

# Agenda

## Planning Committee

Date: **Wednesday 13 October 2021**

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Time: **6.00 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Cayte Goodall**

Democratic Services Officer

0115 901 3961

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# Planning Committee

## Membership

**Chair** Councillor John Truscott

**Vice-Chair** Councillor Paul Wilkinson

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

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## **AGENDA**

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## **MINUTES PLANNING COMMITTEE**

**Wednesday 8 September 2021**

Councillor John Truscott (Chair)

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

Absent: Councillor Mike Hope

Officers in Attendance: M Avery, N Bryan, K Cartwright, S Fayaz and C Goodall

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

Apologies for absence were received from Councillor Hope.

### **33 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 28 JULY 2021**

#### **RESOLVED:**

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

### **34 DECLARATION OF INTERESTS**

The Chair declared a collective non-pecuniary interest in item 7 on the agenda as the land was in the ownership of Gedling Borough Council.

### **35 APPLICATION NO. 2021/0238 - 19 THACKERAYS LANE, WOODTHORPE**

The Principal Planning Officer introduced the report. He advised members that further to the publication of the report a late objection had been received from a neighbouring resident in relation to concerns around parents parking on the footpath, vehicles facing oncoming traffic and parents not utilising the nearby pedestrian crossing. However, these concerns raised no new issues and were covered within the main report.

The Principal Planning Officer added that additional comments had been sought from the Highways Authority in relation to parking and gave the following update:

Parking could not be formalised on the footway outside the site, as parking in that location would be illegal and a matter for the Police Authority. Parking on the highway was allowed, but they would not wish to have designated parking bays outside the facility as the highway itself was available for the public and all users. There was a car park further down Thackeray's Lane and on street parking within the area. They accepted that Thackeray's Lane was a busy road, and at times traffic was heavy, but they had not received any recent parking complaints or reports of severe congestion in the area and therefore they had no concerns in relation to the scheme.

### **RESOLVED:**

To Grant Planning Permission subject to conditions:

#### **Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the application form and deposited plans, drawing no's RDS11563/07(a), RDS11563/05(c) and RDS11563/01(\_), received on 9th March 2021, and drawing no. RDS11563/06(d) received on 2nd August 2021. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 The day nursery shall have no more than 48 children in their care on-site at any one time.

#### **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 32 of the Local Planning Document.

#### **Reasons for Decision**

It is considered the proposal would be visually acceptable and in keeping with the character of the host property and the wider area, it would not result in a significant undue impact on residential amenity and

it would be acceptable from a highway safety perspective; in accordance with the NPPF Section 12, Policy 10 of the Aligned Core Strategy and policies LPD 32, LPD 57 and LPD 61 of the Local Planning Document

### **Notes to Applicant**

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

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.

An appropriate measure to help alleviate residents' difficulties with vehicle access / egress to properties can be the provision of advisory 'H bar markings' and these can be provided in line with the County Council's charging policy on request from the applicant/owner/occupier of Coteswood Nursery. Requests can be made through Nottinghamshire County Council's customer service teams on 0115 500 80 80 or via <https://www.nottinghamshire.gov.uk/contact-and-complaints/contact-us/contact-us>. Please note that the applicant will need to liaise with the owner/occupier of no's 17 and 21 to agree that the application can be made, and all costs are to be borne by the applicant/owner/occupier of Coteswood Nursery.

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

Erection of 9 dwellings.

The Principal Planning Officer introduced the report, which identified that a contribution of £17,635 was targeted to be spent at the park on the corner of Bailey Drive and Plains Road. He added that as this area of public open space remained under the control of a private company, that rather than explicitly identifying that the money would be spent on this park, as it might not be possible to reach agreement with the site owner, it was requested that the wording of the legal agreement identified that the money be spent in the locality, in accordance with the Open Space Supplementary Planning Document.

**RESOLVED:**

To Grant Planning Permission: Subject to the owner(s) entering into planning obligations with the Borough Council as Local Planning Authority for a financial contribution towards off-site public open space and the provision of a management company for maintenance of access roads and areas of on-site open space not within the curtilages; and subject to the conditions listed for the reasons set out in the report:

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the application form and following list of approved drawings:  
21/402-02D - site layout

21/402-A01\_A - housetype A elevations plot 1  
21/402-A02\_A - housetype A floor plans plot 1  
21/402-A03 - housetype A elevations plot 2  
21/402-A04 - housetype A floor plans plot 2  
21/402-B01 - housetype B  
21/402-C01 - housetype C  
21/402-D01 - housetype D  
21/402-E01 - housetype E elevations  
21/402-E02 - housetype E floor plans

21/402-G01\_A - detached garage

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

3. No above ground works shall commence until samples of external facing and roofing materials to be used in the erection of the dwellings have been submitted to and approved in writing by the



Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

4. In the event that contamination is found at any time when carrying out the approved development 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 of the Local Planning Authority, 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.
5. Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP.
6. From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.  
All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
7. Prior to the commencement of development, a scheme of landscaping showing the location, species and size of specimens to be planted shall be 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.

8. No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.
9. No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.
10. Prior to the commencement of development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The document shall, where possible, identify compliance with the recommendations contained in the preliminary ecological appraisal submitted in support of the application.
11. Prior to the occupation of any dwelling, the parking spaces for that dwelling shall be made available for use and be retained as such thereafter.
12. No part of the development hereby permitted shall be brought into use until the access drive and footways are constructed and surfaced in a hard-bound material (not loose gravel). The surfaced access drive and footways shall then be maintained in such hard-bound material for the life of the development.
13. No part of the development hereby permitted shall be brought into use until the access and footways are constructed with a gradient not exceeding 1 in 30 for a distance of 10m from the rear of the highway boundary, and never exceeds 1:15 thereafter, in accordance with drawing no. 21/402-02D.
14. 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 LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
15. No part of the development hereby permitted shall be brought into use until the bin store has been constructed and positioned in accordance with drawing number 21/402-02D.

## Reasons

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. For the avoidance of doubt.
3. To ensure that the character of the area is respected and to comply with policy ACS10 of the Aligned Core Strategy.
4. To ensure that if any unexpected contamination is found it is fully investigated and to comply with policy LPD7.
5. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
6. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
7. To ensure that the development assimilated within the green landscape and to comply with policies LPD18 and LPD19.
8. To ensure that the character of the area and residential amenity is respected and to comply with policy LPD32.
9. To ensure that the site is adequately drained and to comply with policy LPD4.
10. To ensure compliance with policies LPD18 and ACS17.
11. To ensure adequate parking provision is provided and to comply with policy LPD57.
12. To ensure adequate access to the properties and to comply with policy LPD61.
13. To ensure adequate access to the properties and to comply with policy LPD61.
14. To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy LPD61.

- 15 To enable the bins to be collected by the refuse team on collection day and to comply with policy LPD61.

### **Notes to Applicant**

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart 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).

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

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

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

Please note that the grant of planning permission does not override civil legal matters in respect of development on or over a boundary or in respect of access to third party land, advice on which should be sought from a suitably qualified solicitor or surveyor.

Please note that this grant of planning permission does not override the need to comply with the Wildlife and Countryside Act.

No part of the development hereby permitted shall be brought into use until the extended footway and access has been fully constructed under s278 agreement.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have / no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact [hdc.south@nottsc.gov.uk](mailto:hdc.south@nottsc.gov.uk) for details.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021). 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.

**37 APPLICATION NO. 2021/0727 - FAIRACRE AND 335 MAPPERLEY PLAINS, ARNOLD**

Reserved Matters Application – Appearance and Landscaping – in relation to outline permission ref. 2017/1276 for 11 dwellings.

The Principal Planning Officer introduced the report. He informed Members of a 'typo' in paragraph 2.2 of the report on page 55 which incorrectly identified what was considered at the outline stage. He added that for the avoidance of doubt the proposal was a reserved matters application made pursuant to outline permission 2017/1276, that the outline access, layout and scale were approved and as a result the only matters under consideration for this application were appearance and landscaping.

**RESOLVED:**

That the Borough Council Grant Reserved Matters Approval subject to the following conditions:-

**Conditions**

- 1 This permission shall be read in accordance with the application form, Design and Access Statement and following list of approved drawings deposited on the 8th June 2021:- Site Location Plan; House Type A1 (drg no. MP-21-P101); House Type A1 (drg no. MP-21-P102); House Type B (drg no. MP-21-P103); House Type C1 (drg no. MP-21-P104); House Type C2 ((drg no. MP-21-P105); House Type D1 (drg no. MP-21-P106); House Type D2 (drg no. MP-21-P107); and revised Landscaping Plan (drg no.

MP-21-P108 Rev C) deposited on the 23rd August 2021. The development thereafter shall be undertaken in accordance with these approved plans and details.

- 2 The landscaping scheme as shown on the Landscaping Plan (drg no. MP-21-P108 Rev C) deposited on the 23rd August 2021 hereby approved shall be carried out in complete accordance with the approved details in the first planting season following the completion of the development. Any trees, shrubs or plants that die within a period of five years from the completion of the development, 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.
- 3 No above ground works shall commence until samples of external facing and roofing materials to the dwellings and brick work to the proposed boundary walls have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

### **Reasons**

- 1 For the avoidance of doubt.
- 2 In the interests of visual amenity in accordance with the aims of Policy 10 of the ACS, and Policy LPD 32, Policy LPD 35 Policy and LPD 40 of the LPD.
- 3 In the interests of visual amenity in accordance with the aims of Policy 10 of the ACS, and Policy LPD 32, Policy LPD 35 and Policy LPD 40 of the LPD.

### **Reasons for Decision**

The principle of the development has been established following the grant of outline permission (2017/1276). Access, layout and scale have already been approved under the aforementioned outline permission. With regards to layout and appearance submitted as this Reserved Matters application it is considered that the appearance of the proposed dwellings is acceptable in terms of design and materials and the proposed landscaping strategy is acceptable. The proposal therefore accords with Section 12 of the NPPF, Policy 10 of the ACS, Policy LPD 32, Policy LPD 35 and Policy LPD 40 of the LPD

## Notes to Applicant

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

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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

### **38 APPLICATION NO. 2021/0240 - BURNTSTUMP COUNTRY PARK, LOWER CAR PARK, BURNTSTUMP HILL**

Alterations to existing car park to include fencing, security barrier, surfacing and footway to adjoining Police HQ.

The Chair informed Members of a typo on page 67 para 7.16 which incorrectly stated that the proposal failed to accord with section 12 of the NPPF, whereas it should have stated that the proposal was in accordance the NPPF and not contrary.

The Principal Planning Officer introduced the report.

## **RESOLVED:**

That the Borough Council 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 The development hereby approved shall be completed in accordance with the following submitted documents and plans :-

Received on the 10th March 2021 - Application form; Tree Survey statement produced by Landscape Science Consultancy General Arrangement (Excluding the route of ductwork)

Received 25th June 2021 - Lighting Details drg. no. 2006025MHGCPB dated 08.03.2021  
Received 27th August 2021  
Tree Protection Plan dated 21st July 2021 (excluding the route of ductwork)

Received 23rd August 2021 - Position of lighting and CCTV columns and route of ductwork drg no. 2006023MHGCPB dated 08/03/2021; Lamp Head Details - KENO Flat to Ground LED Luminaire (height of column confirmed as being 7m by email dated 23rd August 2021); Barrier Details - Nicebar System - M3BAR as confirmed by email dated 23rd August 2021; CCTV camera Details HIKVISION - DS-2CD5A46G0-IZ(H)S (height of column confirmed as being 5m by email dated 23rd August 2021).

The development hereby permitted shall be undertaken in accordance with the submitted documents.

- 3 Before any excavation/installation works commence on the proposed footpath the applicant/agent shall notify the Local Planning Authority (LPA) giving 21 days notice of the date of commencement to allow a pre commencement meeting to be held with a representative from the LPA in order to supervise the footpath installation working procedures.
- 4 Prior to the car park being brought into use by the applicant the parking spaces shall delineated in accordance with the approved General Arrangement Plan (excluding the details of the ductwork route) and shall be retained as such thereafter.
- 5 The barriers, CCTV columns and lighting columns shall be installed and maintained in accordance with the details submitted and layout plans drg. no 2006025MHGCPB and details deposited on the 23rd April 2021.



## **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure the health of the tree is preserved.
- 4 For the avoidance of doubt.
- 5 For the avoidance of doubt.

## **Reasons for Decision**

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 on trees adjacent to the footpath have been given consideration and proposed mitigation measures would be secured by condition in order to safeguard the health of these trees. The proposal would not result in any undue impact on nearby amenity, highways or parking issues. On balance the proposal is in accordance with the National Planning Policy Framework (2021), Policy 3 and 10 of the Aligned Core Strategy 2014, policies, LPD19, LPD32, LPD57 and LPD61 of the Local Planning Document 2018.

## **Notes to Applicant**

The applicant is advised that all planning permissions granted on or 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 given that there is no net additional increase of floorspace as a result of the development.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021).

## **39 TREE PRESERVATION ORDER 000142 - CONINGSBY GARDEN EAST, WOODTHORPE**

Protection of group of 7no. Sorbus trees by a Tree Preservation Order (TPO).

**RESOLVED:**

To Confirm Tree Preservation Order - 000142 'Coningsby Gardens East' without modifications.

**40            TREE PRESERVATION ORDER 000143 - LAND AT CORNER OF BIRCHWOOD DRIVE AND MAVIS AVENUE, RAVENSHEAD**

Protection of 2no. trees by a Tree Preservation Order (TPO).

**RESOLVED:**

To Confirm TPO 000143 with the following Modifications:

- The associated Map be amended to show the correct location of T2 Beech tree within the curtilage of 2 Birchwood Drive, Ravenshead.

**41            FUTURE APPLICATIONS**

**RESOLVED:**

To note the information.

**42            PLANNING DELEGATION ACTION SHEETS**

**RESOLVED:**

To note the information.

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

None.

The meeting finished at 6.57 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**

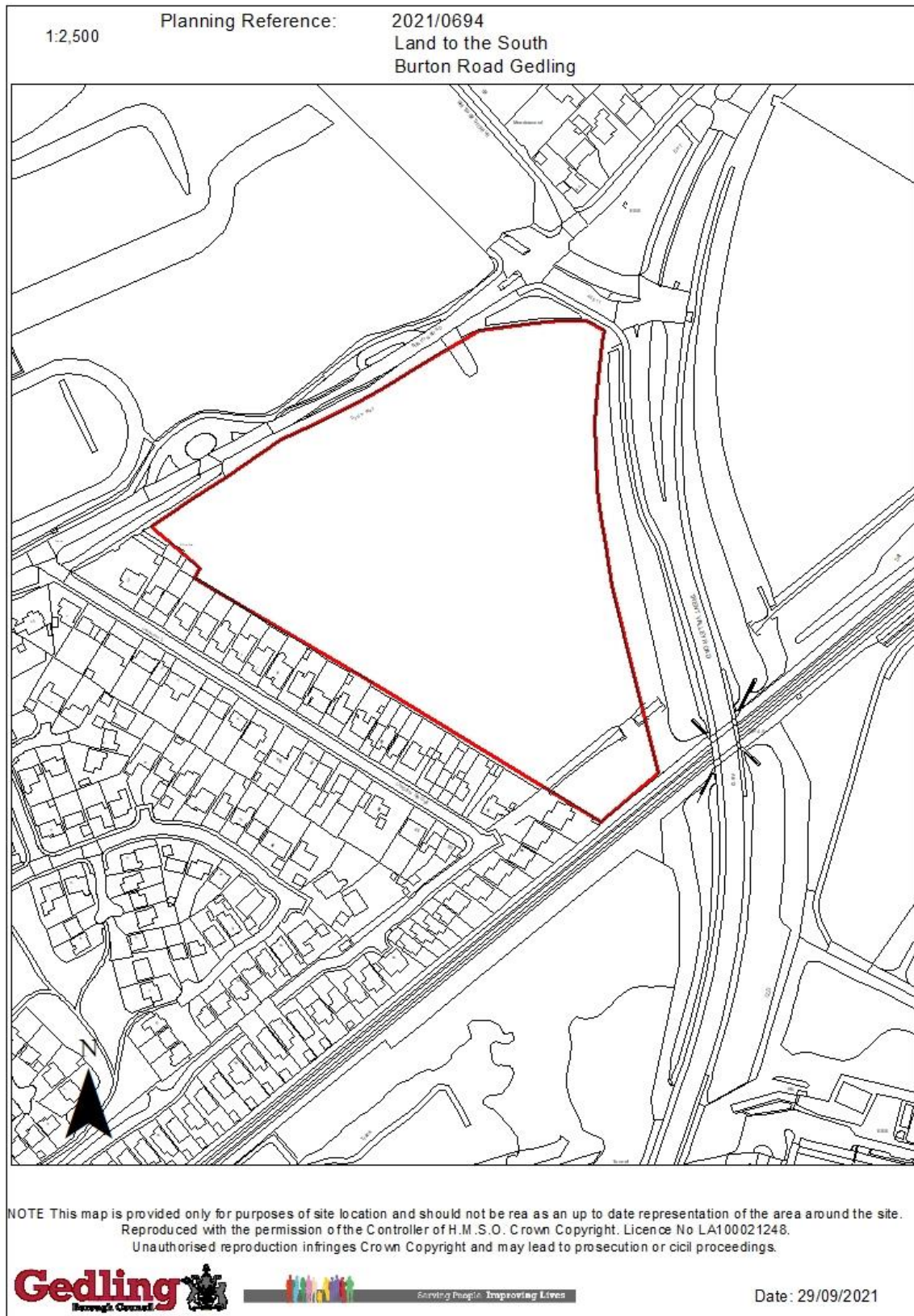
19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the 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 2021/0694**



**Report to Planning Committee**

**Application Number:** 2021/0694

**Location:** Land to the South Burton Road Gedling

**Proposal:** Erection of 120 dwellings with associated access, landscaping and infrastructure (approval of matters reserved by outline consent 2019/1186 (appearance, landscape, layout and scale)).

**Applicant:** Miller Homes Limited

**Agent:**

**Case Officer:** Nigel Bryan

**The application is referred to Planning Committee to comply with the Council's constitution as the development proposes more than 9 dwellings.**

**1.0 Site Description**

- 1.1 The vast majority of the site is flat and arable farmed, so is devoid of any significant features. However, to the north-east of 45 Linden Grove, adjacent to the railway line, the application site is physically separated from the majority of the remainder of the site by a line of trees and this small parcel of land is rough grassland. Boundary treatments to the site are predominantly planting in the form of hedges and some trees. Vehicular access to the site is from Burton Road.
- 1.2 Immediately adjacent to the application site on its south-western boundary lies Linden Grove, numbers 1-45 (odd numbers only), 272 Burton Road and an electric substation. The site is bound by highway on two other boundaries, Colwick Loop Road to the north-east, which is raised above the application site; to the north-west is Burton Road, with the grounds of Carlton-le-Willow school beyond. The highway layout in the area is somewhat unusual in that there is a bus turning area on the opposite side of Burton Road, as well as a lay-by to the front of the application site and 272 Burton Road. A small section of the application site is adjacent to the Nottingham to Lincoln railway line, where the site narrows; the site is roughly triangular in shape.
- 1.3 The application site is allocated for residential development under policy 64 of the LPD.

**2.0 Relevant Planning History**



2019/1186 – ‘Outline planning application for residential development for up to 120 dwellings and associated development (including public open space, engineering works, drainage, internal roads, paths and parking) with all matters reserved excluding access’. Outline planning permission was granted on the 29<sup>th</sup> January 2021, with the application having been considered at the Planning Committee meeting of 5<sup>th</sup> August 2020. The permission was subject to a Section 106 Legal Agreement which secured planning obligations in respect of on-site affordable housing; financial contributions toward education, highways (bus stop improvements and toward sustainable travel), libraries, the Primary Care Trust, the provision of public open space and a local labour agreement.

### **3.0 Proposed Development**

- 3.1 The application seeks reserved matters approval pursuant to outline permission 2019/1186. Matters under consideration for this reserved matters approval are, layout, scale, landscaping and appearance. The application is for the erection of 120 dwellings, this will include 96 open market dwellings with a housing mix comprising 10 x two-bedroom properties, 53 x three-bed properties, 33 x four-bed properties, all of which would be two-storey; 24 affordable dwellings (comprising 17 affordable rented and 7 intermediate units) are to be erected and the housing mix would comprise 2 x two-bed bungalows; 12 x two-bed houses; 8 x three-bed houses and 2 x four-bed properties. There would be two main areas of public open space, one to the southern edge of the site, which would have a SUD's/drainage pond, which will also have some ecological benefits, as well as a trim trail. A more conventional equipped area of play would be located toward the centre of the site. There would also be narrow green strips along the front of the site and to the eastern boundary with Colwick Loop Road.
- 3.2 It should be noted that during the course of the application amended plans have been submitted, which made a number of alterations to the application, notably around the design of the Public Open Space to the southern edge of the site, to improve its accessibility and usability. Consultation has been undertaken on the amended plans, with the application determined accordingly.

### **4.0 Consultations**

- 4.1 Nottinghamshire County Council Highways – raise no objection to the application subject to the imposition of conditions.
- 4.2 Nottinghamshire Wildlife Trust (NWT) – no observations received and any observations received will be reported verbally at the meeting.
- 4.3 Nottinghamshire County Council Lead Local Flood Authority – raise no objection to the application with final details of surface water drainage needing to be approved through a discharge of conditions application associated with the outline permission.

- 4.4 The Environment Agency raise no objection to the application.
- 4.5 The Lead Flood Authority raise no objection to the application.
- 4.6 Gedling Borough Council Parks and Street Care – make no comment on the scheme as amended, although note that there would be a requirement to supply a local equipped area of play, along with requisite open space.
- 4.7 Gedling Borough Council Scientific Officer – notes that the submitted CEMP is acceptable and would allow the discharge of condition 11 of the original outline permission.
- 4.8 The Tree Officer raises no objection to the application.
- 4.9 Gedling Borough Council Conservation Officer – Raises no objection to the application noting that the dwellings will all be two-storey in scale and impact on the heritage asset of Gedling House will be acceptable. Requests that an archaeological watching brief be approved.
- 4.10 Gedling Borough Council Housing Strategy question whether the grouping of the dwellings is appropriate and also whether the bungalows are in the right location.
- 4.11 The Secondary Care Trust (Nottingham University Hospitals NHS Trust) have requested a financial contribution of £126,052.00 toward healthcare provision.
- 4.12 The Primary Care Trust have requested a financial contribution of £65,025.00 toward healthcare provision.
- 4.13 Members of the Public
- 4.14 A press notice was published, a site notice displayed and neighbour notification letters posted. A full re-consultation was also undertaken on amended plans which, as noted above, primarily resulted in alterations to the layout of the public open space. As a result of consultation undertaken a total of 10 neighbour letters were received, all objecting to the application, 8 were received in response to the original application and 2 to the re-consult. A summary of the objections received are drafted below;
- The site should be retained in the green belt;
  - The application should not be granted permission until such time as the GAR is complete and approving the development will be contrary to LPD64;
  - There is not enough information with regard to impacts on ecology for the site, with it noted that large amounts of wildlife utilise it;
  - Traffic in the area is horrendous and this will only make it worse;
  - The traffic survey undertaken in support of the original outline application was undertaken during lockdown;
  - The site is prone to flooding;
  - Local services e.g. doctors, schools etc, are at capacity and not able to accommodate the increase in population;

- There will be a detrimental impact on the amenity of neighbouring properties, some of which are bungalows;
- Proposed dwellings are sited too close to existing properties and there will impacts on amenity through overlooking impacts;
- What is proposed for boundary treatments? How will these impact on amenity and security?
- The development will lead to extra noise and dust pollution; anti-social behaviour will increase, particularly depending on where the Public Open Space is;
- House process in the area will be detrimentally impacted;
- The site boundary is in-correct and includes neighbouring properties;
- A right turn lane should be incorporated to the site;
- Extensions to existing properties on Linden Grove are not shown on the site plan and development would be closer to existing properties than is shown;
- The site is contaminated having been used in the past in association with the Stoke Bardolph sewerage works.

## **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’.

## **6.0 Development Plan Policies**

- 6.1 The following policies are relevant to the application:

### **6.2 National Planning Policy Framework 2021 (NPPF)**

The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG). Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land) and 12 (Achieving well-designed places) are particularly relevant.

### **6.3 Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan**

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

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

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

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

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

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

#### 6.4 Local Planning Document (Part 2 Local Plan)

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

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

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

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

LPD 18 Protecting and Enhancing Biodiversity – sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure.

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

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

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

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

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

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

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

LPD 64: Housing Allocations – identifies the application site as housing allocation H4, for approximately 115 new dwellings.

## 6.5 Other

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

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

Low Carbon Planning Guidance for Gedling Borough (2021)

## 7.0 **Planning Considerations**

### Principle of the development

- 7.1 The application site is allocated for residential development under policy LPD64 and is identified under criterion H4 as being able to supply 115 homes. Furthermore, the application site benefits from outline permission, with access approved. It should also be noted that development of the Gedling Access Road (GAR) is well underway and policy LPD64 requires that the site should not deliver homes until the GAR is complete, which will be the case here. For the avoidance of doubt the traffic survey submitted in support of the outline application was undertaken prior to the covid lockdown and matters in respect of the access and wider traffic implications have been considered at the outline stage. Therefore, the principle of development is well established with the matters under consideration in this application being layout, scale, appearance and landscaping.

### Layout, scale and appearance

- 7.2 The site covers an area of some 4 hectares and is identified as able to accommodate 115 dwellings in the policy LPD64. Outline planning permission was granted for up to 120 dwellings and the current application is for the erection of this number of properties. Based on the above the site would be developed as a density of 30 dwellings per hectare, which would comply with policy LPD33.

- 7.3 The layout of the site would respect the character of the area with a development that would largely be outward facing to the exterior of the site. Adjacent to existing properties on Linden Grove would be the back gardens of the proposed dwellings, which is an acceptable layout, and there would be adequate separation distances between existing and proposed dwellings. Furthermore, there is considered to be a suitable mix of dwellings on the site, which would include two bungalows, which would be provided as affordable housing, the remainder of the properties would be two-storey, which would include detached, semi-detached and terraced properties. The streetscape would be mixed and the layout not car parking dominated in that some dwellings would have parking to the front and others to the side. There would be two key areas of Public Open Space (POS), one to the centre of the site and the larger space to the south-eastern edge of the site. There would also be more linear parts of POS to the edge of the site. Overall the layout is considered to be acceptable with a suitable mix of dwellings and would respect the character of the area.
- 7.4 In respect of scale and appearance it is noted that the majority of dwellings will be two-storey but there would be modest variances in scale through the site and the house types proposed show a mixture of elevation treatments. The majority of properties will be red brick, with some having focal render points, particularly at the first floor. Consideration has been given to having double fronted properties on corner plots so that blank gables are not prominent in the streetscape. There will also be a mixture of roof designs in that some will be hipped and others gable. Therefore, it is considered that the scale and appearance of the dwellings would be acceptable.
- 7.5 Having regard to the impact upon Gedling House, a Grade II Listed Building, it was established at the outline permission stage that the development of the site would not have a significant detrimental impact on the setting of Gedling House. No part of the development exceeds two storeys and this is in accordance with the advice received from the Conservation and Heritage Officer.
- 7.6 As a result the overall layout, scale and appearance of the development is deemed to comply with policies ASC8 ASC10, LPD 26, 27 33, 35, LPD37 and LPD64 and guidance within the NPPF.

#### Landscaping

- 7.7 An Arboricultural Method Statement has been submitted in support of the application and identifies which existing hedgerows and trees will be retained and protected during construction. Retaining such features are welcome given the ecological benefits of green boundary treatments and ensuring a mature landscape for the site. Within the public open space areas additional planting is proposed, along with trees in more prominent locations within the streetscape. Within the individual plots for the housing small scale domestic planting is proposed to the front with rear gardens made to lawn.
- 7.8 In respect of the public open space provision it is noted that the layout of the space, particularly to the south of the site, has improved significantly with the retention basin reduced in size and greater permeability to the remainder of

the space close to the railway line, along with some additional equipment. The Local Equipped Area of Play (LEAP) to the centre of the site would be in a position to be used more widely by occupiers of the site. It is noted that parts of the equipment are closer to four dwellings than the 20m recommended by Sport England; however, each of the units would be across an adopted highway and the LEAP is considered to be most appropriate in this location given its more central location. Therefore, the location of the LEAP is, in this instance, considered to be acceptable and there would be no overriding concerns in respect of amenity.

- 7.9 Overall, the landscaping scheme will, where possible retain existing hedgerows and will result in additional trees being planted along within green spaces too. The overall landscape strategy is considered to be acceptable and complies with policies ACS17, LPD18 LPD21, Open Space Provision SPD and guidance within the NPPF.

### Sustainability

- 7.10 In respect of the Low Carbon Planning Guidance for Gedling Borough the application has taken into account the relevant guidance and in particular, the checklist at appendix 1, which is intended to be used in support of outline and full/reserved matters applications. At the outline stage a number of enhancements were approved including a requirement to supply an electric vehicle charge point for each property on site. In terms of drainage the site will utilise Sustainable Urban Drainage (SUD's) techniques whereby the water will drain at a green field run-off rate. A Travel Plan has been approved as part of the outline permission and the site is located where it will have good access to public transport, notably a bus stop is in close proximity to the site on Burton Road. Ecological enhancement will also be secured through a condition on the outline permission with features such as bat and bird boxes to be installed. The SUD's pond will result in ecological enhancements and there will be an increase in trees through additional planting throughout the site, mainly in the Public Open Space (POS). There will be good access to the POS and play equipment from footpaths within the site for proposed residents and those from further afield.

### Other considerations

- 7.11 For the avoidance of doubt, there are a number of other topics that were covered when the outline application was determined. Notably, a Section 106 Legal Agreement secured planning obligations to a number of services, as outlined in para 2.0 of this report, which would mitigate infrastructure concerns relating to this development. It is noted that both the Primary and Secondary Care Trust have requested a financial contribution toward their provision; however, these matters were dealt with at the outline stage with a planning obligation in the form of a financial contribution secured towards the Primary Care Trust but not the Secondary, and such contributions cannot be secured at the reserved matters stage.
- 7.12 Concern has been raised about possible overlooking and overbearing impacts from the scale of build form proposed. However, rear garden depths would be in the region of 10m and where they are slightly below this distance e.g. plots

19 to 20, there would still be an adequate 'window to window' distance between existing and proposed dwellings to ensure that the amenity of existing occupiers would not be compromised. Between dwellings to be erected on site there would be approximately 20m between habitable room windows.

- 7.13 A noise survey has been submitted in support of the application and identifies that to protect the amenity of properties to the edge of the site on the north east and western edge there would be a requirement to provide an acoustic specification for the relevant facades. Final detail in respect of windows and ventilation would need to be approved through a discharge of condition application and would ensure appropriate amenity for the occupiers. Therefore, it is considered that the scheme as submitted would provide adequate amenity for both proposed and existing occupiers and is deemed to comply with policy LPD32.
- 7.14 Each dwelling will have off street parking provision with at least two spaces available and a condition is attached to the outline requiring the spaces to be provided. The level of provision is in full conformity with the Council's Parking Provision for Residential Developments – Supplementary Planning Document. The Highway Authority raise no objection to the level of provision provided, which is considered to be acceptable and policy compliant. The main spine road and some of the larger spurs off it would be adopted with some private drives too. Adequate visibility splays would be secured at the key junctions and turning areas are proposed to allow vehicles to turn within the site too. As a result the application is deemed to comply with policies LPD57 and LPD61.
- 7.15 A number of other matters have been raised including expressing concerns in respect of contamination; however, a condition is secured on the outline to ensure that an appropriate remediation strategy is approved and the site remediated. Drainage and flooding is another matter that has, in principle, been agreed with final details to be approved through a discharge of condition application. The affordable housing mix and locations are considered to be appropriate having regard to the adopted Affordable Housing SPD in that not more than 15 are grouped together and the location of the bungalows close to the public open space is not inappropriate. It would not be possible to secure an archaeological watching brief at the reserved matters stage, rather this would need to have been secured at the outline stage but no such request was raised at that time. It has been indicated that not all of the site is within the applicant's control; however, the requisite declarations were made with the outline application and the Council has no reason to dispute land ownership, which would be a civil legal matter thereafter. Furthermore, there is no statutory requirement to provide a certificate of ownership with a reserved matters application. Boundary treatments are identified on a submitted plan and are considered to be acceptable with boarded fencing to the majority of rear gardens, some walls in more prominent location and others having green boundary treatments. Ecological matters were considered at the outline stage and conditions added in respect of badgers and ecological enhancements. Impact on house prices is not a material planning consideration. The location plan does not show more recent house extensions to existing dwellings on



Linden Grove but this would be an issue for the ordinance survey and not one that the applicant could resolve and, as noted above, it is considered that the impacts on amenity are acceptable.

## **8.0 Conclusion**

- 8.1 The principle of the development has been established following the grant of outline application 2019/1186 and fact that the site is allocated for residential development in the Local Planning Document. Access has already been approved with the internal access arrangements also now considered to be acceptable. The design of the dwellings is acceptable with a suitable mixture of materials and scale of properties, with public open space overlooked and residential amenity respected. Having regard to the above it is considered that the application complies with policies A, 1, 2, 8, 10 and 17 of the Aligned Core Strategy; policies 4,, 7, 11, 18, 19, 21, 26, 27 32, 33, 37, 57, 61 and 64 of the Local Planning Document, Parking Provision for Residential Developments – Supplementary Planning Document (2012), Open Space Provision Supplementary Planning Guidance (2001), Low Carbon Planning Guidance for Gedling Borough (2021) and guidance within the NPPF.

**Recommendation: to grant reserved matters approval, subject to the imposition of conditions, as set out in the report:**

### **Conditions**

1. This permission shall be read in accordance with the application form and following list of approved drawings:
  - Site location plan (ref: 6097-L-05A)
  - Planning layout (ref: G-DPL-01D)
  - Materials layout plan (ref: BRG/MAT01 Rev C)
  - Affordable housing plan (ref: BRG/AHP/01 Rev C)
  - House Type Pack March 2021 (ref: BRG/HTP01)
  - POS Landscape proposals (ref: 06097-FPCR-XX-XX-DR-L-0001-P09)
  - Detailed LEAP plan (ref: 06097-FPCR-XX-XX-DR-L-0007-P06)
  - On plot landscaping proposals sheets 1 to 4 (ref: 06097-FPCR-XX-XX-DR-L\_0002-P04, 0003-P04, 0004-P04 and 0005-P04)
  - Detailed hardworks and boundary treatment plan (ref: 06097-FPCR-XX-XX\_DR-L-0006-P05) - Drainage/alternative pond layout/levels plan (ref: 22069-SK03 Rev F)
  - Swept path analysis plan (ref: 22069-108-A)

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

2. No above ground works shall commence until samples of external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

3. Development shall proceed in accordance with the approved Arboricultural Assessment, which identifies the trees to be retained and protected; appropriate fencing to protect trees to be retained shall be in situ prior to commencement of development and be retained whilst development is underway that would impact on the trees and hedges to be retained.

4. Notwithstanding condition 1 above, no above ground works shall commence until details of the existing and proposed ground and finished floor levels of the site and approved building[s], including sections, have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

5. No above ground works shall commence until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall, thereafter, be implemented in accordance with the details as approved.

6. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

7. No above ground works shall commence until details of the closing of the existing access arrangement to Burton Road to the North East of the bus turning facility have been submitted to and approved in writing by the Local Planning Authority. This should be implemented on occupation of the final plot on the private drive serving plots 89-94.

## **Reasons**

1. For the avoidance of doubt.

2. To ensure that the character of the area is respected and to comply with policy ACS10 of the Aligned Core Strategy.

3. To ensure that the character of the area and existing ecology in site is protected and to comply with policies LPD18 and ACS10.

4. In the interests of amenity and to respect the character of the area and to comply with policies LPD32 and ACS10.

5. To ensure that relevant parts of the development is constructed to adoptable standards.

6. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

7. In the interests of Highway safety.

## Notes to Applicant

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

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

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

A licence/agreement will be required to enable works to be undertaken on Burton Road to reinstate the existing access.

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

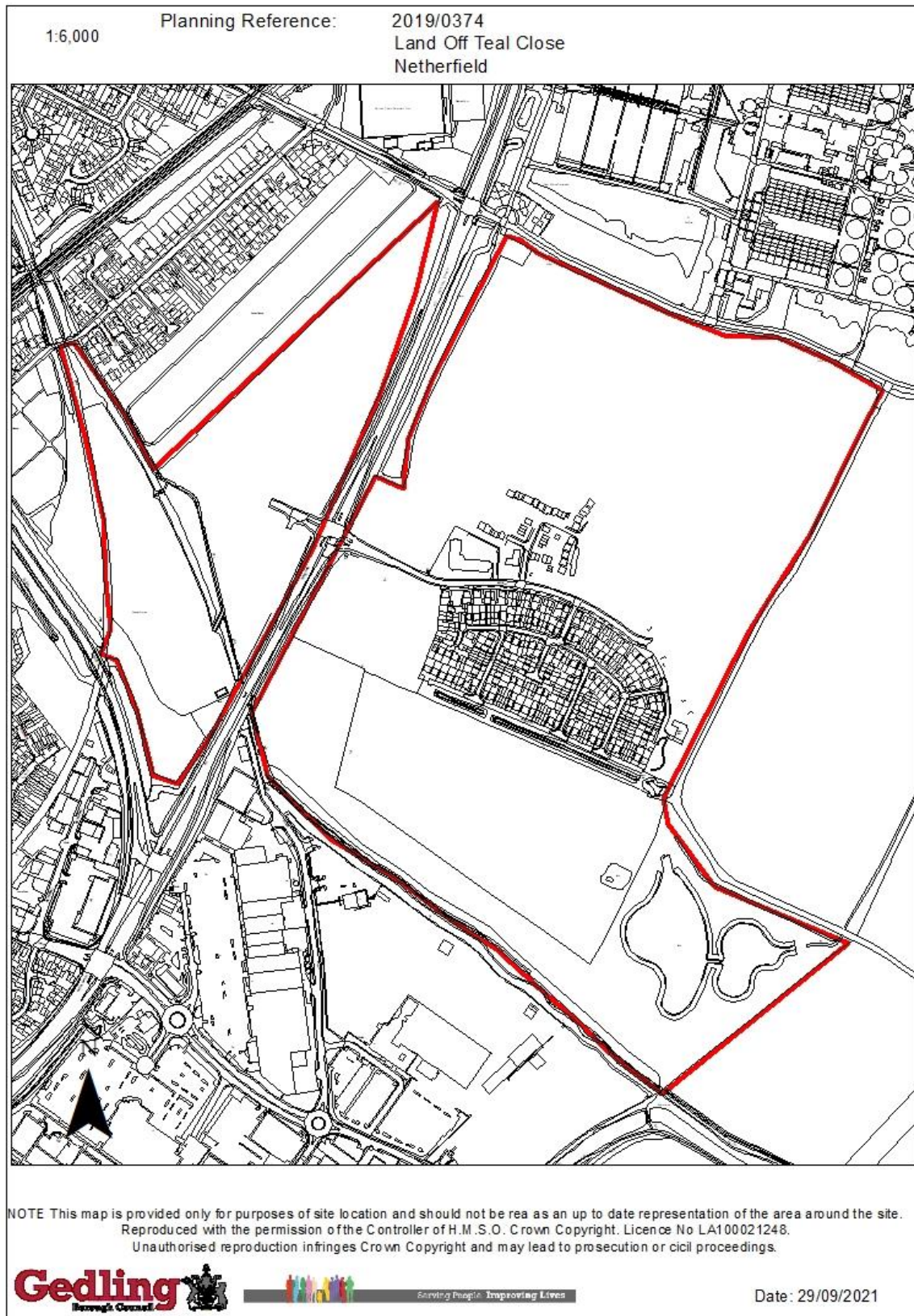
All correspondence with the Highway Authority for this development should be addressed to: [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)

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

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**Planning Report for 2019/0374**



**Report to Planning Committee**

**Application Number:** 2019/0374

**Location:** Land Off Teal Close Netherfield Nottinghamshire

**Proposal:** Variation of Conditions 2 (approved plans), 7 (parameters plan written statement), 10 (flood risk), 28 (highway works), 30 (highway works), 31 (highway works), 32 (highway works), 33 (highway works) and 35 (footway/cycleway) on planning permission reference 2017/0999

**Applicant:** c/o Agent

**Agent:** Chris Gowlett/Grace Clarkson

**Case Officer:** Kevin Cartwright

**This application has been referred to the Planning Committee as the application requires an amendment to the Section 106 agreement.**

**1.0 Site Description**

- 1.1 The site is the Teal Close development site which has outline planning permission reference 2013/0546 as varied by planning permission 2017/0999 for residential development (up to 830 units), employment uses (Use Classes B1/B2/B8), a community hub (Use Classes A1-A5 and D1), primary school, hotel (Use Class C1), care home (Use Class C2), playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures. Various approvals have been granted pursuant to this permission. The full planning history is detailed below.
- 1.2 To date approximately 200 dwellings, and a care home have been completed and work has commenced on a significant number of other dwellings and on a number of the commercial units.
- 1.3 It is approximately 26 hectares in overall site area split into two parcels of land which straddle the Colwick Loop Road.

**2.0 Relevant Planning History**

2013/0546 - Outline planning application comprising residential development (up to 830 units), employment uses (Use Classes B1/B2/B8), a community hub (Use Classes A1-A5 and D1), primary school, hotel (Use Class C1), care home (Use Class C2), playing pitches and changing



facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures approved and is subject to a S106 agreement. Approved 30<sup>th</sup> June 2014.

2017/0999 - Variation of Conditions 32, 33 & 35 and removal of Condition 34 attached to outline planning application No. 2013/0546 comprising residential development (up to 830 units), employment uses (use classes B1, B2, B8) a community hub (use classes A1-A5 and D1) primary school, hotel (use class C1), care home (use class C2) playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures. Approved 28<sup>th</sup> February 2018.

2017/0800 - Reserved Matters Application for the erection of 199 dwellings (C3), including 2017/0800 10 affordable units, and the associated infrastructure including landscaping, community uses/changing rooms (D2), playing pitches, a NEAP and public open space and an ecological park. Approved 2<sup>nd</sup> March 2018. 2018/0951 - Variation of conditions 32 (highway works), 33 (highway works) & 35 (footway/cycleway works) on outline planning permission reference 2017/0999 – Approved 2<sup>nd</sup> March 2018.

2017/1092 - Discharge of Conditions 3 (Phasing), 8 (Topographical), 25 (Geophysical), 28 (Main Site Access), 30, 31, 32, 33 & 35 of Outline Planning Approval: 2017/0999. Approved.

2018/1189NMA - Non Material Amendment - amendment to the wording of Condition 10 (flood risk measures) on outline planning permission reference 2017/0999. – Approved

2019/0060NMA - Non Material Amendment to reserved matters approval 2017/0800 - mid-terraced Yarm house type replaced with Bickleigh house type and end terrace Bickleigh house type replaced with Yarm house type, changes to feature plots and amendments to road layouts – Approved

2019/0208NMA - Non Material Amendment - amendment to the wording of Condition 10 (flood risk measures) on outline planning permission reference 2017/0999 – Pending

2019/0131 - Reserved matters application for the erection of a 1-form entry primary school with a 26 place nursery with associated external play areas, car parking and associated landscaping and infrastructure pursuant to outline planning permission 2017/0999 – Approved 8<sup>th</sup> April 2020.

2019/0529 - Formation of access and enabling works including drainage and earthworks in relation to the local centre and employment uses – Granted Permission 18th September 2019.

2019/0613 - Approval of reserved matters in relation to access, appearance, landscaping, layout and scale of the Local Centre comprising of Public House, Commercial/Retail Terrace and Children's Day Nursery pursuant to outline planning permission 2017/0999- Approved 21<sup>st</sup> May 2021.

2019/0614 - Approval of reserved matters in relation to appearance, landscaping, layout and scale of the trade park and unit 1 of the employment area pursuant to outline planning permission 2017/0999 – Granted Planning Permission 8th November 2019.

2019/0615 - Approval of reserved matters in relation to appearance, landscaping, layout and scale for the development of the employment area (6no. employment units) pursuant to outline planning permission 2017/0999 – Granted Planning Permission 24<sup>th</sup> June 2021.

2019/1191 – Erection of a three Storey Sixty Six Bedroom Residential Care Home for Older People (Use Class C2) with associated access, parking and landscaping. Granted Planning Permission 11<sup>th</sup> March 2020.

2019/0152 - Reserved matters application for the erection of 353no. dwellings (C3), including 18 affordable units, and the associated infrastructure including landscaping and public open space pursuant to outline planning permission 2017/0999. (Phase 2) – Approved 22<sup>nd</sup> June 2020.

2019/0560 - Reserved matters application for the erection of 277no. dwellings (C3), including 13 affordable units, and the associated infrastructure including landscaping and public open space pursuant to outline planning permission 2017/0999. (Phase 3) – Pending.

2020/1292 - Erection of a retail store (Class E) with associated car parking, landscaping and other infrastructure. Granted Planning Permission on 21<sup>st</sup> May 2021.

### **3.0 Proposed Development**

3.1 The application is made under Section 73 of The Town and Country Planning Act and seeks to vary Conditions 2 (approved plans), 7 (parameters plan written statement), 10 (flood risk), 28 (highway works), 30 (highway works), 31 (highway works), 32 (highway works), 33 (highway works) and 35 (footway/cycleway) of outline planning permission reference 2017/0999.

3.2 The affected conditions are listed below as currently worded and with the proposed revised wording:

Condition 2

Current Wording

The development shall be carried out in accordance with the Schedule of Development revision B submitted on the 10th October 2013 and the following plans; Site Location Plan DE076\_016; Parameters Plan DE076\_014 Rev B. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_002, 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.



## Proposed Wording

The development shall be carried out in accordance with the Schedule of Development Revision B submitted on the 10<sup>th</sup> October 2013 and the following plans: Site Location Plan DE076\_016, Parameters Plan DE076\_014 Rev D. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing number: 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.

## Condition 7

### Current Wording

Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. B.

### Proposed Wording

Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. D

## Condition 10

### Current Wording

Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the east of the A612 to 20.960 m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650 m above Ordnance Datum (AOD); and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable buildings. The scheme for each phase shall be implemented in accordance with the approved details prior to occupation of buildings within that phase.

### Proposed Wording

Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings to the east of the A612 to 20.690m above Ordnance Datum (AOD); (2) Set

finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650m above Ordnance Datum (AOD), and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable Buildings unless the floor of the buildings is set at least 300mm above the finished floor levels stated in parts (1) and (2). The scheme for each phase shall be implemented in accordance with the approved details prior to the occupation of buildings within that phase.

#### Condition 28

##### Current Wording

Prior to first occupation of the development hereby approved, other than the business development to be accessed from Stoke Lane, construction details of the site access junctions from the A612 as show in outline on plan references 90372\_001 Revision E and 90372\_002 shall be submitted to and approved in writing by the Local Planning Authority. Along with the construction details to be submitted, shall also be submitted to and approved in writing by the Local Planning Authority a programme of implementation of construction details of the site access. The site access details to be submitted pursuant to plan reference 903732\_002 shall also include provision of a physical strip/central refuge fronting the proposed access to prevent vehicles from u-turning and associated signing and lining. The approved detailed access arrangements shall thereafter be implemented in accordance with the approved programme of implementation, related to the phasing of the development.

##### Proposed Wording

Prior to the occupation of the development hereby approved, other than the business development to be accessed off Stoke Lane, the site access junction from the A612 as shown in outline on plan reference 90372\_001 Revision E and the construction details approved under 2017/1092DOC shall be implemented prior to the occupation of the first dwelling.

#### Condition 30

##### Current Wording

Prior to first occupation of the development hereby approved a u-turn prohibition shall be implemented by means of a legal Traffic Regulation Order and appropriate signs shall be provided at the A612/Stoke Lane junction for the A612 west approach in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

##### Proposed Wording

Condition Deleted.

#### Condition 31

#### Current Wording

Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing by the local planning authority in relation to the extension of the 40mph speed restrictions by amendment of the existing Traffic Regulation Order along Stoke Lane towards west of its junction with the A612 covering the site frontage. Details shall also include the location of proposed signing/lining and street lighting to accommodate the extension. The extended 40mph speed restriction area shall be provided in accordance with the approved details prior to first occupation of the development, unless otherwise agreed in writing by the local planning authority.

#### Proposed Wording

Condition Deleted.

#### Condition 32

#### Current Wording

Prior to the first occupation of the development hereby approved construction details of the mitigation measures at the Lowdham Roundabout as shown in outline on plan reference 90371/PSTN/003 shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the Lowdham Roundabout shall be implemented in accordance with the approved details prior to the occupation of the 325th dwelling of the development hereby approved.

#### Proposed Wording

Condition Deleted

#### Condition 33

#### Current Wording

Prior to the first occupation of the development hereby approved construction details of the mitigation measures to be provided at A612 Mile End Road/Colwick Loop Road junction as shown in outline on plan reference 90372/PSTN/005 Revision A shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the junction shall be provided in accordance with the approved details prior to the occupation of the 175th dwelling of the development hereby approved.

#### Proposed Wording

Condition Deleted.

#### Condition 35

#### Current Wording

Prior to the first occupation of the development hereby approved details of a new shared footway/cycleway to be provided along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The shared footway/cycleway shall be provided in accordance with the approved details prior to the occupation of the 30th dwelling of the development hereby approved.

#### Proposed Wording

The construction of a new shared footway/cycleway along the northern boundary of the site is to be completed in general accordance with details approved under 2017/1092DOC. The shared footway/cycleway shall be provided prior the occupation of the 350<sup>th</sup> dwelling of the development hereby approved.

#### **4.0 Consultations**

- 4.1 Nottinghamshire County Council Local Lead Flood Authority – No objection to the variation of the wording of Condition 10.
- 4.2 Environment Agency – The Environment Agency agrees with the changes on condition 10.
- 4.3 Nottinghamshire County Council Highway Authority –.

Variation of Conditions 2 (approved plans)-the Secondary access to the west to be removed is acceptable.

Condition10 (flood risk) - Not a highway matter

Condition 28 (highway works) - Access works from Stoke Lane have been implemented.

Condition 30 (highway works) - Order and works for this moving traffic order have been completed

Condition 31 (highway works) - Traffic Regulation Order along Stoke Lane has been amended.

Condition 32 (highway works)- Whilst we would still question the severity of impact that the Teal Close development has on the Lowdham Roundabout approaches, it appears that the junction was assessed and works that were proposed on the Southwell Road approach only were agreed therefore we can confirm that a contribution of £64, 932.75 is to be paid towards improvements at Lowdham Roundabout agreed on Plan reference A109430 TTE 00 XX DR O 00003 P01 as the indicative works that are to be provided by others. The contribution is to be paid prior to the occupation of the 325<sup>th</sup> dwelling or by 31<sup>st</sup> March 2024, whichever is the soonest, to implement the construction works and provide mitigation associated with the approved development

Condition 33 (highway works)-It is considered that mitigation measures are to be provided at A612 Mile End Road/Colwick Loop Road junction to control the

traffic impact on the junction by providing a contribution of £150,000 towards cycleway/footway works as indicated on the Drawing A612 Cycle Route to be provided by others. This is to encourage modal shift and remove traffic off the network and provide sustainable facilities for cyclists/pedestrians. The contribution is to be paid prior to the occupation of the 175th, to implement the construction works and provide mitigation associated with the approved development

Condition 35 (footway/cycleway) - With reference to the footway/cycleway variation on Stoke Lane Drawing reference C005 showing just footway for part of its length is acceptable

4.4 Stoke Bardolph Parish Council – No comments received.

4.7 Members of the Public

A press notice was published, three site notices were displayed and neighbour notification letters posted. 2no. objection have been received.

A summary of the main concerns are listed below:

-There is only one access route in via Magenta Way. There should be a second access for the commercial traffic.

-I challenge the plan to change the application (one of the access routes) to an emergency access only. Without a second road traffic past my address on Magenta Way will be much greater.

## **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'.

## **6.0 Development Plan Policies**

6.1 National Planning Policy Framework (NPPF) 2021

Section 2 – Achieving sustainable development - Para 11 – presumption in favour of sustainable development

Section 4 – Decision-making - Paragraph 47 of the NPPF states that planning law requires applications for planning permission be determined in accordance with the Development Plan, unless materials considerations indicate otherwise.

Section 6 – Building a Strong, competitive economy - Paragraph 81 states planning decisions should help create conditions in which businesses can invest, expand and adapt.

Section 7 – Ensuring the vitality of town centres - The proposal is for a new main town centre use and should be subject to the sequential test. It is noted that the applicant has submitted a sequential test assessment.

Section 8 – Promoting healthy and safe communities. Paragraph 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places. Paragraph 134 states that permission should be refused for development of poor design.

Section 14 – Meeting the challenge of climate change, flooding and coastal change - Paragraph 166 - states a site specific flood risk assessment is required. The applicant has submitted a flood risk assessment.

Section 15 – Conserving and enhancing the natural environment - Paragraph 174. Planning policies and decisions should contribute to and enhance the natural and local environment.

## 6.2 Gedling Borough Aligned Core Strategy (ACS) (2014)

Policy A – Presumption in Favour of Sustainable Development

Policy 1: Climate Change - Parts 1, 2 and 3 set out sustainability criteria.

Part 6 deals with flood risk.

Policy 10: Design and Enhancing Local Identity - General design criteria

Policy 12: Local Services and Healthy Lifestyles – Part 1) New, extended or improved community facilities will be supported where they meet a local need. In particular, where there is an evidenced need, new or improved community facilities should be provided to support major new residential development (especially in Sustainable Urban Extensions).

Part 2) criteria b) requires facilities to be in locations accessible by a range of sustainable transport modes suitable to the scale and function of the facility.

Appendix A – Strategic Site Schedules and Plans – Identifies Teal Close as a sustainable urban extension including a Local Centre up to 2,800m<sup>2</sup> of A1-A5 and D1.

### 6.3 Gedling Borough Local Planning Document (LPD) (2018)

LPD 3 – Managing Flood Risk

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

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

LPD 10 – Pollution – sets out the criteria that a development will need to meet with respect of pollution

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

LPD 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 57 – Parking Standards – Planning Permission will be granted for residential development where proposals meet the requirement for parking provision set out in Appendix D, or otherwise agreed by the local planning authority.

LPD 61 – Highway Safety – Planning Permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of people.

### 7.0 Planning Considerations

- 7.1 The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 (the 'Act') is 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 where there are relevant conditions that can be varied. This is the case with this application. The relevant conditions are Conditions 2 (approved plans), 7 (parameters plan written statement), 10 (flood risk), 28 (highway works), 30 (highway works), 31 (highway works), 32 (highway works), 33 (highway works) and 35 (footway/cycleway) on planning permission reference 2017/0999.
- 7.2 The effect of granting planning permission would be issue a new permission incorporating the amendments to the wording of the affected conditions, together with any other relevant conditions from the original permission.

- 7.3 Section 73(2) of the Act is very clear that: “On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted...”. In other words the local planning authority cannot revisit the principle of development, or those issues which are not covered by the conditions, and only minor material changes can be considered.

#### Evaluation

- 7.4 Condition 2

##### Current Wording

The development shall be carried out in accordance with the Schedule of Development revision B submitted on the 10th October 2013 and the following plans; Site Location Plan DE076\_016; Parameters Plan DE076\_014 Rev B. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_002, 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.

##### Proposed Wording

The development shall be carried out in accordance with the Schedule of Development Revision B submitted on the 10<sup>th</sup> October 2013 and the following plans: Site Location Plan DE076\_016, Parameters Plan DE076\_014 Rev D. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.

- 7.5 The proposed changes to condition 2 would result in the removal of the secondary access road to phase 3. The A612 site access via the signal controlled junction, which has been constructed, would on its own provide a suitable access to the site and would be able to accommodate the traffic flows generated by the residential development. As such the propose amendments would have no significant adverse impact on traffic safety. This is confirmed by the comments of the Highway Authority who have not raised any objection to the rewording of this condition.

- 7.6 Condition 7

##### Current Wording

Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. B.

##### Proposed Wording



Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. D

- 7.7 The proposed changes to the wording of condition 7 are simply to update the parameters plan to the correct revision in relation to the removal of the secondary vehicular access route the subject of amended condition 2 above.

- 7.8 Condition 10

#### Current Wording

Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the east of the A612 to 20.960 m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650 m above Ordnance Datum (AOD); and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable buildings. The scheme for each phase shall be implemented in accordance with the approved details prior to occupation of buildings within that phase.

#### Proposed Wording

Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings to the east of the A612 to 20.690m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650m above Ordnance Datum (AOD), and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable Buildings unless the floor of the buildings is set at least 300mm above the finished floor levels stated in parts (1) and (2). The scheme for each phase shall be implemented in accordance with the approved details prior to the occupation of buildings within that phase.

- 7.9 The proposed changes to the wording of condition 10 would consolidate the various details and changes that have been approved by planning reference 2018/1189 in respect of non-material amendments. These relate to flood risk matters and more specifically finished floor levels and access road levels. The reworded condition has been considered by both the Environment Agency and the Local Lead Flood Authority who have not raised any objection to the changes. I have no reason to come to a different conclusion.

## 7.10 Condition 28

### Current Wording

Prior to first occupation of the development hereby approved, other than the business development to be accessed from Stoke Lane, construction details of the site access junctions from the A612 as show in outline on plan references 90372\_001 Revision E and 90372\_002 shall be submitted to and approved in writing by the Local Planning Authority. Along with the construction details to be submitted, shall also be submitted to and approved in writing by the Local Planning Authority a programme of implementation of construction details of the site access. The site access details to be submitted pursuant to plan reference 903732\_002 shall also include provision of a physical strip/central refuge fronting the proposed access to prevent vehicles from u-turning and associated signing and lining. The approved detailed access arrangements shall thereafter be implemented in accordance with the approved programme of implementation, related to the phasing of the development.

### Proposed Wording

Prior to the occupation of the development hereby approved, other than the business development to be accessed off Stoke Lane, the site access junction from the A612 as shown in outline on plan reference 90372\_001 Revision E and the construction details approved under 2017/1092DOC shall be implemented.

- 7.11 The revised wording of condition 28 is simply to incorporate the discharge of conditions details that have been approved since the original grant of planning permission in relation to the primary access road from the A612 and removes reference to the secondary access to the phase 3 land as discussed at para 7.4 and 7.5 above. The Highway Authority has confirmed that the works in relation to the primary access have been undertaken and there is no requirement for the secondary access. As such the reworded condition is considered acceptable.

## 7.12 Condition 30

### Current Wording

Prior to first occupation of the development hereby approved a u-turn prohibition shall be implemented by means of a legal Traffic Regulation Order and appropriate signs shall be provided at the A612/Stoke Lane junction for the A612 west approach in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

### Proposed Wording

Condition Deleted.

7.13 It is proposed that this condition be deleted. The Traffic Regulation Order has been implemented as such the condition is no longer necessary. This is confirmed by the comments of the Highway Authority.

7.14 Condition 31

Current Wording

Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing by the local planning authority in relation to the extension of the 40mph speed restrictions by amendment of the existing Traffic Regulation Order along Stoke Lane towards west of its junction with the A612 covering the site frontage. Details shall also include the location of proposed signing/lining and street lighting to accommodate the extension. The extended 40mph speed restriction area shall be provided in accordance with the approved details prior to first occupation of the development, unless otherwise agreed in writing by the local planning authority.

Proposed Wording

Condition Deleted.

7.15 The requirements of Condition 31 have been met. The Traffic Regulation Order and signage are in place. As such this condition is no longer necessary and can be deleted. This is confirmed by the comments of the Highway Authority.

7.16 Condition 32

Current Wording

Prior to the first occupation of the development hereby approved construction details of the mitigation measures at the Lowdham Roundabout as shown in outline on plan reference 90371/PSTN/003 shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the Lowdham Roundabout shall be implemented in accordance with the approved details prior to the occupation of the 325th dwelling of the development hereby approved.

Proposed Wording

Condition deleted.

7.18 The Highway Authority has had a comprehensive dialogue with the applicant's agent in relation to the proposed changes, including consideration of the comprehensive Transport Statement submitted in support of the application. It has been demonstrated that the impact on this junction as a result of the proposed development is less than originally assessed. As an alternative to the originally approved highway improvement works it is the Highway Authority preference that a financial sum of £64, 932.75 is secured which can

then contribute towards the larger planned improvements to this roundabout which are required to mitigate the impacts of this development.

#### 7.19 Condition 33

##### Current Wording

Prior to the first occupation of the development hereby approved construction details of the mitigation measures to be provided at A612 Mile End Road/Colwick Loop Road junction as shown in outline on plan reference 90372/PSTN/005 Revision A shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the junction shall be provided in accordance with the approved details prior to the occupation of the 175th dwelling of the development hereby approved.

##### Proposed Wording

Condition Deleted.

- 7.20 Condition 33 relates to off-site highway works at Mile End Road/Colwick Loop Road Traffic signals. Additional traffic survey work and modelling indicates that the impact on this junction is again less than modelled originally. Additionally, since the determination of the original application the Highway Authority has developed plans to improve this junction by the introduction of a pedestrian/cycle way. As such it is considered appropriate for the developer to contribute £150,000 to these new improvements as an alternative to that previously approved. The improvements would promote a modal shift away from the motor vehicle which would in turn mitigate the impact of the development on the road network.

#### 7.21 Condition 35

##### Current Wording

Prior to the first occupation of the development hereby approved details of a new shared footway/cycleway to be provided along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The shared footway/cycleway shall be provided in accordance with the approved details prior to the occupation of the 30th dwelling of the development hereby approved.

##### Proposed Wording

The construction of a new shared footway/cycleway along the northern boundary of the site is to be completed in accordance with details approved under 2017/1092DOC. The shared footway/cycleway shall be provided prior the occupation of the 350<sup>th</sup> dwelling of the development hereby approved.

- 7.22 Condition 35 relates to the provision of footway/cycleway provision along Stoke Lane. It is accepted that a footpath link from the Stoke Lane junction that serves the employment units back westwards to the exiting footway along the A612 is necessary. However the footway extending eastwards along

Stoke Lane is not necessary as it does not connect to any existing footway. As such the revised arrangements are considered acceptable. This is confirmed by the comments of the Highway Authority.

#### Planning obligations

7.23 A section 73 application, if granted, would be a standalone permission and, therefore, to secure the contributions granted with the original permission and any additional contributions required as a result of the amendments to the conditions there is a need for a deed of variation to the original section 106 Legal Agreement.

7.24 The following planning obligations in the form of financial contributions are required in addition to those of the original section 106 agreement:

£64,932.75 is to be secured towards improvements at Lowdham Roundabout

£150,000 towards cycleway/footway works at A612 Mile End Road/Colwick Loop Road junction.

7.25 The above obligations would need to be secured by way of planning obligations to the Borough, City and County Councils as per the legal agreement associated with planning permission 2017/0999 which the application seeks to amend.

7.26 It is considered that the above obligations meet with the tests set out in Section 122 of The Community Infrastructure Levy Regulations 2010 (as amended) to mitigate the impact of the development as a result of the deletion of conditions 32 and 33.

#### Other Matters

7.27 The comments received from neighbouring residents are noted. The principle of a single access point to serve phase 1 and 2 of the development e.g. Magenta Way is established by the grant of outline permission 2013/0546 as varied by 2017/0999. Any alterations to this access is not the subject of this Section 73 application.

7.28 The commercial elements of the scheme are served from a separate access from Stoke Lane. As such there should be a minimal number of commercial vehicles using Magenta Way once the development is completed.

7.29 It is considered that the removal of the secondary access to phase 3 would increase vehicle movements travelling westwards along the single remaining access into phase 3. However it is my considered opinion that it would be unlikely to increase the number of vehicles travelling eastwards along Magenta Way associated with phases 1 and 2.

7.30 With the application being made under S73 of the Town and Country Planning Act 1990 (as amended) the Council are able to update the list of approved

drawings as were originally outlined in relation to each condition as set out in para 3.2.

- 7.31 Typically this would be the only conditions that would be altered. However, noting the list of discharge of condition and non-material amendment applications that have been approved in connection with the development, as outlined in Section 2 of this report, a number of other conditions would also need to be updated to reflect details previously approved. These revised conditions are set out in the conditions section below.

## **8.0 Conclusion**

- 8.1 **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, is acceptable in highway terms and would not have any adverse impact in relation to flood risk. Therefore the proposed development would be in accordance with the guidance contained within the NPPF (2021) Sections 2,4,6,7,8,9,12,14,and 15, Section A, 1,6,10 and 12 of the ACS (2014) LPD 3, LPD4, LPD 7, LPD10, LPD11, LPD32, LPD35, LPD 57 & LPD61 of the Local Planning Document (2018).**

## **9.0 RECOMMENDATION:-**

**That the application be granted permission subject to the applicant entering into a deed of variation amending the original Section 106 Agreement dated 30 June 2014 as varied by the deed of variation dated 27<sup>th</sup> February 2018 with the Borough Council as Local Planning Authority, City Council as transport authority and with the County Council as highways and education Authority to bind the new permission to all of the requirements of the original section 106 agreement as varied and to include additional planning obligations in the form of financial contributions in relation to the revised off-site highway works as detailed in paragraph 7.24. and subject to the following conditions:**

### **Conditions**

- 1 Application for the approval of reserved matters shall be made to the Local planning Authority not later than 30th June 2019. Details of Appearance, Landscaping, Layout and Scale (hereinafter called the reserved matters) for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development within that phase begins and the development shall be carried out as approved. The development hereby permitted shall commence no later than two years from the date of approval of the last reserved matters to be approved.
- 2 The development shall be carried out in accordance with the Schedule of Development Revision B submitted on the 10<sup>th</sup> October 2013 and the following plans: Site Location Plan DE076\_016, Parameters Plan DE076\_014

Rev D. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.

- 3 The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule as approved by planning reference 2017/1092DOC and 2018/0333DOC prior to the commencement of a particular phase.
- 4 The development hereby approved comprises;(1) up to 830 residential dwellings; (2) up to 18,000 square metres of business use falling within use classes B1 'Business', B2 'General Industrial' and B8 'Storage and Distribution'; (3) the creation of a local centre and commercial centre of up to 2,800 square metres within use classes falling into A1 'Shop', A2 'Financial', A3 'Restaurant and café', A4 'Drinking Establishment', A5 'Hot Food Takeaway', B1 'Business' and D1 'Non-residential institutions'; (4) a Hotel providing up to 150 beds; (5) up to 500 square metres of uses falling with use classes D1 'Non- residential institutions' and D2 'Assembly and Leisure' (additional to (3) above); (6) a one form entry primary school which shall cover a minimum of 1.1ha; (7) a C2 'Residential Institution' of up to 60 beds; and (8) general opening space including landscaping, children's play areas, allotments and playing pitches as indicated on the approved parameters plan.
- 5 The total B1 'Business' floor area within the business and/or local centre and commercial areas hereby approved shall comprise not more than 4,500 square metres. The local centre shall not comprise of more than 2,499 square metres floor area of A1 'Shop' or D2 'Assembly and Leisure' uses.
- 6 The total amount of A1 'Shop' floor space shall not exceed 1,500 square metres and no individual A1 'Shop' unit shall exceed 750 square metres (measured internally).
- 7 Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. D.
- 8 Phase 1 of the development shall be read in accordance with the levels details as approved by planning reference 2017/1092DOC and 2018/0333DOC.

Phase 2 Residential elements of the development shall be undertaken in accordance with the levels details as approved by planning 2020/0562DOC.

Phase 2 employment elements of the development shall be undertaken in accordance with the levels details as approved by planning reference 2020/1085DOC.

Prior to the commencement of any remaining phase of development hereby approved a site level survey plan shall be undertaken for that phase of

development showing existing site levels. This existing site level survey plan shall be submitted to and approved in writing by the Local Planning Authority.

- 9 Buildings comprising Less Vulnerable uses (as defined by the National Planning Policy Framework) and their associated vehicle access routes within the development hereby approved shall have finished floor levels at no lower than 20.660m Ordnance Datum (AOD) where existing levels are at or exceed that level. Where existing levels are below 20.660m Ordnance Datum (AOD), set finished floor levels shall be a minimum of 20.660m Ordnance Datum (AOD) or 600mm above existing ground levels, whichever is lower.
- 10 Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings to the east of the A612 to 20.690m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650m above Ordnance Datum (AOD), and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable Buildings unless the floor of the buildings is set at least 300mm above the finished floor levels stated in parts (1) and (2). The scheme for each phase shall be implemented in accordance with the approved details prior to the occupation of buildings within that phase.
- 11 The development within the employment land shall be undertaken in accordance with the flood resilience design measures as approved by planning reference 2020/0306DOC.  
  
Prior to the commencement of any other phase of development hereby approved relating to less vulnerable uses a scheme to provide flood resilience design for Less Vulnerable development, as defined by the National Planning Policy Framework, within that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase and subsequently maintained.
- 12 Prior to the occupation of any building(s) falling within use classes C3 'dwelling houses', C2 'Residential institutions', C1 'Hotels' or D1 'Non-residential institutions', a Verification Report confirming the finished base slab and wearing course levels of that building(s) and the finished levels of internal road(s) serving that building(s) within the particular phase shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report for each phase shall also include confirmation that the approved flood resilient construction methods approved under condition 10 for More Vulnerable uses accords with the approved details..
- 13 The development within phase 1 shall be undertaken in accordance with the easement details approved by planning reference 2017/1092DOC and 2018/0333DOC.



The development within phase 2 shall be undertaken in accordance with the easement details approved by planning reference 2020/0562DOC.

Prior to the commencement of any remaining relevant phase of development hereby approved a scheme to provide a minimum of an 8 metre unobstructed easement from all watercourses, culverted watercourses and flood defence structures, including the Ouse Dyke (Main River) and any ordinary watercourses, within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to occupation of any buildings within that phase or any other features (i.e. playing fields) being brought into use and subsequently maintained.

- 14 The development within the employment land shall be undertaken in accordance with the approved flood evacuation details as approved by planning reference 2020/0306DOC.

Prior to the commencement of any other relevant phase of development hereby approved an evacuation plan for all Less Vulnerable development at risk of flooding within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any buildings within that phase and subsequently maintained.

- 15 No ground raising or permanent built structures shall be built within the modelled floodplain of the Ouse Dyke as shown in the Flood Risk Assessment, November 2013, submitted as part of the outline planning application hereby approved.

- 16 Development within Phase 1 shall be undertaken in accordance with the sustainable drainage details as approved by planning reference 2017/1092DOC and 2018/0333DOC.

Development within the employment land shall be undertaken in accordance with the sustainable drainage details as approved by planning reference 2020/0306DOC.

Development within Phase 2 shall be undertaken in accordance with the sustainable drainage details as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved, a surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase. The scheme (s) to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques; (2) The limitation of surface water run-off to equivalent greenfield rates; (3) A minimum of two forms of surface water treatment to be provided

prior to discharge from the site, in accordance with CIRIA C697; (4) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (5) Responsibility for the future maintenance of drainage features.

- 17 Phase 1 of the development shall be undertaken in accordance with the foul drainage details as approved by planning reference 2018/0332DOC.

The development within the employment land shall be undertaken in accordance with the foul drainage details as approved by planning reference 2020/0306DOC.

Phase 2 of the development shall be undertaken in accordance with the foul drainage details as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a scheme to dispose of foul drainage for that phase of development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme (s) shall be implemented as approved.

- 18 The development within Phase 1 shall be undertaken in accordance with the remediation strategy as approved by planning reference 2018/0719DOC.

The development within the employment land shall be undertaken in accordance with the remediation strategy as approved by planning reference 2020/0306DOC.

The development within Phase 2 shall be undertaken in accordance with the remediation strategy as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a remediation strategy that addresses the provision of the following components to deal with the risks associated with contamination of that phase of the site, together with a programme for submission and prior approval of the component elements, shall each be submitted to and approved, in writing, by the local planning authority: (1) A preliminary risk assessment which has identified; (a) all previous uses (b) potential contaminants associated with those uses; and (c) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site; (2). A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and (3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken. The scheme(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.

- 19 Phase 1 of the development shall be undertaken in accordance with the remediation methodology as approved by planning reference 2018/0332DOC.

Development of the employment land shall be undertaken in accordance with the remediation methodology as approved by planning reference 2020/0306DOC.

Phase 2 of the development shall be undertaken in accordance with the remediation methodology as approved by planning reference 2020/0562DOC.

Prior to the occupation of each phase of development hereby approved a verification plan shall be submitted to and approved in writing by the Local Planning Authority. The verification plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) (of condition above 18) are complete and identifies any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The verification plan(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.

- 20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified pursuant to condition 18 above 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 until an assessment has been undertaken in accordance with the requirements set out in condition 18 and 19 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, has been submitted to and approved in writing by the Local Planning Authority. The development must then proceed in accordance with the approved details.

- 21 The development within Phase 1 shall be undertaken in accordance with the construction lighting details as approved by planning reference 2018/0332DOC and 2018/0333DOC.

The development within the employment land shall be undertaken in accordance with the construction lighting details as approved by planning reference 2020/1085DOC.

Prior to the commencement of any other phase of development hereby approved, details of any lighting to be used during the construction of that particular phase of development shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that lighting will be in operation. The lighting of the construction of any approved phase of development shall be lit in accordance with the approved details.

- 22 The development of employment units 1 and units 6-13 shall be undertaken in accordance with the operational lighting details approved by planning reference 2021/0511DOC.

Details of any lighting to be provided (other than street lighting and lighting within domestic curtilages) during the operational phase of that phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that any such lighting will be in operation. The lighting of the development during its operational phase shall be carried out in accordance with the details approved.

- 23 If the sports pavilion to the north of the A612 is not demolished by the 30th June 2014, then in accordance with the submitted Bat Activity Surveys at the sports pavilion off Teal Close report further bat survey work shall be undertaken and an assessment report together with any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority, prior to any demolition taking place. Any approved mitigation measures shall be carried out in accordance with the approved details. In the unlikely event that bat(s) are found during the demolition of the sports pavilion then the procedure set out in the appendix to the Bat Activity Surveys at the sports pavilion off Teal Close report (dated 24th June 2013) shall be followed.

- 24 The development within Phase 1 shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) as approved by planning reference 2018/0332DOC and 2018/0333DOC.

The development within the employment land shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) as approved by planning reference 2020/0306DOC.

The development within Phase 2 shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a Construction Environmental Management Plan (CEMP) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping details to be submitted as part of the reserved matters pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of that particular phase of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during that particular phase of construction. (4) details of traffic routes for Heavy Good

Vehicular movements during the construction of that phase of development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of that phase of development; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of that particular phase of development in relation to noise and vibration and safeguarding air quality. The approved CEMP(s) and all details therein shall be implemented in accordance with the approved details.

- 25 Phase 1 of the development shall be undertaken in accordance with the scheme of archaeological investigation as approved by planning reference 2017/1092DOC.

The development within the employment land areas E1 and LC1 shall be undertaken in accordance with the scheme of archaeological investigation as approved by planning reference 2019/0567DOC.

Phase 2 of the development shall be undertaken in accordance with the scheme of archaeological investigation as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved a written scheme of archaeological investigation related to that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved scheme(s).

- 26 Prior to the commencement of any development on the existing playing pitches located to the west of the A612 (including the demolition of the existing sports pavilion) replacement playing pitches (including associated changing room facilities) hereby approved to the east of the A612 shall have been provided and shall be operational.

- 27 Prior to the commencement of development of the playing pitches to be provided to the east of the A612 details of the following shall be submitted to and approved in writing by the Local Planning Authority; (1) the location and specification of the playing pitches to be provided together with details of their drainage; (2) the location and specifications of the changing room facilities to be provided; and (3) a schedule of maintenance of the playing pitches and associated drainage. The playing pitches and changing room facilities shall be provided, managed and maintained in accordance with the approved details.

- 28 Prior to the occupation of the development hereby approved, other than the business development to be accessed off Stoke Lane, the site access junction from the A612 as shown in outline on plan reference 90372\_001 Revision E and the construction details approved under 2017/1092DOC shall be implemented prior to the occupation of the first dwelling

- 29 Prior to first occupation of the business floor space (Class B1, B2, B8) hereby approved (aside from any B1 use contained in the Local Centre) the access from Stoke Lane as shown in outline on plan reference 90372\_003 Revision B shall be provided in accordance with the construction details to be first

submitted to and approved in writing by the Local Planning Authority. The business floorspace hereby approved (Class B1, B2, B8) (aside from any B1 use contained in the Local Centre) shall only be accessed via Stoke Lane, other than in an emergency.

- 30 Deleted.
- 31 Deleted.
- 32 Deleted.
- 33 Deleted.
- 34 Deleted.
- 35 The construction of a new shared footway/cycleway along the northern boundary of the site is to be completed in general accordance with details approved under 2017/1092DOC. The shared footway/cycleway shall be provided prior the occupation of the 350<sup>th</sup> dwelling of the development hereby approved.
- 36 The development within Phase 1 shall be undertaken in accordance with local labour agreement as approved by planning reference 2018/0332DOC. The development within the employment land shall be undertaken in accordance with local labour agreement as approved by planning reference 2020/1121DOC.

The development within Phase 2 shall be undertaken in accordance with the local labour agreement as approved by planning reference 2020/0562DOC.

Prior to the commencement of any other phase of development hereby approved details of a local labour agreement to cover the construction of that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

## **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt
- 3 To provide a degree of flexibility to assist the delivery of the site, that also enables the Local Authority to monitor and manage the supply of housing and employment land.
- 4 To define the consent and to ensure that a satisfactory form of development is obtained.

- 5 A limit has been placed on B1 uses in order to ensure an appropriate balance of uses. A limit has also been placed on the amount of A1 and D2 uses in order to ensure that there is no adverse impact on any surrounding local centres.
- 6 A limit has been placed on the amount of A1 uses to ensure that such uses are commensurate with the scale of the proposed development and would not cause harm to viability of the nearby Netherfield Centre.
- 7 To ensure that a satisfactory development is achieved that takes account of the Parameters Plan.
- 8 To establish existing site levels in order to ensure that finished floor levels accord with conditions 9 to 12 below and that flood risk is appropriately mitigated in line with the National Planning Policy Framework.
- 9 To reduce the risk of flooding to the proposed development and future occupants.
- 10 To reduce the risk of flooding to the proposed development and future occupants.
- 11 To reduce the impact of flooding to the proposed development.
- 12 To ensure that finished floor levels accord with conditions 9 and 10 above and that approved flood resilient measures have been provided in order to reduce the risk of flooding to the proposed development and future occupants.
- 13 To allow for future maintenance, emergency access, natural morphology, and improvements of the watercourses. Please note that our records show a culverted watercourse located between the storage pond (immediately south of the A612) and the Ouse Dyke, which will require further investigation at detailed design stage.
- 14 To confirm that all occupants and site users can access and egress the site safely during time of flood.
- 15 To prevent an increase in flood risk elsewhere.
- 16 To prevent the increased risk of flooding elsewhere.
- 17 To ensure that the proposals are appropriate and protective of controlled waters.
- 18 The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.
- 19 The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This

condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.

- 20 This condition is required to ensure that the risks posed to controlled waters or the environment are investigated and remediated as necessary.
- 21 To minimise light spill around the development during the construction of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats.
- 22 To minimise light spill around the development during the operation of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats
- 23 To ensure that the demolition of the sports pavilion has no adverse impact upon bats
- 24 To ensure that appropriate measures are taken to protect the local environment in terms of impact on trees; hedgerows and woodland, flora and fauna, water quality, air quality and on the amenity of neighbouring uses.
- 25 To ensure that the site is surveyed appropriately to identify any potential archaeology and if found is appropriately dealt with.
- 26 To ensure that the replacement recreation ground is in operation prior to the existing pitches being removed, so as to protect sports facilities and ensure continuity for those sports affected by the proposed development.
- 27 To ensure that the required replacement playing pitches and changing room facilities are provided appropriately in order to provide satisfactory replacement facilities for those to be lost as part of the development hereby approve
- 28 In the interests of highway safety.
- 29 In the interests of highway safety.
- 30 Deleted
- 31 Deleted
- 32 Deleted
- 33 Deleted
- 34 Deleted
- 35 To promote sustainable travel.
- 36 To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.



## Notes to Applicant

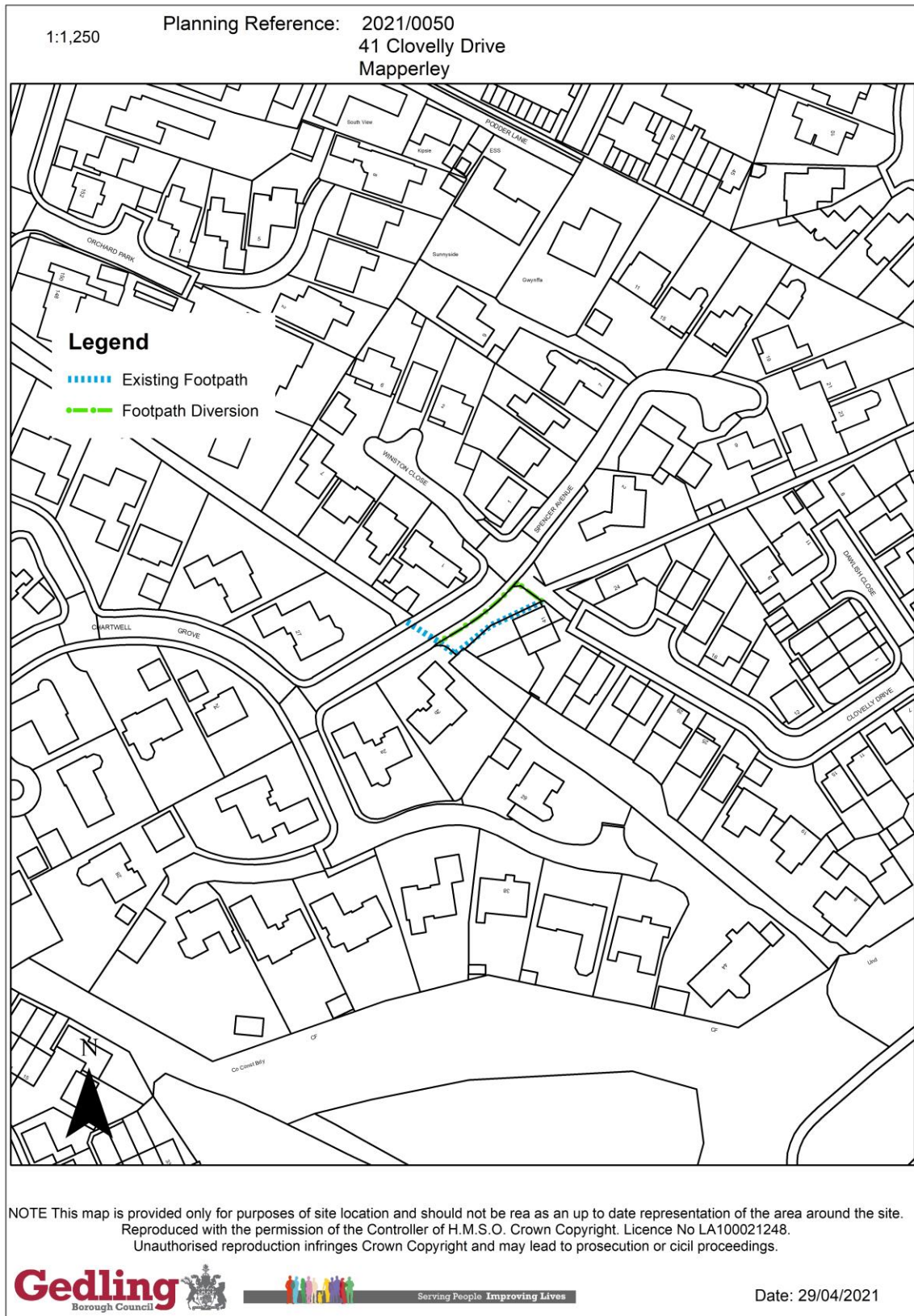
The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently 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 the Use Classes Order was amended on 1<sup>st</sup> September 2020. As such any use classes reference in this permission shall be read in conjunction with the revised legislation in relation to any future changes of use.

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## Planning Report for 2021/0050



## **Report to Planning Committee**

**Application Number:** 2021/0050

**Location:** 41 Clovelly Drive Mapperley NG3 5NJ

**Proposal:** Footpath Diversion

**Applicant:** Miss Emma Rogerson

**Agent:**

**Case Officer:** Claire Turton

### **1.0 Purpose of report**

- 1.1 The application is before Planning Committee to seek authorisation to make an order to divert Carlton Footpath No. 1 in Mapperley. Part of the footpath currently runs across a parcel of land adjacent to no. 41 Clovelly Drive. It is proposed to divert this section on to the adjacent pavement. The application is made pursuant to Section 257(1) of the Town and Country Planning Act 1990, which allows for a footpath to be diverted where an application for planning permission has been granted and the diversion of the footpath is necessary to enable the development to be carried out (see the relevant planning history part of this report below).
- 1.2 This application was presented to Planning Committee in May 2021. In May 2021 the Planning Committee authorised the Head of Governance and Customer Services to make an order to divert the footpath in question.
- 1.3 This application is being presented to Planning Committee again because the title of the footpath in question was incorrect in the last Committee Report and in the draft Footpath Diversion Order which was subsequently made. This was due to an error by Nottinghamshire County Council's Countryside Access Team.
- 1.4 The proposal is identical to when the application was presented to Planning Committee in May 2021. It is simply the name of the footpath which has been corrected from Arnold Footpath No. 1 to Carlton Footpath No.1.
- 1.5 Members are also informed that planning permission 2021/0225 has now been approved. This is explained in further detail in the "Relevant planning history" section of this report.

### **2.0 Site description**

- 2.1 The application site is a parcel of vacant grassland located to the side of no. 41 Clovelly Drive. There is a part retrospective planning permission for the change of use of this parcel of land to garden land associated with 41 Clovelly Drive and to enclose the land with a garden wall. Surrounding properties are modern residential properties. The larger footpath runs through this modern housing estate from the B684 (Mapperley Plains) to Spring Lane.

3.0 Relevant planning history

- 3.1 **2020/1160** Planning permission was refused in February 2021 for:-

*“Retrospective change of use of land to garden land and erection of fence.”*

The reason for refusal related to the visual impact of the fence on the surrounding area. The full reason for refusal is detailed below:-

*“The development is considered to be out of keeping with the surrounding area and has an unacceptable impact on the visual amenity of the area. The character of Spencer Avenue, particularly to the north-east of the site, is residential development with relatively open and "green" frontages. The part of Spencer Avenue to the south-west of the site does have examples of taller boundary treatment located up to the back edge of the pavement. However, these are considered to be well designed low level walls with planting to the rear or walls with tall brick pillars and fencing infills. By contrast, this development consists of fencing 17 metres in length x 7 metres / 3.7 metres in width, located almost up to the back edge of the pavement. Its location on the corner of the footpath exasperates its prominence within the streetscene. As such, the proposal is contrary to Part 12 of the NPPF and Policy 10 of the ACS.”*

- 3.2 **2021/0225** This is a re-submission of 2020/1160 for *“Part retrospective change of use of land to garden land and erection of wall with fence panelling.”* This application was granted planning permission in June 2021. The change of use of the land to garden land is retrospective but the garden wall proposed is not yet currently in place. The garden wall proposed (as part of application 2021/0225) is to replace the unauthorised garden fence (as part of application 2020/1160). Although planning application 2021/0225 has been approved, this cannot be implemented unless the Footpath Diversion Order, which forms the content of this committee report, is confirmed.

4.0 Consultation Responses

- 4.1 **NCC Rights of Way Officer**:- No objection.

- 4.2 **Neighbours** – One letter of objection and one letter of support have been received from neighbouring occupiers.

Objection:-

The reason for this application is due to someone stealing public land  
This area has been a footpath for many years  
There are no issues with the current footpath

## Support

The old footpath has previously been amended to prevent vehicles using it. The site has been used for young people gathering and causing a disruption

### 5.0 Proposal

- 5.1 Carlton Footpath 1 crosses the application site for planning permission reference 2021/0225., In order to facilitate the change of use of the site into garden land as well as enclosing the site with a garden wall, a small section of Carlton Footpath 1 would need to be diverted on to the adjacent pavement.

### 6.0 Planning considerations

- 6.1 Section 257(1) of the Town and Country Planning Act 1990 states that a competent authority may by Order authorise the stopping up or diversion of any footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission that has been granted. The procedure for doing so is set out in Schedule 14 of the Town and Country Planning Act 1990.

- 6.2 S7.15 of the rights of way circular (01/09) advises that in the making of an order for the diversion of a Public Right of Way to enable development:-

*“The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order”.*

- 6.3 Paragraph 7.8 of the circular explores what the determining authority should consider when determining an application:-

*“In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic”.*

- 6.4 In this instance, alteration to Carlton Footpath 1 as proposed would have no discernible impact on the permeability of the footpath as a whole, which will have the same access points at the B684 (Mapperley Plains) and Spring Lane. Part of the path will now run along a section of pavement on Spencer Avenue. However, this is not dissimilar to other parts of the public footpath,

further towards Spring Lane where pavements are used to connect different parts of the footpath. The vast majority of the remainder of the path will pass through the housing estates between the rear and side boundaries of residential properties. It is therefore not considered there would be a detrimental impact on the enjoyment of people using the path. Furthermore, the highway along which it would run is not a main road but one that is used by a small number of residents to access their properties. Taking into account the above it is recommended that the order be made and that it complies with relevant guidance within circular 01/09.

6.5 Procedurally, in accordance with Section 257(1) of the Town and Country Planning Act 1990, if Members are minded to approve the Order the Council would make the Order and then undertake relevant statutory consultation with interested parties, erect a site notice at each end of the footpath and advertise the Order in a local newspaper. If after a consultation period of 28 days has passed, and there have been no objection to the application, the Order could be confirmed under Section 259 of the Town and Country Planning Act 1990. However, if there were an unresolved objection to the making of the Order, it would then need to be referred to the Secretary of State for determination.

6.6 In this instance, it is requested that if there are no objections made to the Order that the Order can be confirmed without additional reference back to the Planning Committee.

**7.0 Recommendation: That Members authorise the Head of Governance and Customer Services to make an order to divert Carlton Footpath No. 1 as set out in the submitted plans and, if the Order is unopposed following the requisite 28 day consultation period, that the Order be confirmed thereafter.**

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## Planning Enforcement Report for 0104/2021



## Report to Planning Committee

**Reference Number:** 0104/2021

**Location:** 4 Angela Close Redhill.

**Breach of Planning Control:** **Material change of use of residential dwelling (Use Class C3) to a mixed use of residential dwelling (Use Class C3) and a car sales business (sui generis) and storage of vehicles in connection with that business (Use Class B8).**

### 1 Background

- 1.1 The Council received complaints about a car sales business operating from No. 4 Angela Close, Redhill in April 2021. Evidence of such activity was provided by the complainants. Photos and registration logs showed cars were being sold from the property by the tenant with purchasers viewing cars and paperwork being exchanged on the driveway associated with the property and in the street. Internet adverts for the same vehicles demonstrated that a business was being operated from the address. In addition, vehicles were being prepared for sale at the premises with vacuum cleaners photographed in use on vehicles and visits from valeting companies. The activity was noted at various times of day, including late at night.
- 1.2 The Council wrote to both the owner and tenant of the property in May 2021 advising that the business use was unauthorised and should cease immediately. In response to the letter, the owner wrote to his tenant on 3<sup>rd</sup> June advising that any business use ceases. Despite contact from the Council and owner of the property, the business activity continued.
- 1.3 A Planning Contravention Notice (PCN) was served on the tenant and property owner on 6<sup>th</sup> July. The owner responded saying he was not aware of any business activity at the property. To date the tenant has not returned the PCN.
- 1.4 On 24<sup>th</sup> August there was another car on the drive for sale with an associated internet advert. The car was later photographed being sold by the tenant on the street on 7<sup>th</sup> September. On the 14<sup>th</sup> September the Council received reports of another vehicle on the driveway awaiting sale.
- 1.5 The property transferred ownership on 21<sup>st</sup> July 2021. The managing agent for the new owner made contact with the Council on 15<sup>th</sup> September following a further letter from the Council. They advised they had written to the tenant stressing that the activity ceases.

- 1.6 The tenant made first contact with the Council via email on 15<sup>th</sup> September. He gave assurances that he would cease the activity. He admitted to selling “a few cars a month” but disputed that it amounted to a breach of planning control. The Council has, however, received reports that cars are still being stored at the property in relation with the business.

## **2 Site Description**

- 2.1 Angela Close is a residential cul de sac within the built up area of Redhill comprising of detached two storey properties. No 4 Angela Close is located at the end of the cul de sac adjacent to the turning head.
- 2.2 The property has off road parking for two vehicles to the front.

## **3 Planning History**

There is no relevant planning history.

## **4 Assessment**

- 4.1 No.4 Angela Close is a residential property in the built up area of Redhill. The property is situated on a small cul de sac accessed off Lodge Farm Lane.
- 4.2 The use of the premises to operate a car sales business is not incidental to the enjoyment of the dwelling house and requires planning permission. No such permission has been applied for nor granted.
- 4.3 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 59) and states that although effective enforcement is important as a means of maintaining public confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.
- 4.4 The main considerations when deciding whether to take enforcement action in this case are;
- i) whether the use of the site for a car sales business with associated storage of vehicles has any detrimental effect on the character of the area or the environment, on the amenities of other occupiers of nearby dwellings or on 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

- 4.5 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 134, the NPPF states that “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design”.

- 4.6 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.
- 4.7 Policy LPD 32 of the Local Plan Document seeks to protect the amenity of nearby residents or occupiers. This takes into account issues including noise, level of activity on site, traffic and residential visual amenity. Furthermore, 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.
- 4.8 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. It states that “small scale development that is insensitive to existing character can have an adverse impact on the sense of place.”
- 4.9 Policy LPD 61 states that “Planning permission will only be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.”

#### Impact on the character of the area and the environment

- 4.10 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 on 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 LPD34.
- 4.11 This area of Redhill is characterised by well-kept and well-presented residential properties. There is no other commercial use in the immediate vicinity. The operation of a car sales business is an alien feature at a residential property and is out of character for this residential street. The additional vehicular movement and visitors associated with the business is detrimental to the character of the area. The use is therefore in conflict with the NPPF and Policy 10 of the ACS and Policy LPD 35 of the Local Plan.

#### Impact on residential amenity

- 4.12 It is considered that the level of activity on site and number of vehicular movements associated with the use 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.

#### Impact on highway safety

- 4.13 It is considered the business is likely to cause an increase in vehicle movements, with customers viewing and purchasing vehicles. Evidence submitted to the Council indicates that the highway is being used to park vehicles that are for sale as well as those of customers. It is noted that at times, vehicles associated with the business activity are being parked in the turning head of the cul de sac and across neighbouring driveways, resulting in little room for other users of the road to turn vehicles around or access property.
- 4.14 The unauthorised car sales operating from No. 4 Angela Close is in conflict with the above policies which all seek development of a high standard and development which does not adversely affect the area in which it is located but provides good living standards and which makes a positive contribution to the public realm and sense of place.

#### Time Limits

- 4.15 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 for less than 10 years and the Council is within time to commence enforcement proceedings such as issuing an enforcement notice requiring the use to cease.

#### Human Rights

- 4.16 Under the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a right under the European Convention on Human Rights (the Convention). In this instance under Article 1 of the First Protocol of the Convention: Protection of Property, every person is entitled to the peaceful enjoyment of their possessions except in the public interest and subject to conditions provided for by law. Furthermore under Article 8 of the Convention all individuals enjoy the right to respect for his private and family life, his home and his correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 4.17 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice, or pursuing formal proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients' rights. However, it is considered that issuing an enforcement notice and pursuing Court action if the enforcement notice is not complied with, would be a proportionate response to the breach of planning control.

## Equalities

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

## Crime and disorder

- 4.20 The Crime and Disorder Act 1998 places a duty on the Local Planning Authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.
- 4.21 In light of all the facts it is now considered expedient to serve an enforcement notice to require the cessation of the unauthorised business use of the land and removal of the vehicles which are offered for sale not considered incidental or ancillary to the domestic residential use of the dwelling.

## **5 Conclusion**

- 5.1 A breach of planning control has been identified which is detrimental to the character of the area, amenities of nearby occupiers of other residential properties and highway safety. Although the tenant has given written undertakings to cease the use of the residential premises for the car sales business, cars are still brought to the site for storage. In any case the operator of the business has been told numerous times since April 2021 to cease the business activities from home but failed to do so.
- 5.2 The breach conflicts with both national and local policies. Negotiations with the tenant and 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.

- 5.3 The Council should now commence enforcement action without delay by issuing a planning enforcement notice requiring the cessation of the unauthorised business, removal of the vehicles which are not incidental to the enjoyment of the dwelling and if the notice is not complied with proceedings should be taken in the courts if necessary.

## **6 Recommendation**

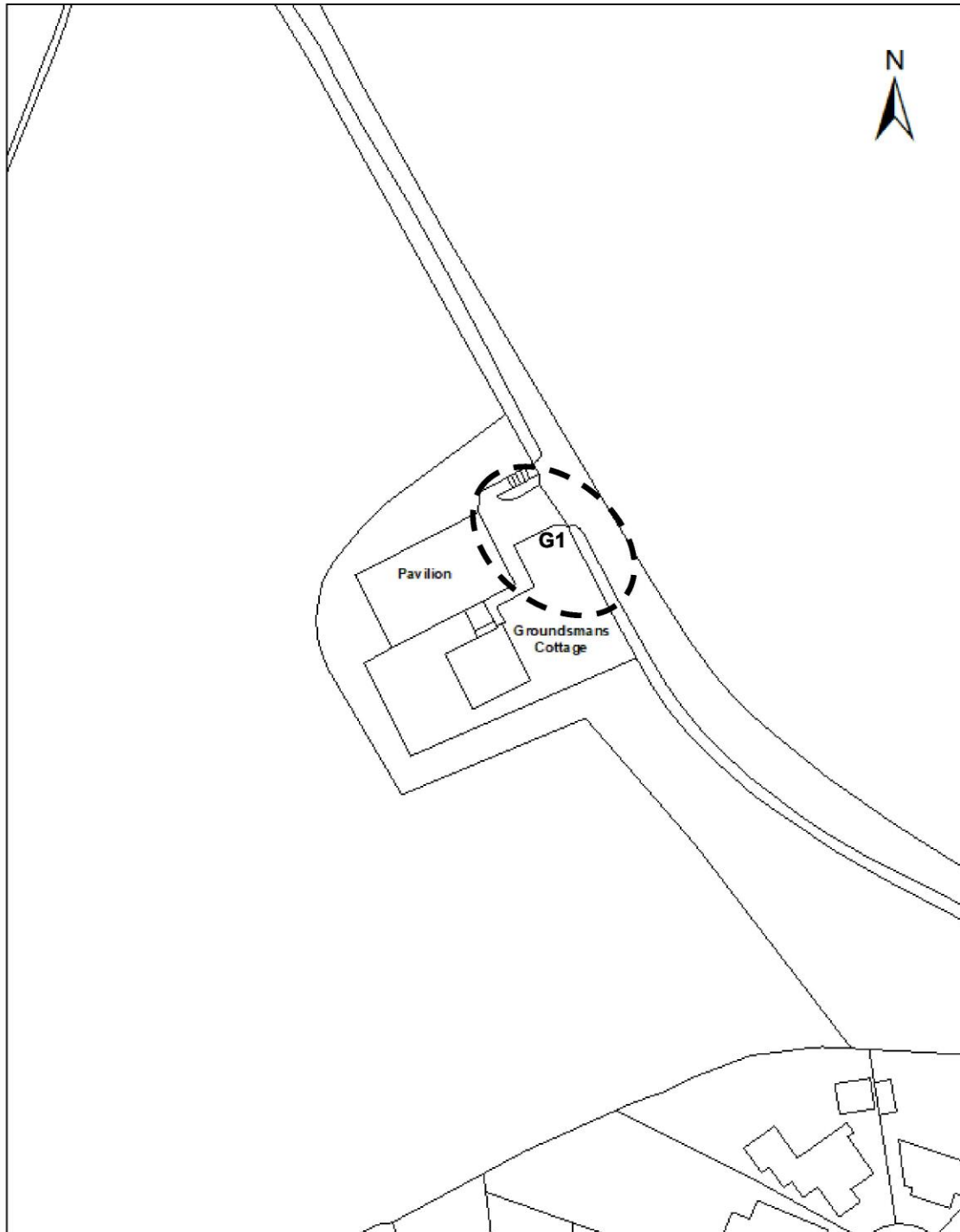
- 6.1 **That the Head of Development and Place be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and, in conjunction with the Head of Governance and Customer Services, take proceedings through the courts, if required, to ensure:**

**a) the cessation of the unauthorised car sales business including bringing vehicles to the property to be prepared in readiness for sale and storing vehicles awaiting sale at the property;**

**(b) the removal of all vehicles which are not incidental or ancillary to the domestic residential use of the dwelling.**

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TPO Reference: 000144		Document Type:	
Address  Redhill Pavilion, Thornton Avenue, Redhill, Nottinghamshire		Date: 21/07/2021	
		Scale: 1:750	
		Size: m <sup>2</sup>	
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## **Report to Planning Committee**

**Location:** Redhill Pavilion, Thornton Avenue, Redhill,  
Nottinghamshire

**Proposal:** Protection of group consisting of 1 x Cedar, 1 x Red Oak  
and 1 x Sorbus by a Tree Preservation Order (TPO)

**Case Officer:** Lewis Widdowson

### **1.0 Purpose**

- 1.1. To request authorisation to confirm Tree Preservation Order (TPO) No. 000144  
'Former sports pavilion, Thornton Avenue'.

### **2.0 Background**

- 2.1. A planning application, reference 2021/0409, was submitted on the 8<sup>th</sup> April 2021 for the "Conversion and alteration of pavilion building for use as a children's day nursery, including access improvements, 10 car parking spaces and formation of a pedestrian path" at Redhill Pavilion, Thornton Avenue, Redhill, NG5 8JG.
- 2.2. In determining the above application the Council's Arborist was consulted and asked to assess whether several trees at the site would be considered worthy of protection.
- 2.3. On the 16th July 2021 the Council's Arborist visited the site and carried out a TEMPO (Tree Evaluation Method for Preservation Orders) Assessment to determine whether the trees were worthy of protection. The group of trees were given a score of 20/25 and as such their protection by way of a TPO was recommended.

### **3.0 Provisional TPO**

- 3.1. The Gedling Constitution gives delegated authority to Officers, in conjunction with the Chairman / Vice Chair of Planning Committee, for the making of new

TPOs. Notwithstanding the above, any new TPO must be considered by Planning Committee prior to being confirmed.

- 3.2. The Head of Development and Place, and Chair of Planning Committee were consulted on the 21<sup>th</sup> July 2021 and authorisation was given to proceed with the making of a Provisional TPO.
- 3.3. Gedling Borough Council made the Provisional TPO, reference 000144, on the 23<sup>rd</sup> July 2021.

#### **4.0 Consultation**

- 4.1. In accordance with the Town and Country Planning Tree Regulations 2012, the Council served a copy of the notice on the owners and occupiers of the land directly affected by the TPO. Interested parties had until the 20th August 2021 to submit any representations to the Council which would then be taken into consideration when deciding whether to confirm the TPO.
- 4.2. No representations were received by the Council during the consultation period.

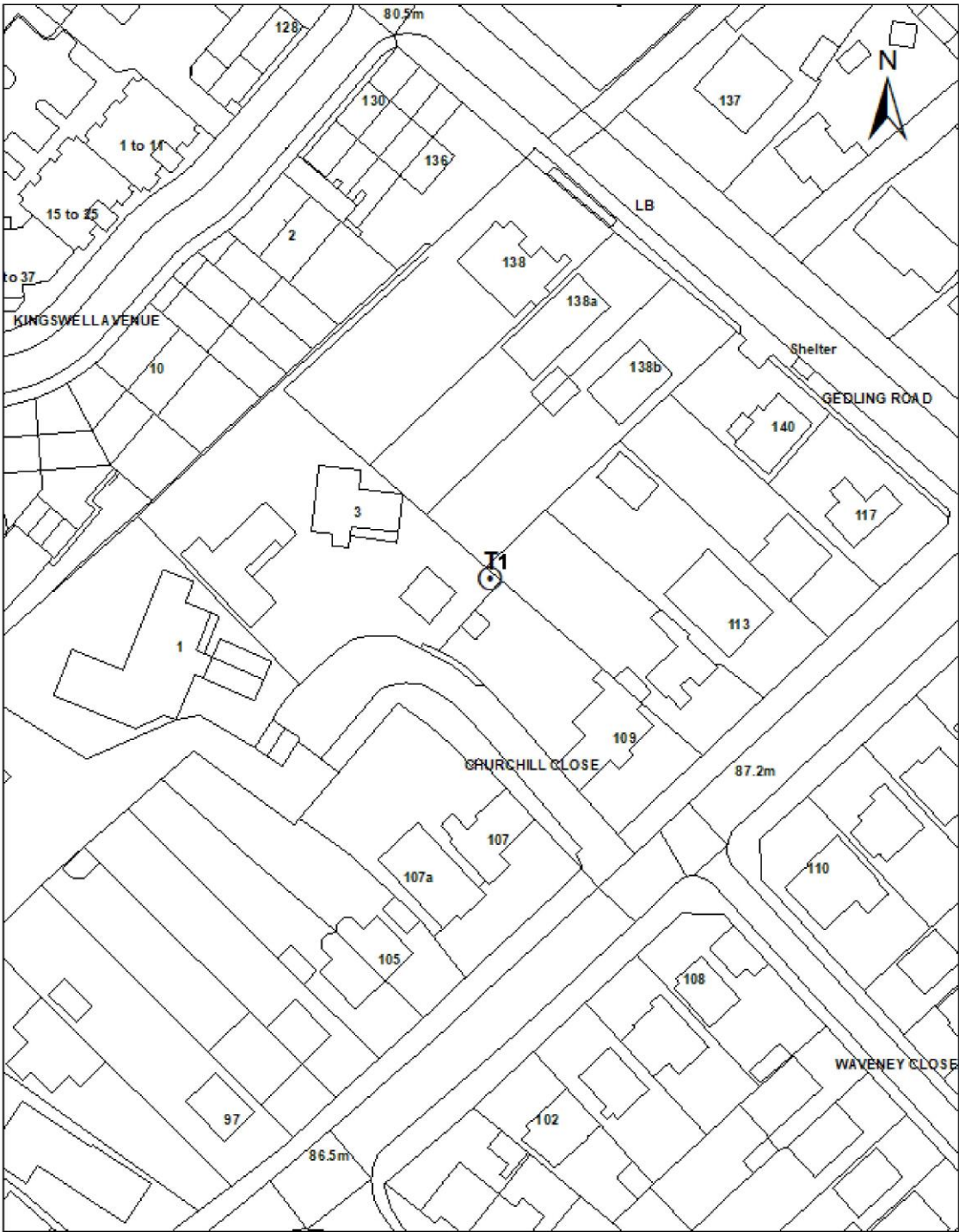
#### **5.0 Consideration**

- 5.1. The group of 1 x Cedar, 1 x Red Oak and 1 x Sorbus located to the front of the Redhill Pavilion are considered to be set in a prominent location within the streetscene and provide a significant amount of visual amenity to the public realm. No objections to the TPO were received following the public consultation and it is therefore considered that the provisional TPO should be confirmed without modification.

#### **6.0 Recommendation**

- 6.1. **Confirm Tree Preservation Order - 000144 'Former sports pavilion, Thornton Avenue' without modifications.**

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<b>TPO Reference:</b> 000145		<b>Document Type:</b>	
<b>Address</b>  Land to the rear of 111 Sandfield Road Arnold, Nottingham, NG5 6QF		Date: 04/08/2021	
		Scale: 1:750	
		Size: m <sup>2</sup>	
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## **Report to the Planning Committee**

**Location:** Land to the Rear of 111 Sandfield Road, Arnold

**Proposal:** Protection of 1 no. Pear tree by a Tree Preservation Order (TPO)

**Case Officer:** Lewis Widdowson

### **1.0 Purpose**

- 1.1. To request authorisation to confirm Tree Preservation Order (TPO) No. 000145 'Land to the Rear of 111 Sandfield Road, Arnold'.

### **2.0 Background**

- 2.1. A planning application, reference 2021/0386, was submitted on the 2<sup>nd</sup> April 2021 for a "Proposed new 3 bed dwelling situated on land to the rear of 111 Sandfield Road, accessed by Churchill Close".
- 2.2. On the 21<sup>st</sup> July 2021 a request was received from a member of the public to protect a mature pear tree situated on land to the rear of 111 Sandfield Road by way of a Tree Preservation Order (TPO).
- 2.3. On the 3<sup>rd</sup> August 2021 the Council's Arborist visited the site and carried out a TEMPO (Tree Evaluation Method for Preservation Orders) Assessment to determine whether the tree was worthy of protection. The Pear tree was given a score of 16/25 and as such its protection by way of a TPO was recommended.

### **3.0 Provisional TPO**

- 3.1. The Gedling Constitution gives delegated authority to Officers, in conjunction with the Chair / Vice Chair of Planning Committee, for the making of new TPOs. Notwithstanding the above, any new TPO must be considered by Planning Committee prior to being confirmed.
- 3.2. The Chair of Planning Committee was consulted on the 4<sup>th</sup> August 2021 and authorisation was given to proceed with the making of a Provisional TPO.
- 3.3. Gedling Borough Council made the Provisional TPO, reference 000145, on the 4<sup>th</sup> August 2021.

#### **4.0 Consultation**

- 4.1. In accordance with the Town and Country Planning Tree Regulations 2012, the Council served a copy of the notice on the owners and occupiers of the land directly affected by the TPO. Interested parties had until the 1<sup>st</sup> September 2021 to submit any representations to the Council which would then be taken into consideration when deciding whether to confirm the TPO.
- 4.2. In total 4 representations were received by the Council supporting the TPO. The main comments are outlined below:
- The tree adds to the landscaping of the area and provides food and shelter for wildlife.
  - Constant removal of trees in the area has had a negative effect in the locality.
  - Tree believed to be over 70yrs old and occupies a prominent location.

#### **5.0 Consideration**

- 5.1. The Pear tree located to the rear of 111 Sandfield Road is considered to be set in a prominent location within the streetscene and provide a significant amount of visual amenity to the public realm. Four letters of support and no objections to the TPO were received following the public consultation and it is therefore considered that the provisional TPO should be confirmed without modification.

#### **6.0 Recommendation**

- 6.1. **Confirm Tree Preservation Order - 000145 'Land to the Rear of 111 Sandfield Road, Arnold' without modifications.**

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## Report to Planning Committee

**Application Number: 2020/1205 – Appeal Ref: APP/N3020/D/21/3272382**

**Location: 1 Oxtan Road, Calverton, Nottingham, NG14 6NU**

Proposal: Single storey rear extension.

Case Officer: Cristina Dinescu

Planning permission was refused by the Borough Council on the 22<sup>nd</sup> January 2021 on the following grounds:

1. 'It is considered that the proposal would have a harmful impact upon the openness of the Green Belt, resulting in a disproportionate addition to the building that would represent inappropriate development within the Green Belt. The fall-back position put forward would be less harmful to the Green Belt than the subject of this application and therefore no very special circumstances can be demonstrated in this instance and the proposed development is contrary to Section 13 of the NPPF, Policy 3 of the ACS (2014) and policy LPD 13 of the Local Planning Document (2018).'
2. 'Considering the submitted details and the planning history of the site, there would be no overlap between the proposed extension, subject of this application, and the larger home extension that could be erected under permitted development rights (ref.no.2020/0721PN) and would result in the scenario that should this application be successful, both extensions could be implemented. As such, it is considered the proposed development together with the larger home extension would have a substantial cumulative impact on the openness of the Green Belt in this location, contrary to Section 13 of the NPPF, Policy 3 of the ACS and policy LPD 13 of the Local Planning Document.'

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been dismissed. The Inspector concluded that the proposed extension, when combined with the previous extensions, would result in an increase of 84.7% floor space above the original building and the proposal, due to its bulk, mass, height and location, when added to the previous additions to the original building, would be disproportionate in the context of the Framework and policy LPD 13 of the Local Planning Document, and therefore the proposal would be inappropriate development in the Green Belt. The fall-back position of the alternative larger home extension that could be erected under permitted development rights carries limited weight as there would be no overlap between the two schemes and

the uses proposed would differ. Consequently, very special circumstances do not exist and the proposal would conflict with the Framework (NPPF), Policy 3 of the Aligned Core Strategy (ACS) and policy LPD 13 of the Local Planning Document (LPD).

**Recommendation:** To note the information.

## Report to Planning Committee

**Application Numbers:** 2020/0552, 2020/0549, 2020/0645 and 2021/0338

**Appeal Refs:** APP/N3020/W/21/3272020, APP/N3020/W/21/3272871, APP/N3020/W/21/3272865 and APP/N3020/W/21/3276147

**Site Address:** Ramper Covert Woodland next to Lay By, Mansfield Road, Arnold NG5 8PH

**Case Officer:** Bev Pearson

Four applications were refused permission on the above site and the Inspector considered all four appeals in one decision notice. The primary matters under consideration were impacts on the openness of the Green Belt and whether or not the various proposals were inappropriate development; highway matters and the impact on trees, which are subject of a Tree Preservation Order (TPO).

### Appeal A

**Proposal:** Proposed change of use to 20 pitch campsite, alteration to the existing access, siting of a mobile WC block and a communal Tipi between May and September until 2023.

Refused permission by the Borough Council on the following grounds:

The proposal would result in built form and ancillary structures in an area that there have previously been none. This will have a material effect on openness of the Green Belt. Whilst it is accepted that the site is screened, the formation of an access to an acceptable specification to meet the local highway authority requirements will also impact on openness. There would be glimpsed views into the site and the parking areas the impact of which would be further intensified by the urbanisation of parked vehicles and associated infrastructure such as lighting, signage, tipi tent and amenity block. All these factors result in harm to openness and are therefore should not be approved unless very special circumstances exist. Very special circumstances will not exist unless the harm can be clearly outweighed by other considerations. It is considered that the very special circumstances of social, economic and environmental benefits in this instance do not outweigh the harm. Taking into account the above matters, the proposal is considered to be contrary to NPPF Part 13, LPD 24 - Tourist Accommodation and Policy LPD 19 Landscape Character and Visual Impact.

The Inspector found that the proposal would be detrimental to the openness of the Green Belt through the structures proposed to be erected and works required to improve the access and parking, therefore, the development would be inappropriate

development within the Green Belt and very special circumstances needed to justify the proposal do not exist.

### **Appeal B**

Proposal: Change of use to natural burial ground and modifications to the access.

Refused permission by the Borough Council on the following grounds:

The proposal would result in development and built form in an area where there are previously been none. This will have a material effect on openness of the Green Belt. Whilst it is accepted that the site is screened, the formation of an access to an acceptable specification to meet the local highway authority requirements will also impact on openness. There would be glimpsed views into the site and the parking areas the impact of which would be further intensified by the urbanisation of parked vehicles and associated infrastructure such as lighting and signage. All these factors result in harm to openness and are therefore should not be approved unless very special circumstances exist. Very special circumstances will not exist unless the harm can be clearly outweighed by other considerations. It is considered that the very special circumstances of social, economic and environmental benefits in this instance do not outweigh the harm. Taking into account the above matters, the proposal is considered to be contrary to Part 13 of the NPPF (2019).

The Inspector found that the proposal would be detrimental to the openness of the Green Belt through the works required to improve the access and parking. The Inspector also thought it would be difficult to restrict the erection of headstones, which would be detrimental to openness, through a condition. Therefore, the development would be inappropriate development within the Green Belt and very special circumstances needed to justify the proposal do not exist.

### **Appeal C**

Proposal: Shed for forestry work and ground maintenance, storage of machinery and equipment and welfare facilities for workers'

Refused permission by the Borough Council on the following grounds:

In the opinion of the Local Planning Authority the proposed building by virtue of its siting and scale would result in harm to the openness of the Green Belt and therefore should not be approved unless very special circumstances exist. Very special circumstances will not exist unless the harm can be clearly outweighed by other considerations. It is considered that no clear and robust justification has been submitted to evidence that the proposed building is reasonably necessary and as such very special circumstances have not been demonstrated to justify the proposal. Taking into account the above matters,

the proposal is considered to be contrary to Part 13 of the NPPF (2019) Policy 3 of the Aligned Core Strategy (2014) and Policy LPD19 of the Local Planning Document (2018)

Insufficient information has been submitted to fully assess the impact of the proposal on the trees, particularly the trees that are protected Tree Preservation Order 000129 (Ramper Covert) and the Sherwood Estate/Kighill Road Tree Preservation Order N0005 and N0028. As such the proposal is considered contrary to LPD 19 of the Local Planning Document (2018)

The Inspector found that the erection of a shed for forestry work was on the exception list identified in paragraph 145 a) of the NPPF and is, therefore, appropriate development within the Green Belt and therefore it is not necessary to consider the impact upon openness or very special circumstances. The appeal was allowed.

### **Appeal D**

Proposal: Temporary siting of a double tipi and a WC trailer for use under 28 day permitted development rights between May 31st and October 31<sup>st</sup>.

Refused permission by the Borough Council on the following grounds:

The proposal would result in structures in an area where there have previously been none. This will have a material effect on openness of the Green Belt. Whilst it is accepted that the site is screened, there would be glimpsed views into the site and the parking areas, the impact of which would be further intensified by the urbanisation of parked vehicles and associated infrastructure. All these factors result in harm to openness and therefore should not be approved unless very special circumstances exist. Very special circumstances will not exist unless the harm can be clearly outweighed by other considerations. It is considered that the very special circumstances of social, economic and environmental benefits in this instance do not outweigh the harm. Taking into account the above matters, the proposal is considered to be contrary to NPPF Part 13, LPD 24 - Tourist Accommodation and Policy LPD 19 Landscape Character and Visual Impact.

The Major Road (A60) carries 18,500 vehicles 2-way AADT (Annual Average Daily Traffic), where over-taking can take place fronting the proposal site. Therefore, for reasons set out in DBRB (Design Manual for Roads and Bridges), no direct accesses can be constructed, and a ghost island right turn lane will need to be provided for an access to the camp site, tipi tent at this location. The road fronting the site is subject to overtaking, any sudden cars stopping on A60 as visitors to the development are unsure where the site access will be located, will cause Road safety concerns and may lead to rear end shunts. The traffic generated by the proposed development would have an adverse impact on through traffic and a likely source of unacceptable

danger to other users of the highway, particularly because of the heavy volumes of traffic using A60 Mansfield Road. As such the proposed development would be detrimental to highway safety and considered contrary to NPPF Section 9 Promoting sustainable transport and policy LPD 61- Highway Safety.

Insufficient information has been submitted to fully assess the impact of the proposal on the trees, particularly the trees that are protected by the Kighill Road Tree Preservation Order and 000129 (Ramper Covert) Tree Preservation Order. As such the proposal is considered contrary to LPD 19 - Landscape Character and Visual Impact.

The Inspector found that the proposal would be detrimental to highway safety, in that no highway improvements were proposed (unlike appeals A and B). Also, whilst the use and structures would be intermittent, it was concluded that the openness of the Green Belt would be impacted and the proposal would, therefore, be inappropriate development and very special circumstances needed to justify the proposal do not exist. In terms of the impact upon trees, the Inspector gave this limited consideration as the appeal is dismissed for other reasons.

As a result, three of the appeals have been dismissed (A, B and D) and one allowed (C).

**Recommendation:** To note the information.

## Report to Planning Committee

Application Number: 2021/0026

Location: Spring Lane Farm, 382, Spring Lane, Lambley, Nottingham.

Proposal: Proposed Single Storey Conservatory Extension.

Case Officer: Alison Jackson.

Planning permission was refused by the Borough Council on the 5<sup>th</sup> March 2021 on the following grounds:

1. The proposed extension taking into account the previous extensions to the property would result in a disproportionate addition to the original dwelling, would erode the openness of the Green Belt and would lead to further encroachment into the Green Belt. The proposal would therefore constitute inappropriate development in this Green Belt location and no very special circumstances have been demonstrated to outweigh the harm to the Green Belt. The proposal is therefore contrary to the aims of Green Belt policies within NPPF 2019, the requirements of policy 3 of the Aligned Core Strategy and policy LPD13 of the Local Planning Document 2018

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been dismissed. The Inspector concluded that as the building had already been previously extended, the addition of the proposed conservatory extension together with the previous extensions would represent a disproportionate addition to the building and therefore would result in inappropriate development within the Green Belt.

In regard to the impact of the proposed conservatory extension on the openness of the Green Belt the Inspector concluded, given the size, volume, bulk and floor space of the proposed extension, together with the existing extensions, the proposal in spatial terms would not preserve the openness of the Green Belt.

The proposal is therefore considered to be inappropriate development in the Green Belt and the openness would not be preserved. It was considered that the very special circumstances necessary to justify the development do not exist in this case to outweigh the harm to the Green Belt.

The proposal is therefore contrary to the aims of the National Planning Policy Framework and Policy LPD13 of the Local Planning Document 2018.

**Recommendation:** To note the information.

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## Report to Planning Committee

**Application Number: 2020/1147 – Appeal Ref: APP/N3020/D/21/3272382**

**Location: Land to rear of 14 Main Street, Linby, Nottinghamshire, NG15 8AE**

Proposal: Alterations and extensions to detached garage to form a new dwelling.

Case Officer: Bev Pearson

Planning permission was refused by the Borough Council on the 13<sup>th</sup> January 2021 on the following grounds:

1. 'In the opinion of the LPA the proposed extension to the building to facilitate its conversion would be considered inappropriate development which by definition results in harm to the Green Belt and is contrary to the five purposes of the Green Belt. In the absence of any very special circumstances which would outweigh such harm the development fails to accord with Section 13 (Protecting Green Belt Land) of the NPPF (2019), Policy 3 (The Green Belt) of the Aligned Core Strategy (2014) and Policy LPD 12 (Reuse of buildings within the Green Belt) of the Local Planning Development Document (2018).'

An appeal against this decision was subsequently lodged with the Planning Inspectorate, along with an application for an award of costs.

This appeal has been allowed and planning permission was granted subject to conditions. The Inspector concluded that the proposed development would accord with policy LPD 13 of the Local Planning Document and paragraph 149 'c' of the Framework as the floor space of the proposed extension would measure around 36 sqm. Taking account of the size overall, including footprint, height, depth, width, volume and mass as well as floor space, the proposed extension would not be disproportionate and therefore the proposal would not constitute inappropriate development in the Green Belt. The re-use of the building would not be inappropriate in the Green Belt as the proposal would preserve the openness of the Green Belt, it would not result in the unrestricted sprawl of a large built-up area or neighbouring towns merging into one another and the building appeared to be a permanent and substantial construction and structurally sound.

Given the location of the site, the siting and scale of the proposed extension, the nature and extent of the alterations proposed and the external materials to be used, the Inspector considered the proposed development would preserve the character and appearance of the Conservation Area. As the building exists and due to the siting and scale of the proposed extension, the nature and extent of the alterations proposed and the external materials to be used, the Inspector considered that the

proposed development would not harm the setting of the Listed Building 14 Main Street.

The proposal would accord with the Framework (NPPF) and policies LPD 12 and LPD 13 of the Local Planning Document policies (LPD).

The application for an award of costs was refused. The Inspector concluded that the Council did not behave unreasonably in respect of any substantive or procedural matters associated with the determination of application ref. 2020/1147.

Consequently there has not been any unreasonable behaviour which caused the applicant to incur unnecessary or wasted expense in the appeal process, as described in the PPG and therefore an award of costs is not justified.

**Recommendation:** To note the information.



## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 01/10/2021

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.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2019/0560	Land At Teal Close Netherfield	Reserved matters application for the erection of 277no. dwellings	01/12/2021
2019/1080	Land At Broad Close Woodborough	Outline application for 11no. residential properties	Unknown

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 - 3rd September 2021**

2020/1122

11 Skylark Close, Ravenshead, NG15 9ET

Proposed single storey front and side extensions linking to garage conversion with room in roof.

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0678

14 Rannoch Rise, Arnold, Nottinghamshire

Single storey rear and side extension

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0866

16 Greys Road, Woodthorpe, NG5 4GU

New first floor to existing detached property with external terrace to rear and workshop below.

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

**3rd September 2021**

**Video Conference Call Meeting.**

Cllr John Truscott  
Cllr Paul Wilkinson  
Cllr David Ellis  
Cllr John Parr  
Cllr Marje Paling

Kevin Cartwright - Principal Planning Officer  
Nigel Bryan – Principal Planning Officer

## **ACTION SHEET PLANNING DELEGATION PANEL - 10th September 2021**

2019/0721

Land to rear 88 Plains Road, Mapperley

Construction of 2no. Detached Two Storey Dwellings

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0112TPO

Stables to North of Bank Hill Farm, Bank Hill, Woodborough

Reduce sycamore by approx 6m.

There is no justifiable reason for the extensive works proposed.

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

**Decision: That the application be refused permission.**

2021/0155

21 Park Avenue, Woodborough, NG14 6EB

Single storey rear and front extensions.

The proposed development would respect residential amenity and the character of the Conservation Area.

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

**Decision: Grant permission subject to conditions.**

2021/0469

34 Digby Avenue, Mapperley, NG3 6DU

First floor extension

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0550

104 Church Road, Burton Joyce, NG14 5DQ

Demolition of existing detached garage and erection of detached dwelling

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0590

25-27 Calverton Road, Arnold

Two storey rear extension with internal alterations and shed demolition with new shed erection (Resubmission with gable roof instead of hipped)

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0714

Broadeaves, Newstead Abbey Park, Newstead

Demolition of existing dwelling and garage/store/home cinema and construction of self-build dwelling (Re-submission of Application 2019/0416)

The proposed development would respect the character of the area, residential amenity, highway safety and not be detrimental to the openness of the Green Belt.



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

**Decision: Grant permission subject to conditions.**

2021/0785

35 Gardenia Grove, Carlton, Nottinghamshire

Proposed 5 new dwellings, parking and landscaping on the land to the rear of Nos. 31-37 Gardenia Grove. Widening of the existing access/creation of a new entrance from Gardenia Grove at 35 Gardenia Grove.

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0855

4 St Helens Grove, Burton Joyce, NG14 5AP

Outline application with all matters reserved for the erection of a single custom-built detached dwelling

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0863

80 Marshall Hill Drive, Mapperley, NG3 6FP

Two storey extension and loft conversion including raising the existing ridge height and associate changes to the design of the roof and elevations

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0865

4 Woodside Road, Burton Joyce, NG14 5AW

Proposed 2 storey front and rear extensions, hip to gable extension, front dormer, single storey rear extension, render dwelling and erect new boundary treatment and gates.

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0886

10 Carnarvon Drive, Burton Joyce, NG14 5ER

Erection of detached dwelling (outline application with all matters reserved)

The proposed development would appear cramped in the street scene and out of character with the area.

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

**Decision: That the application be refused permission.**

**10th September 2021**

**Video Conference Call Meeting.**

Cllr John Truscott

Cllr Paul Wilkinson

Cllr David Ellis

Cllr John Parr

Cllr Marje Paling

Cllr Meredith Lawrence

Kevin Cartwright - Principal Planning Officer

Nigel Bryan – Principal Planning Officer

## **ACTION SHEET PLANNING DELEGATION PANEL - 17th September 2021**

2021/0594

22B Kighill Lane, Ravenshead, NG15 9HN  
Detached Garage

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0847

7 Dawlish Court, Mapperley, Nottinghamshire  
Change of use from a dwelling house (class C3) to a residential children's home (class C2)

The proposed site has good access to services, will not result in a concentration of similar uses in the area and would not have a detrimental impact on residential amenity or highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0927

Proposed Mast, Collyer Road, Calverton  
Proposed 5G telecoms installation: H3G Phase 8 18m high street pole c/w wrap-around cabinet and 3 additional equipment cabinets.

The siting and design of the mast is considered to be acceptable and would respect the character of the area.

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

**Decision: Grant prior notification subject to condition.**

**17th September 2021**

**Video Conference Call Meeting.**

Cllr John Truscott

Cllr Paul Wilkinson

Cllr David Ellis

Cllr John Parr

Cllr Marje Paling

Cllr Meredith Lawrence

Nigel Bryan – Principal Planning Officer

## **ACTION SHEET PLANNING DELEGATION PANEL - 24th September 2021**

2021/0158

754 Mansfield Road, Woodthorpe, NG5 3FH

New pitched roof over existing single storey rear extension, roof extension over existing garage with front facing dormer and additional front facing dormer.

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0640

21 Salcombe Drive, Redhill, NG5 8JF

Single storey rear, two storey side, single storey front extension and proposed render on the front elevation.

The proposed development would respect the character of the area, residential amenity and highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0674

26 Breck Hill Road, Woodthorpe, NG5 4GP

Change the use of the property from current C3 to C2 for a residential children's home (maximum 3 children).

The proposed site has good access to services, will not result in a concentration of similar uses in the area and would not have a detrimental impact on residential amenity or highway safety.

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

**Decision: Grant permission subject to conditions.**

2021/0909

39 Crosslands Meadow, Colwick, NG4 2DJ

Single storey rear extension, first floor front extension and new porch

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0910

70B Nottingham Road, Burton Joyce, NG14 5AL

Single storey rear extension; rendering of front and rear of property

The proposed development would respect the character of the area and residential amenity.

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

**Decision: Grant permission subject to conditions.**

2021/0929

The Park Hospital, Sherwood Lodge Drive, Arnold

Replacement extension to the outpatient's entrance and new modular theatre within internal courtyard.

The proposed development respect the character of the area, residential amenity and highway safety. Furthermore, very special circumstances have been demonstrated to allow what would otherwise be inappropriate development within the green belt.

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

**Decision: Grant permission subject to conditions.**

**24th September 2021**

**Video Conference Call Meeting.**

Cllr David Ellis

Cllr John Parr

Cllr Marje Paling

Cllr Meredith Lawrence

Nigel Bryan – Principal Planning Officer

## **ACTION SHEET PLANNING DELEGATION PANEL 1st October 2021**

2021/0773

406 Cavendish Road Carlton NG4 3PR

Retrospective application for rear garden structures to create a level platform and associated pagoda.

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

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

**Decision: Grant Planning Permission subject to Conditions.**

2021/0931

12 Lees Road Mapperley Nottingham

Part single and part two storey rear extension, rendering and alterations to fenestration.

**To be returned to Delegation Panel.**

2021/0959

66 Main Street Lambley Nottingham

Demolition of conservatory; single storey rear extension; raise roof height with rear dormers and porch alterations

The proposed development would have a neutral impact on heritage assets and would have no undue impact on the amenity of neighbouring occupiers and highway safety.

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

**Decision: Grant Planning Permission subject to Conditions.**

### **Video Conference Call Meeting**

Cllr John Truscott

Cllr Paul Wilkinson

Cllr Marje Palling

Cllr David Ellis

Cllr John Parr

Cllr Meredith Lawrence

Kevin Cartwright – Principal Planning Officer

**1st October 2021**

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