

**MINUTES  
PLANNING COMMITTEE**

**Wednesday 29 November 2023**

Councillor Roy Allan (Chair)

In Attendance:      Councillor Paul Wilkinson      Councillor Catherine Pope  
                         Councillor Michael Adams      Councillor Grahame Pope  
                         Councillor Sandra Barnes      Councillor Sam Smith  
                         Councillor Stuart Bestwick      Councillor Ruth Strong  
                         Councillor David Ellis      Councillor Jane Walker  
                         Councillor Rachael Ellis      Councillor Henry Wheeler  
                         Councillor Andrew Ellwood      Councillor Russell Whiting  
                         Councillor Marje Paling

Absent:              Councillor Helen Greensmith, Councillor Ron McCrossen and  
                         Councillor Lynda Pearson

Officers in              M Avery, N Bryan, C Goodall, C Miles, N Osei and L Sturgess  
Attendance:

**46              APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Greensmith, Ron McCrossen and Pearson. Councillors Adams, Rachael Ellis and Paling attended as substitutes.

**47              TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE  
MEETING HELD ON 18 OCTOBER 2023**

**RESOLVED:**

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

**48              DECLARATION OF INTERESTS**

The Chair declared a collective non-pecuniary interest on behalf of all members of the committee in item 6, application 2023/0501 on the agenda as Gedling Borough Council was the applicant.

Councillor David Ellis declared a non-pecuniary interest in item 6, application 2023/0501 on the agenda and stated that he would not take part in the discussion.

Councillor Sam Smith declared a non-pecuniary interest in item 4, application 2023/0468 on the agenda as he was a member of Nottinghamshire County Council who were the applicant and that as of the 1<sup>st</sup> of December, he would be the Cabinet Member for Education in SEND.

Councillor Adams declared a non-pecuniary interest in item 4, application 2023/0468 on the agenda as he was a member of Nottinghamshire County Council.

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**APPLICATION NO. 2023/0435 - LAND NORTH OF MAGENTA WAY, STOKE BARDOLPH**

Due to public interest, the Chair brought item 5 forward on the agenda.

Erection of a drive thru restaurant, with associated access, car parking, drainage, and landscaping.

Michael Heffernan and Tracy Hill who were local residents, spoke in objection to the application.

Richard Croft of Henry Developments, the applicant, spoke in support of the application.

The Principal Planning Officer informed members that since the publication of the agenda, four letters of objection had been received, but the matters raised within those representations had already been considered within the committee report.

He asked members to note that the Stoke Bardolph Parish Meeting group were not consulted on the application initially as there was some ambiguity as to whether the application fell within the parish boundary and whether they formed a parish council. He added that the meeting group had since been consulted and had submitted comments following the publication of the report, which he went on to summarise as follows:

There would be a significant increase in traffic when compared to the existing permission for the public house which would have an adverse impact on the local highway network; the cumulative impact of the development needed to be considered alongside Victoria Retail Park as traffic already backed up to Magenta Way at peak times; a travel plan was unlikely to reduce the number of vehicles because the development was relying on drive through customers rather than eat in diners; that the development would have an adverse impact on air quality due to an increase in motor vehicles; the development would have an adverse impact on health; the development would harm the amenity through anti-social behaviour; the development would create a high level of fly-tipping and littering and there would be no assurances about the

management of the littering; that they objected to the application and suggested that planning permission should be refused.

He then went on to introduce the report.

Councillor Bestwick joined the meeting at 6:31pm.

Following debate, Councillor Adams, seconded by Councillor Sam Smith, proposed an amendment to condition 13 requiring litter picking to be specifically included within 100 metres of the application site, which would read as follows:

### **Condition 13**

Before the first occupation of the building hereby permitted, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority and shall also include measures for litter picking within a 100m radius of the application site boundary and bin locations and to limit litter entering beyond the application site. Once approved, all operations within the site relating to waste shall only commence in accordance with the waste management plan.

The amendment was carried and it was therefore

### **RESOLVED:**

To Grant Planning permission subject to Conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Layout Scale: 1:250@A1 Ref: 18036-SGP-05-XX-DR-A-131000 Rev E Received 25th August 2023

Site Location Plan Scale: 1:1000@A1 Ref: 18036-SGP-05-XX-DR-A-131001 Rev B Received 20th July 2023

Ground Floor and Roof Plans Scale: 1:50@A1 Ref: 18036-SGP-05-ZZ-DR-A-131100 Rev - Received 25th May 2023

Proposed Elevations Scale: 1:100@A1 Ref: 18036-SGP-05-XX-DR-A-131300 Rev A Received 25th May 2023

Drainage Layout Scale: 1:200@A1 Ref: TEAL-BSP-ZZ-XX-DR-C-0240 P01 Received 25th May 2023

Proposed Levels Scale: 1:200@A1 Ref: TEAL-BSP-ZZ-XX-DR-C-0212 Received 25th May 2023

Lighting Layout Scale: 1:500@A2 Ref: LL1593-001 Revision A Received 25th May 2023

Proposed Soft Landscaping Scale: 1:200@A1 Ref: P22-3166\_EN\_0001\_A\_0001 Received 25th May 2023  
Risk Assessment - ref 18-0062 V1; Dated 27th April 2023; BSP consulting.  
Air Quality Assessment by Redmore Environmental ref. 6678r1 dated April 2023  
Lighting Design Report Ref: LL1593/001 (dated 23.05.223)  
Environmental Noise Report by Sharps Redmore Consultants Ref: 2321855 dated 03.05.2023  
Site Investigation Report -by BSP Consulting Ref: 18-0062 V1.4

- 3 The use hereby approved shall not commence until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.
- 4 The use hereby approved shall not commence until such time as details of the the cycle shelter as shown on the Site Layout Plan (Dwg No 18036 SGP05XXDRA-13100 Rev E) have been submitted to and approved in writing by the local Planning Authority. It shall be erected and be available for use prior to occupation and shall thereafter be retained for the life of the development.
- 5 Prior to occupation of any building(s) a Verification Report that demonstrates the effectiveness of the remediation carried out (under the submitted BSP Remediation Proposals dated 27 April 2023) must be submitted and approved in writing by the Local Planning Authority.
- 6 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.
- 7 The development shall be carried out in accordance with the submitted flood risk assessment (ref 18-0062 V1; Dated 27th April 2023; BSP consulting) and proposed levels layout drawing (ref TEAL-BSP-ZZ-XX-DR-C-0212 P01; dated 23/03/2023; bsp consulting) and the following mitigation measures they detail: Finished floor levels shall be set no lower than 20.96 metres above

Ordnance Datum (AOD) . 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.

- 8 Prior to commencement of the development a Construction Emission Management Plan (CEMP) based on the findings of the Air Quality Assessment (Redmore Environmental ref. 6678r1 dated April 2023) shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.
- 9 Prior to the date of first occupation the development shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. A minimum of two active charge points and, cable routes installed to at least one-fifth of the total number of parking spaces. 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 site users. They shall be thereafter maintained in the location as approved for the lifetime of the development.
- 10 The development hereby approved shall be undertaken in accordance with the submitted surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and specifically the Drainage Strategy as detailed on the Proposed Drainage Layout plan (Dwg Ref: TEAL-BSP-ZZ-XX-DR-C-0240-P01).
- 11 Prior to the commencement of development hereby approved details of a Local Labour Agreement in relation to the construction phase of the development, and job creation once operational, shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details thereafter.
- 12 The use hereby approved shall not commence until such time as the specification and mitigation measures of all external lighting installations set out in the submitted Lighting Design Report Ref: LL1593/001 (dated 23.05.223) are in place and are operational.
- 13 Before the first occupation of the building hereby permitted, a waste management plan shall be submitted to and approved in writing by the Local Planning Authority and shall also include measures for litter picking within a 100m radius of the application site boundary and bin locations and to limit litter entering beyond the application site. Once approved, all operations within the site

relating to waste shall only commence in accordance with the waste management plan.

- 14 The approved landscaping as detailed on the Soft Landscape Proposals drawing (Ref: P22-3166-EN\_0001\_A\_0001) shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Local Planning Authority.
- 15 Notwithstanding the landscape management details outlined on the Soft Landscape Proposals drawing (Ref: P22-3166-EN\_0001\_A\_0001) future maintenance of the landscaped areas defined on this plan shall be for a period of 36 months following practical completion and not 12 months as stated.
- 16 No building shall be erected until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 17 Notwithstanding submitted details, prior to the use commencing, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter comply with the updated Travel Plan as approved.

### **Reasons**

- 1 To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 To define the permission and for the avoidance of doubt.
- 3 In the interest of highway safety and to comply with policy LPD61.
- 4 To encourage sustainable travel and comply with guidance within the NPPF.
- 5 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Local Plan.

- 6 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Local Plan.
- 7 To reduce the risk of flooding to the proposed development and future occupants.
- 8 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 9 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 10 To reduce the risk of flooding to the proposed development and future occupants.
- 11 To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area and to accord with Policy LPD 48.
- 12 To prevent light spill and to protect the amenity of neighbouring occupiers.
- 13 To ensure that refuse will be appropriately stored and collected from the site in the interest of protecting the amenity of the site area and to protect amenity through general litter, odour and potential vermin/pest nuisance.
- 14 To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
- 15 To ensure a satisfactory form of development and appropriate landscaping of the site.
- 16 To ensure that the character of the area is respected and to comply with policies ASC10 and LPD26.
- 17 To ensure that the site is accessible by means other than the private motor vehicle and to comply with guidance within the NPPF.

## **Reasons for Decision**

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2023). 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.

## **Notes to Applicant**

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

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.

Following a request from Councillor Adams, the Chair allowed the committee a comfort break which commenced at 6.54pm.

The meeting resumed at 6.59pm.



**50 APPLICATION NO. 2023/0468 - LAND AT CHASE FARM (FORMER GEDLING COLLIERY), ADJACENT TO ARNOLD LANE AND LAND OFF LAMBLEY LANE, GEDLING**

Modification of the Fourth Schedule of the Section 106 Agreement at Chase Farm (2015/1376) in respect of the Primary School Contribution and Primary School Site.

Mike Sharpe and Stephen Pointer of Nottinghamshire County Council, the applicant, spoke in support of the application.

The Principal Planning Officer introduced the report.

**RESOLVED that:**

Subject to the agreement of Nottinghamshire County Council, the Owner and the Developer, to enter into a deed of variation to discharge the obligation for the owner to provide the primary school site, and to modify the terms of the Primary School Contribution to enable it to be re-allocated to permit expenditure on expanding secondary school capacity within the vicinity of the development and towards the pedestrian crossing on Arnold Lane.

**51 APPLICATION NO. 2023/0501 - 47 MAIN STREET, BURTON JOYCE**

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

The Principal Planning Officer informed members that since the publication of the report we had received one letter of objection from a local resident expressing concern that the camera will impact on the privacy of local residents and that the address on the application form was incorrect.

He clarified to members that the purpose of the camera was to view the public realm in terms of deterring crime and anti-social behaviour and that the address on the application form was in reference to the building nearest to the CCTV column on Main Street as opposed to the building that it would be sited on.

He then went on to introduce the report.

**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, Updated site Location Plan (received on 07 November); drawing numbered TC.10.400.01, WEC CCTV Pole and Camera specification drawing (received 26.10.203).

## **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), Policy 32 of the LPD and NP7 of the BJNP.

## **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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

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

**52 UPDATE REGARDING THE REVIEW OF THE PLANNING CODE OF PRACTICE FOR COUNCILLORS IN DEALING WITH PLANNING APPLICATIONS AND THE PLANNING COMMITTEE PROTOCOL**

The Chair introduced a report by the Head of Development and Place, seeking updated approval to establish a working group of 7 Members to support the review of the Council's Planning Code of Practice for Councillors in Dealing with Planning Applications and the Planning Committee Protocol.

**RESOLVED:**

1. To establish a cross-party working group of up to 7 Members, drawn from the Planning Committee, to facilitate a review of the Council's Planning Code of Practice for Councillors in Dealing with Planning Applications and the Planning Committee Protocol.
2. That the Chairman of the Planning Committee will determine the membership and provide the details to the Head of Development and Place.

**53 FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT 2023**

To note the latest five-year housing land supply assessment.

**RESOLVED:**

To note the Gedling Borough Five Year Housing Land Supply Assessment 2023 published in November 2023, attached as Appendix 1.

**54 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**55 ACTION SHEETS - PLANNING DELEGATION PANEL**

**RESOLVED:**

To note the information.

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

None.

The meeting finished at 7.52 pm

Signed by Chair:  
Date: