

**MINUTES
PLANNING COMMITTEE**

Wednesday 19 June 2019

Councillor John Truscott (Chair)

In Attendance:	Councillor Paul Wilkinson	Councillor Rosa Keneally
	Councillor Michael Adams	Councillor Meredith Lawrence
	Councillor Peter Barnes	Councillor Barbara Miller
	Councillor David Ellis	Councillor Marje Paling
	Councillor Rachael Ellis	Councillor John Parr
	Councillor Andrew Ellwood	Councillor Alex Scroggie
	Councillor Mike Hope	Councillor Henry Wheeler

Absent: Councillor Chris Barnfather

Officers in Attendance: M Avery, K Cartwright, C Goodall and F Whyley

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Barnfather.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 17 APRIL 2019.

RESOLVED:

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

3 DECLARATION OF INTERESTS

None.

4 APPLICATION NO. 2018/0817 - CAR PARK, NORTH GREEN, CALVERTON

Erect 20 No. single storey bungalows.

The Service Manager – Development Services introduced the report and provided the following updates.

In terms of the Calverton Neighbourhood Plan, Policy G2 made reference to developer contributions being sought, where appropriate,

towards village centre environmental improvements in addition to education and health care contributions as detailed on page 29 of the report. The requirement for the proposed development to contribute towards village centre improvements did not meet the tests set out in the Community Infrastructure Regulations 2010. It was however noted that paragraph 52 of the Neighbourhood Plan stated that the neighbourhood portion of the Community Infrastructure Levy would be used to deliver village centre environmental improvements. In light of the fact that a planning obligation would fail to meet with the necessary tests, it was considered to be procedurally correct that the Community Infrastructure Levy instead be used to fund such infrastructure improvements.

The recommendation incorrectly referred to an education contribution, which was not required.

The Service Manager – Development Services therefore recommended that permission be granted in accordance with the report but with an amendment to delete the requirement for an education contribution.

RESOLVED to:

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

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 following plans: 2012-15-004 received 25/09/18, 2012-53-021 REV A received 05/04/19, 2012-53-022 REV A received 05/04/19, 2012-53-030 received 05/04/19, 2012-53-031 received 05/04/19, 2012-53-032 received 05/04/19, 2012-53-03 REV 03 received 6/6/2019. The development shall thereafter be undertaken in accordance with these plans.
3. 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 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 Local Planning Authority 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.

4. 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.
5. 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, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
b) 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.c) 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.

6. No development shall commence on site in connection with the development hereby approved (including, 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 on and adjacent to the site.c) Details of any construction works required within the root protection area of trees, hedges or shrubs on and adjacent to the site, as defined byBS5837:2012.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.
7. Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floors levels of the proposed dwellings shall be submitted to and approved in writing by the local planning authority.The development shall be undertaken in accordance with the approved details.
8. No above ground construction works shall commence until samples of the proposed external facing materials to be used in the 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.

9. Prior to the first occupation of the dwellings hereby approved there shall be submitted to and approved by the Local Planning Authority a landscape plan of the site showing the position, type and planting size of all trees, hedges, shrubs or seeded areas proposed to be planted. The approved landscape plan shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place.
10. No dwelling shall be occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the dwellings are first occupied and retained as such in perpetuity.
11. Prior to commencement of any above ground construction 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. 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.
13. 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.

14. No part of the development hereby permitted shall take place 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, visibility splays, 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.
15. No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with the approved plans. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions.
16. No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the LPA. 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.
17. No part of the development hereby permitted shall be brought into use until the pedestrian crossing has been constructed, together with the footway fronting the site has been constructed and is available for use in accordance with drawing number 03 rev 03.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to define the terms of this permission.
3. In the interests of residential amenity.
4. To ensure that the drainage scheme is appropriate to meet the needs of the site and the approved development.
5. 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.

6. To ensure that existing trees and hedges are adequately protected.
7. To ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.
8. To ensure a satisfactory standard of external appearance.
9. In the interests of visual amenity.
10. In the interest of visual amenity.
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 reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).
13. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
14. To ensure the development is constructed to adoptable standards
15. To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.
16. In the interests of Highway safety.
17. To ensure a safe crossing point is available for pedestrians.

Notes to Applicant

The comments of the Rights of Way Officer are attached.

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 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 Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Additional and amended information has been submitted to address matters raised during the determination of the application.

It is the responsibility of the developer to ensure that the provision of Electric Vehicle charging is adequately incorporated into the design of the development such that there are no health and safety matters arising from trailing cables in public areas. If necessary cables may need to be placed beneath footpath areas and brought back to the surface nearer the parking areas. The minimum requirement is an operational weatherproof 3 pin socket on a dedicated 16A circuit with an ability to isolate from inside the property for security reasons. The developer is encouraged to consider upgrading the EV charging facilities to incorporate additional mode 3 charging capability as this will help future proof the development and improve its sustainability. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

The Environment Agency advises with respect to Condition 8 that Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality

**5 ENFORCEMENT REF: 0058/2019 - 3 WILLERBY ROAD,
WOODTHORPE**

Land detrimental to the amenity of the area.

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 the front door, windows, soffits and eaves and rain water goods are made good and repainted where necessary or alternatively replaced, any holes in the external walls are filled and repaired, the render is repaired and repainted,

all bricks, rubble and wood and other items spread over the front and side garden areas are removed to a point of lawful disposal unless they are consist of materials required for the refurbishment of the dwelling when they shall be stored neatly in an area of the garden which cannot be easily seen from the highway and ensure the removal of any skip required in connection with the improvement of the property within 3 days of it being filled.

6 ENFORCEMENT REF: 0209/2018 - LAND AT 7 STATION ROAD, CARLTON

Change of Use of the land for the siting of a mobile home used for residential purposes.

The Chair advised Members that the recommendation in the report should refer to a structure and not structures.

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 that the structure is removed.

7 ENFORCEMENT REF: 0014/2019 - LAND AT 61 KIRKBY ROAD, RAVENSHEAD

Material change of use of land to residential curtilage, the construction of a garage and patio area outside the residential curtilage.

The Service Manager – Development Services introduced the report and informed Members that the actual enforcement notice plan would relate to all land at 61 Kirkby Road and that an air conditioning unit had also been constructed on the unauthorised patio situated on land outside of the approved residential curtilage.

Therefore the recommendation would be amended to include reference to the air conditioning unit.

RESOLVED:

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 the change of use of the

open land to domestic curtilage ceases and the part of the garage, patio and footpath and the air conditioning unit which protrudes onto the non-domestic land is removed and the land reinstated to its previous undeveloped state.

8 AGREEMENT OF MEMBERSHIP OF THE PLANNING DELEGATION PANEL

To agree the Membership of the Planning delegation panel.

RESOLVED:

That the following members of the Planning Committee be agreed as the six permanent members of the Planning Delegation Panel:

- Councillor David Ellis
- Councillor Barbara Miller
- Councillor Marje Paling
- Councillor John Parr
- Councillor John Truscott
- Councillor Paul Wilkinson

9 APPEAL DECISION REF: 0090/2018 - 47A RIVERSIDE, STOKE BARDOLPH

Construction of an unauthorised dwelling and works to increase land levels.

RESOLVED:

To note the information.

10 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

11 FUTURE APPLICATIONS

RESOLVED:

To note the information.

12 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.30 pm

Signed by Chair:

Date: