



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

Agenda

Planning Committee

Date: **Wednesday 20 November 2013**

Time: **6.00 pm**

Place: **Council Chamber**

For any further information please contact:

Lyndsey Parnell

Members' Services Officer

0115 901 3910

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Barbara Miller

Councillor Pauline Allan
Councillor Roy Allan
Councillor Peter Barnes
Councillor Chris Barnfather
Councillor Denis Beeston MBE
Councillor Alan Bexon
Councillor John Boot
Councillor Bob Collis
Councillor Andrew Ellwood
Councillor Cheryl Hewlett
Councillor Sarah Hewson
Councillor Jenny Hollingsworth
Councillor Mike Hope
Councillor Meredith Lawrence
Councillor Marje Paling
Councillor Colin Powell
Councillor Suzanne Prew-Smith
Councillor Gordon Tunncliffe

AGENDA

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MINUTES PLANNING COMMITTEE

Wednesday 30 October 2013

Councillor John Truscott (Chair)

Present: Councillor Barbara Miller Councillor Andrew Ellwood
Councillor Pauline Allan Councillor Cheryl Hewlett
Councillor Roy Allan Councillor Jenny Hollingsworth
Councillor Peter Barnes Councillor Mike Hope
Councillor Chris Barnfather Councillor Meredith Lawrence
Councillor Denis Beeston MBE Councillor Marje Paling
Councillor Alan Bexon Councillor Colin Powell
Councillor John Boot Councillor Suzanne Prew-Smith
Councillor Bob Collis

Absent: Councillor Sarah Hewson and Councillor Gordon
Tunncliffe

Officers in Attendance: P Baguley, L Parnell, L Sugden and N Morley

63 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillor Hewson.

64 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 9 OCTOBER 2013

RESOLVED:

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

65 DECLARATION OF INTERESTS

None.

66 APPLICATION NO. 2013/0500- LAND SOUTH OF COLWICK LOOP ROAD, COLWICK, NOTTINGHAMSHIRE

Construction of A4 public house with restaurant facilities & associated managerial residential accommodation at first floor (full application) & A3 restaurant or A5 hot food takeaway (outline application).

The Service Manager, Planning and Economic Development, presented the report, which has been circulated prior to the meeting, and made

Members aware of a letter of objection received by the department following publication of the report.

The Service Manager, Planning and Economic Development, also informed Members of a number of amendments to conditions for the consideration of the Committee.

RESOLVED to GRANT PLANNING PERMISSISON subject to the applicant entering into a Section 106 Agreement for the provision of contributions towards air quality monitoring with Gedling Borough Council and towards travel plan monitoring with the County Council as Highway Authority and subject to the following conditions:

Conditions

- 1 Application for approval of reserved matters relating to the employment element (namely layout, appearance, scale and landscaping) shall be made not later than three years beginning with the date of this permission and the development shall be begun not later than two years from the final approval of the reserved matters or, in the case of approval of the reserved matters on different dates, the final approval of the last such matter to be approved.
- 2 The development hereby approved for full planning permission relating to the construction of the retail element, an A1 retail unit with ancillary restaurant and concession units, service yard, car parking, landscaping and highway works must be begun not later than three years beginning with the date of this permission.
- 3 This development hereby granted full planning permission shall be completed in accordance with drawing nos.A-PL-01 Rev B, A-PL-03 Rev A, A-PL-11 Rev D, A-PL-12 Rev A, A-PL-13 Rev A, A-PL-14 Rev A, A-PL-15 Rev A, A-PL-16 Rev A, A-PL-17 Rev A, A-PL-20 Rev A, A-PL-21 Rev A, and the landscaping details and notes detailed on drawing nos.GC.81800.001 Rev A, GC.81800.301 Rev A, GC.81800.302 Rev A, except where further details are required for approval by other conditions of this planning permission.
- 4 Prior to the commencement of development of the retail elements(excluding any site clearance and remediation works as required by condition 8) a sample panel of materials to be used in the external elevations of the food store building, kiosk and carwash, shall be submitted to and approved in writing by the Borough Council. Once approved the development shall be completed in accordance with the approved materials.

- 5 The retail and employment elements shall be carried out in accordance with the measures set out under the Air Quality Mitigation Strategy dated 22nd July 2013. A verification report to demonstrate compliance with the Air Quality Mitigation Strategy shall be submitted to and approved in writing by the Borough Council before the respective elements are first brought into use.
- 6 The development hereby granted full planning permission shall be completed in accordance with the tree constraints and protection plans and notes drawing nos.GC.81800.201 and GC.81800.202.
- 7 There shall be no vegetation clearance and demolition works during the main bird nesting period (March - August), unless otherwise prior agreed in writing with the Local Planning Authority.
- 8 Prior to the commencement of development of the retail or employment element (excluding site clearance), an investigation and contamination risk assessment report relating to the respective element detailing those areas and / or contaminants not covered within the Ground Conditions Chapter of the submitted Environmental Statement shall be provided to the Local Planning Authority. If the information submitted with the application or within this additional report indicates that remediation is necessary, details of a remediation scheme for the respective element shall be submitted to and approved in writing by the local planning authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme for the respective element shall be given to the Local Planning Authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the respective element. If during the course of development contamination not previously identified is found to be present at the site, no further development other than that agreed in writing with the local planning authority shall be carried out until an amendment to the remediation scheme giving details on how to deal with this contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.
- 9 Prior to the occupation of the retail or employment elements details of bat and bird boxes to be incorporated within the approved relevant element shall be submitted to and approved in

writing by the Borough Council. Once approved the bat and bird boxes shall be installed in accordance with the approved details prior to the relevant element being brought into use.

- 10 Prior to the commencement of development of the retail or employment elements(excluding any site clearance and remediation works as required by condition 8) drainage plans for the disposal of surface water and foul sewage relating to the respective element shall be submitted to and approved in writing by the Borough Council. The drainage scheme shall be implemented in accordance with the approved details before the respective element is first brought into use.
- 11 The retail elements hereby approved shall not be brought into use until full details of the Local Employment Partnership, as outlined in Appendix 11 of the Planning and Retail Report submitted as part of this application, has been submitted to and approved in writing by the Local Planning Authority and evidence has been provided to demonstrate that the partnership has been established. In addition the details to be submitted shall also set out how the partnership shall be sustained throughout the life time of the development. The development shall thereafter operate in accordance with the approved Local Labour Agreement.
- 12 Prior to the occupation of the retail element details of the retail unit car park barrier, including a management plan for the car park barrier, shall be submitted to and approved in writing by the Borough Council. The management plan shall include details of the times and respective days that the gates will be opened and closed as well as details of who will be responsible for ensuring the gates are opened and closed at these times. Once approved the proposed car park barrier shall be installed prior to the retail unit first being brought into use and operated in accordance with these details at all times unless otherwise agreed in writing by the Borough Council.
- 13 Prior to the commencement of development of the retail and employment elements (excluding any site clearance and remediation works as required by condition 8), a Construction Management Plan for the respective element shall be submitted to and approved in writing by the Borough Council. The Construction Management Plan shall demonstrate that the works can be carried out without affecting or causing any obstruction to Carlton Footpaths 22 and 23. The respective element shall be completed in accordance with the approved relevant Construction Management Plan.
- 14 The development shall not be occupied until the following works have been provided in accordance with details that have been first agreed with the Local Highway Authority: a) A new signalised

junction has been provided on to the Colwick Loop Road. b) Highway improvements have been provided at Colwick Loop Road / Road No1 junction. c) Highway improvements have been provided at A612 / Burton Road / Shearing Hill junctions to the satisfaction of the Local Planning Authority.

- 15 The retail and employment elements shall not be brought into use until the access roads parking, turning and servicing areas relating to the respective element are surfaced in a hard bound material and delineated on site, to the satisfaction of the Local Planning Authority. The surfaced areas and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
- 16 The retail and employment elements shall not be brought into use until a scheme relating to the respective elements to regulate the discharge of surface water from the access roads, parking, turning and servicing areas to the public highway is submitted and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the respective element being brought into use.
- 17 The food store element hereby permitted shall not be brought into use until the cycle parking layout as indicated on drawing A-PL-04 / C has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 18 The retail elements shall not be occupied until the off-site traffic management works comprising of a weight restriction on Mile End Road have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 19 Prior to the commencement of development (excluding any site clearance and remediation works as required by condition 8) details of measures to prevent the deposit of debris upon the adjacent public highway as a result of the construction of any part of the retail or employment elements shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the agreed measures, and retained in situ until construction of the respective elements is available for use.
- 20 The retail or employment elements shall not be occupied until a Full Travel Plan for the respective element has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals.

The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority

- 21 The retail and employment elements shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures: a) As a minimum, proposed floor levels will be set with a freeboard of 600mm above existing ground levels. b) Other than in those areas where levelled or graded access is required to or from a building or to provide vehicular access into and between the respective elements, external finished ground levels will be no less than 300mm below the proposed floor level of the nearest building. c) Where local flooding occurs surface water runoff is to be routed away from the buildings along the footways and roadways to the drainage system. The mitigation measures for each respective element shall be fully implemented prior to occupation of the respective element.
- 22 Prior to the commencement of development of the retail or employment elements (excluding any site clearance and remediation works as required by condition 8), a scheme to provide an evacuation plan for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with their emergency planner. The approved scheme for the respective element shall be fully implemented and subsequently maintained.
- 23 Prior to the commencement of development of the retail and employment elements (excluding any site clearance and remediation works as required by condition 8) a scheme to provide flood resilience design for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The scheme for each element shall be fully implemented and subsequently maintained.
- 24 Prior to the commencement of development of the retail or employment elements (excluding any site clearance and remediation works as required by condition 8), a surface water drainage scheme for the respective element, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The respective scheme should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The respective scheme shall subsequently be implemented in accordance with the approved details before the respective

element is brought into use. The scheme shall include: a) The utilisation of sustainable drainage techniques, including rainwater harvesting for the supermarket and permeable paving within the retail element; b) Limitation of the runoff rate to a 20% betterment from the existing drainage conditions for the retail element (limiting discharge to 4.7l/s/ha (QBAR)); and a 10% betterment for the employment element (limiting discharge to 5.3l/s/ha (QBAR)); as detailed in a letter dated 16th September 2013 from Morgan Tucker. c) Water quality management incorporated within the design, with two forms of treatment prior to discharge from the site; d) Demonstration through hydraulic calculations that appropriate attenuation is to be provided to limit the rate of runoff from the site; e) Confirmation of responsibility and management of the drainage features on construction of the scheme.

- 25 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
- 26 Prior to the commencement of development of the petrol filling station (excluding any site clearance and remediation works as required by condition 8) a scheme to install petrol storage tanks shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring/ leak detection system, along with: a) Proposed method of petrol storage; b) Justification for this method of storage; c) Groundwater levels for this specific part of the site; d) Site specific risk assessment outlining the volume, type of pollutants being stored and the hydrogeological situation. Where potential risks have been identified, the Local Planning Authority will require mitigation measures to be implemented to ensure that there is no release of hazardous substances into the Secondary Aquifer.
- 27 The schemes approved under conditions 21, 22, 23, 24 and 25 shall be fully implemented and subsequently maintained in that form.
- 28 Notwithstanding condition 3 above, prior to the commencement of development of each of the elements below (excluding any site clearance and remediation works as required by condition 8), details of each matter, together with timescales, shall be submitted to and approved in writing by the Local Planning Authority.
- a) Electric charging points for customer vehicles.

- b) Sprinkler tanks, including their colour and appearance.
 - c) The design, height and colour of the service yard enclosure and its gates.
 - d) The appearance of the car wash (including materials and lighting).
 - e) The appearance of the covered walkway across the walkway (including materials and lighting).
 - f) The materials and design of trolley storage areas, both within the car park and adjacent to the food store.
 - g) The details of the height, materials and design of the bollards/barriers around the food store building.
 - h) Plans for providing shelter to motorcycle parking.
 - g) The size, location and appearance of the proposed new bus stops on the site.
 - h) Boundary treatment of the perimeter of the site, and around the recycling area.
 - i) The appearance of the plant to be sited on the roof, and if required any screening or acoustic enclosure.
- 29 Prior to the commencement of development of the employment elements (excluding any site clearance and remediation works as required by condition 8) a viability assessment for additional renewable energy installations shall be submitted to the Local Planning Authority. If these prove viable, including those producing power only for the site's use, full details of the proposed installations shall be submitted for the approval of the Local Planning Authority and installed until technologically obsolete.
- 30 Prior to occupation of the food store, petrol station or car wash, a scheme detailing all external lighting, including details of the height of any lighting columns, the design of lamp assembly, the spread of light beyond the site boundaries and the hours of illumination, shall be submitted for the approval of the Local Planning Authority, and the approved details to be implemented and maintained in that form.
- 31 The floor area of the employment development shall not exceed 9895 sq. m. gross internal floor area, unless otherwise agreed by the Local Planning Authority.

Reasons

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

- 4 To ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
- 5 In order to assist in the protection of air quality.
- 6 In the interests of good arboricultural practice.
- 7 In order to protect and enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).
- 8 In order to assist in the protection of air quality.
- 9 In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework (2012).
- 10 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 11 To ensure that the development meets some of the requirements for sustainable development.
- 12 In the interests of crime prevention.
- 13 In order to ensure Carlton Footpaths 22 and 23 are kept available for use both during and after the construction period and the users of the footpaths are not impeded or endangered in any way.
- 14 To ensure that the traffic accessing the development does not give rise to highway danger, traffic problems and loss of residential amenity.
- 15 To ensure that an adequate level of off street parking is provided for the needs of the development.
- 16 To regulate the discharge of surface water from the site onto to the public highway to prevent traffic and highway problems
- 17 To ensure the provision of cycle parking in order to support use by non car borne customers and staff.
- 18 To prevent heavy goods vehicles travelling along residential roads to access the site, in the interests of residential amenity.
- 19 To prevent the deposit of debris on the highways around the site, in the interest of highway safety.

- 20 To enable, encourage and facilitate visitors to the site to use non-car means of transport
- 21 To reduce the risk of flooding to the proposed development.
- 22 To enable a safe means of egress from the site during an extreme flood event.
- 23 To reduce the impact of flooding on the development.
- 24 To prevent the increased risk of flooding, both on and off site and to manage surface water in a sustainable manner.
- 25 To ensure that there is no mobilisation/ migration of contamination into the underlying aquifer.
- 26 To ensure that there is no mobilisation/ migration of contamination into the underlying aquifer.
- 27 To ensure the development is implemented in a manner which does not increase the risk of flooding, both on and off site, to manage surface water in a sustainable manner and prevent contamination.
- 28 These detailed matters were not included on the submitted plans and require the approval of the Local Planning Authority in the interests of visual amenity.
- 29 To assist in satisfying energy demand from renewable energy sources.
- 30 To ensure that external illumination does not affect highway safety or residential amenity.
- 31 To define the consent

Reasons for Decision

The proposed development accords with the relevant policies of the Local Plan and the National Planning Policy Framework.

Notes to Applicant

Your attention is drawn to the attached comments of the Rights of Way Officer.

You are advised that further consents may be required for advertisements and signage, and you should contact the Borough Council prior to carrying out any such works.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority for details.

The proposed off-site highway works referred to in condition 5 requires a Traffic Regulation Order before the development commences to provide off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the County Highway Authority for details.

Washdown from the car wash should be discharged to foul sewer. This washdown should not be discharged via an oil separator as detergents in the washdown will render the separator ineffective. Car wash liquid waste is classed as trade effluent. Before discharging to a sewer you must always get a trade effluent consent or enter into a trade effluent agreement with your water and sewerage company or authority. If you are not able to discharge effluent to the foul sewer it will be classed as waste and you must then comply with your duty of care responsibilities. More information regarding the discharge of trade effluent can be found at www.netregs.gov.uk <http://publications.environment-agency.gov.uk/pdf/PMHO0307BMDX-e-e.pdf>

The hazardous substances consents for Esso Petroleum Company Ltd and Chevron Ltd are in the process of being revoked, however condition 32 has been attached to this permission on the advice of HSE.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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APPLICATION NO. 2013/0497- LAND SOUTH OF COLWICK LOOP ROAD, COLWICK, NOTTINGHAMSHIRE

Construction of A4 public house with restaurant facilities & associated managerial residential accommodation at first floor (full application) & A3 restaurant or A5 hot food takeaway (outline application).

The Service Manager, Planning and Economic Development, presented the report, which has been circulated prior to the meeting, and made Members aware of a letter of objection received by the department following publication of the report.

The Service Manager, Planning and Economic Development, also informed Members that, following comment from Nottinghamshire

County Council after the publication of the report, there would no longer be a requirement for the applicant to enter into a Section 106 agreement towards travel plan monitoring.

RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

- 1 The public house hereby permitted shall be begun within five years from the date of the approval of the last reserved matters to be approved in relation to the restaurant element.
- 2 Application for the approval of any of the reserved matters (namely appearance, layout, landscaping and scale) required for the restaurant element shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 The restaurant element hereby permitted shall be begun within five years from the date of the approval of the last reserved matters to be approved.
- 4 The public house or restaurant element shall not be brought into use until either: a) The hazardous substances consents for both the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been are revoked, or b) A report relating to the respective element has been submitted to the LPA outlining the level of risk posed by the presence of the Total Lindsey Oil Refinery Ltd together with details of any proposed mitigation measures and the LPA have agreed in writing that they are satisfied with the conclusions of the Report so to allow the respective element to be occupied. Any mitigation measures proposed in the report to be approved in writing by the Borough Council shall be implemented in accordance with the approved report.
- 5 The restaurant element shall not exceed 452 square metres (Gross External Floor Area).
- 6 The public house and restaurant shall be developed in accordance with drawings, A-PL-02 Rev. A (Location Plan) A-PL-30 B (Marstons Public House and Restaurant Plan), 0055/12/ 02 02 C Site Plan,0055/12/ 02 04 C Elevations, 0055/12/ 02 05 B Fence Locations + Details and Pergola Details, 0055/12/ 02 03 A Floor and Roof Plan and Marstons Public House and Restaurant Detailed Planting Plan GC.818000.303 A.
- 7 Prior to the public house being first brought into use precise details of the play equipment to be installed within the play area, together with a timescale for its installation shall be submitted to

and approved in writing by the local planning authority. The play equipment shall be installed in accordance with the approved details and timescale, and shall be retained thereafter in accordance with the approved details.

- 8 The approved planting scheme, fencing, pergola and surfacing materials to be used within the soft and hard landscaping scheme submitted in relation to the public house shall be provided prior to the to the public house being first brought into use, or to a timescale to be prior agreed in writing by the local planning authority. The fencing, pergola and surfacing materials shall be retained thereafter in accordance with the approved details.
- 9 Prior to the public house being first brought into use precise details of any minor artefacts and structures such as external benches, refuse or storage units and lighting together with a timescale for their installation shall be submitted to and approved in writing by the local planning authority. Any proposed lighting scheme shall also include details of the spread of light beyond the site boundaries and the hours of illumination. Any minor artefacts or structures shall be installed in accordance with the approved details and retained thereafter.
- 10 The Public House shall not be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan 0055/12/0202 Rev C. The parking/turning/servicing areas shall not be used for any purpose other than purpose thereafter.
- 11 The Public House shall not be brought into use until the cycle parking layout as indicated on drawing 0055/12/0202 Rev C has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.
- 12 The Public House or Restaurant element shall not be occupied until a Full Travel Plan for that respective element has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.
- 13 Details of measures to prevent the deposit of debris upon the adjacent public highway during the construction of both the proposed Public House and Restaurant element shall be submitted to and approved in writing by the LPA prior to the

commencement of development of the respective elements(excluding any site clearance and remediation works as required by condition 20). The approved measures shall be implemented in accordance with the approved details prior to any construction works commencing on the respective phase and retained in situ until the respective element has been constructed.

- 14 The proposed development shall not be brought into use until the following works have been provided in accordance with details that have been first agreed with the Local Highway Authority and shall be carried out to the satisfaction of the Local Planning Authority.; (a) A new signalised junction has been provided on to the Colwick Loop Road. (b) Highway Improvements have been provided at Colwick Loop Road / Road No1 junction. (c) Highway improvements have been provided at A612 / Burton Road / Shearing Hill junctions.
- 15 The Public House and Restaurant elements shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures: (a) As a minimum, proposed floor levels will be set with a freeboard of 600mm above existing ground levels. (b) Other than in those areas where levelled or graded access is required to or from a building or to provide vehicular access into and between the respective elements, external finished ground levels will be no less than 300mm below the proposed floor level of the nearest building. (c) Where local flooding occurs surface water runoff is to be routed away from the buildings along the footways and roadways to the drainage system. The mitigation measures for each respective element shall be fully implemented prior to occupation of the respective element.
- 16 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a scheme providing an evacuation plan for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The approved scheme for the respective element shall be fully implemented and subsequently maintained.
- 17 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a scheme to provide flood resilience design for the respective element shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The approved scheme for the respective element shall be fully implemented and subsequently maintained.

- 18 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance and remediation works as required by condition 20) a surface water drainage scheme for the respective element, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The respective scheme for each element shall subsequently be implemented in accordance with the approved details before the respective element is occupied. The scheme shall also include: (a) The utilisation of sustainable drainage techniques, including rainwater harvesting and permeable paving; (b) Limitation of the runoff rate to a 10% betterment from the existing drainage conditions as detailed in a letter dated 16th September 2013 from Morgan Tucker, limiting discharge to 5.3l/s/ha (QBAR); (c) Water quality management to be incorporated within the design, with two forms of treatment prior to discharge from the site; (d) Demonstration through hydraulic calculations that appropriate attenuation is to be provided to limit the rate of runoff from the site. (e) Confirmation of responsibility and management of the drainage features on construction of the scheme.
- 19 Prior to the commencement of development of the Public House (excluding any site clearance and remediation works as required by condition 20) a scheme for the safe refuge of any residents during an extreme event has been submitted to, and approved in writing by, the local planning authority, in consultation with the Council's emergency planner. The scheme shall be fully implemented and subsequently maintained.
- 20 Prior to the commencement of development of the Public House or Restaurant elements (excluding any site clearance) an investigation and contamination risk assessment report relating to the respective element detailing those areas and / or contaminants not covered within the Ground Conditions Chapter of the submitted Environmental Statement shall be provided to the Local Planning Authority. If the information submitted with the application or within this additional report indicates that remediation is necessary, details of a remediation scheme for the respective element shall be submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme shall be given to the

local planning authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the respective element. If during the course of development contamination not previously identified is found to be present at the site, no further development other than that agreed in writing with the Local Planning Authority shall be carried out until an amendment to the remediation scheme giving details on how to deal with this contamination has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.

- 21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 22 The Public House and Restaurant element hereby approved shall not be brought into use until full details of a Local Employment Partnership has been submitted to and approved in writing by the Local Planning Authority, this shall include details of how the partnership shall be sustained for the life time of the development. The partnership shall be implemented in accordance with the approved details prior to either element being brought into use. Evidence shall be submitted to the Local Planning Authority that the partnership has been established.
- 23 Prior to occupation of either the public house element or the restaurant element a viability assessment for additional renewable energy installations shall be submitted to the Local Planning Authority. If these prove viable, including those producing power only for the site's use, full details of the proposed installations shall be submitted for the approval of the Local Planning Authority and installed until technologically obsolete.

Reasons

- 1 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004 and to allow sufficient time to enable either the revocation of the relevant Hazardous Substance Consents for Total Lindsey Oil Refinery Ltd and Chevron Ltd or for the Borough Council as Local Planning Authority to have confirmed in writing that the risk posed by the Total Lindsey Oil Refinery to be acceptable.

- 2 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004
- 3 To accord with Section 51 of the Planning and Compulsory Purchase Act 2004
- 4 The Borough Council as Local Planning Authority is not satisfied that the risk posed by the adjacent Total Lindsey Oil Refinery is acceptable to allow the occupation of the proposed public house/restaurant and the proposed drive through restaurant. This condition will enable the public house/restaurant and the proposed restaurant/takeaway to be occupied only if the relevant hazardous substances consent for both the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been revoked or if the Borough Council as Local Planning Authority has confirmed in writing that it is satisfied that the so as to allow the development to be occupied whilst the adjacent Total Lindsey Oil Refinery is still in operation and the relevant hazardous substance consent for Chevron Ltd has been revoked.
- 5 For the avoidance of doubt and to ensure that the gross external floor area of the unit is set at outline stage so that the impact of the proposed development is within the parameters indicated within the assessments that have accompanied the application.
- 6 To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 7 To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 8 To ensure a satisfactory development that accords with Policy ENV2 of the Gedling Borough Replacement Local Plan.
- 9 To ensure a satisfactory development that accords with Policy ENV2 of the Gedling Borough Replacement Local Plan.
- 10 In the interests of highway safety.
- 11 To encourage sustainable forms of transport
- 12 To encourage sustainable forms of transport .
- 13 In the interests of highway safety.
- 14 To ensure improve the capacity of the local highway network, in the interests of highway safety.
- 15 To reduce the risk of flooding to the proposed development.

- 16 To enable a safe means of egress from the site during an extreme flood event.
- 17 To reduce the impact of flooding on the development.
- 18 To prevent the increased risk of flooding, both on and off site and to manage surface water in a sustainable manner.
- 19 As living accommodation, ancillary to the use, is proposed then a safe refuge must be provided.
- 20 To ensure the site is suitable for use.
- 21 To ensure that there is no mobilisation/ migration of contamination into the underlying aquifer.
- 22 To ensure that the uses once operational employ local people.
- 23 To assist in satisfying energy demand from renewable energy sources, in line with paragraph 17 of the National Planning Policy Framework.

Reasons for Decision

The proposed development accords with the relevant policies of the Local Plan and the National Planning Policy Framework.

Notes to Applicant

For the purpose of the above conditions the following words and expressions shall be used, and unless otherwise stated elsewhere in the conditions shall have the following meaning: The proposed public house with dining facilities, managerial residential accommodation at first floor, car parking, landscaping and pedestrian access running east west between the retail element and the new access road comprise the "Public House". The proposed restaurant element to the south of the public house area is defined as the "Restaurant element".

For the purposes of this application the reference to details required prior to the commencement of development (except in relation to condition 20) shall exclude remediation works required under the remediation scheme approved under condition 20.

Your attention is drawn to the written comments of the Environment Agency, The Highway Authority, the Gedling Borough Council Scientific Officer, Network Rail and the Health and Safety Executive.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

**APPLICATION NO. 2013/1101- 1 BURNOR POOL, CALVERTON,
NOTTINGHAMSHIRE**

Demolish two storey and single storey rear additions and construct new two storey rear extension and conservatory.

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 shall be carried out in accordance with the plans received on the 18th September 2013.
3. Prior to the commencement of development precise details of the materials to be used within the construction of the development hereby granted shall be submitted and approved in writing by the Borough Council. The development shall be completed in accordance with the approved details.
4. The landing window on the north elevation of the proposed extension shall be obscure glazed with top opening lights only and shall remain so at all times.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To secure a satisfactory development that accords with Policy ENV15, ENV1 and H10 of the Gedling Borough Replacement Local Plan.
4. To safeguard the residential amenity of the neighbouring property (35 Main Street).

Reasons for Decision

The proposed development would have no adverse impact on the Conservation Area or on the amenity of neighbouring properties. The development would accord with the relevant policies of the Local Plan.

Notes to Applicant

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

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

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

69 DISCHARGE OF SECTION 106- BIG WOOD COMPREHENSIVE SCHOOL, BEWCASTLE ROAD, ARNOLD, NOTTINGHAMSHIRE

The Service Manager, Planning and Economic Development presented the report, which had been circulated prior to the meeting, and outlined the reasons for authorisation being sought to discharge the Section 106 agreement.

RESOLVED:

To authorise the Council's Solicitor and Monitoring Officer to discharge the S106 Agreement dated 30th May 2008 in relation to planning application ref. 2006/0726 in order that the extant S106 agreement be discharged by agreement and a formal discharge entered into by the parties.

70 UPDATE OF FIVE YEAR HOUSING LAND SUPPLY ASSESSMENT (AGAINST THE EMERGING ALIGNED CORE STRATEGY TO INFORM THE EXAMINATION) AS AT 31 MARCH 2013

RESOLVED:

To note the report.

71 PLANNING POLICY UPDATE

RESOLVED:

To note the report.

72 APPEAL DECISION- 375 CAVENDISH ROAD, CARLTON, NOTTINGHAMSHIRE

RESOLVED:

To note the report.

73 APPEAL RECEIVED- LAND SOUTH OF RICKET LANE, BLIDWORTH, NOTTINGHAMSHIRE

RESOLVED:

To note the report.

74 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

75 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

76 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.05 pm

Signed by Chair:
Date:

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Agenda Annex

PLANNING COMMITTEE PROTOCOL

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is a quasi-judicial body, empowered by the Borough Council 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. In terms of Councillors' role at the Planning Committee, whilst Councillors have a special duty to their ward constituents, including those who did not vote for them, their over-riding duty is to the whole borough. Therefore, whilst it is acceptable to approach Councillors before the meeting, no opinion will be given, as this would compromise their ability to consider the application at the meeting itself. 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. Members may also request that their votes are recorded.
4. 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.
5. 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. A maximum of 3 minutes per speaker is allowed, so where more than 1 person wishes to address the meeting, all parties with a common interest should normally agree who should represent them. No additional material or photographs will be allowed to be presented to the committee.
6. 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 Chairman will bring the meeting to order. In exceptional circumstances the Chairman can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
7. After Councillors have debated the application, a vote will be taken. If Councillors wish to take a decision contrary to Officer recommendation, a motion to do so will be moved, seconded and voted upon. Where the decision is to refuse permission contrary to Officer recommendation, the motion will include reasons for refusal which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. The Chairman may wish to adjourn the meeting for a short time for Officers to assist in drafting the reasons for refusal. The Chairman may move that the vote be recorded.
8. 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.

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Application Number: 2013/1295

Location: 41 Hazel Grove, Mapperley



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Report to Planning Committee

Application Number: 2013/1295

Location: 41 Hazel Grove, Mapperley, Nottinghamshire, NG3 6DQ

Proposal: Single storey rear extension

Applicant: Mr Andrew Rhodes

Agent:

This application is being brought to Committee due to the applicant being a member of staff at Gedling Borough Council.

Site Description

The application site, no.41 Hazel Grove, relates to a two-storey detached residential property within the urban residential area of Mapperley. The property is set back from the highway with an area of vehicle hardstanding to the north of the dwelling. The property is situated on a large plot which drops in level from the front boundary to the rear east boundary. The rear boundaries of the application site are defined by mature hedges and close boarded panelled fencing. The closest residential neighbours to the application site are no's 39 and 43 Hazel Grove to the north and south respectively. Hazel Grove is predominantly defined by detached two-storey properties on large plots.

Proposed Development

Planning permission is sought for the construction of a single-storey rear extension. The extension would replace an existing flat roof extension.

The proposed extension would project from the rear elevation of the original dwellinghouse by 4.55 metres with a width of 7.5 metres. The proposed extension would project out from the side elevation of the existing property by a further 0.6 metres. The extension would have a hipped roof with ridge and eaves heights of 4.5 metres and 2.7 metres respectively. The extension incorporates rear facing bi-fold doors and roof lights in the roof slopes.

Consultations

Neighbouring Properties were notified – The Statutory consultation period for representations is until 19th November 2013 and any consultation responses will be reported verbally at Committee.

Planning Considerations

The main planning considerations in the determination of this application are whether the proposal would have any material impact on the amenities of neighbouring residential properties. I note that the Highway Authority have not requested to comment on this application and the off street car parking is to remain, as such I am satisfied that there would be no undue impact on highway safety.

At the national level the National Planning Policy Framework (March 2012) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development.

At the local level the following policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are relevant:

ENV1 – Development Criteria
H10 – Extensions

Under the Local Plan development should be of a high standard of design and extensions to dwellings should be in keeping with the scale and character of the existing dwelling and should not cause unacceptable harm to the amenity of neighbouring residents. Appropriate parking provision should be made.

In assessing the impact of the proposal on the character and appearance of the site and the wider streetscene I consider the design is in keeping with the scale and character of the existing dwelling and would not be unduly intrusive on the streetscene.

I am satisfied, due to the relationship between the application dwelling and the neighbouring properties and the extensions modest dimensions with a hipped roof sloping away from the shared boundary, that the proposal would not result in any undue overshadowing or overbearing impacts on neighbouring amenity.

For the reasons highlighted above, I consider the proposed development to accord with Policy H10 and ENV1 of the Gelding Borough Council Replacement Local Plan (Certain Policies Saved 2008) and recommend that planning permission be granted.

Recommendation:

Grant Conditional Planning Permission

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 submitted plans received on 28th October 2013.

Reasons

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

Reasons for Decision

In the opinion of the Borough Council the proposed development is of a size and design in keeping with the existing dwelling and the wider setting. There will be no undue impacts on neighbouring amenity. The proposal therefore complies with the aims and objectives of the National Planning Policy Framework (2012) and Policies ENV1 and H10 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

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

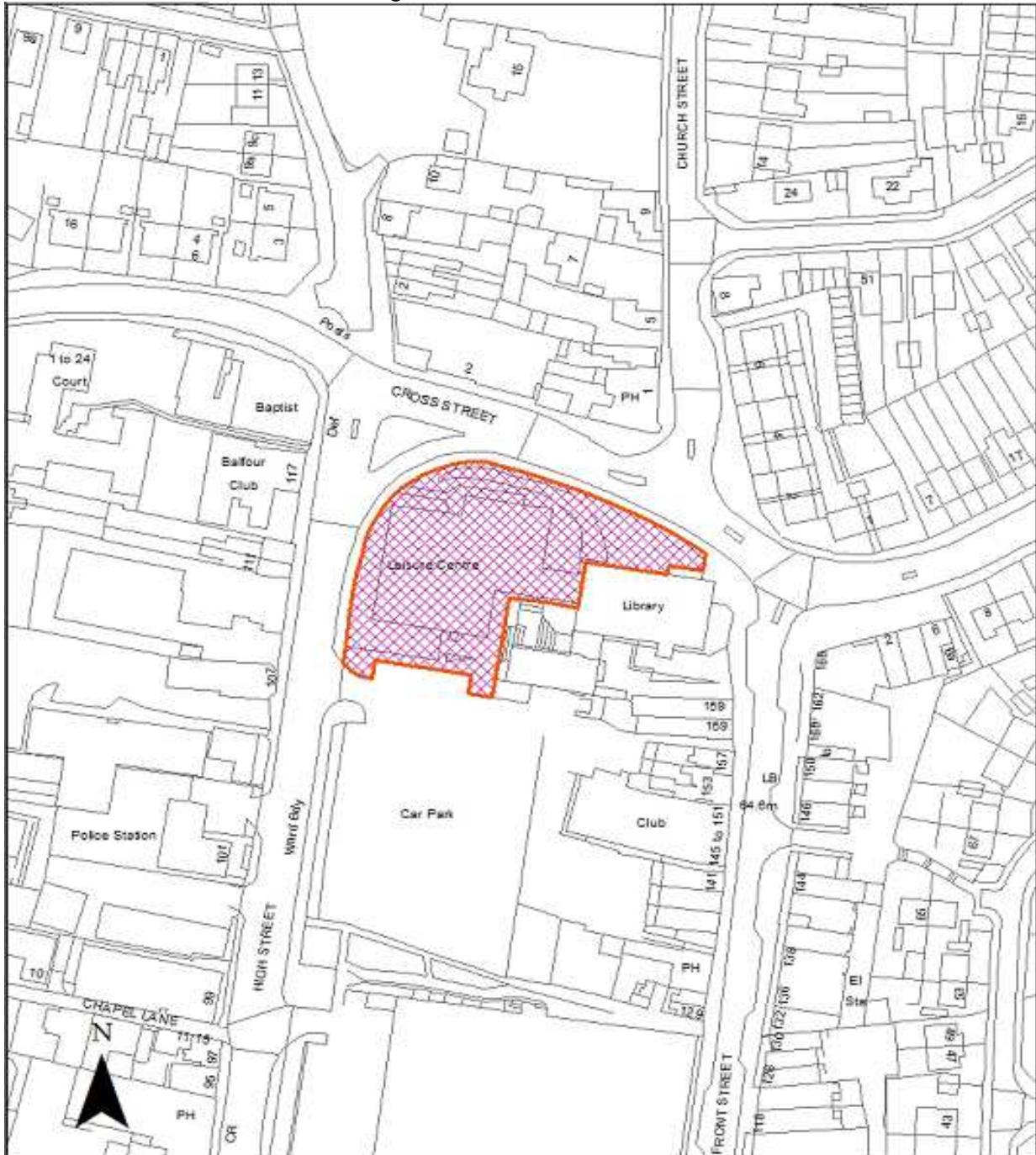
Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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.



Application Number: 2013/1167

Location: Arnold Leisure Centre, 161 Front Street, Arnold,
Nottinghamshire



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Report to Planning Committee

Application Number: 2013/1167

Location: Arnold Leisure Centre, 161 Front Street, Arnold,
Nottinghamshire,

Proposal: Proposed new external building signage (some illuminated) for Arnold Leisure Centre. Proposed new signs to replace all existing facade signs and artwork. New signage to include Gedling Borough Council corporate logo, facility names, entrance sign and information board.

Applicant: Mrs Paula Darlington

Agent: Mr Richard Crowson

This application has been made by Gedling Borough Council to be considered at Planning Committee on 20th November 2013.

Site Description

This application relates to the Arnold Leisure Centre, a flat roofed brick \ sectional concrete building of approximately three storey height accommodating the public swimming pool and theatre. The Leisure Centre is situated at the junction of High Street and Cross Street on the periphery of Arnold Town Centre within the Secondary Shopping Area. The site is immediately adjoined to the east by the Arnold Library, a brick flat roofed building and to the south by a public car park linked to the Leisure Centre by pedestrian access. To the north of the site are residential properties and to the west a variety of business, leisure and residential premises. Various existing wall mounted signage exists to the main elevations of the building.

Relevant Planning History

Conditional planning permission was granted in July 2013 for the erection of a single storey glazed extension to the main entrance/reception area, the erection of a pergola feature to entrance and the installation of an air handling/ventilation unit – application ref. 2013/0620.

Proposed Development

Advertisement consent is sought for the erection of signage as follows:-

1 no. illuminated sign panel;

- 1 no. pergola feature signage;
- 1 no. new non illuminated wall mounted notice board;
- 1 no. non illuminated high level wall/facade mounted sign;
- 5 no. replacement high level wall/facade mounted signs with a silver finish and back lit lettering;

An email has been deposited on the 1st November 2013 confirming that the levels of illumination would not exceed 500 lumens per sq.m.

A revised block plan and elevation plan have been deposited on the 5th November 2013, clarifying the position of the proposed signage.

Consultations

Nottinghamshire County Council (Highway Authority) – No comments received to date, any comments will be verbally reported to Planning Committee.

Planning Considerations

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that Local Planning authorities should consider applications in the interests of amenity and public safety.

The National Planning Policy Framework (2012) (NPPF) is the relevant national policy guidance in the determination of this application.

Paragraph 67 of the NPPF states that: -

‘Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’

I am satisfied that the proposed signage is of acceptable appearance. The proposed levels of luminance accord with the Institution of Lighting Professionals ‘Guidance for the Reduction of Obtrusive Light’

I am mindful that the proposed signage replaces existing signage which has been in situ for some time and am therefore of the view that the proposal would improve the appearance of the building.

I consider that it would not unduly impact upon the visual amenity of the site or the immediate area nor highway safety given the established leisure use of the site on the periphery of Arnold Town Centre and adjoining buildings, the existing street

furniture on adjoining sites and the location of the proposed signage within the context of the site. Notwithstanding this I consider it reasonable should consent be granted that a condition be attached requiring the submission of precise details, including sections, of the signage to further safeguard visual amenity.

I am therefore satisfied that the proposal is acceptable and that it would result in no undue impact upon the visual amenity of the property, the immediate street scene or highway safety.

Recommendation:

Grant Advertisement Consent subject to no further representation being received that raise material planning considerations and the following conditions:

Conditions

1. The proposed signage shall be erected in accordance with drawing no.s 3910-002 PL11 and 3910-002 PL12 and details of illumination as confirmed in an email dated 1st November 2013.
2. Prior to the erection of any signage hereby approved, there shall be submitted to and approved in writing by the Borough Council precise details of the signage including sections. The signage shall be installed in accordance with the approved details and retained thereafter.
3. The existing signage to be replaced and that shown to be removed on drg. no. PL13 Rev A shall be removed within 10 days of the proposed signage hereby approved being erected and all resultant materials and waste products removed from site.

Reasons

1. For the avoidance of doubt.
2. In the interests of visual amenity, in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
3. In the interests of visual amenity, in accordance with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

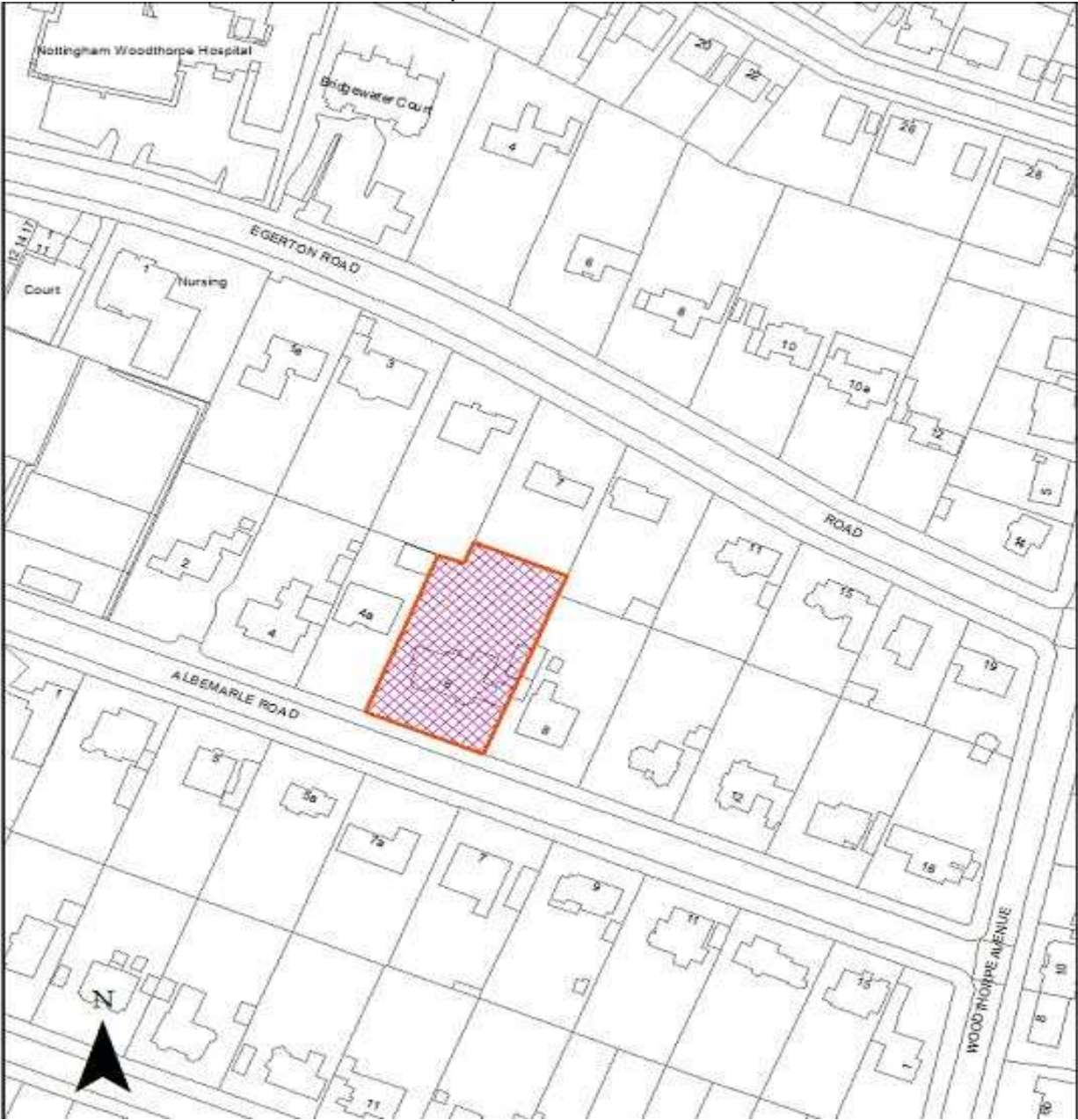
Reasons for Decision

In the opinion of the Borough Council the signage will result in no undue impact on the amenity of adjacent properties or the area in general and is acceptable from a highway safety viewpoint. The application is therefore in accordance with the National Planning Policy Framework (March 2012) and the 2007 Advertisement Regulations.



Application Number: 2013/1006

Location: Parker House Nursing Home, 6 Albemarle Road, Woodthorpe



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Report to Planning Committee

Application Number: 2013/1006

Location: Parker House Nursing Home, 6 Albemarle Road,
Woodthorpe Nottingham

Proposal: Proposed retrospective planning permission for the
retention of a Steel Storage Container

Applicant: Mr N Hussain

Agent: Mr Gary Barlow

Site Description

The application relates to a substantial two-storey double fronted detached property situated on the northern side of Albemarle Road, which is currently in use as a care home. The site falls within the Old Woodthorpe Special Character Area. There is a detached two-storey annexe set to the side boundary with no. 8 Albemarle Road used as a store and laundry building and a conservatory to the rear of the main property. There is a vehicle access to the site adjacent to the west side boundary of the site leading to the rear amenity area. The site is bounded by mature trees and shrubs and a large brick wall measuring to some 2.5 metres in height to the rear east boundary and north rear boundary and a 1.5 metre high close-boarded panelled fence to the west side boundary of the application site.

Immediately to the north and east of the site are two-storey detached residential properties.

Relevant Planning History

- Planning Permission was granted on the 4th March 2008 for the construction of an L-shaped single-storey extension with a hipped roof design to form 6 bedrooms to the existing care home. The reason for the approval was that the proposed extension was of a size and design in keeping with the existing building and its location within the Woodthorpe Special Character Area. The proposal would have no undue impacts on neighbouring residential amenity (ref: 2008/0032).
- Planning Permission was granted on the 8th October 2009 (ref: 2009/0749) for the construction of a rear extension to form 6 extra bedrooms with an attic staff and storage area. The reason for approval was that the extension was of a size and design in keeping with the existing building and would have no undue impacts on neighbouring residential amenity or to highway safety.

- Planning Permission was granted 13th May 2010 (ref: 2010/0234) for a rear glazed link and the retention of the first floor staff accommodation. The reason for approval was that the proposed extension was of a size and design in keeping with the existing building and its location within the Woodthorpe Special Character Area. The proposal would have no undue impacts on neighbouring residential amenity or to highway safety. Conditions attached to the approval required the roof lights to the west elevation of the roof slope to be fixed, non-opening and obscure glazed at all times to prevent any undue looking onto the amenity of the adjoining neighbours.
- Planning permission was refused on 17th October 2011 for the removal of conditions 2 and 5 of 2010/0234. In reaching its decision the Borough Council considered the removal of conditions 2 and 5 to allow for the skylights on the west elevation roof slope to be clear glazed and opening would result in an unacceptable overlooking impact on the amenity of the neighbouring residential property.
- Planning Permission was granted on 9th May 2012 for the change of use of two staff rooms in the first floor of the rear extension (approved under planning ref.2009/0749) to two bedrooms with first floor windows proposed in the south and north facing elevations of the extension. The central room at first floor level is shown to be retained as a staff/training room.

Proposed Development

Planning permission is sought to retain a steel shipping container that was originally placed onsite during building works at the property.

The container measures 2.425 metres in width and 6.050 metres in length and 2.5 metres in height, and the container is located to the rear of the property, 0.4 metres away from the side boundary with number 8 Albemarle Road.

Consultations

Nottinghamshire County Council (Highways) – The Highway Authority has no objection to the proposal as it does not result in the loss of any car parking spaces from the property.

Gedling Borough Council Public Protection – No written representations have been received.

Adjoining neighbours have been consulted and a site notice has been posted – 2no. written representations have been received, the comments of which can be summarised as follows:

- It is consider that the container is unsightly and not appropriate in the immediate area.
- It is considered that container removes car parking spaces which results in staff and visitors parking on Albemarle Road.

- Concerns are raised with regards to what would be stored within the container.

Planning Considerations

In my opinion the main planning considerations in the determination of this application are whether the retention of the container would impact on the character of the area, neighbouring amenity or highway safety.

At the national level the National Planning Policy Framework (March 2012) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development.

The following core planning principles of the National Planning Policy Framework (2012) are relevant to this planning application:-

- 1. Building a strong, competitive economy (paragraphs 18-22)

Policy ENV1 relates to Development Criteria and states inter alia that: -

“Planning permission will be granted for development provided it is in accordance with other Local Plan policies and the proposals meet the following criteria:

- a. it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. it would not have a significant adverse effect on the amenities of adjoining development or the locality in general, by reason of the level of activities on the site or the level of traffic generated;
- c. development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children;
- d. it incorporates crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space and well considered layouts and landscaping;
- e. it does not prejudice the comprehensive development of a development site; and
- f. it incorporates best practice in the protection and management of water resources.”

Policy ENV16 ‘Old Woodthorpe Special Character Area is also relevant and states inter-alia:

‘Within the Old Woodthorpe Special Character Area, as identified on the Proposals

Map, planning permission for development will be granted provided that:

- a. It harmonises with the materials, design features, architectural style, average plot sizes and building heights predominant in the area;
- b. It does not adversely affect the overall residential character of the area, in particular by the introduction of Use Class C2 commercial activity.

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following Policy 10: Design and Enhancing Local of this document is also relevant in this instance. This requires interalia that development should be assessed against materials and architectural style and detailing and impact upon nearby residents or occupiers.

In my opinion the proposed retention of the storage container would be acceptable in this instance. Although the location of a storage container in a mainly residential area would usually be out of keeping and undesirable owing to the impact on neighbouring properties, in this instance the storage container is located in a position that is largely screened from neighbouring properties by the adjacent boundary wall to the side which is the same height as the container, and the boundary hedging to the rear. As a result I do not consider that the development would unacceptably impact on neighbour's amenity or the character of 'Old Woodthorpe' in this instance.

Similarly the development will not be visible from the public realm and therefore would not detrimentally effect the character of 'Old Woodthorpe'.

In addition the site in question is a commercial property, where there is a need for additional storage for the business, the support of which is a key element of the NPPF.

For these reasons, I consider the proposed development to accord with policies ENV1 and ENV16 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) and would recommend that planning permission be granted.

Recommendation:

GRANT PLANNING PERMISSION

Conditions

1. The storage container shall only be positioned as shown on drawing numbers 057/P/02 and 057/P/03.

2. The container shall be removed once it is no longer required for storage purposes for the commercial operations at the site.

Reasons

1. To ensure a satisfactory development, in accordance with the aims of policy ENV1 _ ENV16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
2. To ensure a satisfactory development, in accordance with the aims of policy ENV1 _ ENV16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Reasons for Decision

In the opinion of the Borough Council the retention of the storage container would have no undue impacts on neighbouring amenity or the Woodthorpe Special Character Area. There are no highway implications. The proposal therefore accords with Policies ENV1 and ENV16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

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

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

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.



Application Number: 2013/1007

Location: 742 Mansfield Road, Woodthorpe, Nottinghamshire



NOTE:
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Report to Planning Committee

Application Number: 2013/1007

Location: 742 Mansfield Road, Woodthorpe, Nottinghamshire, NG5 3FY

Proposal: Replace existing flat roof with pitched roof incorporating 2 No. Flats (Resubmission of Appn 2012/1021).

Applicant: Mr A Turner

Agent: M Shipman

Site Description

No. 742 Mansfield Road, Woodthorpe is a large detached two-storey property occupying a substantial plot on the corner of Mansfield Road with Albemarle Road. The property has a flat roof single-storey rear extension, measuring approximately 7.63m in width x 28.2m in depth, to the rear which is accessed via a link. The property has been converted into a day nursery unit with ancillary residential accommodation and has permission for a maximum of 82 children.

The property is adjoined on its eastern boundary by a detached two-storey dwelling, No. 3 Albemarle Road which is located on a slightly higher level. This property has ground and first floor principle room bay windows to the side elevation facing the application site which are the only windows serving a lounge, dining room and bedrooms. The side boundary of this dwelling with the application site consists of a brick wall together with some low shrubs and mature trees. To the south the site is adjoined by the Balmoral Court apartments off Villiers Road.

Pedestrian and vehicular access is off Albemarle Road. There is a car parking area situated to the western frontage of the unit with provision of 15 spaces serving the nursery and 6 private spaces. A children's play area is located in the south-western area of the site adjacent to the car parking area. A further play area is situated to the rear of the property, in the south-east corner of the plot. There is a brick wall boundary to the eastern side of the site, a tall conifer hedge to the southern boundary with the adjoining apartment building and close boarded fencing to the road side boundaries.

The property is situated within the Old Woodthorpe Special Character Area as identified in the Replacement Local Plan. There are a row of mature beech and lime trees along the western boundary with Mansfield Road that are covered by a Tree Preservation Order.

Planning History

In August 1991 planning permission was refused to convert a pool house (rear flat roof building) to a three bedroom dwelling as the development would be a cramped form of development out of character with adjoining and nearby properties and the proposal would have an unsatisfactory relationship with No. 742 Mansfield Road – application ref. 91/0817.

In July 1992 conditional planning permission was granted for the change of use 742 Mansfield Road to a day nursery for 40 children - application ref. 92/0574.

In March 1994 conditional planning permission was granted to alter condition 3 of app 92/0574 to provide accommodation for 50 children at Children's Day Nursery - application ref. 94/0157.

In November 1994 planning permission was refused to change of use of part of building and erect first floor extensions to form private school for 50 children up to 8 years old as use of the premises as a private school would be seriously detrimental to the amenity of adjoining properties and impact on highway safety - application ref. 94/1323.

In April 1995 conditional planning permission was granted to extend the existing nursery by 20 places and erect extensions. Condition 6 restricted the number of children to be accommodated at the site to no more than 70 at any one time - application ref. 95/0233.

In November 1998 planning permission was refused for an extension and new tiled roof (to the flat roof building) as the proposed roof extension would be seriously detrimental to the amenity of the adjoining dwelling by reason of its overbearing and overshadowing effect – application ref. 98/0868. The resultant roof structure had a depth of 28.5m and a maximum height of 5.5m.

In February 1999 planning permission was granted for an extension to the nursery, measuring approximately 5.5 metres in width x 7.9m in depth on the northern side elevation of the existing single storey (flat roof) extension – application ref. 98/1480.

In May 2004 planning permission was granted for a renewal of application number 98/1480 – application ref. 2004/0200.

In April 2009 planning permission was granted to vary condition 6 on planning ref 1995/0233 to increase child numbers from 70 to 82 - application ref. 2009/0081.

A planning application was deposited in August 2012 for the replacement of the existing flat roof to the rear extension with pitched roof incorporating 2 no. flats. This was subsequently withdrawn prior to the determination of the application – application ref. 2012/1021.

Proposed Development

Full planning permission is now sought for the replacement of the existing flat roof

over the rear extension with a hipped roof which has a central flat section. This has maximum dimensions of 7.5m width and 28.5m depth and 5.8m in height (which is 1.5m lower than that previously proposed in 2012 (application ref. 2012/1021)). It is set in 0.6m from the side wall of the building facing no. 3 Albemarle Road and 1m in from the boundary with this neighbouring property. The addition of the roof would result in the formation of 2 no. 1 bedroom flats. Velux windows are proposed to the front and rear roof slopes.

A Design and Access Statement has been deposited with the application which outlines an assessment of the proposal.

Revised plans have been received on the 9th October which replaces previously proposed dormer windows to the side roof slope facing into the application site with 8 no. velux windows set 1.7m above the floor level of the both flats.

Written confirmation has been received on the 1st November 2013 with regards to the provision of two parking spaces to serve the proposed residential units.

Consultations

Nottinghamshire County Council (Highway Authority) – Comments are as previously made (2012/1021). No concerns are raised as the site provides adequate provision for parking for both the staff associated with the Day Nursery and the private residential flats.

Urban Design Officer – It is considered that a pitched roof to this building will improve its appearance within the streetscene. However, the dormers are unattractive, too large and of the wrong design and inappropriate. It would be preferable if the roof were to be hipped or at different heights so that the section which would have least impact would be the higher part and the remaining section would be lower which may achieve 1 residential unit rather than 2.

Verbal comments have been received with regards to the proposed revisions in terms of the replacement of the proposed dormers with velux windows. These are considered to sufficiently improve the appearance of the development within the streetscene and therefore no further objections are raised.

Public Protection – Reiterate the comments previously raised in 2102 (2012/1021) as follows:-

Noise

It is requested that the applicant demonstrates how noise from the nursery will not impact upon the residents in the proposed flats to demonstrate either i) that existing noise levels will not cause loss of amenity, or ii) that the properties will be sufficiently insulated to mitigate potential noise nuisance.

Child Protection

It is requested that the applicant advises what controls are to be put in place to protect children and it is suggest that Ofsted are consulted, if they have not already been contacted by the applicant, for their opinion on the proposed development.

Reference is made to the Council's responsibilities under section 17 of the Crime and Disorder Act 1998, which requires that the Council exercises its "various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

Adjoining neighbours have been notified of the proposal and a site notice posted. 4 letters and one mail have been received which express the following concerns:-

The site is inappropriate for residential development given the nursery use and would lead to increased activity and overcrowding in the site;

The development is of poor design and would be an eyesore and the roof is out of character with the area in terms of its design, scale, bulk and mass, particularly given its length;

The revised scheme does not significantly reduce the floor area compared to that previously proposed in 2012;

The access to the residential units is poor and fails to accord with government standards;

The trees to the side boundary of the site shown on the plans are inaccurately depicted in terms of numbers and heights;

The development would have adverse impact upon the neighbouring property in terms of visual amenity, overbearing, overshadowing and dominating impact;

The proposal would bring more people to an already overcrowded area;

The proposal would exacerbate existing on street parking, highway and pedestrian safety and traffic issues;

The proposal would result in further deterioration of the Special Character Area which is becoming commercial;

The proposal would cause overshadowing of the road;

If permission is granted then external materials should be in keeping with the Special Character Area;

The plot seems to have 2 addresses;

Given the increase in the number in children attending the nursery the proposal would result in an over intensification use of the site;

All the properties have restrictive covenants to prevent construction in front of the building line. The swimming pool building which later became part of the

nursery was set back from the boundary and has since crept forward;

The proposal raises drainage issues;

Although the proposal would fit central targets in terms of 2 new dwellings on a brownfield site, what will happen if the owners of the nursery move into the flats and the upper floor of the main house becomes vacant?; and

There are less unacceptable alternatives available.

Planning Considerations

In my opinion, the main considerations in the determination of this application are:-

1. Appropriateness of the site for residential use;
2. Design and appearance;
3. The impact on the character and visual amenity of the area;
4. The impact on residential amenity; and
5. Highway safety.

The relevant national planning policy guidance in respect of these matters is set out in the National Planning Policy Framework (March 2012). At the heart of the NPPF is a presumption in favour of sustainable development and good design. In particular the following chapters are relevant in considering this application:

6. Delivering a wide choice of quality homes
7. Requiring good design

At the local level the Policies within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are relevant. In particular the following policies are relevant in the determination of this application:

Policy ENV1 'Development Criteria';

Policy ENV16 'Old Woodthorpe Special Character Area';

Policy H7 'Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes'; and

Policy H16 'Design of Residential Development'.

Under Policy ENV1 development should be of a high standard of design, in keeping with the scale and character of the existing dwelling and should not cause unacceptable harm to the amenity of neighbouring residents. Appropriate parking and provision for the safe and convenient access and circulation of pedestrians and

vehicles should be made. Similarly Policy H16 requires dwellings to be of a high standard of design which have regard to the surroundings, and are sited and designed to relate to each other and to the roads, footpaths and open spaces in the surrounding layout and do not adversely affect the area by reason of their scale, bulk, form, layout or materials.

Policy H7 reflects these criteria and states, inter-alia that planning permission will be granted for residential development within the urban area provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

Policy ENV16 states inter-alia that within Old Woodthorpe Special Character Area proposals should respect the valued townscape and seek to preserve its importance. Development will be granted provided that it harmonises with the materials, design features, architectural style, average plot sizes and building heights predominant in the area and it does not adversely affect the overall residential character of the area.

The supporting text to this policy adds that:-

‘Whilst Old Woodthorpe does not meet the criteria for designation as a Conservation Area, it does have a significant character and cohesive nature which is worthy of special protection. Whereas the western boundary to the area (Mansfield Road) features examples of C2 commercial development, further development in this area should respect the distinctive residential character of the area: that of predominantly detached houses set within mature gardens. Where residential development, infilling or the subdivision of existing plots is proposed, this will not be permitted if it results in a housing form which is out of character with the special character of the area. Any new development that intensifies the urban appearance of the area (either by bulk, scale or massing of the built form or its layout) will be resisted. Visual separation between buildings and mature planting are important elements of the area. Detailed design considerations include Bulwell stone walling, street trees and individually designed houses.’

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (ACSSD) which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents as it is at an advanced stage of preparation with the level of weight given to each policy being dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following policies are relevant:

Policy 8 Housing size, Mix and Choice; and

Policy 10 Design and Enhancing Local Identity.

Appropriate parking provision should be made and in considering new residential

units, account should be taken of the residential parking standards set out in the Borough Council's Supplementary Planning Document (SPD) 'Parking Provision for Residential Developments' (2012).

Appropriateness of residential use of the site

Being mindful of the urban setting of the application site within a residential area and close to good public transport links, I consider that the principle of residential development on this site would be acceptable and that the proposed one-bedroom flats would contribute to a mix of house types in the area.

I do not consider that the creation of the two small residential units would be overdevelopment nor would they result in such an increase in activity within the site to result in overcrowding or an overintensive use.

Design and appearance

I am of the view that the flat roof existing building to which this application relates is of poor appearance and fails to respect the character or scale of the adjoining properties or the streetscene or the wider special character area.

Taking this into account, I consider that the proposed hipped roof with the central flat section is acceptable in terms of its scale, bulk, design and appearance. Furthermore the revised plans, which propose to replace the dormers within the side roof slope facing into the application site with velux windows, would greatly improve the appearance of the building within the context of the application site, adjoining dwellings and the wider setting.

I consider it reasonable, should planning permission be granted, that a condition be attached requiring the submission and written approval of details and samples of external materials to ensure that satisfactory materials are used in the construction of the proposed roof.

Impact on the character and visual amenity of the area

Being mindful that the surrounding area consists of residential properties of varying designs, styles and materials, some with modern additions I do not consider that the proposed roof would be visually intrusive or detrimental to the streetscene and the wider Special Character setting. Should planning permission be granted I consider that it would be reasonable to attach a condition requiring the submission and written approval of details and samples of external materials.

I note that the proposal is forward of the relatively uniform building line for residential properties on Albemarle Road. However, the main nursery building itself has been extended close to Albemarle Road. The agent has confirmed that no trees will be affected on the application site and it is anticipated that no neighbouring trees will be affected by construction, although these are not protected.

I am mindful of the sub-text to Policy ENV16 requires visual separation between buildings. I am satisfied that the proposal will be viewed against the existing built

form of No. 742 Mansfield Road and will not appear unduly visually intrusive on the streetscene. There would be approximately 5m separation at the closest point between the proposal and the rear elevation of No. 742 Mansfield Road and some 7 metres to No. 3 Albemarle Road. The improvement in design and the positive contribution I consider that this would make to the streetscene would, in my opinion, be balanced against the reduction in openness between the buildings.

I am also of the view that the creation of additional residential use within the site would not be significantly affect the character of the surrounding area nor result in any significant residential density to warrant refusal on these grounds.

Taking these considerations into account I am of the view that the proposal would not be significantly detrimental to the character and appearance of the streetscene nor the wider Old Woodthorpe Special Character Area to justify refusal of planning permission.

Neighbouring Amenity

The flat roof building is situated adjacent to the boundary with No. 3 Albemarle Road and approximately 1m lower than this neighbouring property. There is a distance of some 7m from the west side elevation of No. 3 Albemarle Road and the proposal. There are some low shrubs, mature trees and bushes along this boundary. I note that the submitted elevation drawings indicate the proposal both with trees along the boundary of this adjacent dwelling and without any trees in place. I am of the opinion that any trees shown on these plans are purely indicative. The site has been visited the proposal viewed from the neighbouring property and the height of the mature trees that were in situ measured at that time. Given that these trees are not protected and could be removed without the need for consent, in assessing the proposal I have considered the impact upon the residential amenity of the occupiers of no. 3 Albemarle Road with the trees, in situ and without, should they be felled.

It has been ascertained from an internal inspection of no. 3 Albemarle Road that the main aspect of this neighbouring property faces the west and south and that there are a number of ground and first floor principle rooms served by windows on the western elevation of the dwelling.

I am mindful that although the proposed roof will extend some 28.5m along this boundary with no. 3 Albermarle Road, it will slope away from the dwelling. The ridge height has been reduced by 1.5m to that previously proposed. The side roof slope facing the boundary with this neighbour has also been set in 0.6m from the side wall plate of the building.

Taking these revisions to the previously proposed scheme into account together with the distances between the proposed roof and the adjoining property at no. 3 Albemarle Road, and the orientation of the two plots, I am of the view that, on balance, the proposal would not result in any undue impact upon the residential amenity of the occupier of this dwelling in terms of overshadowing or overbearing impact to justify refusal of planning permission on these grounds. Should planning permission be granted, I consider that it would be reasonable to attach a condition to prevent the insertion of any velux windows to the roof slope facing no. 3 Albemarle

Road to further safeguard amenity.

I note that velux windows are proposed to the side roof slope facing no. 742 Mansfield Road and to the front and rear roof slopes. There is a distance of some 12m between the proposed dormer windows and the existing property at 742 Mansfield Road and I do not consider the proposal would be significantly harmful to residential amenity of this property to warrant refusal of planning permission.

I note the comments of Public Protection. The Borough Council have a responsibility for the protection and safety of children up to the age of 18 years. Nottinghamshire County Council and the Police are the lead agencies with regard to child protection and The Children Act 2004 is the appropriate legislative framework to address child protection issues. With regards to Ofsted, in this instance Ofsted are not a statutory consultee. They have advised that they would not expect to be consulted by the Local Authority on the application and that it is the responsibility of the applicant to advise them of any proposed changes to the site. The applicant has confirmed in writing that Ofsted have been notified of the proposal and have recommended that they be notified by email of the start date, builders and contractors would not need a Criminal Records Bureau (CRB) check, children are not left unsupervised during any internal work and that potential tenants of the proposed flats be CRB tested. The applicant has confirmed in writing that this would be carried out as a matter of course.

With regards to concerns raised with regards to noise, the proposed development would need to conform to current Building Regulations in terms of sound insulation. Having discussed this with the Borough Councils Building Control officers, it has been confirmed that details of a sound insulation scheme for the proposed flats would be required to be submitted with the building regulation application. I am therefore satisfied that the residential amenity of the future occupiers of the flat will be secured.

Highway Implications

I note that the Highway Authority has raised no concerns with regards to the proposal in relation to the parking provision and that 2 no. spaces will be allocated to serve the residential units. Having referred to the Borough Council's Supplementary Planning Document on Residential Parking Standards, the 2 allocated parking spaces meets the parking requirement of 1 space per 2 bedroom dwelling set within the document.

I am mindful that the site is well served by public transport. I am satisfied that the creation of the two one bedroom residential units would not result in any significant increase in traffic or pedestrian movements to and from the site nor upon existing highway or on street parking conditions.

I note the comments received during consultation in respect of concerns relating to the potential impact on traffic and parking in the area. Bearing in mind the level of parking proposed and that no objections are raised by the Highway Authority, I consider it unlikely that there will be an undue impact on highway safety in the area as a direct result of the proposals.

With regards to the concerns raised about additional traffic and parking currently affecting Albemarle Road as a result of the dropping off of children at the nursery, parking for the tennis club and visitors to the nursing homes, I am of the opinion that these issues are beyond the remit of this planning application.

Given the height of the proposed roof and the relationship of the building with the highway I am satisfied that the proposal would not cause any undue overshadowing of Albemarle Road to raise any safety issues.

Other issues

I am satisfied that the application site has been correctly identified on the deposited site plans in accordance with planning legislation. The flat roof building to which this application relates is sited some 44m back from Mansfield Road. However, the Mansfield Road address is correct for the premises as identified by the site edged red on the application plans and enables the identification of the site.

I note that the proposed floor area of the residential units is reduced by some 5 sq. m to that previously proposed in 2012 (2012/1021). Although this is not significant the floor areas of the flats were not outlined as an area of concern by the planning officer in relation to the previous application and I consider that it would not be a consideration in the determination of this application.

I am satisfied that access to the new residential units is adequate and would not result in any safety issues in relations to existing residents, children and potential occupiers of the proposed flats. Access within the building would also be a matter to be considered under Building Regulations Approval

Comments raised with regards to restrictive covenants and drainage are not material planning considerations. Drainage issues would be dealt with under Building Regulations Approval.

With regards to the potential future use of the upper floors of the main building should they become vacant, should any planning application for a change of use be submitted at that time it would be considered and determined on its own merit.

With regards to alternative sites, the application has to be determined in accordance with the details and plans as submitted by the applicant.

Conclusion

Taking these considerations into account I am satisfied that the proposed development is acceptable in this location and that it would not have any undue impacts upon neighbouring amenity, the streetscene, the Woodthorpe Special Character Area or highway safety. The proposal therefore accords with the above national and local plan policies.

Recommendation:

GRANT PLANNING PERMISSION subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the revised approved plans (drg. nos. WDC/13/02c, WDC/13/05b, WDC/13/07a,) deposited on the 9th October and 16th October 2013 and emails received on the 30th October and 1st November 2013.
3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details and a sample of the materials to be used in the external elevations of the proposed roof. Once approved the development shall be constructed in accordance with these approved details.
4. The proposed parking spaces to serve the flats as confirmed in the email of the 1st November 2013 hereby approved shall be allocated prior to the flats first being occupied and these shall be retained at all times for the lifetime of the development.
5. No velux windows shall be inserted into the side roof slope facing no. 3 Albemarle Road at any time.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development, in accordance with the aims of policies ENV1 and ENV16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
4. To ensure a satisfactory development, in accordance with the aims of policies ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
5. To ensure a satisfactory development, in accordance with the aims of policies ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

Reasons for Decision

In the opinion of the Borough Council the proposed development is acceptable in this location and would not have any undue impacts upon neighbouring amenity, the streetscene, the Woodthorpe Special Character Area or highway safety. The proposal therefore accords with the National Planning Policy Framework (2013) and

policies ENV1, ENV16, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

Notes to Applicant

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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.

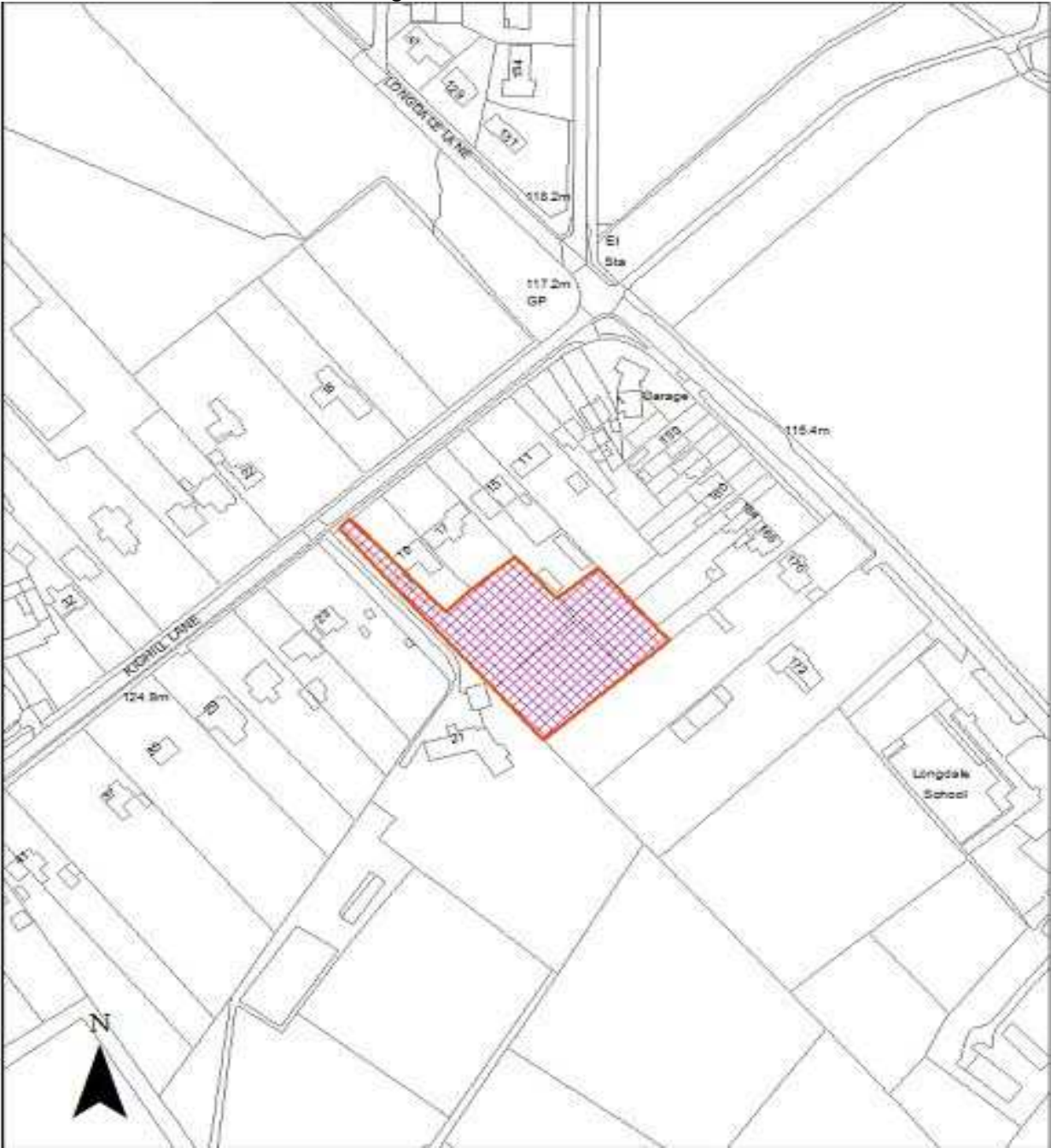
The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance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

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Application Number: 2013/1000

Location: Land to the Rear of 15-19 Kighill Lane, Ravenshead, Nottinghamshire.



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Report to Planning Committee

Application Number: 2013/1000

Location: Land To The Rear Of 15-19 Kighill Lane, Ravenshead,
Nottinghamshire

Proposal: Outline application to provide 15 No 2 bedroom retirement bungalows

Applicant: J Incles And P Corner

Agent: GraceMachin Planning And Property

Site Description

This application relates to an area of residential garden currently serving no. 21 Kighill Lane and paddock area immediately to the rear of the garden which extends to the rear of nos 17, 15 and 15a Kighill Lane. The L shaped site is located within a ribbon of residential properties on the south eastern side of Kighill Lane, outside the perimeter of Ravenshead Village envelope and within the Nottinghamshire Green Belt.

The site is bounded by a mixture of fencing, mature hedging and trees and contains a number of garden structures and a large pond.

Adjoining properties to the north west on Kighill Lane are single storey dwellings which are generally well screened from the site by existing boundary treatments. To the east the site is bounded by the rear gardens of two storey dwellings fronting Longdale Lane.

Proposed Development

Outline planning permission is sought for the erection of 15 no. 2 bedroom bungalows with all matters reserved with the exception of access. Indicative details and elevation and floor plans with regards to the height and footprint of the bungalows have been deposited with the application. An email has been received on the 31st October 2013 confirming the maximum dimensions as being 5.8m height, 7m width and 10m depth. An indicative layout plan of the site showing parking areas and landscaping has also been deposited.

An Arboricultural report and a Design and Access Statement has been deposited with the application which outlines the site context, economic and planning policy context of the proposal, an assessment summary and design considerations.

An additional supporting statement has been deposited on the 31st of October 2013.

Revised plans showing the access and visibility splays have been deposited on the 4th November 2013.

Consultations

Ravenshead Parish Council – Objections are raised with regards to the proposal being Green Belt/infill development and the access road is unacceptable because of the need for emergency access.

Planning Policy – Relevant National and Local planning policies are outlined. It is noted that the 5 Year Housing Land Supply Assessment (March 2012) identifies that there is only a 3.23 year supply of deliverable housing sites within the Borough. The NPPF sets out that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites relevant policies for the supply of housing should be considered out-of-date. Recent appeals (notably the Binfield decision ref 2179560) have indicated that this would include policies which restrict or direct residential development.

Where policies are out of date, applications for residential development should be considered in the context of the presumption in favour of sustainable development contained in paragraph 14 of the NPPF. The presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or

Specific policies in the NPPF indicate development should be restricted.

It is noted that the proposals are for inappropriate development within the Green Belt and the applicant will therefore need to demonstrate that there are very special circumstances which outweigh the harm to the Green Belt in accordance with ENV26 of the Replacement Local Plan and paragraphs 87-89 of the NPPF. The Thundersley decision (ref 2177157) and the recent Ministerial Statement (1st July 2013) highlight that the demand for housing would on its own not be sufficient to outweigh harm to the Green Belt. The Government's clear position is that Green Belt release should be through Local Plans unless there are additional very special circumstances.

Overall, the harm to the Green Belt in terms of the five purposes of Green Belt should be identified and whether the identified 'very special circumstances' outweigh this harm and any other harm should be considered. It is noted, however, that in the Thundersley case a 0.7 year supply of houses was not considered sufficient to outweigh the harm to the Green Belt that was considered to be a "*relatively small, isolated pocket of undeveloped land, surrounded by urban structures and uses*"

Paragraph 32 of the NPPF requires that safe and suitable access to the site can be achieved and that any improvements to the transport network effectively limit the significant impacts of the development. It is advised that Highway Authority should be consulted on the proposals.

Policy in relation to residential density is outlined. It is understood that the site is 0.5ha in size and that the density would be about 30dph.

It is advised that the Council's Urban Design officer should be consulted to ensure that the design requirements of National and Local policies are met. The requirements for sustainable design in ACS Policy 1 should also be considered. The amount of car parking provided should accord with the Parking Provision SPD (2012).

The Affordable Housing SPD sets differential requirements for affordable housing depending on the sub-market the site is within. This site is within the Gedling Rural North sub-market and as such 30% of the dwellings should be affordable. This will result in 4 affordable dwellings being provided in accordance with the SPD. The approach to Affordable Housing is in accordance with the affordable housing elements of ACS Policy 8. The Borough Council's Housing Needs Team should be consulted regarding this proposal.

A need for 'retirement accommodation' has been identified in the 'Ravenshead Housing Need Survey' (2009). Provision of retirement accommodation would help meet the requirements of Policy 8 of the Aligned Core Strategy. It is noted that the proposal is for 'retirement bungalows' although it is not clear what mechanism is being used to ensure that the dwellings will be used for this purpose and not sold to the general market.

Policy R3 requires that residential development should provide at least 10% local open space to serve the development. It is advised that Parks & Street Care should be consulted regarding the provision of open space. There does not appear to be any open space identified on the proposed layouts submitted as part of the planning application.

Other types of infrastructure may also be needed. Policies 18 and 19 of the ACS require that developments make provision or contribute to the provision of necessary infrastructure. As part of the process of identifying Ravenshead as a 'key settlement for growth' in the ACS, an Infrastructure Delivery Plan has been prepared. This identifies the range of infrastructure required. For Ravenshead it identifies that, inter alia, improvements to utility provision and contributions to education provision.

It is concluded that the harm to the Green Belt in terms of the five purposes of Green Belt should be identified and whether the identified 'very special circumstances' outweigh this harm and any other harm should be considered. The applicant has identified the lack of a five year land supply and the need for 'retirement' properties as very special circumstances.

Relevant policies regarding the detail of development should be complied with and appropriate contributions towards the necessary infrastructure provided.

Nottinghamshire County Council (Highway Authority) – Noted that the application is for outline permission with all matters reserved part from access. However there are no details of the access proposals and it is therefore recommended that the

application be refused unless further details are submitted. The design should show a 4.8m wide access with 6.0m radius kerbs forming a priority junction onto Kighill Lane. Visibility splays will also need to be shown and safeguarded at 2.4m x 43m in both directions.

Following reconsultation it is considered that the revised access plans and visibility splays are acceptable.

Nottinghamshire Wildlife Trust – It is recommended that the Council refer to Natural England's Standing Advice Note regarding the effects on the breeding population of nightjar and woodlark in the Sherwood Forest region dated 11th July 2011. It is also noted that given that trees are present on site should permission be granted the applicant is advised that no vegetation works should take place during the birds breeding season unless supervised by an experienced ecologist.

Environment Agency – Advise that reference is made to Standing Advice.

Urban Design Officer – Advises that the proposed layout around a court yard is acceptable but raises concern with regards to the oversupply of hardsurfacing on the shared surface parking and access road. A single access in the centre with a turning facility and parking would be less highway dominating and therefore preferable and the bungalows could also be brought more into the centre of the site. Plot 1 could also be of a corner design.

Housing Strategy – Although the applicant has correctly interpreted the 2009 Housing Needs Study carried out with Ravenshead Parish Council and it is accepted that there is a need for smaller retirement bungalows in the village. Concern is raised with regards to the location of the proposed development which is quite separated from the rest of the village. It is approximately 1km walk to the surgery on Oakwood Drive and 1.6km to the shops at Milton Crescent. No bus service operates along Kighill Lane and concerns are raised that residents could be isolated on this site and, if unable to drive, dependent on friends or community transport services. It is, however, acknowledged that it is difficult to find suitable sites for a new development within the existing built up area of the village.

Notwithstanding the above it is noted that a development of 15 dwellings would require an affordable housing contribution either by making 30% of units on the site affordable housing within the meaning set out in Annex 2 of the NPPF or by means of a commuted sum if this was not achievable. It would be expected to agree a S106 agreement to reflect this at an appropriate point in the future.

Adjoining neighbours have been notified of the proposal and site and press notices posted – 3 no. letters and 2no. emails have been received expressing the following concerns:-

The adverse impact upon the Green Belt;

The extension of the village boundary;

The setting of precedent for future developments;

The loss of the village setting;

The increase in traffic and impact upon highway safety;

There is Insufficient parking provision within the development;

The proposal is 'back garden' development sited away from the village centre;
and

The future occupation of the dwellings should they not be sold as retirement properties.

Planning Considerations

In my opinion the main planning considerations in the determination of this application are:-

1. the impact upon the Green Belt;
2. the suitability of the location for the proposal;
3. the principle of the layout, design and appearance;
4. the impact upon neighbouring amenity;
5. highway implications; and
6. planning obligations.

At a national level the most relevant parts of the National Planning Policy Framework (NPPF) in relation to the determination of this application are:-

6. Delivering a wide choice of high quality homes (paragraphs 47-55); and
7. Requiring good design (paragraphs 56-68); and
9. Protecting Green Belt land (paragraphs 79-80 and 87-89)

At a local level the following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008 are also relevant to the determination of the application:-

- ENV1 (Development Criteria);
- ENV26 (Control Over Development in the Green Belt);
- H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes);
- H16 (Design of Residential Development);
- H18 (Affordable Housing);
- T10 (Highway Design and Parking Guides);
- C2 (Community Facilities for New Development); and
- R3 Provision of Open Spaces in Residential Developments.

In addition appropriate parking provision should be made and in considering housing development, account should be taken of the residential parking standards set out in the Borough Council's Supplementary Planning Document (SPD) 'Parking Provision for Residential Developments' (2012).

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (ACSSD) which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents as it is at an advanced stage of preparation with the level of weight given to each policy being dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following policies are relevant:

Policy 3 The Green Belt;
Policy 8 Housing size, Mix and Choice;
Policy 10 Design and Enhancing Local Identity; and
Policy 19 Developer Contributions

Impact upon the Green Belt

Paragraphs 79 and 80 of the NPPF outline the importance that the Government attaches to the Green Belt and the aim of Green Belt Policy to prevent urban sprawl and to retain the essential openness and permanence of the Green Belt.

Paragraphs 87 and of the NPPF state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances are demonstrated which outweigh such harm. Paragraph 89 notes that the construction of new buildings within the Green Belt is inappropriate development and outlines the categories which may be considered as being exceptions to this.

Policy ENV 26 of the RLP reflects this guidance, identifying that the construction of new buildings within the Green Belt is considered inappropriate unless it is for the purposes of agriculture or forestry or provides small scale essential facilities for outdoor sport and recreation.

I am mindful of recent case law and also note the ministerial Statement issued on the 1st July 2013 which highlight that the demand for housing would not on its own merit be sufficient to outweigh the harm to the Green Belt.

I am mindful that the proposed residential development does not fall within any of the categories of development considered to be appropriate within the Green Belt.

I am therefore of the view that the proposed development is inappropriate and is therefore by definition harmful to the Green Belt setting of the site.

The applicant has put forward the following arguments as very special circumstances

in order to justify the development:

The application site is on the edge of the village envelope which already has limited openness by virtue of the existing residential development along Kighill Lane;

The Ravenshead Housing Need Survey 2009 identifies that there is a need for retirement properties within the village;

The provision of retirement properties will enable local residents to downsize and allow the release of family homes which would secure the vitality of the village;

The proposed development would make an important contribution to the Councils 5 Year Housing Land Supply; and

It is unlikely that there are any sites within Ravenshead to meet the need for retirement properties in a sustainable location close to the village centre.

A copy of a letter of support from the MP for the Sherwood Constituency has been also been deposited.

I note the arguments put forward by the agent in relation to the demonstration of very special circumstances.

I accept that the Ravenshead Housing Need Survey has identified the need for retirement properties within the village and that it is difficult to identify appropriate sites within Ravenshead to meet this need. I also note the comments with regards to the contribution the proposal would make to the Borough Councils 5 Year Housing Land Supply,

However, being mindful of the of the Ministerial Statement of the 1st July 2013 in relation to the protection of the Green Belt, which highlighted that the unmet demand for housing would not on its own be sufficient to outweigh the harm to the Green Belt, I do not consider that this in itself would amount to the very special circumstances to justify the granting of planning permission.

I am also of the view that, although the application site is bounded by a ribbon of residential properties which, in my opinion, has a slight impact the open character of the Green Belt, it is situated to the south of Kighill Lane, which is considered in the ACS to be the future appropriate defensible Green Belt boundary for the south of Ravenshead and which helps to soften the transition from the dense built up area of the village into the surrounding open countryside. I therefore consider that additional redevelopment in this area would further impact on the existing open character of the area and extend the boundary of the village envelope further south eroding the soft edge to the village. This would, in my opinion, consequently impact upon the visual appearance of the Green Belt setting of the application site. The Green Belt serves to prevent unrestricted sprawl of large built up area and to assist in safeguarding the countryside from encroachment. Taking this into account I consider that the proposal would be contrary to the purposes of including land within the Green Belt as outlined

in the paragraph 80 of the NPPF.

I am note that an outline planning application is currently under consideration by the Borough Council in relation to a proposed residential development situated to the north of Kighill Lane, directly adjoining the boundary with an existing residential development, which proposes retirement living accommodation as outlined within the Planning Statement deposited with the application. Should this development come forward, I am mindful that this would provide retirement properties within the village in a more sustainable location.

Taking the above considerations into account, I am of the view that harm by reason of the inappropriateness of the development is not clearly outweighed by other considerations and that very special circumstances do not exist in this instance to justify the grant of planning permission.

I am therefore of the view that the proposal fails to accord with criterion contained within the NPPF, Policy ENV26 of the RLP and Policy 9 of the ACS

Suitability of the location

To assess whether the proposal is appropriate in this location consideration needs to be given to paragraphs 49 and 55 of the NPPF. Paragraph 49 outlines that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 encourages sustainable development within rural areas. New isolated homes should be avoided unless there are special circumstances.

Notwithstanding the impact of the proposed development upon the open character of the Green Belt, I am of the mindful that the site is separated from the rest of the village and some distance from the village medical practice and shops and that although there is a limited bus there is no bus serving Kighill Lane, the nearest public transport route is on the A60.

I therefore do not consider, given that the site is not well served by public transport and given its distance from local facilities, that a residential development of retirement properties as proposed would be located in a sustainable location and am of the view that it is likely that there would be an increased reliance on private motor vehicles or that residents of the development may become isolated.

I therefore consider that the proposal fails to accord with paragraphs 49 and 55 of the NPPF.

The principle of the layout design and appearance of the proposed development.

The Government attaches great importance to the design of the built environment. Section 7 of NPPF states inter alia that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings

and materials and be visually attractive as a result of good architecture and appropriate landscaping.

Criterion a. and c. of Policy ENV1 of the RLP are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials.

Design and layout are also considered in criterion a. and b. of Policy H7 and criterion c. of Policy H16 of the Replacement Local Plan. These policies state inter alia that permission will be granted for residential development within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

Policy 10 of the ACSSD looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and Replacement Local Plan policies.

I note that the application is outline with just the matter of access to be determined at this time. Although matters of appearance, landscaping, layout and scale are reserved for future determination, an indicative site layout and elevation and floor plans have been deposited with the application which I consider would set the parameters of the development for a future reserved matters application. .

I am satisfied that the application site is capable of accommodating the proposed dwellings of the specified dimensions without appearing cramped or overintensive, I note the comments of the Urban Design officer and am of the view that the indicative layout deposited with the application could be improved in terms of surfacing and landscaping and front building lines. Although a revised layout would be considered at Reserved Matters stage I have suggested that the proposed indicative layout be amended. Should this be forthcoming any additional comments will be verbally reported to Planning Committee.

I am also satisfied that the scale and bulk of the proposed single storey dwellings as outlined in the elevation and floor plans would respect the character and appearance of neighbouring properties and the wider area.

I therefore consider that the indicative details deposited with the application accord with the NPPF, policies ENV1, H7 and H16 of the RLP and Policy 10 of the ACS.

Impact upon neighbouring amenity

Criterion b. of Policy ENV of the RLP is relevant in this instance and states that planning permission would be granted for development providing that it would not have a significant adverse effect on the amenity of occupiers of neighbouring properties or the locality in general.

Criterion f) of Policy 10 of the ACSSD relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.

I am satisfied that as shown on the indicative layout and given the indicative dimensions of the dwellings, the proposed development would not result in any material overbearing or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings.

I therefore consider that the indicative details deposited with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the ACS.

Highway Implications

Criterion c. of policy ENV1 of the RLP requires that development should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. Policy T10 of the RLP also requires that in considering proposals for new development reference will be made to the Highway Authority's highway design and parking guidance.

I note that the Highway Authority considers the revised proposed access and visibility splays are acceptable. I therefore consider that the proposal would accord with Policy ENV1 T10 of the RLP.

I also consider the indicative scheme would provide a satisfactory level of off street parking provision in accordance with the adopted Parking Provision for Residential Development SPD.

Planning Obligations

Given that the site area is 0.5Ha the proposed development is subject to the following developer contributions:-

Open Space

Policy R3 of the RLP requires that on residential development sites of 0.4Ha a minimum standard of 10% local open space should be provided to serve that development which will be secured through planning conditions or negotiation of a S106. Provision will be made either within the development or through a financial contribution to the Local Authority to provide facilities on or off site or to enhance nearby local facilities nearby.

Community Facilities

Policy C2 of the RLP requires that regards will be given to the need for the provision of community facilities arising from a proposed new development of 0.4Ha. This will be secured through the imposition of conditions or through planning obligations, legal agreements or financial contributions related to the scale of any kind of development proposed.

Affordable Housing

Given that 15 dwellings are proposed Policy H18 of the RLP requires the negotiation to secure an affordable housing contribution either by making 30% of the units on site affordable housing or by means of a commuted sum if this was not achievable.

Although the applicant has confirmed willingness in the planning statement to enter into such agreements, given my significant concerns in relation to the inappropriateness of the proposed development within the Green Belt and that very special circumstances have not, in my opinion, been demonstrated to justify the proposal, I do not consider that it would be reasonable to pursue these matters further.

Conclusion

Although I note that there is a need for retirement properties within Ravenshead, as identified within the Ravenshead Housing Need Survey, and that the principle of the development may be acceptable in terms of design, scale and layout, I do not consider that, in this instance very special circumstances have been evidenced to demonstrate that there are material considerations which amount to the very special circumstances which would outweigh the harm, as a result of the inappropriateness of the development, to the open character or permanence of the Green Belt.

I therefore consider that the proposal therefore fails to accord with National and Local Green Belt Policy and recommend accordingly that permission be refused on these grounds.

Recommendation:

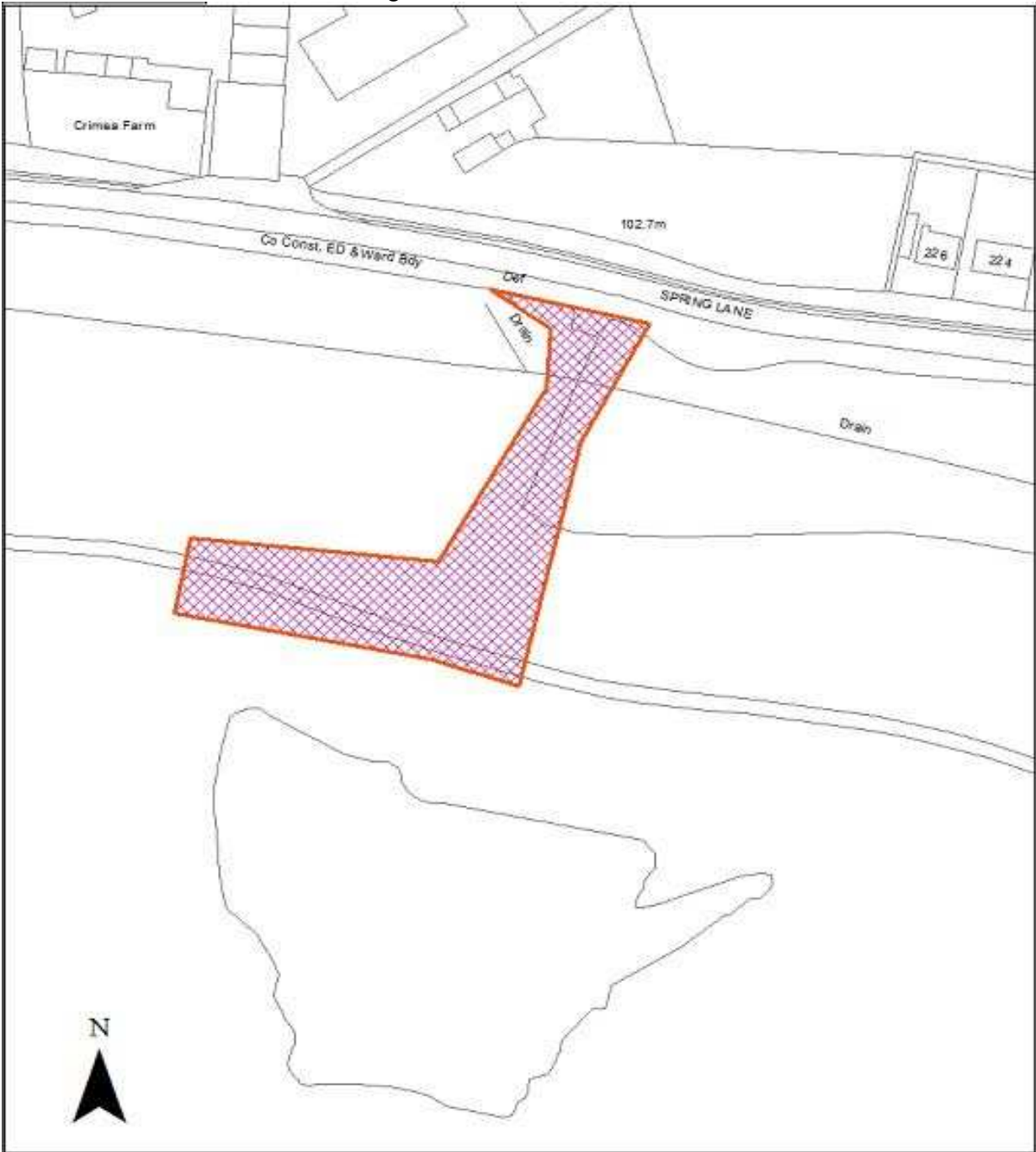
REFUSE PERMISSION

In the opinion of the Borough Council, the proposed development would constitute inappropriate development in the Green Belt by virtue of not serving the five purposes of land within the Green Belt. Therefore, in the absence of any very special circumstances the proposed development would, by definition, be harmful to the Green Belt contrary to the guidance contained within the National Planning Policy Framework (2012) and Policy ENV26 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.



Application Number: 2013/0713

Location: Proposed Car Park, Spring Lane, Lambley, Nottinghamshire



NOTE:
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 100021248. Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings.

Report to Planning Committee

Application Number: 2013/0713

Location: Proposed Car Park Spring Lane Lambley Nottinghamshire

Proposal: Creation of a new access road and car park with 40 spaces, including 3 No disabled spaces.

Applicant: Mr Melvyn Cryer

Agent: Miss Nancy Ashbridge

Site Description

The application site relates to a small parcel of land at the former Gedling Colliery site. The application site leads from Spring Lane and extends approximately 100 metres into the Gedling Colliery site. The application site consists mainly of grassland and woodland planting. Land slopes downwards away from Spring Lane into the site.

Relevant Planning History

Planning permission was granted in April 2013, reference 2012/1456, for the creation of a country park on the site for the use of local residents and visitors. The site provides mature woodland tree cover, existing tree planting, conservation grassland, amenity grassland and lagoons/open water areas. A car parking area to serve the country park was proposed from Spring lane and also from Arnold Lane, this was to provide a temporary access into the site.

Planning permission was granted in October 2013, reference 2012/1335, for the erection solar photovoltaic (PV) farm on part of the former Gedling Colliery site. Vehicular access to the site would be via the previously approved access into the Gedling Park from Spring lane, as approved under planning permission reference 2012/1456. An access road was proposed to lead from the proposed access point to the solar farm.

Proposed Development

Full planning permission is sought for the creation of a new access road and footpath from Spring Lane leading to a car park which would serve the country park as granted under planning permission reference 2012/1456.

The proposed access road into the site from Spring Lane would be in the same position as the access previously approved under planning permission 2012/1456

and a visibility splay would be provided to the proposed access.

The car parking area would be positioned to the west of the access road instead of to the east of the access road and would include 40 car parking spaces including 3 disabled spaces. Parking will also be provided for bicycles and motorcycles.

The number of car parking spaces remains the same as previously approved under planning permission reference 2012/1456.

A height restrictor barrier is proposed to be erected to the entrance into the site from Spring Lane. The entrance will be gated and it is proposed that the gate will be locked at dusk. The entrance will have flow restrictor plates in order for vehicles to exit the site when the gate is locked but vehicles will be unable to enter the site after this time.

Timber post and rail fencing at a height of 1.2 metres and knee rail fencing at a height of 0.5 metres are proposed to be erected adjacent to the access road, footpath and car parking area.

The submitted plans indicate potential locations for play areas and a visitor centre. These elements do not form part of this planning application and would therefore be considered separately should these elements be pursued at a later date.

Consultations

Nottinghamshire County Council Highway Authority – raise no objections to the proposal but suggest that the highway conditions attached to the previous planning permission for the country park, reference 2012/1456 are attached to any grant of planning permission.

Nottinghamshire County Council Landscape - The statutory consultation period for representations is until 11th November 2013 and any consultation responses will be reported verbally at Committee.

Nottinghamshire County Council Ecology – The statutory consultation period for representations is until 11th November 2013 and any consultation responses will be reported verbally at Committee.

Environment Agency – The statutory consultation period for representations is until 11th November 2013 and any consultation responses will be reported verbally at Committee.

Nottinghamshire Wildlife Trust – The statutory consultation period for representations is until 7th November 2013 and any consultation responses will be reported verbally at Committee.

Natural England – The statutory consultation period for representations is until 11th November 2013 and any consultation responses will be reported verbally at Committee.

Public Protection – No objections.

Arboricultural Officer – The statutory consultation period for representations is until 7th November 2013 and any consultation responses will be reported verbally at Committee.

Urban Design Officer – The statutory consultation period for representations is until 7th November 2013 and any consultation responses will be reported verbally at Committee.

Local residents have been notified by letter and a site notice has been posted - The statutory consultation period for representations is until 7th November 2013 and any consultation responses will be reported verbally at Committee.

Planning Considerations

The main considerations in the determination of this planning application are the impact of the proposal on neighbouring properties and the area in general. The impact of the proposed works on the site will also need to be assessed together with whether there are any highway safety implications arising from the proposal.

The following saved policies as set out in the Gedling Borough Council Replacement Local Plan (Certain Saved Policies 2008) are relevant in the determination of this planning application:

ENV1: Development Criteria

'Planning permission will be granted for development provided it is in accordance with other Local Plan policies and the proposals meet the following criteria:-

- a. it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated;
- c. development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children;
- d. it incorporates crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space and well considered layouts and landscaping;
- e. it does not prejudice the comprehensive development of a development site, and

- f. it incorporates best practice in the protection and management of water resources.'

ENV44: Gedling Colliery Park

The Borough Council propose, through the Greenwood Community Forest Partnership, appropriate options for the provision of public open space at Gedling Colliery as shown on the Proposals Map.

The following core planning principles as set out within the National Planning Policy Framework 2012 are also relevant, these are set out below:

Section 7 relates to good design and attaches great importance to good design stating that it is a key aspect of sustainable development and it should contribute positively to making places better for people.

Section 8 relates to promoting healthy communities. It aims to promote meetings between members of the community, provide safe and accessible environments and high quality public open space, which encourage the active and continual use of public areas.

Section 11 relates to the conservation and enhancement of the natural environment. This aims to protect and enhance valued landscapes, minimise impacts on biodiversity and remediate and mitigate despoiled and contaminated land.

In addition the policies contained within the Gedling Borough Aligned Core Strategy are a material consideration in the determination of this application. The relevant policies are set out below:

Policy 10 relates to design and enhancing local identity. It aims for development to make a positive contribution to the public realm and create attractive, safe and healthy environments.

Policy 16 relates to green infrastructure, parks and open space. It aims to deliver, protect and enhance green infrastructure and in addition protect, conserve and enhance the landscape character.

Policy 17 relates to biodiversity. It aims to protect, restore and enhance existing areas of biodiversity interest and in addition endeavour to provide new biodiversity features.

Impact on surrounding area and Nearby Properties

I am mindful that the proposed access from Spring Lane remains in the same position as previously approved under application reference 2012/1456. I remain of the opinion that the use of this access together with the use of the car parking area will not result in a significant detrimental impact on neighbouring properties in terms of potential noise and activity.

Whilst I note that the access road and car parking area are proposed to be hard

surfaced I am satisfied that the extent of the hard surfaced areas in proportion to the overall site is minimal and will not detract from the open character of the site. I also note that there is significant landscaping around the car parking area which will screen the car parking area to an extent and soften the appearance of this hard surfaced area.

I note that a height restrictor barrier is proposed to the entrance to the site and I am satisfied that this is visually acceptable and will result in no significant impact on neighbouring properties or the area in general.

I also note that the times of access into the site will be restricted, the gates being proposed to be locked at dusk and flow restrictor plates located at the entrance into the site. I consider that this will restrict people accessing the site in vehicles at unsociable hours and this will therefore prevent disturbance to neighbouring properties or the area in general.

In respect to the proposed fencing to be erected to the boundaries of the access road and the car parking area I am satisfied given the positioning, height and materials of the proposed fencing there will be no undue impact on the country park or the area in general.

Impact on highway safety

I note that the Highway Authority has raised no objections to the proposal subject to conditions relating to the visibility splay being provided to the access to the site, the provision of the car parking area prior to vehicular access being provided into the site, the availability of the car parking spaces at all times, the surfacing of the access road and details of any flood lighting proposed to be erected. I therefore consider in light of these comments that there are no highway safety issues arising from the proposal. I would suggest however that the conditions suggested by the Highway Authority are attached to any grant of planning permission.

I am satisfied that the proposals do not affect the access to the solar farm as approved under planning permission reference 2012/1335.

Impact on Trees and Wildlife

Whilst no comments have been received to date from The Borough Council's Arboricultural Officer, the Arboricultural Officer was consulted in respect to the original application for the development of the site and no objections were raised to the proposal. As this access under this current application is in the same position as the access approved under the original application I am satisfied that the proposed access will result in no significant impact on the existing trees at the site.

I note that there are no trees within the footprint of the proposed car park location and I am therefore satisfied that no trees will be affected by the positioning of the car parking area.

I note that an Ecology Report has been submitted as part of the application and I am mindful that the Wildlife Trust in respect to the original application, 2012/1456, raised

no objections to the overall development of the site subject to the recommendations within the Ecology Report being adhered to. Whilst the comments of the Wildlife Trust have not been received to date and any comments received will be reported verbally, given the nature of this current proposal I am satisfied that there would be no undue impact as a result of the proposal on wildlife at the site provided the recommendations within the Ecology Report are adhered to.

I note from the submitted Design and Access Statement that some trees and scrub were removed from the site following the grant of the original permission for the development of the overall site and that these works were undertaken outside of the bird breeding season.

Land contamination

I note that the Borough Council's Scientific Officer has raised no objections to the proposal and I am therefore satisfied that there are no land contamination issues affecting the proposed access and car parking areas.

Car Park Security

In respect to security issues relating to the proposal I am satisfied given that the car parking area is located in close proximity to Spring Lane, will be visible from a large proportion of the country park and as mentioned above a security barrier and restrictor plates will be erected to the entrance to the site there will in my opinion be an adequate amount of security to the access and car parking areas proposed.

I consider however that the conditions and notes attached to the original permission for the overall development of the site which relate to security issues affecting the car parking and access point should be attached to this application should planning permission be granted.

In addition I consider that a condition should be attached to the permission relating to the opening hours for the use of the access and the car park, this in my opinion should reflect condition 24 attached to the original planning permission for the site 2012/1456 which controlled the opening hours of the entire country park.

Future Proposals for the Site

Whilst I note that the submitted plans highlight areas on the site for a potential visitor centre and play area I would advise that these elements do not form part of this application. Planning permission would be required for these elements and therefore should a formal planning application be submitted the proposals would be assessed on their own merit.

Accordingly, I recommend that planning permission be granted for the proposal.

Recommendation:

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 shall be undertaken in accordance with the details as set out within the planning application forms, the Design and Access Statement, the Preliminary Baseline/Feasibility Site Report October 2012, the Flood Risk assessment March 2013, the Drainage Strategy March 2013, the Ecology Report 2012 and drawing numbers LR/4017514/40, LR/4017514/42, LR/4017514/43, LR/4017514/12, LR/4017514/41, LR/4017514/09, LR/4017514/11A, LR/4017514/44 AND LR/401754/05.
3. Prior to the development first being brought into use there shall be submitted to and approved in writing by the Local Planning Authority details of the proposed parking area for cycles. The cycle parking area shall then be provided in accordance with these approved details before the development is first brought into use and the area retained thereafter for the parking of cycles at all times.
4. Before vehicular access is provided from the proposed access off Spring Lane a visibility splay of 3.5 metres by 160 metres shall be provided to the Spring Lane entrance into the site and shall be retained thereafter at all times.
5. Before public vehicular access is provided from the proposed access off Spring Lane the access road from Spring Lane including the proposed footways shall be completed and surfaced in a hard bound material (not loose gravel) for a minimum distance of 25 metres behind the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The surfaced access and footways shall then be maintained in such approved hard bound material for the life of the development.
6. Before public vehicular access is provided from the proposed access off Spring Lane the car parking area to be provided off the Spring Lane access shall be provided in accordance with drawing number LR/4017514/42 and the car parking spaces shall be kept available for parking in association with the development thereafter.
7. Prior to the proposed car parking/footpath areas relating to the proposed vehicular access off Spring Lane being first brought into use by the public there shall be submitted to and approved in writing by the Local Planning Authority precise details of any security/flood lighting proposed to be erected at the site. Once these details are approved the development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the Local planning Authority.
8. The recommendations as set out within Section 4.1 of the Applied Ecology Report 2012 should be adhered to at all times during works being undertaken

at the site.

9. The vehicular access from Spring Lane shall not be used between the hours of 21.00 and 06.00 from 1st June to 30th September inclusive and shall not be used between the hours of 19.00 and 07.00 from 1st October to 31st May inclusive.

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 interests of highway safety.
4. In the interests of highway safety.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. In the interests of highway safety.
8. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
9. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Reasons for Decision

The proposal results in no undue impact on neighbouring properties, the area in general and is acceptable from a highway safety viewpoint. The proposal therefore accords with policies ENV1, ENV44, policies contained within the National Planning Policy Framework 2012 and policies contained within the Aligned Core Strategy.

Notes to Applicant

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

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning

Policy Framework.

It is suggested that consideration be given to crime reduction signage being displayed within the site in order to reduce crime within the area.

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.



Application Number: 2013/0886

Location: 9 Regina Crescent, Ravenshead, Nottinghamshire



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Report to Planning Committee

Application Number: 2013/0886

Location: 9 Regina Crescent, Ravenshead, Nottinghamshire, NG15 9AE

Proposal: Demolish existing dwelling and erect two detached dwellings for residential use.

Applicant: Mr & Mrs R Statham

Agent: Miss Beverley Pemberton

Site Description

The application site relates to a detached bungalow located on the east side of Regina Crescent, within the special character area of Ravenshead. The existing dwelling at the site is set back from the highway with large number of trees located at the front of the site. The existing dwelling is currently in a poor state of repair and the site has an overgrown appearance with a large number of trees and shrubs located on all unbuilt portions of the site. There is a gated vehicular entrance with a hard surfaced driveway leading to the existing dwelling.

The closest neighbouring properties to the site are 7 Regina Crescent, a newly constructed detached dwelling located 10m to the north-west of the site and 11 Regina Crescent, a detached chalet bungalow located immediately to the south east of the site.

Proposed Development

The proposal seeks planning permission for the demolition of the existing dwelling and the erection of 2 No. 2 storey detached dwellings. The proposed dwellings would have L-shape layouts with a Stonework external finish on the front elevations and external brickwork on all other elevations.

The proposed dwelling located within plot 1 would be predominately two storey with a single storey mono-pitch rear projection that would create a garden room. A single storey glazed conservatory and porch would be located on the south facing side elevation. An integrated double garage would be located on the front elevation.

The proposed dwelling located within plot 2 would have a single front facing dormer window and 2 rear facing dormer windows. There would be a rear facing gable feature set slightly lower than the main ridge line. An integrated double garage would be located on north-west facing side elevation.

The dwelling within plot 1 would utilise the existing vehicular access and extended driveway, while a new entrance and drive would be created to serve plot 2.

Following negotiations with the case officer revised plans have been received which show the inclusion of tree protection measures to trees along the frontage and the repositioning of the dwellings slightly further into the site in order to accommodate the recommended tree protection measures. These plans have come forward due to initial concerns raised by the Forestry Officer.

Consultations

Parish – Objects on the grounds of infill development.

Highways – No objections subject to the inclusion of conditions which relate to a dropped vehicular footway, surfacing of driveways, visibility splay and drainage.

Gedling Borough Council (Policy) – No objections providing that the proposal would not intensify the urban appearance of the area. Either by bulk, scale or massing of the built form or its layout.

Urban Design Consultant – No design issues, the proposal would still leave an open frontage and good size gardens. No adverse impact on the character of the area.

Forestry Officer – Further information in the form of a tree survey is required. Further comments to be reported verbally at committee.

Neighbours - Neighbouring properties have been consulted via letter. The application has also been advertised on site. There have been 3 written representations received as a result which object to the proposal on the following grounds;

Reduced plot size for dwellings and potential for setting a precedent for future similar development.

The proposed dwellings will overlook our back garden and patio area.

Objection to the removal of mature trees at the site.

The proposed development is too close to the shared boundary.

The development would make one of my bedrooms very dark.

A bungalow would be more appropriate than a two storey house.

Objects to tandem style development.

The proposal would lead to more traffic and on street parking.

The neglected state of the existing dwelling is not a justification for redevelopment of the site.

Any further comments received by neighbouring properties received will be verbally communicated at the committee meeting.

Planning Considerations

The main planning issues involved in the determination of this application are whether the proposed development would have a material impact on the character

and appearance of the site and wider special character area and whether the proposal would have an adverse impact on the amenities of neighbouring properties. The impact on highway safety will also need to be formally assessed.

At the national level the National Planning Policy Framework (March 2012) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development.

The main local planning policy for this application comes from Policies ENV17, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Policy ENV17 (Ravenshead Special Character Area) States;

‘Within Ravenshead Special Character Area, as identified on the proposals map, planning permission for development will be granted provided that it retains and/or enhances the soft landscaped nature of the area including trees, hedgerows and other soft landscape features. Infill or sub-division of existing plots, extensions or additional domestic buildings will not be permitted where this would result in urban forms out of character with the surrounding area.’

Policy H7 (Residential Development On Unidentified Sites Within the Urban Area and the Defined Village Envelopes) states;

‘Planning permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided:

- a. it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area; and
- c. it is not contrary to other policies contained in this Local Plan.’

Policy H16 (Design of Residential Development) states;

‘Planning permission will be granted for new residential development if the following design criteria are met:

- a. dwellings should be sited and designed to relate to each other and to the roads, footpaths and open spaces in the surrounding layout;
- b. residential development should be laid out and designed in such a way as to reduce the risk of crime;

- c. the proposals are of a high standard of design which has regard to the surroundings and does not adversely affect the area by reason of their scale, bulk, form, layout or materials;
- d. dwellings should conserve energy and use it efficiently.'

In regard to the impact on the special character area, I note the concerns of neighbouring properties in relation to the reduced plot size and the objection from the Parish Council to infill development in this location, however I am also mindful that the Urban Design Officer has not raised an objection to the design and appearance of the development. I am also mindful that the proposed dwellings would be set back from the front boundary of the site with the mature trees along the frontage retained as part of the proposal. In also taking into account that the proposed scheme would retain wide frontages and associated private amenity space similar in size to neighbouring plots, I am satisfied that the proposal would retain the character and appearance of the special character area and accord with the aims of Policy ENV17.

I am also satisfied that the revised scheme including the protection measures to the trees along the frontage of the site and slight reposition of the proposed dwellings would ensure the health of the mature trees at the site which contribute to the visual amenity of the locality. I therefore consider that the character of the area and important soft landscaping features would be maintained as part of the proposed scheme.

In considering the impact on the neighbouring properties, I am satisfied that the proposed dwellings would have an acceptable relationship with the closest neighbouring properties and would not result in any material overbearing or overshadowing impact on neighbouring residential amenity. I note that there are no windows at first floor level on the side elevation of the dwelling within plot 2 and as such I am satisfied that the proposal would not result in any material overlooking issues on neighbouring property 11 Regina Crescent. In also considering that the first floor windows on the side elevation of the proposed dwelling within plot 1 would serve secondary rooms, en suites and stairwells I am satisfied that the proposal would not result in any material overlooking impact on neighbouring property 7 Regina Crescent.

The adopted Parking Provision for Residential Developments Supplementary Planning Document (SPD) requires there to be 2 off street parking spaces per dwelling for a development of two 4 bedroom dwellings. In taking account of the proposed driveways, turning areas and integral garages associated to both proposed dwellings, I am satisfied that the proposal includes an adequate level of off street parking amenity in accordance with the adopted SPD. I also note that the Highway Authority have not raised an objection to the proposal and I consider that with the inclusion of the recommended conditions that the proposed development would not result in any material impact highway safety at the site.

Given the above, I am satisfied that the proposal accords with the aims of the NPPF and Policies ENV17, H7 and H16 of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies 2008). I therefore recommend that planning

permission be granted subject to the conditions listed below and providing that no additional representations are received. The Planning Committee will be verbally advised of any further representations received and whether these raise any further material planning considerations.

Recommendation:

GRANT PLANNING PERMISSION subject to no further representation being received that raise material planning considerations and the following conditions;-

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission relates to the revised site layout plan Ref. H217/3 including the tree protection measures and the reposition of the dwellings further back into the site as well as the originally submitted plans Ref. H217/1, H217/2, H217/4 and the Design and Access Ref H217 and Tree Survey Ref. WKW/CJS/BP131001.
3. Before development is commenced there shall be submitted and approved by the Borough Council precise details of all construction materials. Once approved the development shall be carried out in accordance with the approved materials.
4. Before development is commenced there shall be submitted to and approved by the Borough Council details of any proposed alterations to the existing ground levels of the site, including details of the finished floor levels in relation to existing levels. Thereafter the development shall be carried out in accordance with the approved details.
5. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
6. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
7. Pedestrian visibility splays of 2.0 metres x 2.0 metres shall be provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The areas of land forward of these splays shall be maintained free of all obstruction over 0.6 metres above the carriageway level at all times.

8. No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway /parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
9. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of enclosure of the site. The approved means of enclosure shall be erected prior to the first occupation of the dwellings hereby approved.
10. Before development is commenced, including site preparation the tree protection measures as shown on the revised site lay out plan Ref. H217/3 and detailed within the tree impact assessment shall be implemented and retained for the entire construction period of the development hereby approved.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Saved Polices 2008).
4. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Saved Polices 2008).
5. In the interests of Highway safety.
6. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
7. In the interests of Highway safety.
8. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
9. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Saved Polices 2008).
10. To ensure a satisfactory development and protect the health of the trees at

the site which contribute to the visual amenity of the area in accordance with the aims of policies ENV1 and ENV17 of the Gedling Borough Council Replacement Local Plan (Certain Saved Polices 2008).

Reasons for Decision

The proposed development results in no significant impact on the amenities of neighbouring residential properties and has no material impact on the character or appearance of the site or the wider special character area. The proposal therefore accords with the aims of the NPPF and Policies ENV17, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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

The development makes it necessary to construct a vehicular crossing and reinstatement of the redundant access over the grass verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.



Application Number: 2013/0615

Location: London Midland Railway Club Association, 2 Victoria Park Way, Netherfield, Nottinghamshire



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Report to Planning Committee

Application Number: 2013/0615

Location: London Midland Railway Club Association 2 Victoria Park Way Netherfield Nottingham

Proposal: 11 No. building signs and 15 No. site signs associated with erection of restaurant with drive through facilities, car park and amended access.

Applicant: KFC (GB) Limited

Agent: Mr S Simms

Site Description

The application occupies a corner plot located at the junction of Victoria Parkway and the Colwick Loop Road. There is an existing single storey building on the site at present occupied by the London Midland Railway Club Association. The building is set at a slightly lower level than the adjoining pavement level. Morrisons food store and petrol station adjoin the south eastern boundary of the site and McDonalds drive through restaurant is located opposite the site. Access into the site is from Victoria Parkway.

Proposed Development

Advertisement Consent is sought for the erection of the signage in connection with the proposed restaurant, drive through facility and associated works proposed under application reference 2013/0614, which is still under consideration by the Borough Council.

Eleven signs are proposed to be erected to the building and fifteen signs are proposed to be erected within the curtilage of the site serving the proposed restaurant, drive through, car parking areas and access and exit to the site.

The proposed signs are specified to be illuminated with maximum luminance levels of 800 cd/m.

During the processing of the application a revised plan has been submitted showing a revision to the entrance and exit signs proposed to be erected. The plan shows the erection of the entrance sign adjacent to the proposed access and the exit sign single sided adjacent to the proposed exit, stating exit only.

Consultations

Public Protection – raise no objections to the proposal.

Nottinghamshire County Council Highway Authority – Having considered the additional information together with amended plans submitted in support of this application to address highway concerns no objections are raised in principle to the proposed development subject to minor alterations to the designed layout as detailed below:-

There are several other food outlets situated across the main road (Victoria Park Way) from the proposed site access. It is probable that pedestrians visiting these outlets will also wish to visit KFC. To do so it is likely that they will try crossing from the retail park out of the pedestrian access directly across to KFC. Crossing over multiple traffic flows (traffic lanes) and through stationary queuing vehicles is shown to be particularly hazardous for pedestrians and conflicts will occur.

As a result of a Road Safety Stage 1 Audit carried out by our Accident Investigation Unit it is recommended that guard railing or similar should be erected on the central reserve of Victoria Park Way between the roundabout and the traffic signal junction. The presence of railings or similar will help to prevent pedestrians from crossing at this location.

Sign reference 1 as shown on the proposed site signage plan drawing no. XXXX/2013/A100 Revision C needs amending. The Highway Authority has concerns that the sign front showing 'ENTER' will lead to confusion for vehicles entering the site. The front face of sign 1 should be left blank. In order to assist vehicles entering the site sign face with 'ENTER' should be placed at an alternative location where it would not cause any confusion, preferably on land south eastern corner of the site (just before the first set of car parking area when entering the site).

The Highway Authority would recommend that the consent be subject to conditions covering the followings to ensure that the access and parking are provided in a satisfactory manner.

1. No part of the development hereby permitted shall be brought into use until the site access arrangements including road markings and a 'turn left' sign as shown for indicative purpose only on plan reference XXXX/2014/A001 has been provided in accordance with the construction details to be first submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of Highway safety.

2. Prior to the development hereby approved first being brought into use, individual parking spaces and internal road marking shall be clearly marked out on site in accordance with the approved plan reference XXXX2014/A001 Revision E. Parking spaces shall be kept available for parking in association with the development thereafter.

Reasons: In the interests of Highway safety.

3. No part of the development hereby permitted shall be brought into use until all signs as shown for indicative purpose only on plan reference XXXX/2014/A100 Revision C have been provided. These signs shall be kept available and maintained in association with the development thereafter.

Reasons: In the interests of Highway safety.

4. No part of the development hereby permitted shall be brought into use until all drives, parking and turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives, parking and turning areas shall then be maintained in such hard bound material for the life of the development.

Reasons: In the interests of Highway safety.

5. No part of the development hereby permitted shall be brought into use until such time details of guard railing or similar to be erected on the central reserve of Victoria Way between the roundabout and the traffic signalised junction (A612 Colwick Loop Road) have been submitted to and approved in writing by the Local Planning Authority. Erection of such guard railing or similar shall be carried in accordance with the approved plans to the satisfaction of the Highway Authority.

Reasons: In the interests of Highway safety.

6. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance).

Reasons: To protect drivers from uncontrolled light sources near the public highway

7. No part of the development hereby permitted shall be brought into use until the cycle parking as shown for indicative purpose only on plan reference XXXX/2014/A001 Revision E has been provided and that the cycle parking area shall not thereafter be used for any purpose other than the parking of cycles.

Reasons: To promote sustainable travel.

Local residents have been notified by letter and a site notice has been posted – I have received one e-mail of representation as a result. The contents of which are summarised below:

Concerns are raised regarding the increased noise levels during the late evening and overnight hours.

Concerns are raised regarding the increased noise levels.

Concerns are raised regarding smells emanating from the area.

Planning Considerations

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states that Local Planning authorities should consider applications in the interests of amenity and public safety.

The National Planning Policy Framework (2012) (NPPF) is the relevant national policy guidance in the determination of this application.

Paragraph 67 of the NPPF states that: -

'Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.'

The proposed levels of luminance accord with the Institution of Lighting Professionals 'Guidance for the Reduction of Obtrusive Light' and I am therefore satisfied that the levels of luminance would not affect nearby properties or the area in general.

I am of the view that the proposed signage except sign 11 would have no undue impact upon the visual amenity of the site or the immediate area nor highway safety given the location of the site adjacent to the Victoria Retail Park and the location of the proposed signage within the context of the site.

In respect to the comments received from the Highway Authority I would advise, as stated above, the signs to the entrance and exit to the site (Sign 1) have been amended to accord with the advice of the Highway Authority.

In addition whilst I note the suggested conditions by the Highway Authority I am mindful that the comments relate to both the full planning application for the erection of the restaurant and the proposed advertisement application. I consider therefore the only condition relevant to this application is the condition relating to the provision of the signs prior to the site first being brought into use.

I am therefore satisfied that the proposal except in relation to sign 11 is acceptable and that it would result in no undue impact upon the visual amenity of the site, the area in general or highway safety. I therefore consider that signs 1 to 10 and 12 accord with the 2007 Advertisement Regulations and advice contained within the National Planning Policy Framework 2012.

However, I am concerned about the scale and bulk of sign 11. Sign 11 would be set on a 1m high platform and the sign itself would be 11m high. The sign would have a minimum width of 3.2m and maximum width of 3.8m; it would be 1.3m in depth. The sign would be internally illuminated. The sign would be sited to the rear of the proposed building but would sit forward of it and would be located closer to the edge of the highway. The proposed building would have a maximum height of 7.5m and a minimum height of 3.5m. The sign would therefore be between 4.5m and 8.5m higher than the building. Within the vicinity of the site are lamp posts which are

approximately 10m in height and also highway trees which are around 8m in height. The sign would sit behind these trees, but given its height it would be visible above their canopy. The sign would be one of the largest structures in the surrounding area and would be visible above the building and trees over a significant distance in all directions. Given its scale and bulk it is my opinion that in this context the sign would have a detrimental impact on the visual amenity of the area and would detract from the design of the building. The advert regulations do allow split decisions, and given the impact on the visual amenity of the area I consider that sign 11 should be refused advertisement consent.

Recommendation:

1. Refuse Advertisement Consent for sign 11 on the following grounds:-

In the opinion of the Borough Council Sign 11 by reason of its scale and bulk would have adverse impact on the visual amenity of the area and therefore would not accord with paragraph 67 of the National Planning Policy Framework.

2. GRANT ADVERTISEMENT CONSENT for signs 1 to 10 and 12: subject to the following conditions:-

Conditions

1. The adverts (except sign 11 which has hereby been refused Advertisement Consent due to the adverse impact that would be caused to the surrounding area) shall be erected in accordance with the details as set out within the planning application forms and as shown on drawing numbers XXXX/2013/A102B, XXXX/2013/A100C, XXXX/2013/A100E and XXXX/2014/A001E.

Reasons

1. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council the signage will result in no undue impact on the amenity of nearby properties or the area in general and is acceptable from a highway safety viewpoint. The application is therefore in accordance with the National Planning Policy Framework (March 2012) and the 2007 Advertisement Regulations.



Application Number: 2013/0614

Location: London Midland Railway Club Association, 2 Victoria Park Way, Netherfield, Nottinghamshire



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Report to Planning Committee

Application Number: 2013/0614

Location: London Midland Railway Club Association 2 Victoria Park Way Netherfield Nottingham

Proposal: Demolition of club and erection of restaurant with drive through facility, car park and amended access.

Applicant:

Agent: Mr S Simms

Site Description

The application occupies a corner plot located at the junction of Victoria Parkway and the Colwick Loop Road. There is an existing single storey building on the site at present occupied by the London Midland Railway Club Association. The building is set at a slightly lower level than the adjoining pavement level. Morrisons food store and petrol station adjoin the south eastern boundary of the site and McDonalds drive through restaurant is located opposite the site. Access into the site is from Victoria Parkway.

Proposed Development

Full planning permission is sought for the demolition of the London Midland Railway Club and the erection of a restaurant incorporating a drive through facility, a car parking area to serve the restaurant and an amended access into the site.

The building would be positioned to the north west of the site with the front of the building facing the north east towards Victoria Parkway.

The building would measure at its maximum 27.6 metres by 12.8 metres with an overall height of 7.5 metres.

Revised plans were submitted during the processing of the application showing an increase in height of the building which would bring the building up to just below the surrounding pavement level. The revised plans also showed elevation changes to the building showing revisions to the design and overall appearance of the building.

The submitted plans show an indicative position of proposed solar panels to be erected to the roof of the building.

The material proposed for the construction of the building are Kingspan insulated

panels, Natura unglazed tiles and powder coated cappings to the roof.

Hard and soft landscaping is proposed to be undertaken at the site.

An outdoor seating area is proposed to be provided on the area of block paving adjacent to the entrance to the building. A 4 metre by 4 metre umbrella is proposed to be erected to cover the outdoor seating area.

The car parking areas serving the restaurant would be to the front and side of the building with the drive through element being provided to the rear and other side of the building adjacent to the Colwick Loop Road.

Thirty car parking spaces including two disabled car parking spaces and two grill bays are proposed to serve the restaurant facility.

Three staff car parking spaces are proposed to the rear of the building.

Cycle racks are proposed to be provided to the frontage of the site.

Access into the site would be from Victoria Parkway with a left turn only facility to enter and exit the site. A barrier is proposed to be erected to the central reservation along Victoria parkway. A yellow hatched box is proposed to be painted onto the Victoria Parkway road to the frontage of the exit to the site.

Revised plans were submitted during the processing of the application showing revisions to the proposed access arrangements into the site and extra details have been provided relating to the highway safety issues affecting the site.

A pedestrian access is proposed to the frontage of the site from Victoria Parkway.

Lighting is proposed to be erected to the car parking areas.

The submitted plans indicate an area to the frontage of the building for a possible future extension. This element does not form part of this application.

The following documents have been submitted with the application;

1. A Design and Access Statement.
2. A Planning Statement.
3. A Flood Risk Assessment.
4. A Transport Statement.

An application has been submitted relating to the proposed signage for the site, reference 2013/0615. This application is pending consideration.

Consultations

Nottinghamshire County Council Highway Authority – Having considered the additional information together with amended plans submitted in support of this application to address highway concerns, no objections are raised in principle to the

proposed development subject to minor alterations to the designed layout as detailed below:-

There are several other food outlets situated across the main road (Victoria Park Way) from the proposed site access. It is probable that pedestrians visiting these outlets will also wish to visit KFC. To do so it is likely that they will try crossing from the retail park out of the pedestrian access directly across to KFC. Crossing over multiple traffic flows (traffic lanes) and through stationary queuing vehicles is shown to be particularly hazardous for pedestrians and conflicts will occur.

As a result of a Road Safety Stage 1 Audit carried out by our Accident Investigation Unit it is recommended that guard railing or similar should be erected on the central reserve of Victoria Park Way between the roundabout and the traffic signal junction. The presence of railings or similar will help to prevent pedestrians from crossing at this location.

The Highway Authority would recommend that the consent be subject to conditions covering the followings to ensure that the access and parking are provided in a satisfactory manner.

1. No part of the development hereby permitted shall be brought into use until the site access arrangements including road markings and a 'turn left' sign as shown for indicative purpose only on plan reference XXXX/2014/A001 has been provided in accordance with the construction details to be first submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of Highway safety.

2. Prior to the development hereby approved first being brought into use, individual parking spaces and internal road marking shall be clearly marked out on site in accordance with the approved plan reference XXXX2014/A001 Revision E. Parking spaces shall be kept available for parking in association with the development thereafter.

Reasons: In the interests of Highway safety.

3. No part of the development hereby permitted shall be brought into use until all drives, parking and turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives, parking and turning areas shall then be maintained in such hard bound material for the life of the development.

Reasons: In the interests of Highway safety.

4. No part of the development hereby permitted shall be brought into use until such time as details of guard railing or similar to be erected on the central reserve of Victoria Way between the roundabout and the traffic signalled junction (A612 Colwick Loop Road) have been submitted to and approved in writing by the Local Planning Authority. Erection of such guard railing or similar shall be carried in accordance with the approved plans to the satisfaction of the Highway Authority.

Reasons: In the interests of Highway safety.

5. Any security lighting / floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The details of any such lighting shall be submitted to and approved by the Local Planning Authority (together with a lux plot of the estimated luminance).

Reasons: To protect drivers from uncontrolled light sources near the public highway

6. No part of the development hereby permitted shall be brought into use until the cycle parking as shown for indicative purpose only on plan reference XXXX/2014/A001 Revision E has been provided and that the cycle parking area shall not thereafter be used for any purpose other than the parking of cycles.

Reasons: To promote sustainable travel.

Notes to Applicant

In order to carry out the off-site works (access/exit to the site including signing, road marking, provision of tactile paving and erection guard railing), you will be undertaking work in the public highway which is the land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake these works you will need to enter into an agreement under Section 278 of the Act. Please contact Paul Ghattaora on 0115 9772117 for details at an early stage.

The applicant needs to ensure that during the construction period there will be no mud, debris will be transported to the adjacent roads. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Planning Policy – The following policies are relevant in the determination of the application:

- NPPF Section 1 - Building a strong economy
- NPPF Section 2 - Ensuring the vitality of town centres
- NPPF Section 7 - Requiring good design
- NPPF Section 10 - Flooding
- RLP Policy ENV1 - Development Criteria
- RLP Policy S11 - Retail Development outside shopping centres
- RLP Policy E3 - Retention of Employment
- RLP Policy C4 – Loss of Community Facilities

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (ACS) which it considers to be sound and ready for independent examination. The ACS was submitted for independent examination on 7th June 2013. Consequently, Gedling Borough in

determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents than previous stages with the level of weight given to each policy being dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following policies are relevant:

ACS Policy 6 (Role of Town and Local Centres)
ACS Policy 10 (Design and Enhancing Local Identity)

Paragraphs 18-22 of the NPPF relate to building a strong competitive economy. Paragraph 19 states “*significant weight should be placed on the need to support economic growth through the planning system*”.

Paragraphs 23-27 of the NPPF relate to ensuring the vitality of town centres. Paragraph 24 sets out that main town centre uses which are not in a town centre and not in accordance with an up to date development plan should demonstrate compliance with the sequential test. This requires sites within or on the edge of centres to be considered before out of centre locations can be developed. Applicants should demonstrate flexibility on issues such as format and scale.

Paragraph 26 of the NPPF sets out the requirement for an Impact Assessment. Proposals in excess of 2,500sq metres or a locally set threshold will need to provide an Impact Assessment. The proposal is for about 230 sq m and so well below this threshold.

Paragraph 27 of the NPPF sets out that where the proposal fails the sequential assessment or is likely to have significant adverse impacts on the factors identified above, permission should be refused.

RLP Policy S11 adopts a similar approach to the NPPF and requires inter alia that proposals demonstrate compliance with the sequential test and do not cause demonstrable harm to the vitality or viability of other shopping centres. S11 also requires evidence of a ‘need’ for a proposal. While this requirement was not included in previous national policy (PPS4) or in the NPPF, understanding ‘need’ is a part of the sequential assessment and understanding where the catchment of the store lies (and therefore which centres should be searched).

Policy 6 of the Aligned Core Strategy sets out the hierarchy of centres across the plan area. Policy 6 also reiterates the need to maintain the vitality and viability of centres and for out of centre proposals to demonstrate compliance with the sequential and impact assessment requirements. Policy 10.1 addresses the design requirements and identifies that all development should:

- a) make a positive contribution to the public realm and sense of place;
- b) create an attractive, safe, inclusive and healthy environment;
- c) reinforce valued local characteristics;
- d) be adaptable to meet evolving demands and the effects of climate change;
- and
- e) reflect the need to reduce the dominance of motor vehicles.

Policy 10.2 a) to i) also sets out criterion for assessing development which includes a) relating to the orientation and positioning of buildings and d) massing scale and proportion which are particularly pertinent to this road frontage location. Planning Policy would advise that following publication of the Aligned Core Strategy for Gedling Borough in June 2012, there were no significant objections to these elements of ACS Policy 10 and therefore these design policy principles can be given significant weight in policy terms.

Retail Sequential Test

The applicant has submitted evidence relating to the sequential test set out in the supporting Planning Statement. This concludes that there are no sites in town or local centres or in locations at their edge that are available, suitable and viable for the identified need. Having considered this assessment, Planning Policy would agree that there is no alternative site in the preferred centre/edge of centre location in the centres searched and is satisfied that the proposal passes the sequential test.

Employment Land

The proposed site is located within Victoria Business Park which is protected for employment uses under Policy E3. This policy allows for the redevelopment of premises for employment uses other than retailing and other uses more appropriately sited in shopping centres. (The consideration of the sequential test in retail planning policy is set out in the above paragraph). Policy E3 goes on to state that:

Planning permission will not be granted for other purposes unless the retention of the premises for its specified employment use has been fully explored by extensive marketing and advertising without success.

Whilst, the site is part of a protected employment site the premises are not used as such but rather have been used as a social club since at least the 1950s and consequently it is not possible to apply Policy E3 to retain such a use.

Loss of Community Facility

Policy C4 states that:

“planning permission will not be granted if development would lead to the loss of community facilities resulting in increased car journeys to the next available facility”.

The proposal is part of a development package that would facilitate the relocation of the existing social club to new premises at the Anagas Site at 2B Station Road, Carlton close to Netherfield District Centre and opposite the railway station. The Planning Statement includes a letter in support of the proposal from the Chairman of the London Midland Railway Club (Colwick Branch) indicating that the relocation has the overwhelming majority support of its members and that the new location adjacent Netherfield District Centre is more accessible to their membership which lives in Netherfield and the surrounding area who can arrive on foot, by bus or by train. It can be concluded therefore that there would be no consequential increase in car journeys and indeed rather the opposite given that the proposed location would

improve accessibility by public transport.

Flood Risk

The site is located within Flood Zone 3 according to the Environment Agency's Flood Map which does not take into account the presence of flood defences. Paragraph 101 of the NPPF applies the sequential test in order to steer new development to areas with the lowest possibility of flooding. The Strategic Flood Risk assessment should be the basis for applying the sequential test - in this case the Greater Nottingham Strategic Flood Risk Assessment 2008 (GNSFRA). Map 3 – GBC – 04 shows that with the River Trent Left Bank Flood Alleviation Scheme in place (now built) the site is defended up to a 1:100 year or 1% annual probability of a flood. The GNSFRA also indicates that this site is not at risk of flooding from the Ouse Dyke. The applicant has produced a site specific flood risk assessment and Planning Policy would advise that the advice of the Environment Agency should be sought in this regard.

Access

Access is via Victoria Park Way and County Highways should be consulted.

Design

Policy ENV1 requires development to be of a high standard of design, that local amenity should be protected and that there should be adequate provision for the safe and convenient access for the circulation of pedestrians and vehicles. ACS Policy 10 also gives guidance on design as set out above. These are largely matters for Development Management to consider.

In conclusion, planning policy would not wish to object to the proposal subject to Development Management being satisfied that the proposal accords with ENV1 and ACS Policy 10 and subject to the views of the Environment Agency and Highways Authority.

Police Architectural Liaison Officer – no objections in principle to the proposal.

Victoria Retail Park has suffered from car cruisers/boy racers causing anti-social behaviour issues on the Park. It is therefore requested that a barrier, gate or similar access restrictor is erected to the car park entrance in order to avoid this car park attracting anti-social behaviour.

Urban Design Consultant – no objections to the revised plans.

Environment Agency – The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) May 2013/ NTW/2160/FRA Rev C/ Beth Kendrick BWB consulting and Proposed Site Plan environment. Good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is important to plan

positively for the achievement of high quality and inclusive design for all development. /April 2013/Drawing No. XXXX/2014/A001 and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 21.00m Above Ordnance Datum (AOD)
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Condition

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent rates with a betterment of 20%;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Advice to applicant/LPA

1. This condition should not be altered without our prior notification to ensure that the above requirements can be incorporated into an acceptable drainage scheme that reduces the risk of flooding.
2. The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used.
3. Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

Environment Agency position

In addition we consider that planning permission could be granted to the proposed development as submitted only if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Severn Trent Water – no objections subject to the attachment of a condition to any grant of planning permission relating to the disposal of surface water and foul sewage.

Public Protection Scientific Officer – A contamination survey should be submitted.

NCC Rights of Way Officer – Carlton Footpath No. 24 runs along the north east boundary of the site. This footpath should not be affected as a result of the development or users of the footpath impeded or endangered in any way. Should resurfacing works be required to the footpath the Rights of way team should be consulted.

Local residents have been notified by letter and a site notice has been posted – I have received one e-mail of representation as a result. The contents of which are summarised below:

Concerns are raised regarding the increased noise levels during the late evening and overnight hours.

Concerns are raised regarding the increased noise levels.

Concerns are raised regarding smells emanating from the area.

Planning Considerations

The main considerations in the determination of this planning application are whether;

1. A drive through restaurant is an appropriate use for the site;
2. The Design of the proposal is acceptable;
3. There would be any adverse impact on neighbouring properties and the surrounding area;
4. There would be any associated flood risk;
5. There would be any adverse impact on highway safety;
6. Contamination can be dealt with appropriately; and
7. There is any potential impact on the Carlton Footpath.

At a National level the following policies are relevant in the determination of this planning application.

NPPF Section 1 - Building a strong economy

Paragraphs 18-22 of the NPPF relate to building a strong competitive economy. Paragraph 19 states “*significant weight should be placed on the need to support economic growth through the planning system*”.

NPPF Section 2 - Ensuring the vitality of town centres

Paragraphs 23-27 of the NPPF relate to ensuring the vitality of town centres. Paragraph 24 sets out that main town centre uses which are not in a town centre and not in accordance with an up to date development plan should demonstrate compliance with the sequential test. This requires sites within or on the edge of centres to be considered before out of centre locations can be developed. Applicants should demonstrate flexibility on issues such as format and scale.

Paragraph 26 of the NPPF sets out the requirement for an Impact Assessment. Proposals in excess of 2,500sq metres or a locally set threshold will need to provide an Impact Assessment. The proposal is for about 230 sq m and so well below this threshold.

Paragraph 27 of the NPPF sets out that where the proposal fails the sequential assessment or is likely to have significant adverse impacts on the factors identified above, permission should be refused.

NPPF Section 7 - Requiring good design

Paragraphs 56 and 57 of the NPPF attach great importance to the design of the built

NPPF Section 10 – Flooding

Paragraphs 100 and 101 of the NPPF direct development away from areas at high risk of flooding. A Sequential Test should be undertaken to steer new development to areas with the lowest probability of flooding.

At a local level the following policies as contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are relevant and state:

RLP Policy ENV1 - Development Criteria

'Planning permission will be granted for development provided it is in accordance with other Local Plan policies and the proposals meet the following criteria:-

- a. it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated;
- c. development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children;

- d. it incorporates crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space and well considered layouts and landscaping;
- e. it does not prejudice the comprehensive development of a development site, and
- f. it incorporates best practice in the protection and management of water resources.'

RLP Policy S11 - Retail Development outside shopping centres

This policy adopts a similar approach to the NPPF and requires inter alia that proposals demonstrate compliance with the sequential test and do not cause demonstrable harm to the vitality or viability of other shopping centres.

RLP Policy E3 - Retention of Employment

Planning permission will not be granted for other purposes unless the retention of the premises for its specified employment use has been fully explored by extensive marketing and advertising without success.

RLP Policy C4 – Loss of Community Facilities

“planning permission will not be granted if development would lead to the loss of community facilities resulting in increased car journeys to the next available facility”.

In respect to the aligned Gedling Borough Aligned Core Strategy, to which greater weight can be attached as explained above, the following policies are relevant.

ACS Policy 6 (Role of Town and Local Centres)

Policy 6 of the Aligned Core Strategy sets out the hierarchy of centres across the plan area. Policy 6 also reiterates the need to maintain the vitality and viability of centres and for out of centre proposals to demonstrate compliance with the sequential and impact assessment requirements.

ACS Policy 10 (Design and Enhancing Local Identity)

Policy 10.1 addresses the design requirements and identifies that all development should:

- f) make a positive contribution to the public realm and sense of place;
- g) create an attractive, safe, inclusive and healthy environment;
- h) reinforce valued local characteristics;
- i) be adaptable to meet evolving demands and the effects of climate change; and
- j) reflect the need to reduce the dominance of motor vehicles.

Policy 10.2 a) to i) also sets out criterion for assessing development which includes a) relating to the orientation and positioning of buildings and d) massing scale and proportion which are particularly pertinent to this road frontage location. Planning Policy would advise that following publication of the Aligned Core Strategy for Gedling Borough in June 2012, there were no significant objections to these elements of ACS Policy 10 and therefore these design policy principles can be given significant weight in policy terms.

Appropriate Use of the Site

Sequential Test

The NPPF states that main town centre uses, such as this proposal, should be located within or on the edge of designated shopping centres before out of centre locations are considered for such proposals and any proposal should demonstrate compliance with this sequential test. Policy S11 of the RLP and Policy 6 of the ACS adopt a similar approach to the NPPF stating that proposals should not cause harm to the vitality or viability of designated shopping centres.

The applicant's agent in this respect has submitted evidence as part of the application demonstrating that there are no available sites in the designated shopping centres or on the edge of these shopping areas that are available, suitable or viable for the identified need.

These findings are agreed with and as such I am of the opinion that it has been demonstrated that the proposal passes the sequential test.

As the scale of the proposal in question, falls below 2,500 square metres no Impact Assessment is required.

Loss of a Community Facility

Whilst it is noted that the existing community facility, the London Midland Railway Club Association, on the site would be demolished as part of the proposal for the redevelopment of the site and therefore this existing community facility would be lost, the existing social club is proposed to be relocated to the Netherfield Town Centre. This application is currently pending consideration by the Borough Council.

I therefore do not consider that a community facility would be lost, but rather relocated. The proposal would accord with Policy C4 of the Gedling Borough Council replacement Local Plan.

Employment Land

I note that the application site is located within a designated area for employment use and the proposed use would be for retail purposes which would not accord with policy E3 of the RPL as set out above, given that the site is currently occupied by a social club it would be unreasonable to apply policy E3 to state that the site should retain an employment use.

Design and Appearance

I note that revised plans were submitted during the processing of the application showing a re-design of the proposed building. In my opinion the revised design of the building with the differing levels of various elements of the building, the slope to the roof together with the mixture of materials to be used in the construction of the building result in a visually attractive building in this prominent location.

The revised plans show that the building is proposed to be raised in height slightly just below the adjacent pavement levels surrounding the site. This amendment together with the design of the building, the positioning of the building on the site will give the building a presence on the site.

In addition the orientation of the building with the entrance fronting Victoria Parkway and the drive through element facing the Loop Road, whilst screened to some degree by existing trees and vegetation along this boundary, will add to the prominence of the building giving the building a dual frontage when viewed from the main vantage points when passing the site and visiting the site.

I am also satisfied that the design and height of the building reflects existing buildings within the retail park area and the building will compliment existing neighbouring commercial units.

In respect to the layout of the site in terms of the car parking areas to be provided, the proposed hard and soft landscaping and the erection of boundary fencing, I am satisfied that these elements are visually acceptable and given that additional landscaping is proposed the appearance of the site will be enhanced.

It is noted that the submitted plans show an indicative position for the location of solar panels to be erected to the building. Whilst I consider that this would be acceptable in principle I would suggest that a condition is attached to any grant of planning permission to request the precise details of the design, size, number and exact positioning of the solar panels to be submitted for consideration.

Impact on Nearby Properties and the Area in General

In my opinion the proposal is in keeping with the character of the area given its location adjacent to the Victoria Retail Park and will result in no significant impact on neighbouring premises or the area in general.

Whilst I note that there are residential properties located opposite the site across the Loop Road I am satisfied given the distance of the proposal to neighbouring properties there will be no undue impact on these nearby properties.

I note the concerns of the neighbouring resident in respect to potential noise issues as a result of the proposal and also note that the Borough Council's Public Protection Section has raised no objections to the proposal in general subject to the submission and approval of details relating to the proposed air conditioning units, condensers and extraction ducting in order for any noise and smells emanating from these units to be controlled and therefore avoiding any issues arising from a development of this

nature. I consider that these issues can be controlled by attaching a condition to any grant of planning permission.

The Police Architectural Liaison Officer has stated that the surrounding retail park has in the past been subject to anti-social behaviour issues and car parking areas serving the retail park have had restrictions to the access points after trading hours. It is therefore suggested that a barrier or similar restrictor is provided to the access point and therefore after trading hours the car park will not attract similar anti-social behaviour issues which have been experienced on neighbouring sites. I consider that a condition could be attached to any grant of planning permission to control this element.

Flood Risk

I note that the application site is situated within an area at risk of flooding and am mindful that the NPPF aims to steer development to areas with the lowest probability of flooding.

A Flood Risk Assessment was submitted with the application and the Environment Agency has raised no objections to the proposal subject to the development being carried out in accordance with the details contained within the Flood Risk Assessment.

I therefore consider that the proposal will not pose any flood risk issues provided the development is implemented in accordance with the submitted Flood Risk Assessment, which I consider could be controlled by way of condition together with the additional condition suggested by the Environment Agency relating to the submission of a surface water drainage scheme for the site being submitted for approval.

I would also suggest that the notes provided by the EA are attached as a note to the applicant, should planning permission be granted.

Highway Safety

I note that revised plans were submitted during the processing of the application which address highway safety issues affecting the site. I also note that the Highway Authority has raised no objections to the proposal subject to the attachment of conditions, to any grant of planning permission, relating to the car parking spaces and internal road markings to be clearly marked out, the parking areas and access ways being appropriately surfaced, the signs and the cycle parking area being provided, details of the lighting to the site being submitted for approval and the guard railings to the central reservation of Victoria Parkway being erected.

I consider that with the attachment of these conditions together with the provision of the yellow hatched box to Victoria Parkway I am satisfied that there will be no highway safety implications arising from the proposal.

Contamination of the site

I note that the Borough Council's Scientific Officer has recommended that the site is assessed for potential land contamination in order to ensure that the site is suitable for the proposed use and should contamination be found remediation measures are put in place to address any contamination of the site.

I consider given the history of the site this is reasonable and would suggest that the conditions suggested by the Scientific Officer are attached to any grant of planning permission.

Other Issues

I note the comments of the County Council's Rights of Way Team in respect to the availability of Carlton Footpath No. 24 and would suggest that the received comments are attached to any grant of planning permission for the applicant's reference.

Recommendation:

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 shall be built in accordance with the details as contained within the Planning Statement, the Design and Access Statement, The Flood Risk Assessment, the Transport Statement and the plan drawing numbers XXX/2013/A110D, XXXX/2013/A102B, XXXX/2014/A100E and the ordnance survey plan received on the 8th June 2013.
3. Before development is commenced there shall be submitted to and approved in writing precise details and samples of the materials to be used in the construction of the building. Once these details are approved the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
4. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted and including where appropriate details of existing trees to be felled and retained. The approved landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
5. Before development is commenced there shall be submitted to and approved

in writing precise details of the lighting columns proposed to be erected at the site. This shall include details of how the lights are to be angled and shielded. The lighting scheme shall be implemented in accordance with the approved details prior to the development being first brought into use and shall then be retained thereafter at all times.

6. Before development is commenced there shall be submitted to and approved in writing precise details of a suitable barrier, gate or collapsible bollards to be erected to the entrance to the site including precise details of where these will be positioned. Once these details are approved the agreed barrier, gate or collapsible bollards shall be erected to the entrance of the site prior to the site being first brought into use and retained thereafter at all times in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
7. The agreed barrier, gate or collapsible bollards as approved under condition 6 shall be utilised when the building is unattended in order to prevent vehicles entering and leaving the site.
8. Before development is commenced there shall be submitted to and approved in writing precise details of the proposed solar panels to be installed on the building including details of the siting, number, design and size of the proposed solar panels and a timescale for the implementation of the works to be undertaken. Once these details are approved the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
9. Before development is commenced there shall be submitted to and approved in writing precise details of any air conditioning units, condensers, extraction units and ducting to be installed to the building. This shall include full specification details together with details of the siting of the units. Once these details are approved the development shall be carried out in accordance with the approved details prior to the development being first brought into use unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
10. No part of the development hereby permitted shall be brought into use until the site access arrangements including road markings and a 'turn left' sign as shown on plan reference XXXX/2014/A001 Revision E have been provided. Once these access arrangements have been provided these shall be retained thereafter at all times unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
-
11. Prior to the development hereby approved first being brought into use, individual parking spaces and internal road marking shall be clearly marked out on site in accordance with the approved plan reference XXXX2014/A001 Revision E. The car parking spaces shall be kept available for parking in association with the development thereafter.
12. No part of the development hereby permitted shall be brought into use until

the access, parking and turning areas are surfaced in a hard bound material (not loose gravel). The surfaced access, parking and turning areas shall then be maintained in such hard bound material for the life of the development.

13. No part of the development hereby permitted shall be brought into use until such time as details of guard railing or similar to be erected on the central reserve of Victoria Way between the roundabout and the traffic signalised junction (A612 Colwick Loop Road) have been submitted to and approved in writing by the Local Planning Authority. The erection of such guard railing or similar shall then be carried out in accordance with the approved details to the satisfaction of the Highway Authority.
14. No part of the development hereby permitted shall be brought into use until the cycle parking as shown on plan reference XXXX/2014/A001 Revision E has been provided and that the cycle parking area shall be retained thereafter at all times.
15. The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) May 2013/ NTW/2160/FRA Rev C/ Beth Kendrick BWB consulting and Proposed Site Plan/April 2013/Drawing No. XXXX/2014/A001 and the following mitigation measures detailed within the FRA: Finished floor levels are set no lower than 21.00m Above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
16. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
 - o The utilisation of holding sustainable drainage techniques;
 - o The limitation of surface water run-off to equivalent rates with a betterment of 20%;
 - o The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
 - o Responsibility for the future maintenance of drainage features.
17. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
18. Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:
 - a) 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.b) 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.c) In the event that remediation is required to render the development suitable for use, the approved remediation scheme shall be implemented in accordance with the approved timetable of works specified within the approved remediation scheme. d) 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.

19. The building hereby approved shall only be used for A3 Uses and for no other purpose under The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 or any equivalent provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
5. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

6. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
7. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
9. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
10. In the interests of highway safety.
11. In the interests of highway safety.
12. In the interests of Highway safety.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. To reduce the risk of flooding to the proposed development and future occupants.
16. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.
17. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and minimise the risk of pollution.
18. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
19. To ensure the vitality and viability of the designated shopping areas are protected in accordance with Policy S11 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

Reasons for Decision

In the opinion of the Borough Council there are no sequentially better sites within the centres that are suitable, available or achievable and there will be no significant impact on the vitality or viability of existing centres. The proposal results in no

significant impact on neighbouring properties, the area in general or highway safety. The proposal therefore accords with the policies as set out within the National Planning policy Framework, policies ENV1, S11, and C4 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008). The mitigation measures detailed in the Flood Risk Assessment will ensure the completed development raises no flood risk issues.

Notes to Applicant

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

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.

Your attention is drawn to the attached comments from Nottinghamshire County Council's Rights of Way Team.

The applicant needs to ensure that during the construction period there will be no mud, debris will be transported to the adjacent roads. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Your attention is drawn to the attached comments from the Environment Agency.

In order to carry out the off-site works (access/exit to the site including signing, road marking, provision of tactile paving and erection guard railing), you will be undertaking work in the public highway which is the land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake these works you will need to enter into an agreement under Section 278 of the Act. Please contact Paul Ghattaora on 0115 9772117 for details at an early stage.

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Report to Planning Committee

Application Number: 2013/0497 and 2013/0500

Location: Land South of Colwick Loop Road, Colwick,
Nottinghamshire, NG4 2FS

Proposal: 2013/0497 Construction of A4 public house with restaurant facilities & associated managerial residential accommodation at first floor (full application) & A3 restaurant or A5 hot food takeaway (outline application)

2013/0500 Construction of A1 retail unit with ancillary restaurant & concession units (petrol filling station & car wash) and service yard, car parking, landscaping & highways works (full application) & B1/ B2 / B8 employment uses (outline application)

Background

Planning Applications 2013/0497 and 2013/0500 were presented to Planning Committee on the 30th October 2013; members were minded to grant planning permission for both applications subject to a number of planning conditions. As a result of Hazardous Substances Consents in place for Total Oil Refinery Ltd and for the former Esso Petroleum Company Ltd and Chevron Ltd and the Development Proximity Zones that have been established by the Health and Safety Executive (HSE) the applications were subject to consultation with the HSE.

The HSE advised against both developments. In relation to application 2013/0497 the HSE advised against because of the existence of the Total Oil Refinery Ltd and Chevron Ltd Hazardous Substance Consents. Whilst in relation to 2013/0500 the HSE advised against the application because of the existence of the Esso Petroleum Company Ltd and Chevron Ltd Hazardous Substance Consents. The Esso and Chevron hazardous consents were revoked after the Committee Reports were drafted.

Given the nature of the applications there remained a requirement for both applications to be referred to the HSE following the resolution to grant both applications at Planning Committee on 30th October 2013. The 0497 application was referred because of the 'advise against' decision made and because the HSE need to be kept informed of decisions made in relation to applications that could affect sites where hazardous substances are stored. The 0500 application was referred to the HSE for the latter reason. The HSE have powers to call in the applications so

that they could be determined by the Secretary of State.

As a consequence of this referral the HSE e-mailed the Council on the 6th November and have made the following comments in relation to the applications:

HSE Comments 2013/0497

“The HSE wrote to Gedling Borough Council on 27 June 2013, providing HSE's advice in respect of planning application 2013/0497, which is that there are sufficient reasons, on safety grounds, for advising against the granting of planning permission. There were two reasons for this;

a) the proposed development involves an 'indoor use by the public' development type (sensitivity level SL2), which is sited within the inner zone of the Chevron Ltd site;

b) the proposed development involves a public house/restaurants and a takeaway restaurant which will be located within the Development Proximity Zone (DPZ) of Total Lindsey Oil Refinery Ltd, a large-scale petrol storage site. HSE's 'Land use planning advice around large-scale petrol storage sites' set out in circular SPC/Tech/Gen/43, explains that HSE will advise against any proposals to site occupied buildings with the DPZ.

As the hazardous substances consent of the Chevron Ltd site has now been revoked, (a) no longer applies. However, the hazardous substances consent for the Total Lindsey Oil Refinery Ltd site remains in place so HSE's advice is still that we advise against the granting of planning permission.

On pages 10 and 16 of the Report to the Planning Committee of 30 October 2013, it is suggested that HSE's concerns could be addressed by including the following condition in the planning permission;

'The public house or restaurant element shall not be brought into use until either: a) The hazardous substances consents for both the Total Lindsey Oil Refinery Ltd and Chevron Ltd have been are revoked, or b) A report relating to the respective element has been submitted to the LPA outlining the level of risk posed by the presence of the Total Lindsey Oil Refinery Ltd together with details of any proposed mitigation measures and the LPA have agreed in writing that they are satisfied with the conclusions of the Report so to allow the respective element to be occupied. Any mitigation measures proposed in the report to be approved in writing by the Borough Council shall be implemented in accordance with the approved report.'

This condition is not acceptable to HSE and its inclusion in the planning permission would not enable HSE to reconsider its advice.

However, HSE would be prepared to withdraw its advice if the condition were to be revised as follows:

'No part of the development shall be occupied until the hazardous substances consent for the Total Lindsey Oil Refinery Ltd site at Colwick Industrial Estate has

been formally revoked.'

HSE would be grateful for Gedling Borough Council's views on this suggestion. Should Gedling Borough Council still be minded to grant planning permission without including a condition which is acceptable to HSE, the HSE must advise you that the HSE is giving serious consideration to requesting that the Secretary of State call-in this planning application for his own determination. As HSE has until 22 November 2013 to decide this, HSE would be grateful if you would respond as quickly as possible, or extend the time limit for HSE to give further consideration to this matter."

HSE Comments 2013/0500

"HSE wrote to Gedling Borough Council on the 27 June 2013 and provided HSE's advice in respect of this planning application, HSE only referred to the risks from the Esso Petroleum Company Ltd and Chevron Ltd sites, the hazardous substances consent for which have since been revoked. That advice was subsequently reflected in the comments on page 6 of the Report to the Planning Committee on 30 October 2013.

The reason for not mentioning the proximity of the development to the Total Lindsey Oil Refinery Ltd site in the letter was because unfortunately when the application was considered, the presence of the petrol filling station was overlooked. The petrol filling station is not referred to in the description of the proposal on the application form, although 'PFS kiosk' is included in the list of non-residential floorspace, and the drawings showing the petrol filling station were submitted with the planning application.

Nevertheless, although the hazardous substances consents for the Esso and Chevron sites have been revoked, as the consent for the Total site remains in place, the HSE would still advise against the granting of planning permission in this case. The reason for this is that the petrol filling station lies within the inner zone of the Total site, and along with the supermarket, forms part of the 'indoor use by the public' development type considered within PADHI+. As the total floor space of that development type exceeds 5,000 square metres, the sensitivity level of the development is SL3. In applying the PADHI straddling rule to this development type, it is considered to lie within the inner zone of the Total site and PADHI+ therefore advises against it. This is the advice that Gedling Borough Council should have obtained from PADHI+ in respect of those elements of the proposed development within Total's inner zone. If the petrol filling station were to be sited within the outer zone of the Total site, PADHI+ would not advise against the granting of planning permission.

Despite the omission in the letter from HSE of 27 June 2013, the Total Oil Refinery Ltd site is considered on page 20 of the Report to the Planning Committee, where it is concluded that HSE would not advise against the granting of planning permission in respect of that site. As I explain above, that is not correct.

In the circumstances, it appears that the Planning Committee have reached the decision to grant planning permission in this case without having taken into account HSE's correct advice. I should be grateful if you would let me know what action you

propose to take to remedy this.

Given that HSE has until 22 November 2013 to decide whether or not to request that this planning application be called in by the Secretary of State for his own determination, I should be grateful if you would let me know as a matter of urgency what action you propose to take, and if you are still minded to grant permission, extend the time limit for HSE to give further consideration to this matter.”

Applicant and HSE Discussion

A meeting was held at the Borough Council Offices on the 11th November, which involved the Applicant City Estates and also the HSE. At the meeting HSE clarified a number of points in relation to how they apply their policies. City Estates advised that they wish to proceed with the applications as determined by the Borough Council at Planning Committee on the 30th October.

Planning Considerations

The comments received from the HSE are material planning considerations and therefore the implications of these comments need to be considered by Members and a decision made in relation to how Gedling Borough Council as Local Planning Authority wishes to proceed.

Below I will discuss the implications of the comments for each application in turn and set out my recommendations on how I consider that Gedling Borough Council as Local Planning Authority should proceed.

The comments from the HSE have been shared with the applicants of the Planning Applications (Sainsbury's Supermarkets and City Estates). The applicants have advised that they would not wish to make changes to the wording of condition 4 of Planning Application 2013/0497 that was agreed by planning committee and that they do not wish to alter Planning Application 2013/0500 in relation to the location of the petrol filling station.

Planning Consideration of HSE Comments Planning Application 2013/0497

The HSE comment that condition 4 agreed by planning committee on the 30th October is not acceptable. This is because the condition provides the opportunity for the applicants to submit a report in order to assess the level of risk posed by the presence of the Total site. The wording of the condition would enable any mitigation measures required to be secured so as to ensure that the level of risk posed by the presence of the Total site would be appropriate.

It is my opinion that the wording of the condition as written meet the requirement set out in paragraph 186 and 187 in the National Planning Policy Framework that:-
'Local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development.'

And

‘Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.’

In my view if it can be found that the actual risk of allowing this development to take place next to the Total site is considered to be acceptable and that where necessary appropriate mitigation measures can be secured, that this development with the significant improvements that it would make to the economic, social and environmental conditions of the area would be a sustainable development. The condition as worded therefore facilitates the delivery of the site but still enables the risk of the Total site to be adequately assessed.

The wording of the condition in my view also meets the tests set out in paragraph 206 of the National Planning Policy Framework. This requires conditions to be imposed only where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.

As the condition enables Gedling Borough Council as Local Planning Authority to fulfil its duties in terms of approaching decision making in a positive way and meets the tests set out in paragraph 206 of the National Planning Policy Framework, it is my opinion that condition 4 should remain as worded in relation to the risk assessment. However, the comments of HSE do indicate that the Hazardous Substance Consent in relation to Chevron Ltd has now been formally revoked.

Therefore reference to this consent should be removed from the planning condition. Members should also note that if the applicants did prepare a risk assessment report and if it were submitted to the Council in order to discharge condition 4, Officers would consult the HSE. Even though the Corporate Director under delegated powers can determine discharge of planning condition applications, it is considered that in this instance that due to the sensitivity of the issue that the decision to determine such an application should be referred to Planning Committee. This would provide Members with the opportunity to consider such a report and any proposed mitigation measures. Members would then determine whether the condition could be discharged.

If an application to discharge Condition 4 of 0497 were to be refused then the applicant does have the right to appeal the decision.

Planning Considerations of HSE Comments Planning Application 2013/0500

The HSE have now advised that they advise against the development proposed in planning application 2013/0500. This is because the petrol filling station would be located within the inner zone of the consultation zones for the purposes of the Total Oil Refinery. The HSE would consider the petrol filling station to be classed as an indoor use by the public and the HSE would view it as part of the superstore floor area. The development as a whole would therefore be considered by the HSE as having a sensitivity level of SL3, hence they would advise against because of the presence of the Total site.

This advice differs from that given in the response from HSE in June of this year, as the HSE did not refer to the Total site. However, the comments received by the HSE in relation to planning application 2013/0500 are a material planning consideration which members need to consider.

Clarification has been sought with the HSE in relation to their approach to developments and how they apply PADHI (PADHI (planning advice for developments near hazardous installations) is the name given to the methodology and software decision support tool developed and used in HSE. It is used to give land use planning (LUP) advice on proposed developments near hazardous installations).

The HSE have verbally confirmed that if the petrol filling station had been submitted separately from the superstore, that the HSE would not advise against the development. This is because PADHI states that developments for use by the general public where the total floor space is between 250 sqm up to 5000 sqm are categorised as level 2, less than this developments are considered to be level 1. In relation to petrol filling stations PADHI advises that it is the total floor space and not the forecourt which should be considered. The petrol filling station retail area has a gross external floor area of 111 sqm, it is therefore less than 250 sqm and as a consequence it would be level 1 and would receive a 'Don't Advise Against', within the inner zone of the Development Proximity Zone.

The petrol filling station and the proposed superstore are not contiguous with each other, and the use of the petrol filling station is not dependent upon the use of the superstore. The petrol filling station has been proposed as a concessionary unit. Given these facts and because the petrol filling station could reasonably have been submitted as a separate planning application, which would have received a 'Don't Advise Against' decision using PADHI I do not consider the response of the HSE to be reasonable.

Another option that has been considered by Officers, is to attach another condition to the 0500 application that would be similar to condition 4 of 0497. However, I have discounted this option because of the issues set out in the preceding paragraph. With regard to the planning decision taken it is my opinion that no changes are required to be made and that the applicants should not be requested to alter the form of the development.

In relation to the HSE comments, I would advise members that the application together with the plans and supporting documents were forwarded to the HSE and that this was done because of the complexity of the issues surrounding the Hazardous Substance Consents.

Conclusion

The HSE have requested that they be advised of how Gedling Borough Council wishes to proceed in relation to the comments they have made (which are set out above). However, because the applications are subject to a resolution by planning committee, it is for members of the committee to determine how to reply to the HSE.

The HSE have also requested an extension of time to enable them to give further consideration to the matter.

In my opinion the Corporate Director should be given authorisation to:-

- 1) Alter condition 4 of 2013/0497 to remove the reference to the Chevron Hazardous Substance Consent;
- 2) Write to the HSE to advise that no alteration should be made to condition 4 of 2013/0497 part b in relation to the ability for the applicants to submit a report for a risk assessment in relation to the risk posed by the presence of the Total Oil Refinery and that no alteration is to be made in relation to planning application 2013/0500;
- 3) Agree an extension of 14 days from the 22nd November to enable the HSE to further consider whether to call in the applications.

As indicated above any application received to discharge condition 4 of 2013/0497 if the condition is as set out below, the application *will be referred to Planning Committee for determination*:

'The public house or restaurant element shall not be brought into use until either: a) The hazardous substances consents for the Total Lindsey Oil Refinery Ltd has been revoked or b) A report relating to the respective element has been submitted to the LPA outlining the level of risk posed by the presence of the Total Lindsey Oil Refinery Ltd together with details of any proposed mitigation measures and the LPA have agreed in writing that they are satisfied with the conclusions of the Report so to allow the respective element to be occupied. Any mitigation measures proposed in the report to be approved in writing by the Borough Council shall be implemented in accordance with the approved report.'

Recommendation:

That Members give authorisation to the Corporate Director to:

- 1) alter condition 4 of 2013/0497 to remove the reference to the Chevron Ltd Hazardous Substance Consent, so that the condition reads:-**

'The public house or restaurant element shall not be brought into use until either: a) The hazardous substances consents for the Total Lindsey Oil Refinery Ltd has been revoked or b) A report relating to the respective element has been submitted to the LPA outlining the level of risk posed by the presence of the Total Lindsey Oil Refinery Ltd together with details of any proposed mitigation measures and the LPA have agreed in writing that they are satisfied with the conclusions of the Report so to allow the respective element to be occupied. Any mitigation measures proposed in the report to be approved in writing by the Borough Council shall be implemented in accordance with the approved report.'

- 2) write to the HSE to advise that no alteration should be made to condition 4 of 2013/0497 part b in relation to the ability for the applicants to submit**

a report for a risk assessment in relation to the risk posed by the presence of the Total Oil Refinery and that no alteration is to be made in relation to the resolution and the form of development proposed in planning application 2013/0500; and

- 3) write to the HSE to agree an extension of 14 days from the 22nd November to enable the HSE to further consider whether to call in the applications.**



Report to Planning Committee

Planning Enforcement 0164/2013

Reference:

Location: 'The Brambles' development site, land between Main Street and Hollinwood Lane, Calverton, Nottinghamshire

Breach of Planning Control: Breach of Condition 1 of Planning Permission 2012/0941 (Outline Appn No 2012/0057)- Existing trees onsite not protected in accordance with Landscaping Layout (101 Rev G).

Site Description

The application site has an area of 3.8 hectares and is located at the western end of Calverton, adjacent to a main route into the village. It is bounded by Collyer Road to the north, Hollinwood Lane to the west and Main Street to the south. There are a number of residential properties which adjoin the site on Bartley Gardens, Main Street and Hollinwood Lane. To the eastern boundary of the site are allotment gardens on Collyer Road.

The site was formally agricultural grassland, and falls in level from the south and north-western corner down to the south-eastern and north-eastern corners of the site. Hedgerows are located around the perimeters of the site to the road boundaries and the allotments. The site is bounded by domestic fencing along its boundary with residential properties. There are no trees within the site, but there are a number of trees within the hedgerows and along the boundaries with residential properties. An avenue of street trees has been planted along Collyer Road, parallel to the northern boundary of the application site.

The existing accesses into the site are off Main Street and Collyer Road.

Relevant Planning History

Outline Planning Permission was granted in August 2012 for the erection of up to 126 dwellings (Class C3) and ancillary works (Means of access from Collyer Road and pedestrian accesses to be determined, other matters reserved) – planning application 2012/0057.

Subsequently an application for approval of the matters reserved in relation to Appearance, Landscaping, Layout and Scale, pursuant to outline planning permission no: 2012/0057 was submitted. The application was granted conditional permission, subject to the development being built in accordance with the details.

Condition 1 of the reserved matters application detailed that the development should be completed in accordance with the Landscaping Layout (drawing number 101 Rev G). The drawing specifies that the rooting zone of the Poplar trees shall be protected by a 2.3 metre weldmesh fence on scaffold frame.

A complaint was received in relation to works that were being carried out at the site and potential damage to trees. Investigations were subsequently carried out in conjunction with the Nottinghamshire County Councils Senior Forestry Officer, where it was found that the developers compound and associated car park has been created close to the Poplar trees. Upon inspecting the site, Officers noted that the required protection measures have not been implemented and were concerned that the excavation and compaction works to create the car parking area may have damaged the rooting area of the Poplar trees. The Council therefore requested that the developer commission a survey of the Poplar tree roots to assess any damage that may have been caused as a result of the works within Root Protection Area.

The Borough Council received the required report in September 2013 relating to works that were taking place on the site as part of the previously approved development. The report specifically relates to works in the vicinity of a group of Poplar trees located on the boundary of the site, however not within the site itself.

The report confirms that there has been some root severance, although this is mainly confined to the fine roots found within the upper levels of the soil. The report also noted that there has been some severance of roots of a larger diameter, however the report notes that this damage is minimal to the overall stability of the trees as the main resistance is provided by the roots located closer to the bole of the tree. The report comments there are further roots below the level of those larger roots that have been damaged and that the root system has therefore not been completely severed on this side of the tree.

The report also sets out a number of measures that need to be carried out in order to ensure that the trees can be retained in the long term. Enforcement Action is required to be undertaken to ensure that these remediation works are undertaken.

Breach of Planning Control

Section 171A (Expressions used in connection with enforcement) of the Town and Country Planning Act 1990 states that for the purposes of this Act;

- a) Carrying out development without the required planning permission; or
- b) failing to comply with any condition or limitation subject to which planning permission has been granted,

Constitutes a breach of planning control.

The Council considers that the development currently taking place on the site known as 'The Brambles' is taking place in breach of Condition 1 of Planning Permission 2012/0941, namely not in compliance with the details contained upon and approved under Landscaping of the site, in terms of the ability to retain the Poplar trees as indicated on the approved plans.

There has therefore been a breach of planning control.

Planning Considerations

Although the development has taken place in breach of a condition placed upon the planning permission, local planning authorities are advised to consider the guidance contained within paragraph 207 of the National Planning Policy Framework (NPPF) which advises:

“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.”

Planning permission is unlikely to be granted for a variation to the details approved under reserved matters in relation to the trees that should be retained, due to the impact that the non-retention could have on the appearance of the development and wider area.

The remediation of the current damage and prevention of future damage, to the Poplar trees requires works to be undertaken by the developer. In order to ensure that these works are carried out to the Councils satisfaction and specification, it is my opinion that authorisation should be given to take any appropriate enforcement action to regularise the position.

Recommendation:

That the Corporate Director in consultation with the Council Solicitor and Monitoring Officer be authorised to take any appropriate enforcement action including the service of relevant notices.

or

That the Council Solicitor and Monitoring Officer be authorised to take any further legal action following the service of any relevant notices, if such legal action is appropriate.

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Report to Planning Committee

Application Number: 2013/0159

Location: Land adj. 208 Spring Lane, Lambley

Proposal: Erect 4 bedroom dwelling and detached garage.

Planning permission for the above development was refused on 17th April, 2013 on the grounds that in the opinion of the Borough Council the proposed new dwelling would constitute inappropriate development within the Green Belt, which by definition would be harmful to the Green Belt, and would result in the undesirable consolidation of ribbon development within the open countryside.

An appeal against this decision has been lodged with the Planning Inspectorate, and is to be determined by written representations.

Recommendation

Members are asked to note the report.

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ACTION SHEET PLANNING DELEGATION PANEL 25th October 2013

2013/0614

London Midland Railway Club Association 2 Victoria Park Way Netherfield
Demolition of club and erection of restaurant with drive through facility, car park and amended access.

The proposed development raises complex policy issues.

Application to be determined at Planning Committee.

2013/0615

London Midland Railway Club Association 2 Victoria Park Way Netherfield
11 No. building signs and 15 No. site signs associated with erection of restaurant with drive through facilities, car park and amended access (REVISED PLANS)

The proposed development raises complex policy issues.

Application to be determined at Planning Committee.

2013/0894

63 Woodchurch Road Arnold Nottingham
Demolition of existing garage and conservatory and erection of dwelling

The proposed development results in no undue impact on neighbouring properties, the area in general or highway safety.

The Panel agreed to delegate the decision to the Corporate Director

Decision to be issued following completion of paperwork.

Parish to be notified by standard letter following issue of decision **SS**

2013/0923

3 Lea Close Ravenshead Nottingham
Ground floor extension

The proposed development results in no undue impact on neighbouring properties.

The Panel agreed to delegate the decision to the Corporate Director

Decision to be issued following completion of paperwork.

Parish to be notified by standard letter following issue of decision **SS**

2013/1006

Parker House Nursing Home 6 Albemarle Road Woodthorpe
Proposed retrospective planning permission for the retention of a Steel Storage Container

The proposed development raises complex policy issues.

Application to be determined at Planning Committee.

2013/1007

742 Mansfield Road Woodthorpe Nottingham NG5 3FY

Replace existing flat roof with pitched roof incorporating 2 No. Flats (Resubmission of Appn 2012/1021).

The proposed development raises complex issues in respect to the impact on neighbouring properties.

Application to be determined at Planning Committee.

2013/1075

169 Main Street Calverton Nottingham

Proposed two storey side extension

The proposed development would have no undue impact on neighbouring properties or the area in general.

The Panel agreed to delegate the decision to the Corporate Director

Decision to be issued following completion of paperwork.

Parish to be notified by standard letter following issue of decision

SS

AJ/28th October 2013

ACTION SHEET PLANNING DELEGATION PANEL 1st November 2013

2013/1084

23 Foxhill Road Burton Joyce Nottinghamshire

Single storey rear extension to ground floor balcony of 2nd level; internal modifications; replacement windows and doors

The proposed development would have no undue impact on the residential amenity of adjacent properties, the appearance of the site or the wider area.

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

Decision to be issued.

Parish to be notified by standard letter following issue of decision.

SS

NM

1st November 2013

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Report to Planning Committee

Subject: Future Planning Applications

Date: 20 November 2013

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 Control.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2013/0546	Land Off Teal Close	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	11/12/13
2013/0836	Cornwater Fields Longdale Lane Ravenshead	Residential development of up to 70 dwellings including access equipped play area and open space	11/12/13
2013/1162	Land At Stockings Farm Calverton Road Arnold	Substitution of housetypes for plots 338-340inc 346-352inc 354-359inc 362-367inc (Now referred hereto as plots 338-340inc and	11/12/13

	Nottinghamshire	346-368inc)	
2013/1090	Land At Stockings Farm Calverton Road Arnold Nottinghamshire	Phase 3 - substitution of house types, Plots 218, 220, 221, 232, 233, 235, 241, 244, 245 and 246	11/12/13

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.

Recommendation:

To note the information.