

**MINUTES  
PLANNING COMMITTEE**

**Wednesday 16 January 2019**

Councillor John Truscott (Chair)

In Attendance:	Councillor Paul Wilkinson	Councillor Meredith Lawrence
	Councillor Pauline Allan	Councillor Marje Paling
	Councillor Peter Barnes	Councillor John Parr
	Councillor Alan Bexon	Councillor Colin Powell
	Councillor Tammy Bisset	Councillor Alex Scroggie
	Councillor Kevin Doyle	Councillor Jane Walker
	Councillor David Ellis	

Absent: Councillor Michael Adams, Councillor Chris Barnfather,  
Councillor Barbara Miller and Councillor Henry Wheeler

Officers in Attendance: M Avery, C Goodall, F Whyley and G Wraight

**97 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Members joined the Chair in holding a one minute's silence for Cllr Denis Beeston MBE who had sadly passed away.

Apologies for absence were received from Councillors Adams, Barnfather, Miller and Wheeler. Councillors Bisset and Parr attended as substitutes.

**98 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 05 DECEMBER 2018.**

**RESOLVED:**

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

**99 DECLARATION OF INTERESTS**

Councillor Walker declared a non-pecuniary interest in item 7 on the agenda as she rented one of the garages in question.

The Chair declared a collective non-pecuniary interest on behalf of all Members in item 4 on the agenda as the access road to the development was in the ownership of Gedling Borough Council.

The Chair declared a collective non-pecuniary interest on behalf of all Members in item 5 on the agenda as Gedling Borough Council was leaseholder to part of the site.

100

**APPLICATION NO. 2018/0911 - LAND AT SOUTH OF 64 WOODCHURCH ROAD, BESTWOOD**

Land to be developed with the construction of 3 x detached dwelling house and 1 x detached bungalow.

The Service Manager – Development Services introduced the report and recommended that planning permission be granted in accordance with the report with the following amendments:

- (i) The management company is only required for the maintenance of the new access **road** (not roads as detailed in the report) and areas of open space not within plot curtilages, and
- (ii) An additional condition to restrict the hours of work during construction and delivery of materials.

**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 for the financial contributions towards Public Open Space and the provision of a Management Company for maintenance of the new access road and areas of open space not within the curtilages; 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 following approved plans and details submitted with the application: Application Form; Certificate B signed 3/10/2018; Design and Access Statement (August 2018); Layout Plan; Proposed Plot 1 and 3 (Elevations Floor Plans); Proposed Plot 2 (Elevations Floor Plans); Proposed Plot 4 Bungalow (Elevations Floor Plans); Visualisation 1; Visualisation 2; Visualisation 3; Tree Survey indicating trees to be felled; Site Location Plan; Planting Maintenance Schedule; and Amended Landscape Plan (LANDP001 - Rev 03).
- 3 The dwellings shall not be brought into use until the site access has been widened to 5.5m and surfaced in a hard-bound material

in accordance with submitted Layout Plan and Landscape Plan (LANDP001 Rev 03).

- 4 Prior to above ground works commencing, precise details of the location, elevations, and materials of the proposed bin store shall be submitted to and approved in writing by the Borough Council. The development shall be implemented and maintained in accordance with the approved details for the life of the development.
- 5 No part of the development hereby approved shall be brought into use until the shared private drive is provided in accordance with the approved Layout Plan and Landscape Plan (LANDP001 Rev 03). The private drive shall then be retained in accordance with the approved plan(s) for the life of the development.
- 6 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority drainage plans for the disposal of surface water. 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.
- 7 The development shall be constructed strictly in accordance with the revised Landscape Plan drawing no (LANDP001 Rev 03) and the email dated 3rd January 2019 increasing the number of replacement Yew Trees to 5. If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to the Landscape Plan, 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, unless otherwise prior agreed in writing by the Local Planning Authority.
- 8 No above ground works shall commence until there has been submitted to and approved in writing by the Local Planning Authority precise details of the bricks and tiles to be used in the external elevations of the proposed development. Once approved the development shall be carried out strictly in accordance with these details, unless otherwise agreed 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 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.

- 10 The hours of work during construction and the delivery of materials to the site shall be restricted to between 08.00-18.00 hours Monday-Friday, 08.00-13.00 hours Saturdays and no working or delivery of materials shall take place on Sundays and Bank Holidays.

### **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 access in a slow and controlled manner and in the interests of general Highway safety.
- 4 To enable the Refuse lorries to collect on collection day.
- 5 In the interests of Highway safety.
- 6 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.
- 7 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy 17 of the Aligned Core Strategy.
- 8 To ensure a satisfactory development, in accordance with the aims of Policy 10 of the Aligned Core Strategy.
- 9 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).

- 10 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).

### **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, where appropriate. In the opinion of the Borough Council, the proposed development 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 impacts that can be mitigated through further details and particulars secured by condition.

### **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 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.

Your attention is brought to Bestwood St Albans Parish Path No.9 which runs along the southern boundary of the site. The availability of the footpath should not be affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. The Rights of Way Office should be consulted in any re-surfacing or gating issues. You are advised that potential path users in the area should not be impeded or endangered in any way.

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

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).

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 paragraphs 38 of the National Planning Policy Framework (March 2012).

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.

Date Recommended: 19th December 2018

**APPLICATION NO. 2018/1050 - LAND NORTH OF PAPPLEWICK LANE, LINBY**

Full planning application for 5 No. plot substitutions to planning permission 2017/0201

**RESOLVED to Grant Full Planning Permission: Subject to the applicant entering into a deed of variation amending the original Section 106 Agreement to planning approval: 2013/1406 with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards, Junction Mitigation Measures, Public Transport, Travel Plan Monitoring, Educational and Library Facilities, Primary Healthcare, Affordable Housing, Open Space, an Ecology Park; 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 This permission shall be read in accordance with the details within the Application Form and Drawings: Proposed Site Plan (PC-0320-100 rev A); Location Plan (PC-0320-200 rev A); Hemington (HEM/2017/02); and Somerby (SOM/2017/02).

**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 visually acceptable, results in no significant impact on neighbouring residential properties and amenities and would not have any impacts of Highways Safety. The proposed development therefore accords with Policy 32 of the Local Planning Document, Policy 10 of the Aligned Core Strategy, and the aims set out in the National Planning Policy Framework.

**Notes to Applicant**

The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 38 of the National Planning Policy Framework (March 2012).

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

Date Recommended: 20th December 2018

**102 APPLICATION NO. 2018/0951 - LAND OFF TEAL CLOSE, NETHERFIELD**

Variation of conditions 32 (highway works), 33 (highway works) & 35 (footway/cycleway works) on outline planning permission reference 2017/0999.

The Service Manager – Development Services introduced the report.

**RESOLVED to Grant variation to planning conditions 32, 33 and 35 attached to the Outline Planning Permission Reference: 2017/0999 by issuing a replacement planning permission subject to the applicant entering into a deed of variation amending the original Section 106 Agreement with the Borough Council as local planning authority for the provision of, or financial contributions towards, the Gedling Access Road, Junction Mitigation Measures, Public Transport, Travel Plan Monitoring, Educational Facilities, Primary Healthcare, Affordable Housing, Open Space, an Ecology Park and Air Quality Monitoring; and subject to the following conditions:**

**Conditions**

- 1 Application for the approval of reserved matters shall be made to the Local planning Authority not later than five years from the date of this permission. Details of Appearance, Landscaping, Layout and Scale (hereinafter called the reserved matters) for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development within that phase begins and the development shall be carried out as approved. The development hereby permitted shall commence



no later than two years from the date of approval of the last reserved matters to be approved.

- 2 The development shall be carried out in accordance with the Schedule of Development revision B submitted on the 10th October 2013 and the following plans; Site Location Plan DE076\_016; Parameters Plan DE076\_014 Rev B (as amended by DE076\_014 Rev C received by the Local Planning Authority on the 6th November 2018 and approved under application reference 2018/1063NMA). The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_002, 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.
- 3 No phase of development shall commence until a Phasing Schedule has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of a particular phase.
- 4 The development hereby approved comprises;(1) up to 830 residential dwellings; (2) up to 18,000 square metres of business use falling within use classes B1 'Business', B2 'General Industrial' and B8 'Storage and Distribution'; (3) the creation of a local centre and commercial centre of up to 2,800 square metres within use classes falling into A1 'Shop', A2 'Financial', A3 'Restaurant and café', A4 'Drinking Establishment', A5 'Hot Food Takeaway', B1 'Business' and D1 'Non-residential institutions'; (4) a Hotel providing up to 150 beds; (5) up to 500 square metres of uses falling with use classes D1 'Non- residential institutions' and D2 'Assembly and Leisure' (additional to (3) above); (6) a one form entry primary school which shall cover a minimum of 1.1ha; (7) a C2 'Residential Institution' of up to 60 beds; and (8) general opening space including landscaping, children's play areas, allotments and playing pitches as indicated on the approved parameters plan.
- 5 The total B1 'Business' floor area within the business and/or local centre and commercial areas hereby approved shall comprise not more than 4,500 square metres. The local centre shall not comprise of more than 2,499 square metres floor area of A1 'Shop' or D2 'Assembly and Leisure' uses.
- 6 The total amount of A1 'Shop' floor space shall not exceed 1,500 square metres and no individual A1 'Shop' unit shall exceed 750 square metres (measured internally).

- 7 Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. B.
- 8 Prior to the commencement of any phase of development hereby approved a site level survey plan shall be undertaken for that phase of development showing existing site levels. This existing site level survey plan shall be submitted to and approved in writing by the Local Planning Authority.
- 9 Buildings comprising Less Vulnerable uses (as defined by the National Planning Policy Framework) and their associated vehicle access routes within the development hereby approved shall have finished floor levels at no lower than 20.660m Ordnance Datum (AOD) where existing levels are at or exceed that level. Where existing levels are below 20.660m Ordnance Datum (AOD), set finished floor levels shall be a minimum of 20.660m Ordnance Datum (AOD) or 600mm above existing ground levels, whichever is lower.
- 10 Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the east of the A612 to 20.960 m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650 m above Ordnance Datum (AOD); and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable buildings. The scheme for each phase shall be implemented in accordance with the approved details prior to occupation of buildings within that phase.
- 11 Prior to the commencement of any phase of development hereby approved a scheme to provide flood resilience design for Less Vulnerable development, as defined by the National Planning Policy Framework, within that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase and subsequently maintained.
- 12 Prior to the occupation of any building(s) falling within use classes C3 'dwelling houses', C2 'Residential institutions', C1 'Hotels' or D1 'Non-residential institutions', a Verification Report confirming

the finished base slab and wearing course levels of that building(s) and the finished levels of internal road(s) serving that building(s) within the particular phase shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report for each phase shall also include confirmation that the approved flood resilient construction methods approved under condition 10 for More Vulnerable uses accords with the approved details.

- 13 Prior to the commencement of any phase of development hereby approved a scheme to provide a minimum of an 8 metre unobstructed easement from all watercourses, culverted watercourses and flood defence structures, including the Ouse Dyke (Main River) and any ordinary watercourses, within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to occupation of any buildings within that phase or any other features (i.e. playing fields) being brought into use and subsequently maintained.
- 14 Prior to the commencement of any phase of development hereby approved an evacuation plan for all Less Vulnerable development at risk of flooding within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any buildings within that phase and subsequently maintained.
- 15 No ground raising or permanent built structures shall be built within the modelled floodplain of the Ouse Dyke as shown in the Flood Risk Assessment, November 2013, submitted as part of the outline planning application hereby approved.
- 16 Prior to the commencement of any phase of development hereby approved, a surface water drainage scheme for that phase of development, 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 scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase. The scheme (s) to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques; (2) The limitation of surface water run-off to equivalent greenfield rates; (3) A minimum of two forms of surface water treatment to be provided prior to discharge from the site, in accordance with CIRIA C697; (4) 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 (5) Responsibility for the future maintenance of drainage features.

- 17 Prior to the commencement of any phase of development hereby approved a scheme to dispose of foul drainage for that phase of development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme (s) shall be implemented as approved.
- 18 Prior to the commencement of each phase of development hereby approved a remediation strategy that addresses the provision of the following components to deal with the risks associated with contamination of that phase of the site, together with a programme for submission and prior approval of the component elements, shall each be submitted to and approved, in writing, by the local planning authority: (1) A preliminary risk assessment which has identified; (a) all previous uses (b) potential contaminants associated with those uses; and (c) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site; (2). A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and (3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken. The scheme(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.
- 19 Prior to the commencement of each phase of development hereby approved a verification plan shall be submitted to and approved in writing by the Local Planning Authority. The verification plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) (of condition above 18) are complete and identifies any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The verification plan(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.
- 20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified pursuant to condition 18 above 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 until an assessment has been undertaken in accordance with the requirements set out in condition 18 and 19

above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, has been submitted to and approved in writing by the Local Planning Authority. The development must then proceed in accordance with the approved details.

- 21 Prior to the commencement of each phase of development hereby approved, details of any lighting to be used during the construction of that particular phase of development shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that lighting will be in operation. The lighting of the construction of any approved phase of development shall be lit in accordance with the approved details.
- 22 Details of any lighting to be provided (other than street lighting and lighting within domestic curtilages) during the operational phase of that phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that any such lighting will be in operation. The lighting of the development during its operational phase shall be carried out in accordance with the details approved.
- 23 If the sports pavilion to the north of the A612 is not demolished by the 30th June 2014, then in accordance with the submitted Bat Activity Surveys at the sports pavilion off Teal Close report further bat survey work shall be undertaken and an assessment report together with any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority, prior to any demolition taking place. Any approved mitigation measures shall be carried out in accordance with the approved details. In the unlikely event that bat(s) are found during the demolition of the sports pavilion then the procedure set out in the appendix to the Bat Activity Surveys at the sports pavilion off Teal Close report (dated 24th June 2013) shall be followed.
- 24 Prior to the commencement of each phase of development hereby approved a Construction Environmental Management Plan (CEMP) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping details to be submitted as part of the reserved matters pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to

habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of that particular phase of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during that particular phase of construction.(4) details of traffic routes for Heavy Good Vehicular movements during the construction of that phase of development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of that phase of development ; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of that particular phase of development in relation to noise and vibration and safeguarding air quality. The approved CEMP(s) and all details therein shall be implemented in accordance with the approved details.

- 25 Prior to the commencement of each phase of development hereby approved a written scheme of archaeological investigation related to that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved scheme(s)
- 26 Prior to the commencement of any development on the existing playing pitches located to the west of the A612 (including the demolition of the existing sports pavilion) replacement playing pitches (including associated changing room facilities) hereby approved to the east of the A612 shall have been provided and shall be operational.
- 27 Prior to the commencement of development of the playing pitches to be provided to the east of the A612 details of the following shall be submitted to and approved in writing by the Local Planning Authority; (1) the location and specification of the playing pitches to be provided together with details of their drainage; (2) the location and specifications of the changing room facilities to be provided; and (3) a schedule of maintenance of the playing pitches and associated drainage. The playing pitches and changing room facilities shall be provided, managed and maintained in accordance with the approved details.
- 28 Prior to first occupation of the development hereby approved, other than the business development to be accessed from Stoke Lane, construction details of the site access junctions from the A612 as show in outline on plan references 90372\_001 Revision E and 90372\_002 shall be submitted to and approved in writing by the Local Planning Authority. Along with the construction

details to be submitted, shall also be submitted to and approved in writing by the Local Planning Authority a programme of implementation of construction details of the site access. The site access details to be submitted pursuant to plan reference 903732\_002 shall also include provision of a physical strip/central refuge fronting the proposed access to prevent vehicles from u-turning and associated signing and lining. The approved detailed access arrangements shall thereafter be implemented in accordance with the approved programme of implementation, related to the phasing of the development.

- 29 Prior to first occupation of the business floor space (Class B1, B2, B8) hereby approved (aside from any B1 use contained in the Local Centre) the access from Stoke Lane as shown in outline on plan reference 90372\_003 Revision B shall be provided in accordance with the construction details to be first submitted to and approved in writing by the Local Planning Authority. The business floorspace hereby approved (Class B1, B2, B8) (aside from any B1 use contained in the Local Centre) shall only be accessed via Stoke Lane, other than in an emergency.
- 30 Prior to first occupation of the development hereby approved a u-turn prohibition shall be implemented by means of a legal Traffic Regulation Order and appropriate signs shall be provided at the A612/Stoke Lane junction for the A612 west approach in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 31 Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing by the local planning authority in relation to the extension of the 40mph speed restrictions by amendment of the existing Traffic Regulation Order along Stoke Lane towards west of its junction with the A612 covering the site frontage. Details shall also include the location of proposed signing/lining and street lighting to accommodate the extension. The extended 40mph speed restriction area shall be provided in accordance with the approved details prior to first occupation of the development, unless otherwise agreed in writing by the local planning authority.
- 32 Prior to first occupation of the residential development hereby approved construction details of the mitigation measures at the Lowdham Roundabout as shown in outline on plan reference 90372/PSTN/003 shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the Lowdham Roundabout shall be implemented in accordance with the approved details prior to the occupation of the 325th dwelling of the development hereby approved.

- 33 Prior to first occupation of the residential development hereby approved construction details of the mitigation measures to be provided at A612 Mile End Road/Colwick Loop Road junction as shown in outline on plan reference 90372/PSTN/005 Revision A shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the junction shall be provided in accordance with the approved details prior to the occupation of the 175th dwelling of the development hereby approved.
- 34 DELETED.
- 35 Prior to first occupation of the residential development hereby approved details of a new shared footway/cycleway shall be provided along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The shared footway/cycleway shall be provided in accordance with the approved details prior to the occupation of the 30th dwelling of the development hereby approved.
- 36 Prior to the commencement of each phase of development hereby approved details of a local labour agreement to cover the construction of that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details, 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 and Section 92 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt.
- 3 To provide a degree of flexibility to assist the delivery of the site, that also enables the Local Authority to monitor and manage the supply of housing and employment land.
- 4 To define the consent and to ensure that a satisfactory form of development is obtained.
- 5 A limit has been placed on B1 uses in order to ensure an appropriate balance of uses. A limit has also been placed on the amount of A1 and D2 uses in order to ensure that there is no adverse impact on any surrounding local centres.
- 6 A limit has been placed on the amount of A1 uses to ensure that such uses are commensurate with the scale of the proposed



development and would not cause harm to viability of the nearby Netherfield Centre.

- 7 To ensure that a satisfactory development is achieved that takes account of the Parameters Plan.
- 8 To establish existing site levels in order to ensure that finished floor levels accord with conditions 9 to 12 below and that flood risk is appropriately mitigated in line with the National Planning Policy Framework.
- 9 To reduce the risk of flooding to the proposed development and future occupants.
- 10 To reduce the risk of flooding to the proposed development and future occupants.
- 11 To reduce the impact of flooding to the proposed development.
- 12 To ensure that finished floor levels accord with conditions 9 and 10 above and that approved flood resilient measures have been provided in order to reduce the risk of flooding to the proposed development and future occupants.
- 13 To allow for future maintenance, emergency access, natural morphology, and improvements of the watercourses. Please note that our records show a culverted watercourse located between the storage pond (immediately south of the A612) and the Ouse Dyke, which will require further investigation at detailed design stage.
- 14 To confirm that all occupants and site users can access and egress the site safely during time of flood.
- 15 To prevent an increase in flood risk elsewhere.
- 16 To prevent the increased risk of flooding elsewhere.
- 17 To ensure that the proposals are appropriate and protective of controlled waters.
- 18 The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.
- 19 The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This condition is required to ensure that the risks

posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.

- 20 This condition is required to ensure that the risks posed to controlled waters or the environment are investigated and remediated as necessary.
- 21 To minimise light spill around the development during the construction of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats.
- 22 To minimise light spill around the development during the operation of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats.
- 23 To ensure that the demolition of the sports pavilion has no adverse impact upon bats and to ensure that the development accords with paragraph 118 of the National Planning Policy Framework.
- 24 To ensure that appropriate measures are taken to protect the local environment in terms of impact on trees; hedgerows and woodland, flora and fauna, water quality, air quality and on the amenity of neighbouring uses.
- 25 To ensure that the site is surveyed appropriately to identify any potential archaeology and if found is appropriately dealt with.
- 26 To ensure that the replacement recreation ground is in operation prior to the existing pitches being removed, so as to protect sports facilities and ensure continuity for those sports affected by the proposed development.
- 27 To ensure that the required replacement playing pitches and changing room facilities are provided appropriately in order to provide satisfactory replacement facilities for those to be lost as part of the development hereby approved.
- 28 In the interests of highway safety.
- 29 In the interests of highway safety.
- 30 In the interests of highway safety.
- 31 In the interests of highway safety.
- 32 In the interests of highway safety.
- 33 In the interests of highway safety.

34 DELETED.

35 To promote sustainable travel.

36 To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.

#### **Reason for Decision**

The proposed variations to the wording of conditions 32, 33 and 35 would not cause harm to highway safety/highway capacity and therefore would meet with the objectives of the National Planning Policy Framework and Policy LPD 61 of the Local Planning Document (Part 2 Local Plan).

#### **103 ENFORCEMENT REF. 0099/2018 - LAND AT MERE CLOSE, BROOM ROAD AND LABRAY ROAD, CALVERTON**

*Councillor Walker left the meeting.*

Breach of Planning Control: Material change of use of residential garages to B8 commercial storage.

**RESOLVED** that the Service Manager, Development Services, in conjunction with the Director of Organisational Development & Democratic Services, be authorised to take all enforcement action including the service of any necessary enforcement notices and proceedings through the courts if required to ensure;

- a) the cessation of the unauthorised storage use in the residential garages
- b) the removal of all materials and items which are not incidental or ancillary to the domestic residential use of the garages.

*Councillor Walker joined the meeting.*

#### **104 ENFORCEMENT REF. 0204/2018 - LAND TO THE SOUTH OF OLD RUFFORD ROAD, (A614) CALVERTON AND OPPOSITE MANNA FARM, CALVERTON**

Breach of Planning Control: Material change of use of the land for the stationing or positioning of caravans and the erection of unauthorised buildings and structures.

**RESOLVED** that the Service Manager, Development Services, in conjunction with the Director of Organisational Development & Democratic Services, be authorised to take all enforcement action including the service of any necessary enforcement notices and proceedings through the courts if required to ensure;

- a) the removal of the static caravan and one of the touring caravans currently positioned on the land
- b) the removal of all unauthorised buildings and structures on the land.

**105                    ENFORCEMENT REF. 0190/2018 - LAND AT NO. 21 ST LUKES WAY/STOKE LANE, STOKE BARDOLPH**

Breach of Planning Control: Material change of use of residential dwelling and garden (Use Class C3) to a mixed use of residential dwelling and garden (Use Class C3) and a car sales business (sui generis) and storage of vehicles in connection with that business (Use Class B8).

**RESOLVED** that the Service Manager, Development Services, in conjunction with the Director of Organisational Development & Democratic Services, be authorised to take all enforcement action including the service of any necessary enforcement notices and proceedings through the courts if required to ensure;

- (a) the cessation of the unauthorised car sales business including bringing vehicles to the property to be photographed in readiness for advertising them for sale and
- (b) the removal of all vehicles which are not incidental or ancillary to the domestic residential use of the dwelling.

**106                    APPEAL DECISION - 36-38 VICTORIA ROAD, NETHERFIELD**

Ground floor change of use from a restaurant (Use Class A3) to a 9 bedroomed HMO (Use Class Sui Generis).

**RESOLVED:**

To note the information.

**107            APPEAL DECISION - 284 LONGDALE LANE, RAVENSHEAD**

The development proposed is a tractor store and stables.

**RESOLVED:**

To note the information.

**108            DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**109            FUTURE APPLICATIONS**

**RESOLVED:**

To note the information.

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

None.

The meeting finished at 6.25 pm

Signed by Chair:  
Date: