations;</p>
Willow Farm Action Group	LPA has an important role to play in facilitating contact between the developer and local residents – this should be included within this section.			The pre-application stage is set out in paragraph 3.3 of the SCI which states that that: for more significant applications discuss with applicants the need to engage with the community. This is

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
				considered sufficient. No change required.
Willow Farm Action Group		Section 3.3 - Pre-application stage – does not capture the essence of the NPPF paragraph 128 guidance with reference to applicants working closely with those affected by their proposals.		Pre-application advice is given on an informal basis and is often technical in nature. It is not practical to formally consult residents at this stage which would be very resource intensive. Consultation is undertaken in accordance with the regulations. No change required.
Willow Farm Action Group		4.4 - There is an over reliance on site notices a neighbour letter should always be sent.		It is normally the case that neighbour letters are sent to adjoining properties. However, sending letters in every case would be too onerous. No change required.
Willow Farm Action Group		The document includes reference to material planning		Agreed. A brief guide on “material considerations” will be

Respondent	Question 1 – comments on the section relating to Planning Policy	Question 2 – comments on the section relating to Development Management	Question 3 – general comments	GBC response
		<p>considerations, GBC should provide further guidance on material planning guidance on planning applications in a separate document/on line resource to assist. References to this guidance should be made in notification letters flyers etc.</p>		<p>attached as an appendix to the SCI. Proposed change include new Appendix 3.</p>
Village Vision	No	No	No	Noted.



Report to Planning Committee

Subject: Future Planning Applications

Date: 20/09/2019

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	6/11/2019
2019/0152	Land North of Teal Close Netherfield	Reserved matters application for the erection of 367no. dwellings	6/11/2019
2019/0560	Land At Teal Close Netherfield	Reserved matters application for the erection of 264no. dwellings	6/11/2019
2019/0648	Sherwood Lodge Sherwood Lodge Drive Arnold	Police, Fire and Rescue Headquarters	6/11/2019
2019/0696	Land At Chase Farm Gedling	Section 73 application to vary Condition 2 - Phasing Plan of planning permission 2015/1376	6/11/2019
2019/0820DOC	A612 Burton Road B684 Mapperley Plains	Discharge of planning conditions. Submitted pursuant to permission 2015/1033	6/11/2019

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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ACTION SHEET PLANNING DELEGATION PANEL 30th August 2019

2019/0607
23 Buckingham Road Woodthorpe NG5 4GE
Proposed two-storey side extension and loft conversion

The proposed development would result in 'terracing' and would therefore have an adverse impact upon the street scene.

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

Decision: Refuse Permission

2019/0630
37 Besecar Avenue Gedling NG4 4DP
Two storey side and rear extension to existing dwelling

The proposed development would not have an undue impact upon the street scene or residential amenity.

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

Decision: Grant permission with conditions

2019/0633
293 Mansfield Road Redhill NG5 8JE
New Boundary Wall

The proposed development would have an adverse impact upon the character and appearance of the area.

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

Decision: Refuse Permission

Mike Avery
Service Manager – Development Services
30th August 2019

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ACTION SHEET PLANNING DELEGATION PANEL 6th September 2019

2019/0480

Seely Church School Burntstump Hill Arnold
Proposed carpark, playground and covered areas.

The proposed development is inappropriate within the Green Belt. Very special circumstances have however been demonstrated.

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

Decision: Grant Planning Permission with Conditions

2019/0611

Communications Station Arnold Leisure Centre High Street
The installation of a replacement a 20m monopole, accommodating 12 no. antenna in an open headframe together with the upgrade of the equipment cabinets and ancillary development.

The benefits of the proposed development outweigh the visual harm to the street-scene.

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

Decision: Grant Planning Permission with Conditions

2019/0617

22 Crow Park Drive Burton Joyce NG14 5AS
Two storey rear extension, extension above existing garage/car port

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

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

Decision: Grant Planning Permission with Conditions

2019/0649

12 Douglas Crescent Carlton NG4 1AN
Extension to first floor at side of dwelling

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

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

Decision: Grant Planning Permission with Conditions

2019/0677

14 Bonington Road Woodthorpe NG3 5JR

Single storey side extension and dormer to the rear second floor side extension.

The proposed development would have no undue impact upon residential amenity.

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

Decision: Grant Planning Permission with Conditions

2019/0684

26-27 Tithe Gardens Bestwood Nottinghamshire

Single storey and two storey rear extensions.

The proposed development would have an overbearing impact upon the attached property.

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

Decision: Refuse Permission

2019/0685

35 Kenneth Road Redhill Nottinghamshire

Two storey side and front extension demolish existing detached garage and erect new detached garage.

Application withdrawn from the agenda

Mike Avery

Service Manager – Development Services

6th September 2019

ACTION SHEET PLANNING DELEGATION PANEL 20th September 2019

2018/0217

The Folly Park Lane Lambley

Erection of link extension to existing dwellinghouse and conversion of stables & workshop to additional living accommodation together with associated parking and landscaping works

The proposed development would have a detrimental impact upon the openness of the Green Belt.

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

Decision: Refuse Permission

2019/0158

Manna Farm Old Rufford Road Calverton

Erection of a new accommodation block and staff apartments

The proposed development consists of inappropriate development within the Green Belt and the proposals would have an adverse impact upon openness. Very special circumstances have however been provided, that in the planning balance, outweigh the harm to the Green Belt by virtue of its inappropriateness, impact upon openness and the impact upon the landscape character and visual amenity.

The Panel recommended that the application be determined by Planning Committee to allow Members to consider the weight given to the very special circumstances provided by the applicant.

2019/0495

151 Breck Hill Road Woodthorpe Nottinghamshire

Two storey extension to rear and side and single storey rear extension.

Withdrawn from the agenda

2019/0539

12 Ploughman Avenue Woodborough NG14 6DE

Pitched roof to garage

The proposed development would have no undue impact upon visual amenity.

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

Decision: Grant Planning permission with conditions

2019/0632

229 Vale Road Colwick NG4 2GP

Conversion of residential property into 2no. apartments

The proposed development would have no undue impact upon highway safety or residential amenity.

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

Decision: Grant planning permission with conditions.

2019/0679
15 Paddock Close Calverton NG14 6GJ
2 bed bungalow on land to rear of property

The proposed development would have an adverse impact upon the character of the area and upon residential amenity.

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

Decision: Refuse Permission

2019/0685
35 Kenneth Road Redhill Nottinghamshire
Two storey side and front extension demolish existing detached garage and erect new detached garage.

The proposed development would not be in keeping with the design and appearance of the existing dwelling and would have an adverse impact upon the street-scene.

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

Decision: refuse Permission

2019/0718
19 Marshall Road Mapperley NG3 6HS
Two storey side extension and single storey rear extension

The proposed development would have no undue impact upon the street scene or residential amenity.

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

Decision: Grant Planning Permission with Conditions

2019/0797
41 Conway Road Carlton NG4 2PU

Construct detached garage

Withdrawn from the agenda

Mike Avery, Service Manager- Development Services

Nigel Bryan, Principal Planning Officer

20th September 2019

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