

**MINUTES
PLANNING COMMITTEE**

Wednesday 19 April 2017

Councillor John Truscott (Chair)

In Attendance:	Councillor Barbara Miller	Councillor Meredith Lawrence
	Councillor Michael Adams	
	Councillor Pauline Allan	Councillor Marje Paling
	Councillor Alan Bexon	Councillor Colin Powell
	Councillor Bob Collis	Councillor Paul Stirland
	Councillor Kevin Doyle	Councillor Paul Wilkinson
	Councillor David Ellis	Councillor Henry Wheeler
		Councillor Muriel Weisz

Absent: Councillor Chris Barnfather and Councillor Gary Gregory

Officers in Attendance: M Avery, N Morley, C Goodall, S Oleksiw and F Whyley

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Barnfather and Gregory. Councillor Weisz attended as a substitute.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 22 FEBRUARY 2017.

RESOLVED:

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

3 DECLARATION OF INTERESTS

None.

4 APPLICATION NO. 2016/0875- EARL OF CHESTERFIELD, 37 CARLTON HILL, CARLTON, NOTTINGHAMSHIRE.

Demolition of an existing pub building, replaced with a three storey mixed use building consisting of 3 x A1 (Shops) or A5 (Hot Food Takeaway) retail units and 14 x 2-bed flats.

The Service Manager, Development Services introduced the application.

RESOLVED to GRANT PLANNING PERMISSION subject to the applicant entering into a Section 106 Agreement with the County Council for a contribution towards primary and secondary education and subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be constructed and implemented in accordance with the following approved plans and documents: Design and Access Statement (Means of Surfacing and Ventilation Extracts), received on 29th July 2017; Proposed GA Floor Plans and Roof Plan (20-006 Rev A), Proposed Elevations (20-007 Rev A), and Drainage Strategy Report, received on 9th February 2017; and Proposed Site Plan (70-003 Rev D), received on 20th February 2017.
3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Borough Council and development must be halted immediately on that part of the site until such time that the Borough Council has given written approval for works to recommence on site. Once contamination has been reported to the Borough Council, an assessment of contamination must be undertaken. This assessment shall 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. The assessment shall be undertaken by a competent person and shall assess any contamination of the site whether or not it originates on site. Where remediation is necessary, a written remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The remediation scheme shall be implemented as approved.
4. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council an environmental noise assessment and details of a sound insulation scheme. The environmental noise assessment shall include the impact of any transportation noise, and noise from people on the street, and shall be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition, it shall include predicted noise levels

for any plant and equipment which would form part of the development, octave band analysis and all assumptions made (e.g glazing and facade areas). The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustical ventilation scheme and be designed to achieve the following internal noise levels: (1) Not exceeding 30 dB LAeq (1 hour) in bedrooms for any hour between 23.00 and 07.00; (2) Not exceeding 35 dB LAeq (1 hour) for bedrooms and living rooms for any hour between 07:00 and 23:00; (3) Not more than 45 dB LAmax (5 minutes) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00. Before the development hereby permitted is first occupied, verification that the approved sound insulation scheme has been implemented in accordance with the approved details and is fully operational shall be submitted to and be approved in writing by the Borough Council. The sound insulation scheme shall thereafter be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council cross-sections through the site showing details of the existing and proposed site levels in relation to adjacent properties, including finished floor levels. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Parking Management Plan, which shall demonstrate how bays 1 to 14 of the proposed resident's parking area will remain available for use by the occupants of the flats at all times. The Plan shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of cycle stands to serve the proposed retail units and flats. The cycle stands shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme to prevent the unregulated discharge of surface water

from the access and egress routes, parking, turning and servicing areas onto the public highway. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

9. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of all external plant, including extract units, air conditioning systems, flues, fans & vents. The external plant shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
10. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of all external lighting, including levels of illumination, to be provided on the proposed building or elsewhere within the site. The external lighting shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
11. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the materials to be used in the external elevations of the proposed building. Thereafter the development shall be carried out in accordance with approved materials, unless otherwise prior agreed in writing by the Borough Council.
12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the proposed means of enclosure of the site, which shall include provision for pedestrian access from Southcliffe Road. The means of enclosure shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
13. 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, hedges, shrubs or seeded areas proposed to be planted. The approved landscape plan shall be carried out in the first planting season following the substantial completion of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or

seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.

14. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
15. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a bat activity survey of the existing building and any recommended mitigation measures. Any mitigation measures shall be implemented in accordance with the approved details.
16. The access and egress routes, car parking areas, turning and servicing areas and other unbuilt on portions of the site shall be provided and completed in accordance with the approved details specified in condition 2 above before the development is first brought into use and the parking, turning and servicing areas shall not be used for any purpose other than the parking, turning, loading and unloading of vehicles, for the lifetime of the development.
17. Before the development hereby permitted is first brought into use, the individual parking spaces shall be clearly marked out on site in accordance with the approved plan. The parking spaces shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
18. The retail units hereby permitted shall only be used for purposes falling within Class A1 (Shops) or Class A5 (Hot Food Takeaways) of the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order, as specified in the email from the applicant's agent on 16th February 2017. Only two of the three retail units hereby permitted shall be used for purposes falling within Class A1 (Shops) at any time, unless otherwise prior agreed in writing by the Borough Council.

Reasons

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

2. For the avoidance of doubt and to allow a proportionate approach to minor material amendments.
3. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To protect the occupants of the proposed development, in accordance with the aims of Section 11 of the National Planning Policy Framework.
5. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To ensure a satisfactory development and in the interests of highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy for Gedling Borough (September 2014).
8. To ensure surface water from the site is not deposited on the public highway, causing dangers to road users, in the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. To ensure that the details of external plant are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. To ensure that the details of external lighting are satisfactory in the interests of visual amenity and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
11. To ensure that the materials to be used in the external elevations of the proposed building are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

12. To protect the residential amenity of the area, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
13. To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
14. To seek to ensure that the construction of the site provides appropriate employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014).
15. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
16. In the interests of highway safety and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
17. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
18. For the avoidance of doubt and to ensure compliance with Policy 51 of the Local Planning Document Publication Draft (Part 2 Local Plan), May 2016.

Reasons for Decision

Notes to Applicant

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

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.

The environmental noise assessment shall be suitable and sufficient, where appropriate shall consider the impact of vibration, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise and any other appropriate British Standards. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings. The approved sound insulation scheme must be maintained and, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how the Borough Council might help decrease levels by incorporating mitigation measures into scheme design as standard. (See: <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) The Borough Council would also ask that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

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.

Should any bats be found during demolition, work must stop immediately. If the bats do not voluntarily fly out, the aperture shall be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust (08451 300228) or an appropriately qualified ecologist should be contacted immediately for further advice and any advice must be followed before any further demolition work takes place.

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised; and providing updates on the application's progress.

5 APPLICATION NO. 2016/1264- ADJACENT 1 GREYS ROAD, WOODTHORPE, NOTTINGHAMSHIRE.

Proposed two storey house & single storey extension connected by a lobby.

Mr Spence, the applicant, spoke in favour of the application.

Mrs Yoell, a resident, spoke in objection to the application.

The Service Manager, Development Services, explained that further to the publication of the report, two additional objection letters had been received. The additional considerations were verbally reported to Members. The Service Manager, Development Services proposed an amendment to condition 2 to include revised drawings.

RESOLVED to Grant Planning Permission, subject to the following amended 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 application form, site location plan and Design and Access Statement, received on 5th December 2016, the e-mail received on 11th January 2017, the revised plans drawing no's RS 100-04 rev A and RS 100-03 rev A received on 13th January 2017, and the revised plans no's RS 100-01 rev B and RS 100-02 rev B received on 18th April 2017.
3. The dwelling shall not be occupied until the shared private driveway is laid out to a width of not less than 5.25m in width.
4. The dwelling shall not be occupied until the dropped vehicular footway crossing has been widened and is available for use and

constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council.

5. The dwelling shall not be occupied until the driveway/ 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.
6. The bathroom window to the first floor north elevation facing no.1 Greys Road shall be obscurely glazed to a minimum of Pilkington Level 4. Any opening unit shall be top hung.
7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the materials to be used in the external elevations of the development. Once approved the development shall be carried out in accordance with these details.
8. 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 before the dwellings are first occupied and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council.
9. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of surfacing of the unbuilt on portions of the site. The approved means of surfacing shall be erected before the dwelling is first occupied.
10. Before development is commenced there shall be submitted to and approved in writing 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. The approved details 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.
11. Before development commences drainage plans for the disposal of surface water and foul sewage shall be 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 and shall be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.
4. In the interests of Highway safety.
5. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
6. To ensure the details of the development area satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
8. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
9. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
10. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
11. To ensure that the development is provided with satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Reasons for Decision

In the opinion of the Borough Council the proposed development is of an acceptable size and design in this setting and would have no significant undue impacts on the visual appearance of the streetscene or on neighbouring amenity and there are no highway safety implications. The proposal therefore accords with Policy 8 (Housing Size, Mix and Choice) and Policy 10 (Design and Enhancing Local Identity) of the Aligned Core

Strategy (September 2014), Saved Policy ENV1 (Development Criteria) and Policy H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes) of the Gedling Borough Replacement Local Plan, advice contained within the National Planning Policy Framework 2012, and the Parking Provision for Residential developments SPD (2012).

Notes to Applicant

Positive and Proactive 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. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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

The proposal makes it necessary to widen the vehicular crossing over a footway 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 to arrange for these works to be carried out.

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.

Should any bat/s be found during construction / demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats covering 'reckless' damage or disturbance to a bat roost.

6 APPLICATION NO. 2017/0154- 6 JESSOPS LANE, GEDLING, NOTTINGHAMSHIRE, NG4 4BQ.

Variation of condition 2 (approved plans) - 2016/0148 (ground & first floor extensions, and a detached garage) Repositioning of garage towards front boundary, and minor alterations to dwelling.

Mr Wilson, a resident, spoke in objection to the application.

The Service Manager, Development Services introduced the report.

RESOLVED to REFUSE PLANNING PERMISSION.

1. In the opinion of the Borough Council, the garage element of the development results in an unduly prominent and incongruous feature in the street-scene due to the elevated position of the garage in very close proximity to the highway boundary. As such, the proposed development would be contrary to Policy ENV1 of the Replacement Local Plan (Certain Policies Saved 2014), Policy 10 of the Aligned Core Strategy for Gedling Borough, NPPF Part 7 'Requiring good design' as well as the Policy LPD 35 'Safe, Accessible and Inclusive Development' of the emerging Local Planning Document.

7 PLANNING DELEGATION PANEL ACTION SHEETS

Noted.

8 FUTURE PLANNING APPLICATIONS

Noted.

9 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.40 pm

Signed by Chair:
Date: