

Agenda

Planning Committee

Date: **Wednesday 22 February 2023**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

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 Julie Najuk
Councillor Barbara Miller
Councillor Marje Paling
Councillor John Parr
Councillor Henry Wheeler

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AGENDA

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2. **To approve, as a correct record, the minutes of the meeting held on 11 January 2023**
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3. **Declaration of Interests**
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10. **Any other items which the Chair considers urgent**

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MINUTES PLANNING COMMITTEE

Wednesday 11 January 2023

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Rosa Keneally
Councillor Michael Adams Councillor Meredith Lawrence
Councillor Peter Barnes Councillor Julie Najuk
Councillor Chris Barnfather Councillor Barbara Miller
Councillor David Ellis Councillor Marje Paling
Councillor Rachael Ellis Councillor John Parr
Councillor Andrew Ellwood Councillor Henry Wheeler
Councillor Mike Hope

Absent: None.

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

50 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

None.

51 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 30 NOVEMBER 2022

RESOLVED:

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

52 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest on behalf of all members of the committee on items 7 and item 8 on the agenda as the Council were the applicant on both applications.

Councillor David Ellis declared a personal non-pecuniary interest in items 7 and 8 on the agenda as Portfolio Holder he had signed off the application to install the CCTV and would therefore not participate in the debate nor vote on the item.

Councillor Adams declared a collective non-pecuniary interest on items 7 and 8 on the agenda, on behalf of himself and Councillor Barnfather,

as they were Nottinghamshire County Councillors and Nottinghamshire County Council owned the land on both of the sites.

53

APPLICATION NO. 2021/1398 - LAND AT GRANGE VIEW ROAD, GEDLING

Erection of 24 dwellings, associated parking and access road.

Phillip Oddie, a local resident, spoke on behalf of The Willow Farm Action Group, in objection to the application.

The Principal Planning Officer introduced the report and provided an update as summarised below.

He recommended that an additional condition be added in respect of a further protected species survey for a mature ash tree to be removed to the site entrance. The recommended condition was;

Prior to the commencement of development, a protected species survey shall be completed in respect of possible bat roosts for the Ash tree to the site entrance, which is intended to be removed. The survey shall be submitted to and approved in writing by the Local Planning Authority and any mitigation approved in the report shall be undertaken.

He added that since publication of the committee report a number of emails had been received from the Willow Farm Action Group and a local resident expressing concern about the application and the committee report in particular, relating to the loss of a tree to the site entrance, whether the impact on protected species had been explored, including on hedgerows, whether a Landscape and Visual Impact Assessment (LVIA) was required and also whether impacts on residential amenity had been suitably assessed, including whether neighbour letters had been appropriately summarised.

He explained that an additional condition was recommended in respect of exploration for the potential of bats in the Ash tree which was being removed, that the specimen was not considered worthy of a preservation order and that its removal was supported. He added that the layout indicated existing hedgerows would be retained as per the proposed drawings and a landscaping scheme secured through condition 4.

He added that whilst no LVIA had been submitted in support of the application, one had been undertaken as part of allocating the site for residential development within the Local Plan, which concluded that the site was of medium landscape sensitivity.

He added that in respect of the comments from neighbours, statutory consultees and the impacts on residential amenity, these had been

accurately summarised and covered within the officer report and raised no new issues.

He added that concern had been raised about the Human Rights Act and whilst recent case law established that Article 8 (Human) Rights were important, it should not be assumed that any would outweigh the importance of having coherent control over town and country planning.

He concluded that the application be recommended for approval as outlined in the report with an additional condition relating to the requirement for a protected species survey.

Councillor Lawrence joined the meeting.

Councillor Barnfather proposed a motion that the application be deferred to a future meeting until the applicant had produced a Landscape and Visual Impact Assessment, so that the committee were fully informed of the impact of the development on existing properties and on the quality of life of the residents of those properties, before a decision was made.

The motion was seconded by Councillor Adams, but was not carried, and it was therefore

RESOLVED:

To GRANT PLANNING PERMISSION: Subject to the owner entering into planning obligations secured through a s106 agreement with the Borough Council as the Local Planning Authority and the County Council as Education and Transport Authority to secure affordable housing, education contributions, payment for public open space maintenance or details of a management company to fulfil the same role if not adopted by the Council, contributions towards bus stop improvements, monitoring fees and a local labour agreement; 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:

3507-101J Site layout
3507-102J Site roof plan
3507-112A Location plan
3507-203B House A
3507-204B House B
3507-205B House C
3507-206C House D
3507-207A House E

3507-208A House F
3507-209A House G
3507-210 House H
3507-211C Street scene
3507-212A House J
3507-213A House A1
3507-214A House B1
002042-JPL-ZZ-ZZ-DR-D-4701-A2-C03 Indicative Access Road
Accommodation Schedule Rev- F
The development shall thereafter be undertaken in accordance with these plans/details.

3. Prior to above ground works commencing details of materials to be used in the external appearance of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
4. Notwithstanding details previously submitted and 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 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.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Wheel washing facilities

6. Measures to control the emission of dust and dirt during construction
 7. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 8. The routing of deliveries and construction vehicles to site and any temporary access points.
-
6. No part of the development hereby permitted shall take place until details of the internal roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, speed limit and calming measures, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
 7. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
 8. 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.
 9. 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 NSW02042-1RP, 9/9/22, Jackson Purdue Lever, has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
 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.

11. 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.

12. Prior to the commencement of development, the following shall be complied with:
Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.
Submission of Remediation Scheme

Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

13. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning

Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

15. 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 buildings, including retaining walls, 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.
16. No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling.
17. Prior to the commencement of development details of means by which the site will be drained during construction shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the details as approved.
18. Prior to the commencement of development, a protected species survey shall be completed in respect of possible bat roosts for the Ash Tree to the site entrance, which is intended to be removed. The survey shall be submitted to and approved in writing by the Local Planning Authority and any mitigation approved in the report shall be undertaken.

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.
4. To ensure that the character of the area is respected and to comply with policy ACS10.

5. In the interest of highway safety, and to minimise disruption to users of the public highway and protect the amenity of local residents and to comply with policy LPD61.
6. To ensure the development is constructed to adoptable standards and comply with policy LPD61.
7. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and comply with policies LPD57 and LPD61.
8. To ensure surface water from the site is not deposited on the public highway causing dangers to road users and comply with policy LPD61.
9. To ensure that the site is adequately drained and to comply with policies LPD3 and LPD4.
10. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
11. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
12. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
13. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
14. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
15. To ensure the character of the area and residential amenity are respected and to comply with policies ACS10 and LPD32.
16. To ensure the character of the area and residential amenity are respected and to comply with policies ACS10 and LPD32.

17. To ensure that the site is adequately drained and to comply with policies LPD3 and LPD4.
18. To ensure protected species are not detrimentally impacted and comply with policy LP18.

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).

In respect of the surface water drainage scheme to be approved, it should;

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 and NPPF Paragraph 169.

Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.

Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

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 30 year and 1 in 100 year plus climate change return periods.

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.
- o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.

Evidence of approval for drainage infrastructure crossing third party land where applicable.

Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

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 effectiveness.

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

In order to carry out the off-site works i.e. works on 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. Applicant will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority 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 (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

Please note that the grant of planning permission does not override civil legal matters with regard to development on or over a boundary, including the Party Wall etc Act, advice on which should be sought from an independent source.

54 APPLICATION NO. 2022/0798 - TOTAL SITE, ROAD NO 3, COLWICK

Full planning application for: 1) erection of a building for use as a builders merchant (Sui Generis) with trade counters and ancillary kitchen joinery showroom for the display, sale and storage of building, timber and plumbing supplies, plant and tool hire, including outside display and

storage including storage racking; and 2) erection of industrial and logistics units (Use Classes E(g)(iii), B2 and B8); together with access and servicing arrangements, parking and landscaping, boundary fencing and associated works.

Mark Garrity – Development Director, Chancerygate (The Applicant) spoke in support of the application.

The Principal Planning Officer introduced the report and provided an update in respect of the hazardous substance consent and confirmed that the Health and Safety Executive would not request that the application be called in for determination by the Secretary of State nor pursue the matter further, should planning permission be granted.

RESOLVED:

To GRANT PLANNING PERMISSION: subject to the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the following drawing and details; received by the Local Planning Authority on 8 July 2022 unless otherwise stated:
 - 21068-300 Revision P01 (Site Location Plan)
 - 21068-302 Revision P09 (Proposed Site Plan) - received 26 October 2022
 - 21068-310 Revision P02 (Unit 1 Proposed Elevations)
 - 21068-311 Revision P01 (Unit 1 Proposed Floor Plan)
 - 21068-312 Revision P02 (Unit 1 Proposed Roof Plan)
 - 21068-320 Revision P02 (Unit 2 Proposed Elevations)
 - 21068-321 Revision P02 (Unit 2 Proposed Floor Plan)
 - 21068-322 Revision P02 (Unit 2 Proposed Roof Plan)
 - 21068-330 Revision P01 (Unit 3 Proposed Elevations)
 - 21068-331 Revision P01 (Unit 3 Proposed Floor Plan)
 - 21068-332 Revision P01 (Unit 3 Proposed Roof Plan)
 - 21068-340 Revision P02 (Unit 4 Proposed Elevations)
 - 21068-341 Revision P02 (Unit 4 Proposed Floor Plan)
 - 21068-342 Revision P02 (Unit 4 Proposed Roof Plan)
 - 21068-350 Revision P03 (Unit 5 Proposed Elevations) - received 28 July 2022
 - 21068-351 Revision P02 (Unit 5 Proposed Floor Plan)
 - 21068-352 Revision P01 (Unit 5 Proposed Roof Plan)

- 21068-900 revision P03 (Proposed Site Section) - received 12 September 2022
 - 853.29.02 (Planting Layout South)
 - 853.19.05 (Planting Layout North) - received 16 November 2022
 - 21068-801-P01 (Schedule of External Building Materials)
 - Construction and Emissions Management Plan - received 17 August 2022
- 3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
 - 4 Prior to the occupation of building(s) hereby permitted, Electric Vehicle Recharging Points (active) shall be installed in accordance with the details set out in drawing number 21068-302 Revision P09; with infrastructure installed for a further eighteen (18) in future years (passive). The Electric Vehicle Recharging Points 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 car park users.
 - 5 The development hereby approved shall be carried out in accordance with the Proposed Drainage Plan (21-034-CHA D01 Rev T3).
 - 6 The proposed Builder's Merchant shall not be brought into use until the parking/turning/servicing areas as shown on drawing 21068-302 Revision PO9 have been provided. The parking/turning/servicing areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.
 - 7 The proposed Builder's Merchant shall not be brought into use until the vehicular access from Road No.1 as shown on drawing 21068-302 Revision PO9 has been provided.

- 8 The proposed industrial units shall not be brought into use until the parking/turning/servicing areas as shown on drawing 21068-302 Revision P09 have been provided. The parking/turning/servicing areas shall be maintained in accordance with the approved details and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.
- 9 The proposed development shall not be brought into use until bus stop GEO336 as shown indicatively on drawing 21068-302 Revision P09 has been provided unless otherwise agreed with the Local Planning Authority.
- 10 The proposed development shall not be brought into use until the redundant vehicular crossing on Road No.1 has been reinstated to verge, and full height kerbs provided along the footway.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any provision in any Statutory Instrument revoking or re-enacting that Order) the development hereby permitted shall not be used for any purposes other than the builders merchant and uses falling within use class E(g)(iii), B2 and B8.
- 12 The development shall be carried out in accordance with the Local Labour Agreement dated September 2022; received by the Local Planning Authority on 28 September 2022.
- 13 The development shall be carried out in accordance with the submitted flood risk assessment (ref 21-034-CHA Road No.3, Colwick, dated 13 June 2022 and document titled Addendum To Flood Risk Assessment, dated 25 August 2022, compiled by I&L Consulting Ltd) and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 20.95 metres above Ordnance Datum (AOD)
 - The proposed units shall be made to be floodable
 - There shall be a safe refuge areas on site and a safe access route off site (as per drawing document SK010 P1 - Proposed Safe Refuge Routes).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 14 The landscaping scheme as approved (including the trees to be planted on the public highway) shall be carried out in the first planting season following completion of the development. 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.

- 15 No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 - a. A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site
 - b. 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.
 - c. 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 they are to be undertaken.
 - d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.
- 16 Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
- 17 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

The development shall be carried out in accordance with the approved details.

- 18 Piling or any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 of public health and safety.
- 4 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
- 5 To ensure that the development has sufficient surface water management, is not at increased risk of flooding, and does not increase flood risk off-site.
- 6 In the interest of highway amenity.
- 7 In the interest of highway amenity.
- 8 In the interest of highway amenity.
- 9 To promote sustainable travel.
- 10 In the interest of highway amenity.
- 11 To protect the vitality and viability of nearby local centres.
- 12 To enable local people to benefit from the development in accordance with LPD 48 of the Gedling Part 2 Local Plan (2018).
- 13 To reduce the risk of flooding to the proposed development and future occupants.
- 14 To ensure that the character of the area is respected and to comply with policies LPD18.
- 15 To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by,

unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

- 16 To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.
- 17 To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework
- 18 Piling can result in risks to water resources from, for example, mobilising contamination, drilling through different aquifers, and creating preferential pathways. Thus it should be demonstrated that any of these activities will not harm water resources in line with paragraph 174 of the NPPF. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73".

Reasons for Decision

The application site is within an established industrial estate and will enhance employment use on offer. The built form would respect the character of the area and amenity of adjacent users. Highway safety would be respected and parking provision is considered to be acceptable. Subject to conditions the development would be acceptable in respect of flood risk and contamination. The application is, therefore, deemed to comply with policies 1, 4 and 10 of the Aligned Core Strategy; policies LPD 3, LPD 4, LPD 7, LPD 11, LPD 32, LPD 44, LPD 48, LPD 57 and LPD 61 of the Local Planning Document and guidance within the NPPF, Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) and Low Carbon Planning Guidance for Gedling Borough (May 2021)..

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 development makes it necessary to construct/reinstate a vehicular crossing over a verge/footway of the public highway and provide public transport infrastructure. These works will take place on land that is subject to the provisions of the Highways Act 1980 (as amended), and is therefore land over which you have no control. Please contact licences@viaem.co.uk to ensure the necessary licences are in place prior to works commencing.

The development makes it necessary to plant trees in the public highway. You will therefore be required to obtain a cultivation licence under Section 142 of the Highways Act 1980 whereby you will be required to trim the area off to reduce competition for water/nutrients, and commit to a 3 year maintenance plan inclusive of watering.

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.

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

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application regular discussions took place with the applicant to address any issues that occurred.

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight

gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice: o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution o treated materials can be transferred between sites as part of a hub and cluster project o some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to: The Position statement on the Definition of Waste: Development Industry Code of Practice and; The Environmental regulations page on GOV.UK

55 APPLICATION NO. 2022/0944 - 27 FORESTER STREET, NETHERFIELD

Item withdrawn from the agenda.

56 APPLICATION NO. 2022/1114 - STREET RECORD, VALE ROAD, COLWICK

Install a 10m column, concrete base and street cabinet for CCTV camera.

RESOLVED:

To Grant Planning Permission subject to the following conditions:

Conditions

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be carried out in accordance with the details set out in the application form, Site Location Plan, drawings numbered TC.10.400.01 and WEC-467586A1, and Specification

Reasons

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

Reasons for Decision

The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Section 8 and 12), Policy 10 of the GBCAS (2014) and Policy 32 of the LPD.

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 there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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

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

The proposal makes it necessary to apply for an S115e licence for installation of a CCTV camera to be installed on the verge of the public

highway. These Works will be subject to a site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

57 APPLICATION NO. 2022/1115 - STREET RECORD, COLWICK LOOP ROAD, COLWICK

Install a 10m column together with a 2M antennae extension and a concrete base for CCTV camera.

RESOLVED:

To Grant Planning Permission subject to the following conditions:

Conditions

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be carried out in accordance with the details set out in the application form, Site Location Plan, and WEC Technical Specification; received by the Local Planning Authority on 14 November 2022.

Reasons

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

Reasons for Decision

The proposed development is consistent with Gedling Borough planning policies. The proposal represents an acceptable form of development which seeks to reduce crime, the detection of crime and the fear of crime. The proposal is not considered to have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of the occupiers of neighbouring properties. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Section 8 and 12), Policy 10 of the GBCAS (2014) and Policy 32 of the LPD.

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 there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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

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

The proposal makes it necessary to apply for an S115e licence for installation of a CCTV camera to be installed on the verge of the public highway. These Works will be subject to a site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

58 INFRASTRUCTURE FUNDING STATEMENT 2021/22

To provide Members with information on the monies collected through the Community Infrastructure Levy (CIL) and Section 106 Planning Obligations, how they are administrated and future expenditure priorities in relation to the monies collected.

To note the publication of the Infrastructure Funding Statement for 2021/22 attached in Appendix A.

RESOLVED to:

1. Note the contents of the report.
2. Note the publication of the Infrastructure Funding Statement for 2021/22 as detailed at Appendix A.

59 AUTHORITY MONITORING REPORT 2021/22

To note the Gedling Borough Council Authority Monitoring Report April 2021 – March 2022.

RESOLVED:

To note the Gedling Borough Council Authority Monitoring Report April 2021 - March 2022 attached at Appendix A.

60 HOUSES IN MULTIPLE OCCUPATION IN THE NETHERFIELD WARD

To note the latest position 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.

RESOLVED to:

- 1) Note that there was currently insufficient evidence to demonstrate that an Article 4 direction or any other measure was necessary to protect local amenity or the well-being of the Netherfield Ward.
- 2) Note that the overall number of HMOs in the Netherfield Ward would be monitored and a further update report would be submitted to Cabinet within 12 months.

61 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

62 DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

63 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.01 pm

Signed by Chair:
Date:

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PLANNING COMMITTEE PROTOCOL

Introduction

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

Disclosable Pecuniary and Non- Pecuniary Interests

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Pre-determination and Predisposition

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

Lobbying

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Roles at Planning Committee

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

Speaking at Planning Committee

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

Determination of planning applications

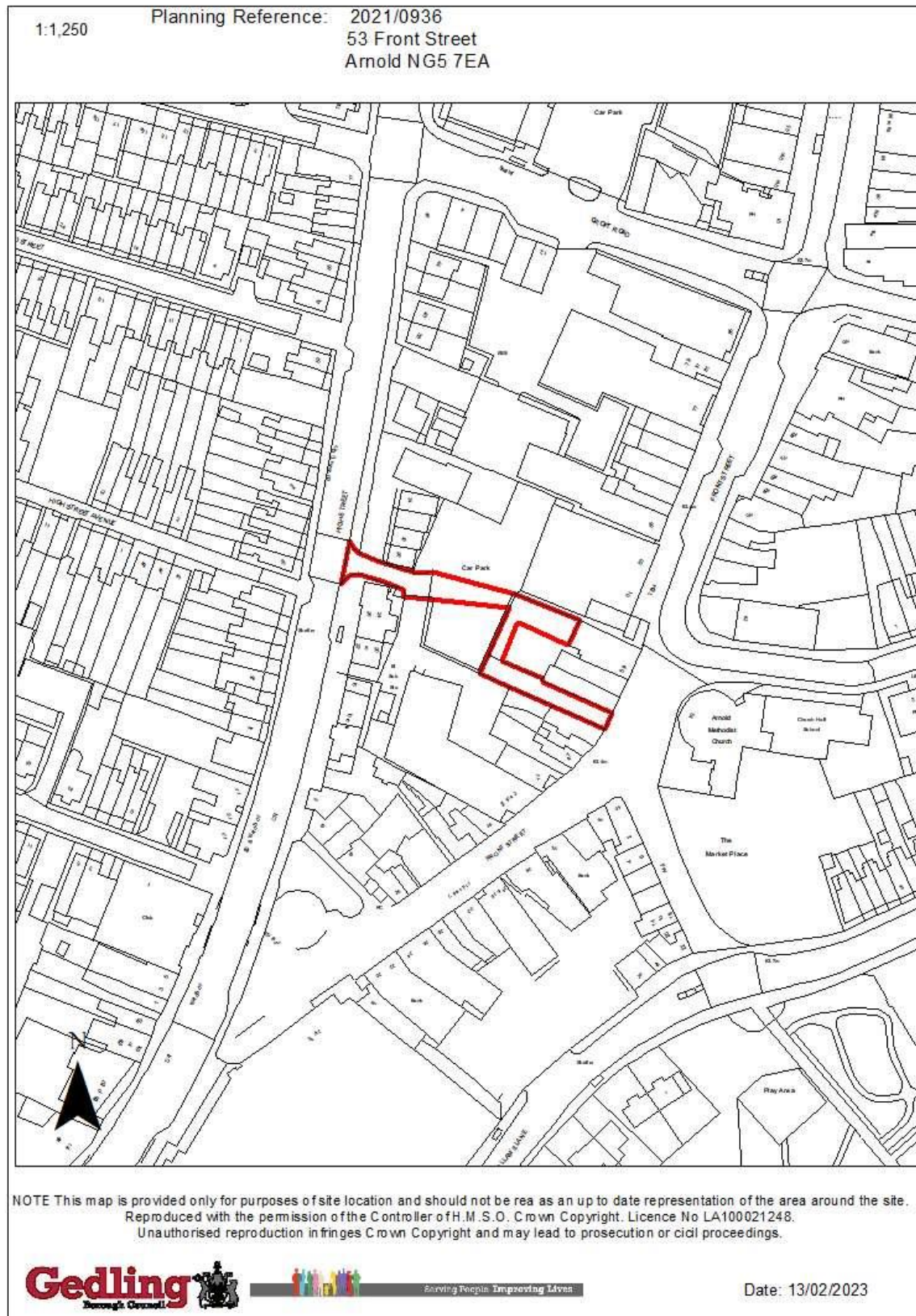
19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

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Planning Report for 2021/0936



Report to Planning Committee

Application Number:	2021/0936
Location:	53 Front Street Arnold NG5 7EA
Proposal:	Proposed refurbishment and conversion of existing storage unit associated with retail premises to provide residential accommodation.
Applicant:	Godfrey
Agent:	Indigo Architecture Limited
Case Officer:	Bev Pearson

This application has been referred to the Planning Committee as part of the application site is land owned by Gedling Borough Council.

1.0 Site Description

- 1.1 No. 53 Front Street is the end building of a terrace of three storey properties with frontages facing Front Street. It comprises a ground floor retail unit (pawn shop) with residential on the upper floors which is immediately to the north east adjoined by a barbers, a leisure arcade both of which have residential to their upper floors and a coffee shop to the north east.
- 1.2 This application relates to a vacant storage building located immediately to the rear of and serving the host commercial unit at no. 53 Front Street. It is adjoined to the north east by a service yard overlooked by the upper floors of no. 55, no. 57 and no. 59 front street whilst the rear of the building immediately faces a flat roof landing area which provides access to the upper floor residential unit at no. 53 Front Street. Immediately to the north west is a public car park accessed from High Street. To the south west set at a much lower level is a private car park
- 1.3 The site is located within the Arnold Primary Shopping Area as identified on the Proposals Map of the Local Planning Document (2018).

2.0 Relevant Planning History

- 2.1 **80/1790** – planning permission was refused in November 1980 for a store at the rear

81/1159 – planning permission was granted in September 1989 for the erection of two storey extension comprising ground floor part retail/part unloading area and first floor store

95/0559 – planning permission was granted in June 1995 for the erection of a first and second floor extensions for storage purposes

3.0 Proposed Development

- 3.1 Full planning permission is sought for the erection of an upper floor extension and conversion of the building from ancillary storage to the host retail unit to residential (Use Class C3) to comprise 2no. ground floor 1 bed apartments, 1no. first floor 2 bed apartment and 1no. second floor apartment.
- 3.2 The proposed extension to facilitate the conversion would have maximum dimensions of 6.1m width x 15.4m depth x 3.2m high.
- 3.3 External materials would comprise timber cladding with aluminium coping and fascia

4.0 Consultations

- 4.1 Nottinghamshire County Council Highway Authority – no objections
- 4.2 Gedling Borough Council Scientific Officer - recommends a condition requiring an EV charging point
- 4.3 Gedling Borough Council Environmental Health – only concerns raised are the proximity to bars on Front Street albeit the site faces in the opposite direction. Advise that although no noise insulation details have been provided this could be conditioned to secure a sound insulation scheme which includes the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve internal noise levels not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00..
- 4.4 Gedling Borough Council Property - This is an existing access route across the car park. The bins etc. for the existing commercial buildings are already collected via this route. No objection in principle, however parking is already tight on this site, and no consent will be granted for the builder to use any part of the Council's car park for storage or to restrict its use in anyway while construction is taking place. Nothing in any consent will give or imply any rights for future occupants to use the adjacent car park to park vehicles other than in accordance with the conditions of use advertised on site.
- 4.5 Members of the Public - Adjoining Neighbours have been notified by letter and a Site Notice posted - 4 representations have been received commenting that no objection is raised to the development itself but raising concern regarding impact on the availability of parking to the rear which is subject to a Deed of Release and Grant dated 1984. The aforementioned Deed stated that the owners of 53 Front Street granted the owners of no. s 55, 57 and 59 Front

Street and their successors in title the right at all times for all purposes with or without vehicles the right of access over part of the application site.

5.0 Relevant Planning Policy

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is 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'.

Development Plan Policies

The following policies are relevant to the application.

- 5.2 The National Planning Policy Framework (2021) The NPPF sets out the national objectives for delivering sustainable development. Sections 2 (Achieving Sustainable Development), 4 (Decision Making), 7 (Ensuring the vitality of town centres), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed places).
- 5.3 The Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:
- ☐ Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals.
 - ☐ 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 Density) 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.
- 5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:
- ☐ 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 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 50: Development within Town and local centres – identifies the types of uses of development that is likely to be acceptable in town centres.
 - ☐ LPD 57: Parking Standards – sets out the requirements for parking.

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

5.5 Supplementary Planning Documents/Guidance

- Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) sets out parking requirements.
- 'Low Carbon Planning Guidance for Gedling Borough (May 2021)

6.0 **Planning Considerations**

Principle of development

- 6.1 The site falls within the Arnold Primary Shopping Area. The storage unit is ancillary to the host retail unit at 53 Front Street and has not itself been open to members of the public. Given the change in the nature of the products pawned by the retail unit which are generally smaller electrical products etc the need for such a large storage area has been negated and the building has been vacant and unused for circa 18 months. Although the proposal would result in the loss of the ancillary storage building the existing retail unit to Front Street would be retained. As such the proposal would not result in the loss of a Town Centre offering nor would it be considered to unduly impact on the vitality and viability of the Primary Shopping Area or the wider Town Centre setting.
- 6.2 Furthermore the site is positioned within a highly sustainable location within the Arnold Town Centre in an area in close proximity to good transport links and access to a wide range of shops and services. There are other residential properties nearby and the proposal would contribute to the housing size and mix within the Town Centre.
- 6.3 Taking the above into account it is considered that the principle of the proposed development may be acceptable in line with Section 2 of the NPPF (2021) and Policy A, Policy 2 and Policy 8 of the ACS (2014) and Policy LPD50 of the LPD (2018). This would however be subject to the following material planning considerations:-

Design and Impact on the character of the area

- 6.4 The application site falls within the Arnold Primary Shopping Area and Arnold Town Centre.
- 6.5 It is accepted that the proposed extension would result in the existing split level building being increased in height. However there are other buildings within close proximity of the existing building which are of a similar heights and as such it is not considered that the proposed extension would have an adverse impact on the character and appearance of the area. Furthermore the existing building is of little architectural merit which presents a predominantly blank brick façade except for a roller shutter door, metal door and some shuttered first floor windows overlooking the public car park.

The proposed development would introduce some additional features and openings which would greatly enhance the buildings visual amenity and its character and appearance within this highly visible location in the Town Centre.

- 6.6 The proposed extension and change of use would also bring this vacant storage building which is no longer required to serve the host retail unit, back into a long term viable use whilst not detracting from the vitality and viability of the Town Centre.
- 6.7 Taking the above into account it is considered that the proposal would not adversely impact on the character and appearance of the site or its wider context providing a more attractive and active building into this part of Arnold Town Centre. The proposal therefore accords with Sections 7, 11 and 12 of the NPPF (2021) Policy 10 of the ACS (2014) and Policies LPD35 and LPD 50 of the LPD (2018).

Residential Amenity

- 6.8 Of relevance to this application, Policy LPD32 of the Local Planning Document requires that development proposals should not have a significant adverse impact on the amenity of nearby residents in terms of overlooking, noise, level of activity on the site, traffic or other forms of pollution. Policy LPD50 also sets out that development should not cause adverse impact on the amenity of nearby residents and occupiers.
- 6.9 Proposed windows on the east elevation facing the first floor flat to the rear of no. 53 Front Street and those on the south elevation facing the rear gardens areas of no. 47/49 Front Street would be obscure glazed to safeguard the privacy of these nearby properties. Furthermore the ground floor windows to the north elevation would be fitted with privacy glazing which would allow views out of but prevent views into ground floor apartments.
- 6.10 The comments of the Environmental Health officer with regards to potential noise impacts arising from the bars located on Front Street are noted. However, being mindful that the application site is within Arnold Town centre with a number of bars and restaurants and that it is set behind properties fronting Front Street where the bars referred to are located it is not considered that these would significantly impact on the amenity of the future occupiers of the proposed development to justify refusal on these grounds. The Environmental Health officer has also recommended conditioning of noise insulation details should planning permission be granted. Such conditions are considered reasonable.
- 6.11 Whilst efforts have been made to redesign the proposed development and to control the level of comings and goings to the front of the ground floor apartments it is noted that there is an area of land immediately to the front of Apartment A which does not fall within the application site or the ownership of the applicant. This land is used for parking of vehicles for adjacent properties (55 and 57 Front Street) and there is a right of access to this land through the application site by virtue of the Deed of Release and Grant detailed in paragraph 4.5 and 6.17 of his report. It is not considered that the level of

activity this would generate to the front of Apartment A would be so significantly greater than one would expect for a residential unit within a Town Centre location to justify refusal on these grounds.

- 6.12 Taking the above into account it is considered that the proposal would not result in adverse impact on the amenity of adjacent occupiers and would provide an acceptable level of amenity for future occupiers of the residential units given the Town Centre location. The proposal is therefore considered to be in accordance with the provisions of Section 12 of the NPPF (2021) and Policies LPD32 and LPD50 of the LPD (2018).

Highway Matters

- 6.13 Paragraph 4.13 of the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document states that:-
'The expectation is that parking standards will be met. However if the development is served by one or more regular public transport, this may be a material consideration justifying a reduced parking provision requirement, especially if the site is located within or close to a central area'
- 6.14 It is noted that the Highway Authority have raised no objections to the proposal. Although no off street parking is provided given the highly sustainable location of the site well served by public car parks and public transport and its proximity to the wide range of shops, services and facilities within Arnold Town Centre it is considered that this would allow a relaxation of the parking standards in this particular location. Furthermore there is a car parking facility adjoining the site with free 2 hour parking during the day and no parking charge in the evening. The proposal would also provide cycle parking.
Taking this into account it is considered that a refusal of planning permission on the basis of inadequate parking provision would not be reasonable in this instance.
- 6.15 Taking the above into account it is considered that the proposed development would not be detrimental to highway safety and the proposal is considered to accord with Section 9 of the NPPF (2021) and Policies LPD 50, LPD Policy 57 and LPD 61 and the Parking Provision for Residential and Non-Residential Developments SPD (2022) and 'Low Carbon Planning Guidance for Gedling Borough (May 2021).

Other Matters

Loss of storage building to serve host retail unit

- 6.16 It is noted that the proposal would result in the loss of the existing storage building. However it has been vacant for some time given the changes in the nature of the operation and small scale storage requirements of the host unit which would be met within the existing retail unit.

Rights of Access of neighbouring properties

- 6.17 Comments were received with regards to the rights of access contained in the Deed of Release and Grant dated 24 August 1984 which granted rights to the owners of 55, 57, and 59 Front Street and their successors in title in the form of the right at all times for all purposes with or without vehicles of access over land within the application site. Although this is a private legal matter the proposed development would not be considered to obstruct the current access arrangements.

Air Quality

- 6.18 The comments of the scientific officer are noted. No parking spaces are proposed given the sustainable location of the site and therefore a condition in relation to EV charging points would not be required.

7.0 Conclusion

- 7.1 Having regard to the above the principle of the development is supported. The layout, design and appearance of the proposed extension is considered acceptable. This together with the proposed use of the building as residential units would not be considered to be detrimental to vitality or viability of the Shopping Area, the amenity of neighbouring buildings, future occupiers of the building nor to parking or highway safety. It is therefore considered that the proposal is a sustainable form of development which is appropriate for its context and in accordance with Sections 2, 4, 7, 9, 11 and 12 of the NPPF 2021, Policy A, Policy 2, Policy 8 and Policy 10 of the Aligned Core Strategy (2014), Policies, LPD 32, LPD 35, LPD 50, LPD 57 and LPD 61 of the Local Planning Document (2018) and the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022) and 'Low Carbon Planning Guidance for Gedling Borough (May 2021).

8.0 Recommendation: Grant full planning permission subject to the conditions listed and 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 deposited on the 29th July 2021 and the following list of approved drawings:-
Deposited on the 29.07.21

Site Location Plan

Existing Site Location Plan drg. no 0326-1-02-00

Existing Upper Floor GA Plan drg. no. 0326-1-03-01

Existing Roof GA Plans drg. no. 0326-1-03-02

Existing GA Elevations A & B drg.no. 0326-04-00

Existing GA Elevations C & D drg. no. 0326-1-04-01

Site Analysis

Deposited on the 27.04.22

Existing Ground Floor GA Plan drg. 0326-1-03-00A

Deposited on the 16.09.22

Proposed GA Elevations A and B drg. no. 0326-3-21-00 Rev C

Proposed GA Elevations C and D drg. no. 0362-3-21-01 Rev C

Deposited on the 21.11.22

Proposed Site Plan drg. no. 0326-3-08-00 Rev D

Deposited on the 06.12.22

Proposed Ground and First floor Plan drg. no. 0326-3-11-00 Rev C

Proposed Second Floor and Roof Plan drg. no. 0326-3-11-01 Rev D

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

- 3 Prior to any works to the extension hereby approved details/samples of materials to be used in the external appearance of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.
- 4 The external material used in the infilling of any openings of the building shall match those of the existing building as closely as possible.
- 5 Apartment A and Apartment B of the development hereby approved shall not be occupied until the ground floor windows on the north elevation have been installed with privacy glazing and the ground floor window on the south elevation has been installed to a minimum of Pilkington Level 4 as indicated on drg. no. 0326-3-21-00 Rev C and 0326-3-21-01 Rev C and secured as non-opening. These shall be retained as such thereafter.
- 6 Apartment C of the development hereby approved shall not be occupied until the windows to the east elevation and the first floor windows to the south elevation have been fitted with obscured glazing to a minimum of Pilkington Level 4 as indicated on drg. no. 0326-3-21 -00 Rev C and 0326-3-21-01 Rev C and are secured as non-opening. These shall be retained as such thereafter.
- 7 Apartment D of the development hereby approved shall not be occupied until the first floor windows to the east elevation and second floor windows on the south elevation have been have been fitted with obscured glazing to a minimum of Pilkington Level 4 as indicated on drg. no. 0326-3-21 -00 Rev C and 0326-3-21-01 Rev C and are secured as non-opening. These shall be retained as such thereafter.
- 8 No part of the development hereby approved shall be occupied until a sound insulation scheme has been submitted to and approved in writing by the Local Planning Authority. The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve internal noise levels not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00.

- 9 Prior to the first occupation of the building hereby permitted precise details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be implemented and made available for use in accordance with the approved details prior to first occupation of the building and shall be retained and maintained for the lifetime of the development.
- 10 No part of the development shall be occupied until the cycle racks shown on Proposed Site Plan drg. no. 0326-3-08-00 Rev D have been installed. These shall be retained and maintained for the lifetime of the development

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the permission.
- 3 To ensure a satisfactory form of development and the interest of visual amenity.
- 4 To ensure a satisfactory form of development and the interest of visual amenity.
- 5 To ensure a satisfactory development and to safeguard neighbouring amenity.
- 6 To ensure a satisfactory development and to safeguard neighbouring amenity.
- 7 To ensure a satisfactory development and to safeguard neighbouring amenity.
- 8 To ensure a satisfactory development and to safeguard amenity.
- 9 To ensure a satisfactory form of development and the interest of visual amenity.
- 10 To ensure a satisfactory form of development.

Reasons for Decision

The principle of the development is supported. The layout, design and appearance of the proposed extension is considered acceptable. This together with the proposed use of the building as residential units would not be considered to be detrimental to the amenity of neighbouring buildings, future occupiers of the building nor to parking or highway safety. Taking the above into account it is considered that the proposal is a sustainable form of development which is appropriate for its context and in accordance with Sections 2, 4, 7, 9, 11 and 12 of the NPPF 2021, Policy A, Policy 2, Policy 8 and Policy 10 of the Aligned Core Strategy (2014), Policies, LPD 32, LPD 35, LPD 50, LPD 57 and LPD 61 of the Local Planning Document (2018) and the Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document (2022).

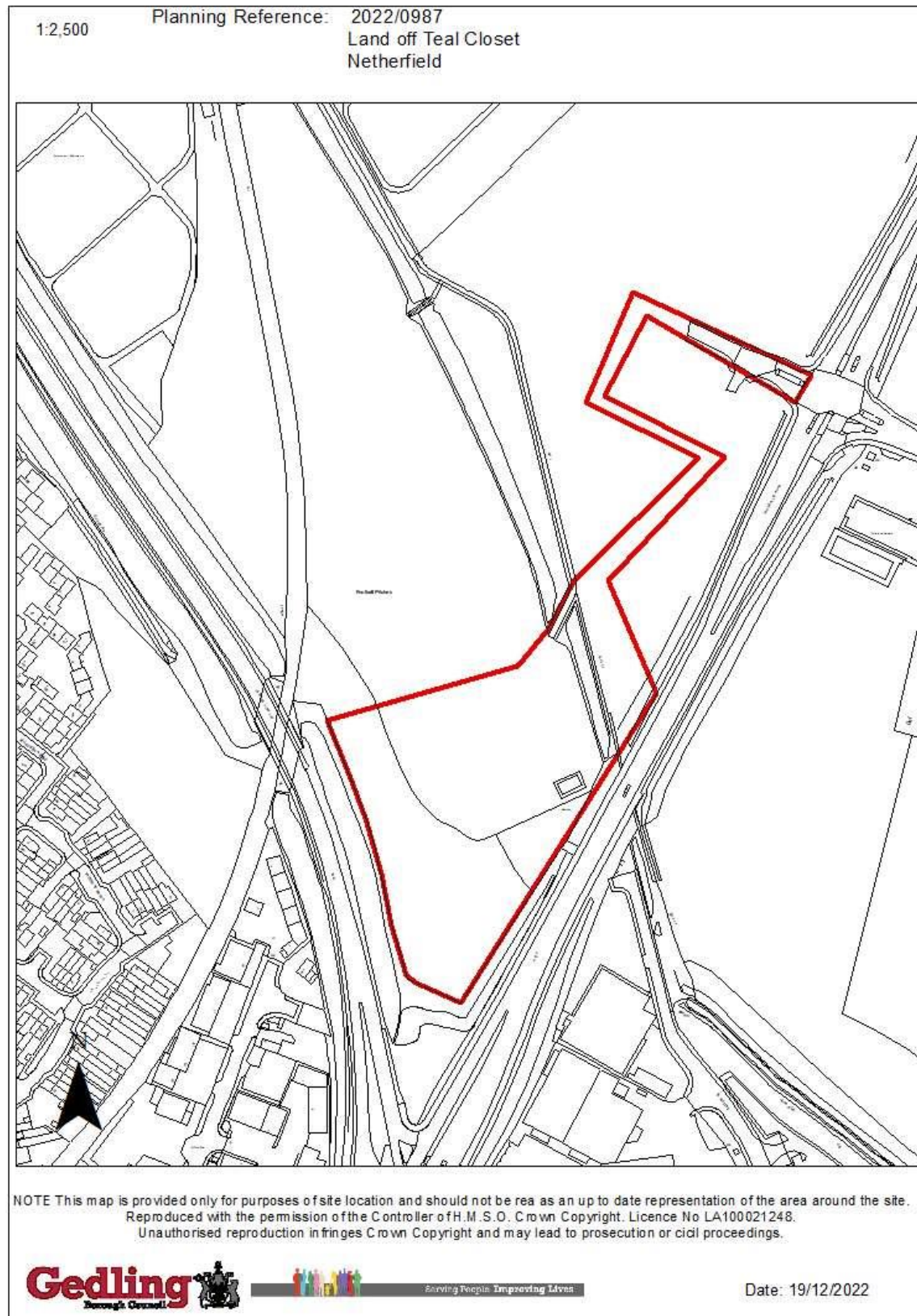
Notes to Applicant

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 not payable on the development hereby approved as the development type proposed is zero rated in this location. 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.

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Planning Report for 2022/0987



Report to Planning Committee

Application Number: 2022/0987

Location: Land off Teal Close Netherfield Nottinghamshire

Proposal: Residential development of 16 dwellings, public open space, landscaping, access and associated infrastructure – Re-plan of Plots 583 to 597 as approved by Reserved Matters Approval 2019/0560.

Applicant: Persimmon Homes Nottingham

Agent:

Case Officer: Kevin Cartwright

This application has been referred to the Planning Committee in accordance with the Council's Constitution as the development proposes more than 9 dwellings.

1.0 Site Description

- 1.1 The site is within 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 phase 1 is nearing completion, the primary school and a care home have been completed and work has commenced on dwellings within phase 2. A number of the commercial units are also complete as is the food store.
- 1.3 The Teal Close development is approximately 26 hectares in overall site area split into two parcels of land which straddle the Colwick Loop Road.
- 1.4 This particular application relates to a re plan of 16 dwellings within the larger parcel of land of approximately 8 hectares in the area to the west of the Colwick Loop Road that is the subject of reserved matters approval 2019/0560. The application site area is 1.86 hectares which also includes the access roads to the site from 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 30th 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 28th February 2018.

2017/0800 - Reserved Matters Application for the erection of 199 dwellings (C3), including 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. (Phase 1) Approved 2nd 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 2nd 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 8th 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 21st 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 24th 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 11th 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 22nd June 2020.

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

2019/0374 – 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 – Granted Planning Permission on 13th June 2022.

2019/0560 - Reserved matters application for the erection of 255no. dwellings (C3), including 13 affordable units, and the associated infrastructure including landscaping and public open space pursuant to outline planning permission 2019/0374. (Phase 3). Approved 8th July 2022.

3.0 Proposed Development

- 3.1 The proposal is a full application for the construction of 16 dwellings. The affected plot numbers in relation to the previous reserved matters approval (2019/0560) are plots 583 to 597 inclusive. The re-plan is a result of the discovery of an underground culvert in the south western corner of the site. Construction cannot take place over the culvert or the associated 8 metre easement. Hence the requirement for the layout in this area to be amended.

- 3.2 The site would be accessed as per the approved phase 3 reserved matters approval from the western arm of the newly constructed traffic lighted junction off the Colwick Loop Road. The eastern arm being Magenta Way which serves the remainder of the Teal Close development.
- 3.3 The overall density of the wider phase 3 development would be 31 dwellings per hectare and remain unchanged by this proposed re-plan. There would be an additional dwelling provided beyond that of the reserved matters approval and has resulted from the replacement of a larger detached dwelling with a pair of smaller semidetached properties on plots 50 and 51.

4.0 Consultations

- 4.1 Nottinghamshire County Council Local Lead Flood Authority – No objection.
- 4.2 Nottinghamshire County Council Highway Authority – The road layout has changed allowing for a cul-de-sac to serve plots 40-47. Tracking for a refuse vehicle must be demonstrated. The link adjacent to the public open space should be a cycleway/footway 3 metres wide.
- 4.3 Stoke Bardolph Parish Council – No comments received.
- 4.4 Trent Valley Internal Drainage Board – No objection. There are no Board maintained watercourses in close proximity to the site.
- 4.5 Scientific Officer (Air Quality) - No objection subject to the provision of EV charging points, Construction Emissions Management Plan.
- 4.6 Strategic Housing Manager - As this is a re-plan and the affordable housing has already been secured through Section 106 agreement for the wider site, Strategic Housing has no comments to make on this application.
- 4.7 Nottinghamshire County Council Education – There are insufficient secondary school places in the planning area. The development of 16 dwellings would yield 3 pupils of secondary school age. The contribution requirement would be £78,762 (based on £26,254 per place).
- 4.8 NHS Primary Care – No contribution required as the scheme falls below the threshold of 25 dwellings.
- 4.9 Nottinghamshire Wildlife Trust – No comments received.
- 4.10 Members of the Public
A press notice was published, three site notices were displayed and neighbour notification letters posted. No representations have been received. Any representations received will be reported verbally at the meeting.

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 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.

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

The site is identified as a Strategic Allocation.

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

LPD 18 – Protecting and Enhancing Biodiversity – states development proposals will be expected to take opportunities to incorporate biodiversity in and around development and contribute to the establishment and maintenance of green infrastructure.

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 33 - Residential Density – supports residential densities more than 30 dwellings per hectare to ensure effective use of land.

LPD 35 – Safe, Accessible and Inclusive Development – supports well designed schemes and the creation of safe and sustainable places.

LPD 36 – Affordable Housing – requires developments of 15 dwellings or more to provide appropriate levels of affordable housing.

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.

6.4 Other Guidance

Parking Provision for Residential and Non-Residential Developments SPD – (2022)

Air Quality and Emissions Mitigation (2019)

Low carbon planning guidance for Gedling Borough (May 2021)

Interim Planning Policy Statement First Homes (October 2022)

7.0 Planning Considerations

Principle of Development

7.1 The principle of development on this site for residential development has been established by outline application 2013/0546 and the subsequent Section 73 applications 2017/0999 and 2019/0374 and approval of reserved matters application 2019/0560. The site is also identified as a residential allocation in the Aligned Core Strategy.

7.2 Access to the site would be via the newly constructed traffic lighted junction off the A612. This was approved by the aforementioned outline permission.

This single vehicle access point into the site accords with the masterplan as varied by planning application 2019/0374.

Design and Appearance

- 7.3 The design and appearance of the proposed dwellings are in keeping with the dwellings under construction on adjoining land that has been previously consented under reserved matters approvals. As such they will be in keeping with the scheme as a whole utilising the same elevation detailing and materials.

Layout

- 7.4 The proposed layout mirrors that of the adjacent approved reserved matters scheme following a simple block layout with properties outward facing fronting the roads. The development would have a density of approximately 38 dwellings per hectare and this reflects the character of previously consented development on adjoining land.
- 7.5 The dwellings have been moved eastwards and open space located over the culvert. The proposal would however be in full conformity with the previously approved masterplan for the wider residential allocation.
- 7.6 It is considered that the proposal is in compliance with the approved masterplan and Aligned Core Strategy Policy 10 and LPD32, LPD33 and LPD 35.

Landscaping

- 7.7 The approved masterplan and landscaping of the development that forms the outline and reserved matters approval for the site as a whole and specifically the green corridor that runs through the site and includes an equipped play area remains unchanged as a result of the re-plan.
- 7.8 Whilst it is accepted that 2no. dwellings would be located in the most easterly part of the site adjacent to the central green corridor, they would not result in built form significantly closer to the green corridor than the layout approved by reserved matters application 2019/0560. As such the integrity of the green corridor would not be lost. It is however considered necessary for the existing trees and hedgerows to be protected during the construction phase. An appropriately worded condition has been included as part of this recommendation.
- 7.9 The proposal therefore complies with the objectives of the National Planning Policy Framework and Aligned Core Strategy Policy 10 and Policy LPD 35.

Other Matters - Air Quality

- 7.10 The application site falls within the wider Teal Close development site which has an approval for residential development, a school, local centre and commercial uses. The outline permission secured a financial contribution towards air quality monitoring. However, this application is a full application.

As such it is not bound by any of the conditions of the outline planning permission. The request for EV charging points made by the Scientific Officer is considered appropriate and compliant with the Low Carbon Policy Guidance and LPD 11. There was no policy requirement for EV charging at the time of the consideration of the outline planning permission.

- 7.11 Noting the request from our Scientific Officer for a condition in relation to the submission of a Construction Emissions Management Plan (CEMP). It should be noted that condition 24 of outline planning permission 2017/0999 requires, prior to the commencement of each phase, the submission and approval of a CEMP. As this application is a full application it is necessary to require a further CEMP to ensure that appropriate measures are in place for the development of this standalone application.
- 7.12 As such the proposal complies with LPD 11, Air Quality and Emissions Mitigation (2019) and Low Carbon Planning Guidance for Gedling,

Highway Safety and Capacity

- 7.13 It should be noted that the principle of this development and that of wider site is established by the grant of outline planning permission 2013/0456 and subsequent section 73 applications 2017/0999 and 2019/0374. This included assessment of the impact that the development of the site as a whole, including up to 830 dwellings, would have on the wider transport network and established the approved access to the site off the A612 Colwick Loop via what is now known as Magenta Way. As this is a re-plan which results in only one additional dwelling it is considered that there would not be any additional impact on the highway network than that previously assessed.
- 7.14 The parking provision has not changed from that approved at reserved matters stage in that four bed properties would have 3 spaces and the single five bed property would have four spaces. The two semidetached properties would have one parking space each.
- 7.15 Notwithstanding the comments from the Highway Authority in relation to the alignment and the need to demonstrate vehicle tracking it is considered that the provision complies with LPD 57 and Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document.
- 7.16 Amended plans have been requested in relation to the comments of the Highway Authority. A verbal update on this matter will be provided at the meeting. In light of the above matters it is considered that the proposal would not be harmful to highway safety or the surrounding road network in general, and therefore the proposal would accord with the objectives of the National Planning Policy Framework and Local Planning Document LPD 57 and 61 and Parking Provision for Residential Developments – Supplementary Planning Document.

Drainage Matters

- 7.17 As this is a re-plan of the already approved scheme and noting no objection from the Local Lead Flood authority it is considered that this proposal does

not raise any new drainage issues not previously considered by the outline planning permission and associated reserved matters approval. It would not be possible to construct this development without the wider approved drainage details being implemented. This revised layout does not prejudice the delivery of the wider site and its associated infrastructure. Connection to the foul and surface water infrastructure system implemented on the adjoining land would be controlled through Building Regulations. Moreover, as this is a standalone application, details of the foul and surface drainage proposals are required and a condition is proposed.

Ecology

- 7.18 This proposal does not impact on the delivery of the larger site which includes open space, green corridor and an ecology park. As this is a full stand-alone planning application there is a requirement for appropriate protection measures in relation to trees and hedgerows and to minimise damage and disturbance to any habitats during the construction phase. Accordingly the same condition as is included within outline planning permission 2013/0546 is considered necessary in relation to this application. Condition 6 refers. As such the development would accord with LPD18.

Planning Obligations

- 7.19 The application site falls within phase 3 of the Teal Close development which is subject to a S106 agreement which secured planning obligations in respect of the following:

Affordable Housing - 5% of the total number of dwellings.

Travel Plan Monitoring Fee - £29,040

Air Quality Monitoring Contribution - £2,800

Travel Pass Contribution - £30,000

Bus Pass Contribution - £450,000

City Link Contribution - £680,000

Ecology Park

Contribution to Gedling Access Road - £463,000

Open Space including Sports Pitches within Phase 1.

Health Care Contribution - £200,000

Single Form Entry Primary School

Off-site Highway Improvement works as varied by Planning Ref: 2019/0374:

Lowdham roundabout - £64,932.75

Mile End/Colwick Road junction - £150,000.

- 7.20 In relation to the wider development, contributions have been made where trigger points have been met including the construction of the Primary School.
- 7.21 This planning application is a full application and would not be bound by the aforementioned S106 agreement. As this proposed development would only result in an additional dwelling when compared to the approved reserved matters layout (2019/0560) and still well below the quantum of development assessed at the outline stage which consents a maximum of 830 dwellings to be built on the site as a whole over the three phases.

- 7.22 The overall number of dwellings on the site for all three phases including the re-plan resulting in an additional dwelling from this application would be:

Phase 1 + Phase 2 + Phase 3 = 199+353+255=807 plus the additional dwelling as a result of this application bringing the overall total to 808.

- 7.23 The NPPF advises that planning obligations must only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 7.24 A full re-consultation has been undertaken with key stakeholders to determine whether any further obligations are now required in relation to the development comprised in the planning application having regard to changes in national/local planning policies and technical evidence, since permission was granted in 2014.
- 7.25 A review of the consultation responses has identified that no additional off site highway works or public transport contributions are required. The development falls below the threshold for health contributions. The application site does include an area of informal open space the maintenance of which would need to be secured via the Section 106 agreement.

Further planning obligations are also required in relation to education and affordable housing, as set out below.

7.26 *Education*

The County Council have confirmed that the requirement for primary school place has been met through the construction of a new primary school on the wider housing allocation. In relation to secondary school provision, updated evidence from the County Council indicates that there is forecast to be insufficient secondary places in the locality to accommodate the projected housing growth. The County have therefore requested a contribution of £78,762 (based on £26,254 per place) to mitigate the impact of the proposed development.

7.27 *Affordable Housing*

In accordance with LPD36 as the proposed development is for more than 15 dwellings, the development must provide 10% of the dwellings as affordable housing. By way of background in respect of the affordable housing sought, it should be noted that the Council would, as outlined in the Council's Affordable Housing Supplementary Planning Document, normally seek 70% of the affordable units to be social rent and 30% intermediate housing.

However, there is now a requirement to secure not less than 25% of affordable housing as First Homes. The NPPF also requires that 10% of the total number of homes to be affordable home ownership.

First homes is a new form of affordable housing as identified in a Written Ministerial Statement (WMS) of 24 May 2021 and is fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through planning obligations in a S106 legal agreement

and should be sold at not less than 30% against market value. There is an eligibility criteria to qualify for a first home, including being a first time buyer, that occupiers would need to meet. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000. The application is required to provide 10% affordable homes. This equates to two dwellings. This would be secured via a planning obligation. The level of provision is considered to acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of first homes.

7.28 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. A report in relation to First Homes was considered by Cabinet on 6th October 2022 and approved. Accordingly the local requirements for First Homes are as follows:

1. A First Home must be discounted by a minimum of 30% against market value.
2. In Gedling Borough after the discount has been applied, the first sale must be at a price no higher than £173,000
3. Purchasers of First Homes within Gedling Borough, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £38,800.
4. Applicants should either:
 - have lived in Gedling Borough Council's administrative area for 3 of the last 5 years; or
 - have immediate family member(s) who are living in Gedling Borough Council's administrative area; or
 - have permanent employment within Gedling Borough Council's administrative area; or
 - are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.

Two First Homes are therefore now required having regard to the change in national guidance and the Interim Position Statement adopted by the Council in October 2022

7.29 The planning obligations in relation to education, affordable housing in form of First Homes and open space maintenance requirements as set out above are deemed to comply with guidance as outlined in paragraph 56 of the NPPF, which identifies the tests required to seek a planning obligation, paragraph 65 of the NPPF, as well as ACS19 and Regulation 122 of the Community

Infrastructure Levy Regulations 2010 (as amended). The requirements would be secured as planning obligations through a s106 agreement.

8.0 Conclusion

- 8.1 Having regard to the fact that the principle of development is established by the extant planning permission in place the proposed development would be of a design and appearance that would be appropriate in the context of the surrounding area and would not have an adverse impact upon visual amenity, residential amenity or highway safety. The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies, A, 1,10 Local Planning Document Policies 11, 32, 33, 35, 36, 57, and 61, Parking Provision for Residential and Non-Residential Developments SPD (2022), Air Quality and Emissions Mitigation (2019) Interim Planning Policy Statement First Homes (October 2022) and Low carbon planning guidance for Gedling Borough (May 2021).

- 9.0 RECOMMENDATION: Grant Planning Permission subject to the applicant entering into a section 106 with the Borough Council as the Local Planning Authority and the County Council to secure planning obligations in respect of affordable housing in relation to the delivery of two First Homes, an education financial contribution and financial contribution towards the maintenance of open space and subject to the following conditions:**

Conditions

- 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 following plans:

Location Plan
Planning Layout RG3/PL/01 Rev C
Charter Plan RG3/CC/CP/01/E
Open Space Plan RG3/CC/CP/01 Rev C

Housetypes

Broadhaven BrH_MA_Det_R21-901 Rev No.00
Broadhaven BrH_MA_Det_R21-904 Rev No.00
Broadhaven BrH_MA_Det_R21-905 Rev No.00

Cullen Detached Cul_MA_DET_R21-901 Rev No.00
Cullen Detached Cul_MA_DET_R21-904 Rev No.00
Cullen Detached Cul_MA_DET_R21-905 Rev No.00

Heysham Detached HeY_MA_DET_R21 -901 Rev No.00
Heysham Detached HeY_MA_DET_R21 -904 Rev No.00
Heysham Detached HeY_MA_DET_R21 -905 Rev No.00

Hollicombe Detached HoC_MA_DET_R21 -901 Rev No.00
Hollicombe Detached HoC_MA_DET_R21 -904 Rev No.00
Hollicombe Detached HoC_MA_DET_R21 -905 Rev No.00

Kingsand Detached KgS_MA_DET_R21 -901 Rev No. 00
Kingsand Detached KgS_MA_DET_R21 -904 Rev No. 00

Seacombe Detached Se_MA_DET_R21 -901 Rev No. 00
Seacombe Detached Se_MA_DET_R21 -904 Rev No. 00
Seacombe Detached Se_MA_DET_R21 -905 Rev No. 00

Turnberry Detached TuN_MA_DET_R21 -901 rev No. 00
Turnberry Detached TuN_MA_DET_R21 -904 rev No. 00

Alnmouth Semi Detached Al-C_MA_End_R21-901

Single Garage Hucknall
Double and Paired Garages Hucknall

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

- 3 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 4 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.
- 5 From the date of first occupation every property built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. 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.
- 6 Prior to the commencement of development hereby approved a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The 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 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 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 construction.(4) details of traffic routes for Heavy Good Vehicular movements during the construction of the development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of the 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 the development in relation to noise and vibration and safeguarding air quality. The approved CEMP and all details therein shall be implemented in accordance with the approved details.

- 7 Prior to the commencement of the development the following must be complied with:

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

Submission of Remediation Scheme

Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

- 8 In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

- 10 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 11 No development shall be commenced until details of the means of surface and foul drainage have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reasons

- 1 To define the permission and for the avoidance of doubt.
- 2 To define the permission and for the avoidance of doubt.
- 3 To reduce the possibility of deleterious material being deposited on the public highway.
- 4 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 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 the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Council's Local Plan
- 8 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Council's Local Plan
- 9 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Council's Local Plan
- 10 To ensure a satisfactory form of development.
- 11 To ensure a satisfactory means of surface and foul drainage for the site.

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

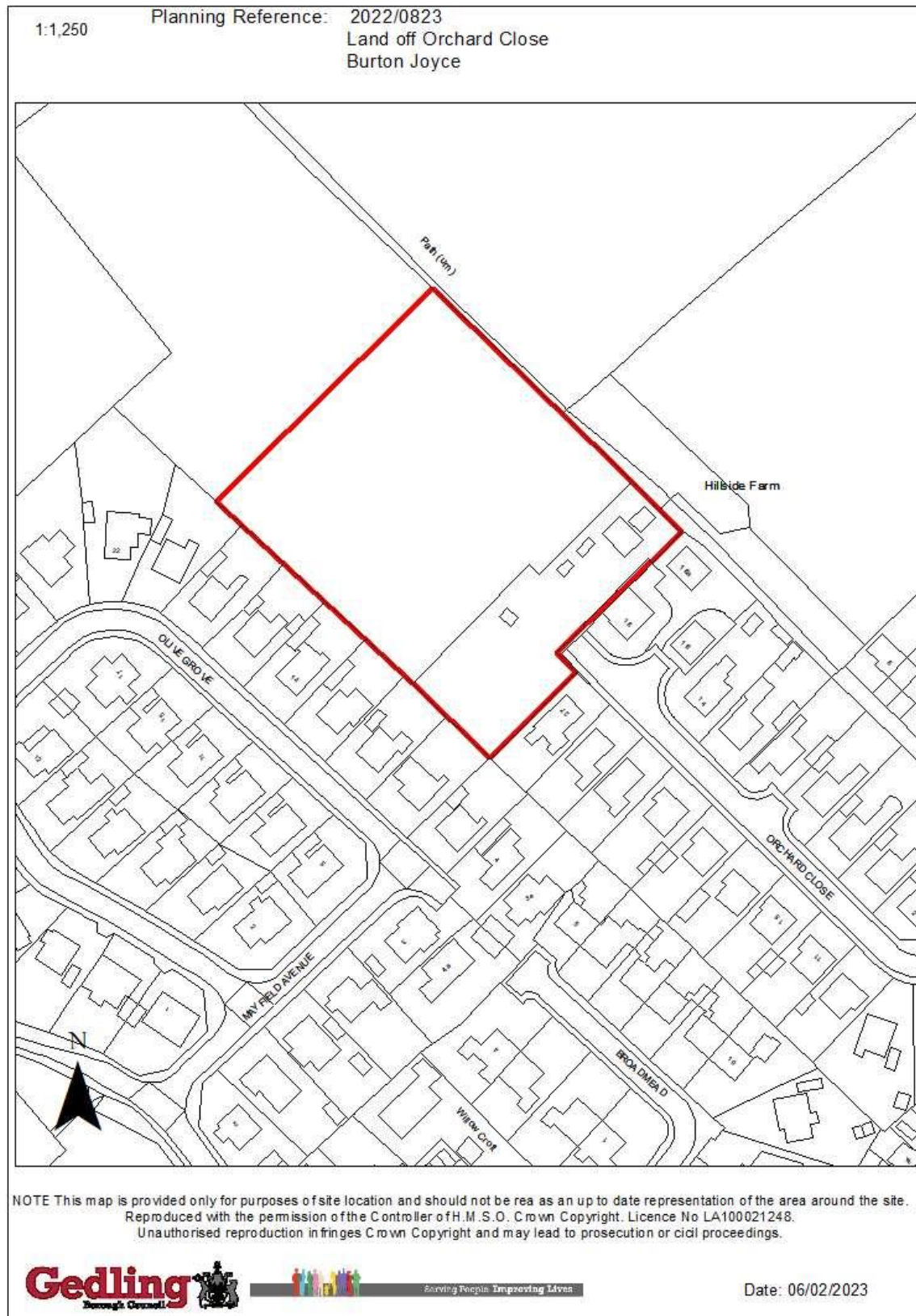
All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

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.

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Planning Report for 2022/0823



Report to Planning Committee

Application Number:	2022/0823
Location:	Land off Orchard Close Burton Joyce
Proposal:	Modification of S106 agreement (2018/1034) to amend the public Open space clauses to allow for either on-site or off-site provision and future maintenance of the same.
Applicant:	1NA (Mansfield Road) Limited
Agent:	Roythornes Solicitors
Case Officer:	Nigel Bryan

The application is referred to Planning Committee to comply with the Council's constitution as further planning obligations are required to secure the mitigation of the impacts of the development.

1.0 Site Description

- 1.1 The application site covers an area of 0.7 hectares in size and is located at the end of Orchard Close in Burton Joyce. The site is bound by residential development on its western and southern edge with the remainder adjacent to open countryside. Development has commenced on site with large parts of the site cleared of vegetation and ground works are underway. The site slopes steeply up from the south-east up towards the north-west.
- 1.2 The application site is allocated for residential development under policy LPD68.

2.0 Relevant Planning History

- 2.1 2018/1034 – 'Outline planning application (all matters reserved except for access) for the erection of up to 15 No. dwellings and associated infrastructure', was considered at the Planning Committee of 13th February 2019 with the decision issued on the 27th March 2020, following the signing of the Section 106 Legal Agreement which secured planning obligations.
- 2.2 2021/0301 – 'Erection of 14 dwellings (reserved matters approval (appearance, landscaping, layout and scale) pursuant to outline permission 2018/1034)', was considered at the planning committee of 28th July 2021, with the decision notice issued on the 02 August 2021.

- 2.3 2022/1258DOC – ‘Approval of details reserved by conditions 4 (Levels), 5 (Foul and Surface Water), 6 (Contamination), 8 (Trees), 11 (EV Charging) and 12 (CEMP) of planning permission 2018/1034’, the application is pending determination.

3.0 Proposed Development

- 3.1 The application seeks to vary the approved Section 106 Agreement secured with outline permission 2018/1034 so that alternative planning obligations in relation to the provision of on-site open spaces can be secured. The proposal is to enable the delivery of open spaces to be provided either on site or through off site capital and maintenance contributions in lieu of onsite provision.
- 3.2 All contributions secured through the original Section 106 Legal agreement are outlined below;
- ☐ Affordable Housing - the agreement, based on the erection of 15 dwellings, would secure four affordable dwellings, 3 affordable rent and 1 is intermediate sale. However, the agreement identifies that if less than 15 dwellings are proposed at reserved matters stage then there would be no requirement for affordable housing.
 - ☐ Education – the agreements secures £40,968 towards primary school provision and £35,506 towards secondary school provision.
 - ☐ Public Open Space - as the site exceeds 0.4 hectare in area a contribution of £33,930.40 (capital) and £15,400 (maintenance) towards off-site provision is secured to be spent in Burton Joyce.
 - ☐ Bus stop improvements at two bus stops on Chesterfield Drive close to the site – £5,000 is secured toward the standard of bus stop infrastructure in the vicinity of the development and could be used for, but not limited to; Real Time Bus Stop Poles & Displays including Associated Electrical Connections, Extended Hardstands/Footways, Polycarbonate or Wooden Bus Shelters, Solar Lighting, Raised Boarding Kerbs, Lowered Access Kerbs and Enforceable Bus Stop Clearways.
 - ☐ A Local Labour Agreement.
- 3.3 For the avoidance of doubt, as originally submitted the application was to vary a number of Schedules within the Legal Agreement. This included alterations to the planning obligations in respect of affordable housing, education financial contributions and bus stop provision through financial contributions; however, the education financial contribution remains the same in that the County Council have indicated a reduction in number of dwellings by one would not alter the predicted number of pupils generated. The cost of works to the bus stop would remain the same. Furthermore, the clause which secures planning obligations in respect of affordable provision is still pertinent in that the outline remains extant and a further reserved matters application for 15 dwellings could still be made.

4.0 Consultations

- 4.1 Burton Joyce Parish Council – Object to the application on the grounds that the original agreement should stand in its entirety and not be watered down.
- 4.2 Parks and Street Care – Note that the changes would allow for either on-site or off-site provision of public open space. Therefore, they raise no objection to the application.
- 4.3 NCC Education – note that the reduction in number of dwellings by one would still result in the same number of school places required and the original figures sought should remain.
- 4.4 NCC Highways – Raise no objection to the application.
- 4.5 A site notice was displayed near to the application site and consultation letters sent to local residents. Furthermore, following an updated application title, outlined in more detail of section 3.3 of this report, further consultation was undertaken. As a result of consultation undertaken a total of 4 responses have been received, all of which object to the application. A summary of the objections are reproduced below;
- The developer should not be allowed to renege on promises in respect of affordable housing, public open space, education and bus stop provision achieved through the original outline permission;
 - The development is inappropriate within the Green Belt and should not be allowed to happen;
 - The proposed dwellings would have a detrimental impact on residential amenity through their scale; the design of the development is out of character with the area; traffic generation would not be acceptable and the wider green environment will be harmed, including wildlife.

5.0 Relevant Planning Policy

- 5.1 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The most pertinent policies to the determination of this application are as follows:
- LPD21 – Provision of New Open Space
 - LPD68 – Housing allocations – Burton Joyce
- 5.2 The Aligned Core Strategy was Adopted in September 2014, the following policies are considered most pertinent to the determination of the application; A: Presumption in favour of sustainable development; 1: Climate change; 2: The Spatial Strategy; 10: Design and Enhancing Local Identity and 19 – Developer Contributions
- 5.3 With respect of the National Planning Policy Framework 2021 (NPPF) the following chapters are considered to be most pertinent to the determination of the application; 2 – achieving sustainable development; 4 – decision making; 5 – Delivering a sufficient supply of homes; 6 – building a strong, competitive economy; promoting sustainable transport; 11 – making effective use of land;

12 - achieving well-designed places; 14 – Meeting the challenge of climate change, flooding and coastal change and 15 – Conserving and enhancing the natural environment. Paragraph 57 of the NPPF is particularly pertinent and outlines the three tests against which planning obligations must be assessed.

- 5.4 Burton Joyce Neighbourhood Plan Burton Joyce Neighbourhood Plan was adopted on 10th January 2019. The relevant policies in the Neighbourhood Plan for determination of this application are as follows:

NP 1: Spatial Strategy – sets out the locational objectives for development in the village.

NP 3: Design Principles for Residential Development – sets out the design principles for new residential development.

- 5.5 Other policy guidance of note is the ‘New Housing Development Supplementary Planning Guidance for Open Space Provision’ (2001).

6.0 Planning Considerations

Principle of development

- 6.1 Section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise, with the Local Planning Document forming part of the development plan. Therefore, the principle of development is supported in that the site is allocated for residential development under policy LPD68. Outline planning permission and a subsequent reserved matters application has been granted.
- 6.2 This application seeks to vary the s.106 agreement to provide new planning obligations should open spaces to be provided on site whilst retaining the planning obligations in respect of off-site open spaces in the form of financial contributions for capital and maintenance having regard to the policies in the development plan and any other material considerations. It is not permissible to consider the principle of development.

S.106 agreement details

- 6.3 Having regard to the above, the only aspect of the development that could be amended is the clause in respect of public open space, which was drafted on the understanding that no on-site provision would be provided and that a contribution of £33,930.40 toward play equipment and £15,400 toward its future maintenance on an alternative site within the village would be secured. The agreement did not take into account the fact that on-site public open space could be secured. The reserved matters application as approved has secured on-site public open space. Therefore, it is intended to amend the agreement to reflect this in that payment for off-site play equipment would not be required, nor the payment toward maintenance of the equipment should this reserved matters be implemented. The varied agreement would also secure a maintenance sum of £15,400 should the on-site public open space be adopted by Gedling Borough Council. If the land is to be maintained by a

management company, details of this would need to be approved by the Borough Council.

- 6.4 As a result, the amended legal agreement will allow greater flexibility to reflect the reserved matters application that is currently being constructed with on-site public open space but, at the same time, will allow for an alternative should a further reserved matters application be submitted. Therefore, having regard to the above it is considered that the application as amended complies with policies LPD21, ASC19 guidance within the NPPF and the New Housing Development Supplementary Planning Guidance for Open Space Provision.

Other considerations

- 6.5 As previously noted, the only matter under consideration through this application is the proposed variation of the s.106 agreement to secure alternative planning obligations. A number of other matters have been raised by the Parish Council and local residents that relate to the loss of other contributions, residential amenity, design, traffic generation and whether or not the principle of development should have been sought at the outset. However, these matters are noted but are not material in the determination of this application. Nor is the site within the Green Belt, having been removed following the adoption of the LPD in 2018

7.0 Conclusion

- 7.1 Having regard to the above it is noted that the principle of the development is supported by policy LPD68 and planning permission is in place for the site. The change to the s.106 agreement is considered to be acceptable and reflect the reserved matters approval granted consent allowing greater flexibility for the developer whilst still complying with Policy LPD21, without prejudicing any future reserved matters application that may be forthcoming. As a result the application is deemed to comply with policies LPD21, LPD68, ACS19, NP1, NP3, 'New Housing Development Supplementary Planning Guidance for Open Space Provision' and guidance within the NPPF.

- 8.0 **Recommendation: That the section 106 agreement be varied to secure new planning obligations in relation to on-site public open space and to retain the planning obligations in respect of capital and maintenance financial contributions in-lieu of such provision.**



Planning Enforcement Report for 0037/2022



Report to Planning Committee

Reference Number: 0037/2022

Location: Land at 86 Chapel Lane, Ravenshead.

Breach of Planning Control: Breach of Planning Condition 7 attached to planning permission 2019/0770.

1 Background

- 1.1 Planning permission was granted in 2019, reference 2019/0770 for demolition of existing dwellings at 84 & 86 Chapel Lane, Ravenshead and construction of 6 new dwellings with garages. A number of conditions were attached to the permission including:

Condition 7: *From the date of first occupation each dwelling hereby permitted shall be provided with access to a fully operation 3 pin socket on a dedicated 16A circuit, capable of providing a safe overnight 'trickle' charge to an electric vehicle using a mode 2 charging cable. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within 3m easy access of the off road parking areas. All EV charging points shall be clearly marked with their purpose.*

- 1.2 An application to discharge condition 7 was submitted and approved in September 2020 (2020/0648DOC). The approved details (Plan VED587/07/D) show Electric Vehicle (EV) charging points to all plots.
- 1.3 In February 2022 a complaint was received by the Council's Enforcement Officer alleging that the properties had been sold and occupied without the proposed EV points having been installed.
- 1.4 Written contact was made with DDM Homes Ltd, the developer responsible for the development, in March 2022 drawing the matter to their attention and requesting they provide further comment on the provision of EV points. A further email was sent in April 2022 requesting a response to the initial contact made.
- 1.5 A response was received in April 2022 stating that the purchaser of one of the plots did not want an EV point on their property at the point of purchase. DDM

Homes Ltd were advised on return that compliance with the condition was not optional based on the preference of the purchaser.

- 1.6 Upon further inspection, it was noted that only one of the completed plots had been provided with an EV point as required by the approved drawings.
- 1.7 Discussions with the developer took place in May 2022 and confirmation as to what works would be required was provided to them in June 2022 with a deadline of 13th July 2022 for completion of the works. In total the developer has been notified of the requirements to fulfil their obligations under Condition 7 on seven separate occasions without any progress being made.
- 1.8 On 27th July 2022, the developer, DDM Homes Ltd, notified the Council that the company was in the process of liquidation. They were advised that the current company status would not preclude enforcement action being taken to secure compliance with the condition.
- 1.9 On 9th August 2022 the developer was warned that formal action was being considered to ensure compliance with Condition 7. They responded, now claiming they had installed a charging point to Plot 3 but it has since been removed. They also maintained that one of the plots did not want a charging point and they had made several attempts to make contact with the remaining plot but without response. Council officers checked with the plot owner who has confirmed no such contact has been made at all that they are aware of despite DDM Homes Ltd having their contact details.
- 1.10 On 23rd August 2022, the officer emailed DDM Homes Ltd confirming previous instructions to them in respect of installation of the EV charging points. A request to make urgent contact with the relevant plot owners to make suitable arrangements was also made.
- 1.11 On 25th August 2022, the officer requested that the complainant made direct contact with the developer (as requested by DDM Homes Ltd) to arrange installation of the EV point.
- 1.12 On 30th August 2022, the complainant made contact with the officer to advise they had been in contact with the developer who had advised the EV charger should be installed within the next month.
- 1.13 The complainant has since confirmed that no further contact has been received from the developer and no EV charger has been installed.
- 1.14 The officer requested an update from DDM Homes Ltd on 27th 2023 January but no response has been received.

2 ASSESSMENT

- 2.1 The power to impose conditions on planning permissions is an extremely important part of the development management process in order to safeguard matters of planning importance, mitigate the impact caused by the development and ensure the development is acceptable all planning aspects.
- 2.2 Conditions have to be necessary; relevant to planning and the development to be permitted; reasonable; precise; and enforceable. Unless conditions fulfil all these criteria (known as the “six tests”) they are likely to fail if challenged at appeal.
- 2.3 In this case, Condition 7 was imposed 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 LPD 11 of the Local Planning Document.
- 2.4 There are two options available to the local authority when a condition is being breached;
- i) to issue a Breach of Condition Notice (BCN) for which there is no appeal and a maximum fine of £2,500 if the Notice is not complied with or
 - ii) to issue a Breach of Condition Enforcement Notice. However, this may be appealed to the Secretary of State which would suspend the notice until the appeal decision has been reached but it does attract a maximum fine of £20,000 if it is not adhered to once it has come into effect.
- 2.5 As this is a straightforward breach of condition it is considered the simpler Breach of Condition Notice is the most appropriate action to take in this instance.

Time limits for taking action

- 2.6 Section 171B(3) of The Town and Country Planning Act 1990 provides that generally no enforcement action can be taken against a breach of a planning condition after the end of the period of ten years from the date on which the breach first occurred. It is considered the Council is within this time limit to take action in this case.

Human Rights

- 2.7 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 their private and family life, their home and their 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.

- 2.8 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing 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

- 2.9 The Council's Planning Enforcement team operates in accordance with the Council's Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate in the individual circumstances and which are in accordance with the Council's policy and government legislation.
- 2.10 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

- 2.11 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.
- 2.12 In light of all the facts it is now considered expedient to serve a breach of condition notice requiring compliance with condition 7 of permission 2019/0770.

3 CONCLUSION

- 3.1 The developer has been made aware of the planning conditions attached to the planning permission; in particular they have been made aware of the requirement that all plots be provided with an EV charging point.
- 3.2 The developer has failed to address the identified breach and therefore in order to remedy the breach of planning control the Council is left with little option but to take formal action and it is considered the issuing of a Breach of Condition Notice is the most appropriate action in this instance.

4 RECOMMENDATION

- 4.1 **That the 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 compliance with condition 7 of planning permission 2019/0770.**



Report to Planning Committee

Subject: Future Planning Applications

Date: 10/02/2023

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>
2021/0934	Land next to Pepperpots, Mapperley Plains	Erection of 8 detached dwellings and 3 apartment building, comprising 32 units	TBC
2019/1080	Land At Broad Close Woodborough	Outline application for 11no. residential properties	TBC
2023/0083	Land Off Longdale Lane, Ravenshead	Erection of 33 dwellings, including open space, landscaping and associated infrastructure	TBC
2022/0501	Land Off Hayden Lane Linby	Full planning permission for 135 dwelling with access from Delia Avenue And Dorothy Avenue	TBC
2021/072	Land To The West Mansfield Road Redhill	Proposals for 157 dwellings with associated landscaping, public open space, highways and infrastructure on land west of the A60, Redhill, Nottingham	TBC

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 - 6th January 2023

2022/1285

259 Main Road, Ravenshead, Nottinghamshire

Demolition of existing rear conservatory and proposed construction of rear single storey extension.

The proposed development would result in an extension that would be detrimental to the openness of the Green Belt through being a dis-proportionate extension when compared to the original dwelling.

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

Decision: Refuse permission.

6th January 2023

Video Conference Call Meeting

Cllr John Truscott

Cllr Paul Wilkinson

Cllr Marge Paling

Cllr David Ellis

Cllr Meredith Lawrence

Nigel Bryan – Principal Planning Officer

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ACTION SHEET PLANNING DELEGATION PANEL - 13th January 2023

2022/0801

Land adjacent to 20 Woodside Gardens, Ravenshead

Vary conditions 2, 3, 4 and 5 of permission 2018/1191.

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.

2022/0826

1 Shortcross Avenue, Woodthorpe, Nottinghamshire

Conversion of garage into 'Granny flat' with disabled access and extension/balcony circa 1.5 metres (internal) from current property , into the back garden, as garden is on lower level. Front extensions.

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.

2022/0835

135 Main Street, Calverton, Nottinghamshire

Full planning application for the erection of two single storey dwellings with private access driveway and the conversion of the former smithy to a separate, stand-alone studio workshop falling within planning use class E (commercial, service and business use)

The erection of two dwellings in the extended garden would have a detrimental impact on the open character of the Conservation Area and setting of the host Listed Building.

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

Decision: Refuse permission.

2022/1058

146 Porchester Road, Carlton, Nottinghamshire

Construct single storey front and rear extension and new boundary wall, fence 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.

2022/1215

14 Longdale Lane, Ravenshead, Nottinghamshire

Garage extension

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.

2022/1264

Site off Colwick Loop Road, Netherfield

Installation of east/west facing sign of 3m wide x 6m high made of steel and glass, mounted on a supporting pole; 10.2m in total above ground level

The proposed advert would be detrimental to the visual amenity of the area and highway safety.

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

Decision: Refuse consent.

2022/1308

33 Woodthorpe Drive, Woodthorpe, Nottinghamshire

Single storey rear 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.

13th January 2023

Video Conference Call Meeting

Cllr John Truscott
Cllr Paul Wilkinson
Cllr Marge Paling
Cllr David Ellis
Cllr Meredith Lawrence
Cllr John Parr

Nigel Bryan – Principal Planning Officer

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ACTION SHEET PLANNING DELEGATION PANEL 20th January 2023

2022/0252

Land To The West Mapperley Plains Mapperley

Section 73 application to vary Condition 2 - Approved Plans, Condition 10 - Roundabout Access Junction and Condition 13 - Flood Risk Assessment of Planning Permission 2019/0213 to amend landscaping, flood risk assessment/drainage and the phasing of roundabout junction access

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

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

Decision: Grant Planning Permission subject to Conditions.

2022/0265

1 Kirkby Road Ravenshead Nottinghamshire

Retain replacement gates and walls to entrance from Kirkby Road and retain gates to entrance from Nottingham Road.

The proposal is inappropriate development in the Green Belt which is by definition harmful to openness. No very special circumstances have been provided to outweigh this harm. The height, location and materials of the proposal would be incongruous and detrimental to visual amenity.

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

Decision: Refuse Planning Permission.

2022/0641

15 Park Road Woodthorpe Nottinghamshire

Loft conversion and front and rear facing dormers.

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

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

Decision: Refuse Planning Permission.

2022/1126
5 Station Avenue Gedling Nottinghamshire
Erection of outbuilding

The proposed development would have no undue impact on the character and appearance of the area, residential amenity or 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 Marje Palling
Cllr David Ellis
Cllr John Parr
Cllr Paul Wilkinson
Cllr Meredith Lawrence

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

20th January 2023

ACTION SHEET PLANNING DELEGATION PANEL - 27th January 2023

2022/0009

Sarval .Stoke Lane. Stoke Bardolph

Erection of baggage storage facility on a raft foundation

The Panel recommended that the application be determined at Planning Committee so the impact on openness of the Green belt can be fully discussed.

2022/1247

Advertising Right, 71 Mansfield Road, Daybrook

Removal of an existing internally illuminated box advertising display and replacement with freestanding digital advertisement.

The proposed advertisement would have a detrimental impact on the visual amenity of the area.

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

Decision: Refuse consent.

2022/1327

3 Covert Close, Burton Joyce, Nottinghamshire

Single storey side and rear extensions and front canopy; increase ridge height and insertion of two dormers

The proposed development would have a detrimental impact on the character of the area given the scale of changes proposed and relatively uniform streetscape.

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

Decision: Refuse planning permission.

2022/1334

327 Foxhill Road Central, Carlton, Nottinghamshire

Hip to gable loft conversion with rear dormer.

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.

27th January 2023

Video Conference Call Meeting

Cllr John Truscott
Cllr Marge Paling
Cllr David Ellis
Cllr Meredith Lawrence
Cllr John Parr

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

ACTION SHEET PLANNING DELEGATION PANEL - 3rd February 2023

2020/0739

East Lodge at Bestwood Pumping Station, Mansfield Road, Bestwood

Internal and external refurbishment works at the East Lodge at former Bestwood Pumping Station. These include primarily decorative works to the interior, replacement of the kitchen, new windows and kitchen door. Externally, remediation works to the courtyard and height alterations to its buttressed wall are the main works involved.

The proposed works would result in less than substantial harm to heritage assets. There are no public benefits identified to outweigh the harm.

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

Decision: Refuse Listed Building Consent

2020/1072

51 Main Street, Lambley, NG4 4PN

Installation of solar panels to south facing roof below the ridge line.

The proposed development would respect the character of the area and host building, and would be permitted development.

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

Decision: Grant Planning Permission subject to conditions.

2020/1095

Lakeside Mansfield Road, Bestwood

Retention of external works, including extension to carpark, new fencing within the site, new footpath, new electrical feeder pillars and new external timber ancillary buildings.

The proposed development would be inappropriate and have a detrimental impact on the character of the area and would be detrimental to the openness of the Green Belt. No very special circumstances have been advanced to outweigh the harm. The proposals would harm the setting of heritage assets. No public benefits have been identified to outweigh the harm.

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

Decision: Refuse Planning Permission

2022/1119

31 Plains Road, Woodthorpe, Nottinghamshire

Change of use of and extension of ground floor to create a bar/restaurant and erection of 2 storey side and rear extensions to create a new Use Class E (Commercial, Business and Service Use) Unit at ground floor with 4 apartments (Use Class C3) and office space (Use Class E g)) above.

The proposed development would respect the character of the area, residential amenity, highway safety and is an appropriate use in the local centre.

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

Decision: Grant Planning Permission subject to conditions.

2022/1293

41 Shearing Hill, Gedling, Nottinghamshire

Change of use from single residential dwelling and coach house into a 12 bed HMO, and construct a single storey rear extension

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 Planning Permission subject to conditions.

2022/1347

864 Woodborough Road, Mapperley, Nottinghamshire

Convert existing house to 3no. flats and build 7no. new flats

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 Planning Permission subject to conditions.

3rd February 2023

Video Conference Call Meeting

Cllr John Truscott

Cllr David Ellis

Cllr Meredith Lawrence

Cllr John Parr

Cllr Jenny Hollingsworth (2022/1293)

Kevin Cartwright – Principal Planning Officer

Nigel Bryan – Principal Planning Officer

ACTION SHEET PLANNING DELEGATION PANEL - 10th February 2023

2022/0776TPO

85A Sheepwalk Lane, Ravenshead, Nottingham

3 x Beech Trees - Crown Lift up to 5.2 metres on road side only.

The proposed works would respect the character of the area and not have a detrimental impact on the longevity of the trees.

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

Decision: Grant consent subject to conditions.

2022/0781PN

Bel Air, Whitworth Drive, Burton Joyce

Proposed first floor extension to allow for additional bedrooms and bathrooms.

The proposed development does not comply with the prior notification regulations and planning permission is required.

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

Refuse Prior Notification: Planning permission required

2022/0904

74 Plains Road, Mapperley, Nottinghamshire

Retention of gate, wall, pillars and two 6ft fence panels

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 Planning Permission subject to conditions.

2022/1122

22 Shacklock Close, Bestwood, Nottinghamshire

Demolition of garage, erection of a 2 storey side extension and single storey rear extension.

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 Planning Permission subject to conditions.

10th February 2023

Video Conference Call Meeting

Cllr John Truscott
Cllr Paul Wilkinson
Cllr David Ellis
Cllr Meredith Lawrence
Cllr John Parr
Cllr Marge Paling

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