

**MINUTES
PLANNING COMMITTEE**

Wednesday 27 July 2022

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Meredith Lawrence
 Councillor Michael Adams Councillor Marje Paling
 Councillor Jim Creamer Councillor John Parr
 Councillor David Ellis Councillor Alex Scroggie
 Councillor Andrew Ellwood Councillor Sam Smith
 Councillor Mike Hope Councillor Henry Wheeler
 Councillor Rosa Keneally

Absent: Councillor Peter Barnes, Councillor Chris Barnfather,
 Councillor Rachael Ellis, Councillor Ron McCrossen and
 Councillor Barbara Miller

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

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Barnes, Barnfather, Rachael Ellis, Ron McCrossen and Miller.

Councillors Creamer, Scroggie and Sam Smith attended as substitutes.

**2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE
MEETING HELD ON 22 JUNE 2022**

RESOLVED:

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

3 DECLARATION OF INTERESTS

None.

4 APPLICATION NO. 2019/1180 - 34 MAIN STREET, CALVERTON

Proposed demolition of existing dwelling and erection of 3 retail units at ground floor with 8 apartments over.

Emily Quilty, a local resident, spoke in objection to the application.

The Principal Planning Officer introduced the report. He informed the committee that following the publication of the agenda a further seven letters of representation had been received relating to heritage impact, residential amenity, highway safety, visual amenity, ecology and other matters relating to no demand for the retail units and increased flooding risk.

He summarised a statement that the applicant's agent had provided in which they supported the officer's recommendation - the proposal accorded with the adopted development plan; the proposal did not require any changes to the bus stop; they agreed to the suggested conditions including the additional survey work in relation to trees and protected species and concluded that the development was in accordance with both Local and National Planning Policy thus fulfilling the allocation afforded to the site within the Local Plan making.

He added that in relation to the additional representations the majority of the comments reiterated those previously discussed within the report and provided further clarity on highway safety and heritage impact.

He concluded that the proposal would not result in unacceptable harm to the amenity of neighbouring occupiers and subject to additional survey work to adequately assess the impact on trees and protected species, the proposal was recommended for approval subject to the conditions set out in the report.

Councillor Hope declared an interest in item number 4 - Application no. 2019/1180 - 34 Main Street, Calverton by virtue of his position as a Parish Councillor for Calverton Parish Council. Councillor Hope informed the committee that he personally had no input or discussions with Calverton Parish Council leading to their objections to the application.

On the requisition of two members, the motion to grant planning permission was put to a named vote and the motion was not carried.

For the motion:

Councillors Lawrence and Truscott

Against the motion:

Councillors Adams, Creamer, David Ellis, Ellwood, Hope, Keneally, Paling, Parr, Scroggie, Sam Smith, Wheeler, Wilkinson

Abstentions:

None

The Chair proposed a motion, which was seconded, to record the names of councillors who would be willing to appear at a hearing if the refusal of the application, contrary to officer recommendation was to be the subject of an appeal.

Councillors Adams, Creamer, David Ellis, Ellwood, Hope, Keneally, Paling, Parr, Scroggie, Sam Smith, Wheeler and Wilkinson all raised their hands to indicate that they would be prepared to appear at a hearing if required.

The Chair proposed a motion, which was seconded, to briefly adjourn the meeting to allow officers to draft the proposed reasons for refusal of the application. The motion was supported and the Chair declared it carried.

The meeting was adjourned at 7:16pm

The meeting resumed at 7:26pm

Councillor David Ellis re-joined the meeting.

Following debate, an alternative proposal to refuse planning permission was moved and duly seconded and it was

RESOLVED:

To refuse the application for the following reasons:

1. The three storey element of the proposal would result in less than substantial harm to the setting of the conservation area and listed church that is not outweighed by the identified public benefit of the development, contrary to Part 16 of the National Planning Policy Framework (NPPF), Policy 11 of the Aligned Core Strategy (ACS) and Policies LPD 26, LPD 27 and LPD 28 of the Local Planning Document (LPD).
2. The design of the proposed development would result in in less than substantial harm to the setting of the conservation area and listed church that is not outweighed by the identified public benefit of the development, contrary to Part 16 of the National Planning Policy Framework (NPPF), Policy 11 of the Aligned Core Strategy (ACS) and Policies LPD 26, LPD 27 and LPD 28 of the Local Planning Document (LPD).

**APPLICATION NO. 2022/0006 - LAND OFF GEORGES LANE,
CALVERTON**

Change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car park, landscaping and new access arrangements onto Georges Lane.

Matthew Lymn Rose of A W Lymn, the applicant, spoke in favour of the application.

The Principal Planning Officer introduced the report.

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 The development hereby permitted shall be completed in accordance with the following drawings and documents:

Site Location Plan (9175-L-101 rev A)
Landscape Masterplan (9175-L-104 rev E)
Cemetery shelter plan (PL-01 rev A)
Access Arrangement Plan (TA01 rev F)
Ecological Appraisal (December 2021)
Tree Survey (P2349/1121/02)
- 3 No development or burials shall take place in the area identified as "Area of archaeological interest" identified on the drawing number 9175-L-104 rev E.
- 4 The proposed development hereby permitted shall not be brought into use until the site access arrangement as shown on drawing number TA01 revision F has been provided. The site access shall then be maintained in accordance with the approved details for the lifetime of the development.
- 5 The proposed development hereby permitted shall not be brought into use until Calverton Footpath 22 has been diverted in accordance with the details as shown on drawing number TA01 revision F.
- 6 The proposed development hereby permitted shall not be brought into use until the visibility splays of 2.4m x 103m and 2.4m x 56m as shown on drawing TA01 revision F have been provided.

- 7 The proposed development hereby permitted shall not be brought into use until the site access arrangement as shown on drawing TA01 revision F has been constructed with provision to prevent the discharge of surface water from the access to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the lifetime of the development.
- 8 The proposed development hereby permitted shall not be brought into use until the bus stop has been stopped up and relocated in accordance with the details set out on drawing number TA01 Rev F.
- 9 The proposed development hereby permitted shall not be brought into use until details have been submitted to and approved in writing by the Local Planning Authority as to the position and specification within the development of one (1) Electric Vehicle Recharging Point. The Electric Vehicle Recharging Point shall be in a prominent position on the site and shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Points shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development. 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 staff and visitors.
- 10 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 unless otherwise agreed in writing by the Local Planning Authority.
- 11 During the course of the development any findings of archaeological investigations shall be deposited with Nottinghamshire County Council HER and Archaeology service.
- 12 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy ADC2729-RP-A, December 2021, ADC Infrastructure., has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to

completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'ScienceReport SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

13 All burials in the cemetery shall be:

- a minimum of 250 m from a potable groundwater supply source;
- a minimum of 30 m from a water course or spring;
- a minimum of 10 m distance from field drains;

no burial into standing water and the base of the grave must be above the local water table

14 No development shall be carried out until a Construction and Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the CEMP as approved.

15 Prior to the commencement of development a scheme for the provision of bat boxes throughout the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance the details as approved.

16 Prior to the erection of any external lighting there shall be submitted to and approved in writing by the Local Planning

Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the approved buildings or elsewhere within the site. Any security lighting to be installed, shall be designed, located and installed so as not to cause disturbance to ecological interests on and adjacent to the site. The external lighting shall be provided in accordance with the approved details and shall be retained as such for the lifetime of the development.

- 17 The internal access roads and parking areas within the site shall not be installed until precise details of their widths and the proposed materials to be used in their construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such in perpetuity.
- 18 Prior to the commencement of development details of the trees to be removed within the areas identified as G4 and G2 on the Tree Survey (Reference: P2349/1121/0) shall be submitted to and approved in writing by the Local Planning Authority. Trees to be retained within groups G4 and G2 shall be protected in accordance with details as outlined in paragraph 4.2 of the approved Tree Survey.
- 19 Prior to above ground works commencing, 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 from the use commencing. 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.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interest or preserving the designated heritage asset in accordance with LPD 26 of the Gedling Part 2 Local Plan (2018) and Policy 11 of the Aligned Core Strategy (2014).
- 4 In the interest of highway safety.

- 5 In the interest of highway safety.
- 6 In the interest of highway safety.
- 7 In the interest of highway safety.
- 8 In the interest of highway safety.
- 9 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 10 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 11 To ensure records of important archaeological features identified during the course of building work are retained in accordance with LPD 30 of the Gedling Part 2 Local Plan (2018).
- 12 A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 13 To protect the quality of controlled waters in the local area.
- 14 In the interest of protecting the natural environment in accordance with the aims of LPD 17 of the Gedling Part 2 Local Plan (2018).
- 15 In the interest of protecting the natural environment in accordance with the aims of LPD 17 of the Gedling Part 2 Local Plan (2018).
- 16 To protect ecological interests on and adjacent to the site and in the interests of visual amenity and landscape character.
- 17 In the interests of visual amenity and landscape character.
- 18 In the interests of protecting the natural environment in accordance with LPD 17 of the Gedling Part 2 Local Plan (2018).
- 19 To ensure that the character of the area is respected and to comply with policy LPD19

Reasons for Decision

The proposed development would represent appropriate development in the Green Belt and would not cause harm to openness or to the purposes of including land within the Green Belt. It is not considered that there would be an undue impact upon visual amenity or landscape character, residential amenity, highway safety, designated heritage assets, ecological considerations or ground water. The proposal therefore accords with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies A, 1, 3, 10, and 11, Local Planning Document Policies 6, 19, 26, 32, 57 and 61 and Calverton Neighbourhood Plan Policies ISF1, ISF2, ISF3, BE1, BE5, NE3, NE4 and NE5. Whilst it is noted that a departure is taken from the Aligned Core Strategy Policy 17 in that the perspective Special Protection Area is not being treated as a confirmed European site, the reason for this is set out in detail in the officer report to Planning Committee.

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. During the processing of the application discussions took place with the applicant to make amendments to the application to ensure a positive outcome could be achieved.

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

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

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@nottsccl.gov.uk for details.

The proposed development appears to require the diversion of a public right of way/highway. The grant of planning permission for this development does not authorise the obstruction or the diversion of this public right of way/highway and an unlawful obstruction to the right of way/highway is a criminal offence and may result in the obstructing development being required to be removed.

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).

There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team. The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed. Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor. See NCC development guide. The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way. Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. licences@viaem.co.uk If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottscg.gov.uk If a skip is required and is sited on a highway, which includes a RoW then

the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic. There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team. The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles. If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed. Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor. See NCC development guide. If the design of any proposed development requires the legally recorded route of the RoW to be diverted because it cannot be accommodated on the legal line within the scheme, then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application way under this act should be made to the Planning authority and is a separate application to the planning permission. For path which required a TCPA diversion Under Section 12 of the Growth and Infrastructure Act 2013, it is now possible for the planning authority to carry out preliminary consultations, draft and make the Order under the appropriate Regulations (Town & Country Planning Public Path Orders Regulations 1993) if an application has been made under Part 3, and before planning permission has been granted, if on granting it, it is necessary to alter a public path. The order can be confirmed if planning permission is then granted. This can avoid the previous delays caused by developers having to wait for planning permission to be granted before applying for a diversion. The existing boundary hedge/tree line directly bordering the development/boundary/ etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way. If common land is affected or adjacent to: Provisional investigations suggest the application site may subject to, or

be in close proximity to land which is registered as Common Land or Town/Village Green. Works on Common Land and Town/Village Greens may be subject to procedures as set out in The Commons Registration Act 1965 and The Commons Act 2006. For further information you are advised to contact the Countryside Access Team, Nottinghamshire County Council Loughborough Road, West Bridgford, Nottingham NG2 7QP or Countryside.Access@nottsc.gov.uk. Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. licences@viaem.co.uk If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email countryside.access@nottsc.gov.uk. If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if on a bridleway, motorised vehicles if on a byway open to all traffic

6 ENFORCEMENT REF: 0216/2021 - RAMPER COVERT WOOD, MANSFIELD ROAD, ARNOLD

Unauthorised change of use from woodland to events venue with associated erection of 2 no. joined tipi tents, erection of a stage and siting of a WC trailer, trailer mounted cabin and seating.

The Head of Development and Place introduced the report.

RESOLVED:

That the Head of Development and Place, in conjunction with the Head of Governance and Customer Services, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and issue of proceedings through the courts, if required, to ensure the cessation of the unauthorised change of use of the site as an events venue and removal of all associated structures and facilities including 2 no. joined tipi tents, wooden framed stage, trailer mounted timber cabin, WC trailer, seating, tables and wooden archway.

**7 HOUSES IN MULTIPLE OCCUPATION (HMOS) IN THE
 NETHERFIELD WARD**

The Head of Development and Place introduced the report.

RESOLVED:

To note Cabinet's resolution on the suitability of implementing an Article 4 direction to introduce a requirement for planning permission to change from a C3 Dwellinghouse (family dwelling) to a C4 HMO (3-6 unrelated people who share facilities) in the Netherfield Ward.

8 HOUSING DELIVERY ACTION PLAN 2022

The Head of Development and Place introduced the report.

RESOLVED:

To note the Housing Delivery Action Plan 2022 published in July 2022, attached as Appendix 1.

9 FUTURE APPLICATIONS

RESOLVED:

To note the information.

10 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

11 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 8.15 pm

Signed by Chair:
Date: