

**MINUTES
PLANNING COMMITTEE**

Wednesday 3 October 2018

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor David Ellis
 Councillor Michael Adams Councillor Meredith Lawrence
 Councillor Pauline Allan Councillor Barbara Miller
 Councillor Peter Barnes Councillor Marje Paling
 Councillor Chris Barnfather Councillor Colin Powell
 Councillor Tammy Bisset Councillor Jane Walker
 Councillor Kevin Doyle Councillor Henry Wheeler

Absent: Councillor Alan Bexon and Councillor Alex Scroggie

Officers in Attendance: M Avery, C Goodall, S Oleksiw and G Wraight

60 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Bexon and Scroggie. Councillor Bisset attended as a substitute.

61 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2018

RESOLVED:

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

62 DECLARATION OF INTERESTS

None.

63 PLANNING APPLICATION 2017/0155 - BROOKFIELDS GARDEN CENTRE, MAPPERLEY PLAINS, ARNOLD

Outline application for the erection of up to 32 dwellings, including access.

Simon Mandeville, a local resident, spoke in objection to the application.

The Service Manager – Development Services informed Members that further to the publication of the report, a petition signed by 146 residents

had been received raising objection to the application on the grounds that a decision should not be made until the North East Arnold Development Brief was finalised, the unsuitability of the proposed access to the site on Crawford Rise, the access to the adjacent site from Crawford Rise, that wildlife in native hedgerows must be retained and that the petition should be debated at a meeting of Full Council.

The Service Manager – Development Services informed Members that in addition to the petition, one further letter of objection had been received in relation to highway safety and particularly parked cars.

The Service Manager – Development Services recommended that the Borough Council should grant outline planning permission in accordance with the report but with an amendment to the recommendation at paragraph 16 to require the Section 106 Agreement to also require affordable housing in accordance with paragraph 13.1.

RESOLVED to GRANT OUTLINE PLANNING PERMISSION, with matters relating to Appearance, Landscaping, Layout and Scale reserved for subsequent approval and subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council education authority and highways authority for the provision of, or financial contributions towards Educational Facilities, Healthcare, Local Employment Agreement, Bus Stop Improvements and Public Open Space; and subject to the following conditions:

Conditions

- 1 Approval of the details of Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The submission of all reserved matters and the implementation of the development shall be carried out in substantial accordance with the plans and documents received on the 2nd February 2017: - Application Forms; Planning Statement (January 2017); M-EC Transport Statement (Dec 2016); Topographical Survey; Design and Access Statement; Illustrative Masterplan (MI1039/003A); Extended Phase 1 Habitat Survey

(P1198/1116/01); Constraints and Opportunities Plan; Site Location Plan; Minerals Resource Assessment; and Flood Risk Assessment (22362/01-17/4560).

- 4 No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
- 5 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 7 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. The Remediation Scheme shall be implemented as approved.
- 8 In the event that remediation is required to render the development suitable for use, a written remediation scheme and timetable of works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be implemented in accordance with the approved details. Prior to the development being first brought into use, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and

arrangements for contingency action) must be submitted to and approved in writing by the Local Planning Authority.

- 9 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 10 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority, details of 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 and based on the submitted Document: MEC Proposed Residential Development, Brookfields Garden Centre, Mapperley Plains, Flood Risk Assessment - January 2017 Report ref (22362/01-17/4560). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development.
- 11 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree / hedge protection plan to graphically show the locations of any tree / hedge and root protection barriers; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement (AMS). The AMS provides guidance as to how works might be mitigated or compensated for; (3) Details of any special engineering works and surfacing required near trees / hedges. The approved measures of protection shall be implemented in accordance with the approved details for the duration of the construction period.
- 12 Before development is commenced, there shall be submitted to and approved in writing by the Local Planning Authority a Desktop Study for Existing Ecological Information, to include: (1) Consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC); (2) An Extended phase 1 Habitat Survey; and (3) Details of avoidance, mitigation and compensation measures, and opportunities for enhancements.

The development shall be implemented strictly in accordance with the approved details.

- 13 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details.
- 14 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development.
- 15 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 16 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 For the avoidance of doubt.

- 4 To ensure the development is constructed to adoptable standards.
- 5 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 6 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 7 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 LPD7.
- 8 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 LPD7.
- 9 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).
- 10 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution, in accordance with the National Planning Policy Framework, Policies 1 and 17 of the Aligned Core Strategy Submission Documents and Policy LPD4.
- 11 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy LPD18 (July 2018).
- 12 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014) and Policy LPD18.
- 13 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 14 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).

- 15 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 16 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Local Planning Document (July 2018), where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

Notes to Applicant

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.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

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. All correspondence with the Highway Authority should be addressed to: TBH - NCC (Highways Development Control) (Floor 8), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7QP.

No removal of hedgerows, trees or shrubs shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council.

The Environment Agency advises that SuDS involve a range of techniques, including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

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

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 38 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application.

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. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

The Environment Agency advises that 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.

64 PLANNING APPLICATION 2018/0577 - LAND ADJACENT GEDLING MANOR, WOOD LANE, GEDLING

Residential development of 14 houses.

Francis Rodrigues (on behalf of Gedling Village Preservation Society) spoke in objection to the application.

The Service Manager – Development Services informed Members that further to the publication of the report, an additional letter of objection had been received in relation to antisocial behaviour and vandalism due to the site not being adequately secured.

RESOLVED to GRANT FULL PLANNING PERMISSION subject to the applicant entering into a Section 106 planning obligation with the Borough Council as Local Planning Authority and Nottinghamshire County Council for the provision of / or financial contributions towards: Public Open Space; Education; Management Company for Maintenance of access road and areas of open space not within residential curtilages; and a Local Labour Agreement 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 strictly in accordance with the Application Forms and the following approved submitted with the application, drawing numbers: Site as Existing (P002 P); Geodyne Plans and Reports (36011/DRAFT); Severn Trent Commercial Extra Drainage and Water Report (SF23263878000); Site Location Plan (P001); Topographical Study (0001); Emec Ecology Protected Species Walk Over (8518/SG/16); Design and Access Statement; Plot 1 (P201); Plot 2 and 3 (P202); Plot 4 (P204); Plot 5 (P205); Plot 6 (P206); Plots 7 - 10 (P207); Plot 11 (14 handed) (P211); Plot 12 (P212); Plot 13 (P213); Single Garage (P300); Double Garage (P301); Proposed Site Access (16041-01 K); Swept Path Analysis (16041-04 A); Proposed Private Levels Sheet 1 (16041-210 C); Proposed Private Levels Sheet 2 (16041-211 D); Private Drainage Layout Sheet 1 (16041-240 C); Private Drainage Layout Sheet 2 (16041-241 C); Proposed Site Section (16-137-001); Proposed Site Plan (P003); Proposed Site Boundaries (P005);

and Emec BS 5837 Arboricultural Report and Impact Assessment.

- 3 No part of the development hereby permitted shall be brought into use until the access has been constructed as per plan reference 10641-01 Rev K. These access works are proposed on land which falls outside the applicant's control, and is subject to the provisions of the Highways Act 1980. To be able to carry out these works on the Public Highway the applicant will need to enter in a S278 legal agreement with the County Council as Highway Authority.
- 4 Prior to occupation, details of the proposed arrangements and plan for future management and maintenance of the private road including associated drainage should be submitted to and approved in writing by the Local Planning Authority, under a S106 Agreement. The private road and drainage shall thereafter be maintained in accordance with the approved management and maintenance details, until such time that a private Management and Maintenance Company has been established.
- 5 No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with plan reference 10641-01 Rev K. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions.
- 6 No part of the development hereby permitted shall be brought into use until the access drive and internal access drives/ parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 7 No part of the development hereby permitted shall be brought into use until the access driveway and internal access driveways/ parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 8 No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

- 9 Prior to any above ground works commencing on site there shall be submitted to and approved in writing by the Local Planning Authority full details of both soft and hard landscape works. The detailed landscape plans and particulars shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways, and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
- 10 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to Condition 9, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 11 No above ground construction works shall commence until samples of the proposed materials to be used in the external construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 12 Prior to the development hereby approved commencing (including site preparation) a tree protection plan and an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority, which shall include: (i) Tree Protection Plan: to graphically show proposed site with retained trees and locations of root protection barriers; (ii) Arboricultural Method Statement: to give guidance on aspects of the proposed works which may have an Arboricultural impact to retained trees and show how they are mitigated; and (iii) Details of any special engineering works and surfacing required near trees; in accordance with BS5837:2012.
- 13 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) for the development shall 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.

- 14 In the event that remediation is required to render the development suitable for use, the remediation scheme approved pursuant to condition 13 shall be implemented strictly in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.
- 15 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period of the development. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 16 Prior to any above ground works commencing on site there shall be submitted to and approved in writing by the Borough Council, details of 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. The surface water drainage scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interests of Highway Safety.
- 4 To ensure that the road infrastructure is maintained to an appropriate standard.

- 5 To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.
- 6 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 7 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 8 In the interests of Highway safety.
- 9 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy 17 of the Aligned Core Strategy.
- 10 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy 17 of the Aligned Core Strategy.
- 11 To ensure a satisfactory standard of external appearance.
- 12 To ensure a satisfactory development in accordance with Policy LPD 18.
- 13 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 LPD6 and LPD7.
- 14 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 LPD6 and LPD7.
- 15 To protect the residential amenity of the area in accordance with the aims of Section 15 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy LPD32 (Amenity).
- 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, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate. In the

opinion of the Borough Council, the proposed development accords with the relevant policies of these frameworks and plans.

Notes to Applicant

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.

S278 Agreement - 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 Daniel Sullivan on 0115 9773991 for details.

Your attention is brought to the recommendations of the Highway Authority. The plans submitted are not to an adoptable standard therefore the road will always remain Private. For private developments with six building frontages or more, it is required under Sections 219 to 225 of the Highways Act to serve a notice on the applicant with an assessment of the full cost of the proposed roadworks under the Advance Payment Code (APC), to protect frontage's interests. The cost of the APC notice will reflect the full cost of the proposed street works likely to be required to complete the works to an adoptable standard and must be paid in cash and not by bond. The requirement for an APC notice can only be removed by entering into a S38 agreement to have the road adopted. However as the road layout is not to adoptable standards and the ownership unknown, it cannot therefore be adopted. However, just as the APC would be served and money paid or retained, the Highway Authority are not indicating any future intention to adopt and maintain the street works at public expense.

Your 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 to decrease levels by incorporating mitigation measures into scheme design as standard. (see: <http://gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>). It is therefore requested commitment to incorporate provision for an EV (electrical vehicle) charging point per dwelling; to allow future residents to charge electrical/hybrid vehicles into the future. 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 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

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application to address adverse impacts identified by officers to address concerns in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (March 2012).

Your attention is brought to the implications of the private drive for future occupiers if the roads are not adopted. (i) Future maintenance liabilities; (ii) Public liabilities; (iii) Street cleansing; (iv) Lack of pedestrian facilities; (v) Lack of / or poor standard of lighting and drainage; (vi) Nottinghamshire County Council have no powers under the Highways Act; (vii) The police have no powers to remove obstructions.

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.

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Date Recommended: 18th September 2018

**65 PLANNING APPLICATION 2018/0628 - 12 BANK HILL,
WOODBOROUGH, NG14 6EF**

Replacement dwelling (resubmission of 2018/0026).

Adam Quincey, the applicant, spoke in support of the application.

The Service Manager – Development Services introduced the report.

RESOLVED to Refuse Planning Permission for the following reason:

Reason

- 1 The proposed replacement dwelling, by virtue of its design, would result in an incongruous development, out of keeping with the prevailing character and appearance of neighbouring properties, causing harm to the streetscene and setting of the adjacent Woodborough Conservation Area as a designated heritage asset, contrary to Paragraphs 124, 127, 130, 131, 192 & 193 of the National Planning Policy Framework, Policies 10 & 11 of the Aligned Core Strategy and Policies LPD14, LPD15 & LPD28 of the Local Planning Document.

**66 PLANNING APPLICATION 2018/0045 - KENDON PACKAGING LTD,
MEADOW ROAD, NETHERFIELD**

Outline planning application for up to 40 No. dwellings with all matters reserved except access.

The Service Manager – Development Services introduced the report.

RESOLVED to Grant Outline Planning Permission with the matter of Access approved: Subject to the applicant entering into a Section 106 Agreement with the Borough Council as Local Planning Authority and with the County Council as Local Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

Conditions

- 1 Approval of the details of layout, scale parameters, landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.

- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 This permission shall be read in accordance with the Site Location Plan and Access Layout Plan, drawing ADC1606-DR-001 Rev P1, and the Flood Risk Assessment, RSE_950-02V1 received by the Local Planning Authority on 16th January 2018.
- 4 Prior to first occupation of the development and with reference to Noise Impact Assessment by Noise Vibration Consultants Ltd (Date: 17th January 2018), verification that the approved sound insulation scheme has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.
- 5 Prior to the commencement of the development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The noise management part of the plan should make reference to the submitted Noise Impact Assessment by Noise Vibration Consultants Ltd (Date: 17th January 2018). The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice - Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders The approved Noise and Dust Management Plan shall be implemented throughout the construction and demolition works undertaken on site.
- 6 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by

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

Submission of Remediation Scheme.

Where required following the site characterisation assessment, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) shall 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.

In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works.

Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

- 7 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 set out in Condition 6 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.
- 8 No part of the development hereby permitted shall commence until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, Traffic Regulation Orders, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be

implemented in accordance with these details to the satisfaction of the Local Planning Authority

- 9 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 10 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 11 No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times during the construction of the development and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
- 12 No development shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and any protective fencing is erected as required by the AMS. The AMS shall include full details of the following:
 - a) Timing and phasing of Arboricultural works in relation to the approved development.
 - b) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges adjacent to the site.
 - c) Details of any construction works required within the root protection area of trees, hedges or shrubs adjacent to the site, as defined by BS5837:2012.
 - d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

- 13 Prior to the submission of any reserved matters application, a nocturnal bat emergence or dawn swarming survey and a badger monitoring survey, in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal and Bat Building Assessment (RSE_950_01_V1) shall be undertaken and submitted to the Local Planning Authority.
- 14 No development shall commence 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.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 To define the permission, for the avoidance of doubt.
- 4 To protect the amenity of the occupiers of the approved dwellings.
- 5 To protect the amenities of the occupiers of adjacent dwellings.
- 6 To ensure that land contamination matters are fully addressed.
- 7 To ensure that land contamination matters are fully addressed.
- 8 In the interests of Highway safety.
- 9 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 10 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 11 In the interests of Highway safety.
- 12 To ensure that existing trees on adjacent land are adequately protected.
- 13 To ensure that ecological interests are adequately protected.

- 14 To ensure that the surface water drainage scheme is appropriate to meet the needs of the site and the approved development.

Reasons for Decision

The proposed redevelopment of the site for residential use is considered to be acceptable in principle and it is considered that residential density of up to 40 dwellings could reasonably be achieved. It is not considered that the proposal would cause harm to visual or residential amenity, subject to a detailed consideration at reserved matters stage. The proposal is considered to be acceptable in highway safety terms and is acceptable with respect to ecological, flood risk and heritage matters. It is therefore considered that the proposal meets with the objectives and relevant policies of the National Planning Policy Framework, the Aligned Core Strategy, the Replacement Local Plan and the Emerging Local Plan.

Notes to Applicant

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.

This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.

The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is

essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Construction & Demolition Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Gedling Borough Council's Environmental Health Team (Tel: 0115 9013972) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800) Saturday: 0830-1700 (noisy operations restricted to 0900-1300) Sunday: at no time Bank Holidays: at no time Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Gedling Borough Council's Environmental Health Team (Tel: 0115 9013972)

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression / silencers. Dust/Grit and Other Fugitive Emissions Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality. Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate measures include;-Flexible plastic sheeting Water sprays /damping down of spoil and demolition waste Wheel washing. Periodic road cleaning.

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 we might help decrease levels by incorporating mitigation measures into scheme design as

standard.(See[http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanand](http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanandpolicydocuments/supplementaryplanningdocumentsandguidance/)

[policydocuments/supplementaryplanningdocumentsandguidance/](http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanandpolicydocuments/supplementaryplanningdocumentsandguidance/))We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow workers and customers 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 comments of the Local Lead Flood Authority are attached.

The comments of Network Rail are attached.

The comments of the Environment Agency with regard to finished floor levels and flood resilience measures are attached.

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

67 TREE PRESERVATION ORDER 000110 - 6 SHELT HILL, WOODBOROUGH, NOTTINGHAMSHIRE

Protection of a Yew tree by a Tree Preservation Order (TPO)

RESOLVED to Confirm Tree Preservation Order 000110 without modification.

68 ENFORCEMENT 0009/2015 - THE TOWER HOUSE, NEWSTEAD ABBEY PARK, STATION AVENUE, NEWSTEAD

Unauthorised works to a listed building.

RESOLVED that the Service Manager, Development Services, in conjunction with the Director of Organisational Development & Democratic Services, be authorised to take all necessary planning enforcement action including the service of a listed building enforcement notice and proceedings through the courts if required to ensure improvement works are carried out to negate the impact of the existing unauthorised works to the two dormer windows and the first floor side window at the Tower House, Newstead Abbey Park, Station Avenue, Newstead.

69 ENFORCEMENT 0090/2018 - LAND TO THE WEST OF 47A RIVERSIDE, STOKE BARDOLPH

The construction of an unauthorised building.

The Service Manager – Development Services introduced the report.

RESOLVED that Members note the contents of the report and the changes to officers assessment.

70 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

71 FUTURE APPLICATIONS

RESOLVED:

To note the information.

72 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.00 pm

Signed by Chair:
Date: