

**MINUTES
PLANNING COMMITTEE**

Wednesday 13 February 2019

Councillor John Truscott (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Meredith Lawrence
 Councillor Michael Adams Councillor Marje Paling
 Councillor Pauline Allan Councillor Colin Powell
 Councillor Peter Barnes Councillor Alex Scroggie
 Councillor Chris Barnfather Councillor Jane Walker
 Councillor Alan Bexon Councillor Muriel Weisz
 Councillor Kevin Doyle Councillor Henry Wheeler
 Councillor David Ellis

Absent: Councillor Barbara Miller

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

111 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Miller. Cllr Weisz attended as a substitute.

112 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 16 JANUARY 2019.

RESOLVED:

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

113 DECLARATION OF INTERESTS

None.

114 APPLICATION NO. 2018/1034 - LAND OFF ORCHARD CLOSE, BURTON JOYCE

Outline planning application (all matters reserved except for access) for the erection of up to 15 No. dwellings and associated infrastructure.

Helen Ashworth – The Applicant, spoke in support of the application.

The Service Manager – Development Services introduced the report and informed Members that a further letter of representation had been received which raised no new issues.

The Service Manager – Development Services recommended that planning permission be granted in accordance with the report with an amendment to Condition 1 as follows:

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

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, education, bus stop improvements 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 appearance, scale, landscaping and layout (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 drawing number 11_ Revision 00 (with regard to the site area) and drawing number 67676-CUR-00-XX-DR-TP-75001 Rev P02 (with regard to the access point onto Orchard Close only). Development shall thereafter be undertaken in accordance with these plans.
- 4 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

- 5 Development shall not commence until a scheme for the satisfactory disposal of foul and surface water from the site has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall then be occupied or brought into use until the approved foul and surface water drainage works are completed in accordance with the approved scheme.
- 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 development shall commence on site in connection with the development thereby 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

The development shall thereafter be undertaken in accordance with the approved Arboricultural Method Statement.

- 9 The reserved matters application for the layout of the development shall include detailed plans and particulars relating to the following items:

- (i) A detailed layout plan of the site (for the avoidance of doubt the submitted preliminary masterplan reference: 31-01 Revision 00, shall be considered to be for indicative purposes only) which shall be accompanied by a swept path analyses of an 11.5m long refuse vehicle throughout the proposed highway to become adopted, considering the likelihood of on street parking;
- (ii) Details of the proposed arrangements and plan for future management and maintenance of any proposed private roads;
- (iii) Details of the proposed arrangements and plan for future management and maintenance of any hedgerows and other

vegetation not within the curtilages of the proposed dwellings;

(iv) Any bin storage proposals located on any shared private drives. Thereafter, the scheme shall be implemented in full accordance with the approved details.

- 10 No dwelling shall be occupied until such time as access to that dwelling has been provided in a bound material and the associated parking spaces have been provided in a bound material (not loose gravel) and which shall be drained to prevent the unregulated discharge of surface water onto adjacent roads and footways.
- 11 Prior to commencement of any external works, details of Electric Vehicle charging points to be provided at each dwelling, to include their location and specification shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to the first occupation of the development.
- 12 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the IAQM Guidance on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.
- 13 Prior to the erection of any external lighting (other than within the curtilages of the approved dwellings) there shall be submitted to and approved in writing by the Local Planning Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance. The lighting scheme submitted for approval shall meet with the recommendations set out within paragraph 5.7 of the Ecological Assessment (reference 6849.003). The external lighting shall be provided in accordance with the approved details and shall be retained as such thereafter for the lifetime of the development.
- 14 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided prior to the first occupation of the development hereby approved.

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 This pre-commencement condition is necessary to ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.
- 5 This pre-commencement condition is necessary to ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
- 6 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 7 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 8 To ensure that existing trees are adequately protected.
- 9 To ensure the development is designed and constructed to adoptable standards and appropriately maintained.
- 10 To ensure appropriate access and parking arrangements are available.
- 11 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration policy LPD11 of the Councils Local Plan.
- 12 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 13 In the interests of protecting ecological interests.

14 In the interests of enhancing ecological provision on the site.

Reasons for Decision

The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that up to 15 dwellings could be accommodated on the site in a manner that would not cause undue harm to visual and residential amenity, highway safety and ecological interests or would cause flood risk concerns. It is therefore considered that the granting of outline planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents.

Notes to Applicant

The comments of Nottinghamshire County Council's Rights of Way Officer are enclosed.

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Nottinghamshire County Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). 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, and /or 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 after Planning Permission is granted. Correspondence with Highway Authority should be addressed to: hdc.south@nottscc.gov.uk

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority the new roads and any highway drainage will be required to be provided in accordance with Highway Development Control's requirements for Nottinghamshire County Council as highway authority. The guidance can be found at; <http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide>

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 by installing wheel washing facilities on site.

The applicant's attention is drawn to the recommendations set out in the submitted Ecological Assessment (reference 6849.003).

The comments of the Lead Local Flood Authority are enclosed.

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.

115 APPLICATION NO. 2018/1155 - 12 BANK HILL, WOODBOROUGH

Replacement dwelling (resubmission of 2018/0026 and 2018/0628).

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

A motion to grant planning permission was proposed and duly seconded. The motion was lost.

A further motion to refuse planning permission was proposed and duly seconded.

RESOLVED:

To refuse planning permission for following reasons:

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.

116 ENFORCEMENT REF. 0011/2019 - LAND AT 3 BERRY HILL GROVE, GEDLING

Unauthorised construction of a play house built on the roof of a garage and a wooden and corrugated structure on the front elevation of the dwelling.

RESOLVED:

That the Service Manager, Development Services, be authorised to take all enforcement action including the service of any necessary enforcement notices and in conjunction with the Director of Organisational Development & Democratic Services, proceedings through the courts if required to ensure both structures are removed.

117 APPEAL DECISION - HARROD HOUSE, CHURCH STREET, CARLTON

1x freestanding 48 sheet overhead illuminated static advertising sign.

RESOLVED:

To note the information.

118 AUTHORITY MONITORING REPORT

RESOLVED:

To note the information.

119 FUTURE APPLICATIONS

RESOLVED:

To note the information.

120 DELEGATION PANEL

RESOLVED:

To note the information.

121 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.50 pm

Signed by Chair:
Date: