

**MINUTES
PLANNING COMMITTEE**

Wednesday 2 October 2019

Councillor Paul Wilkinson (Chair)

| | | |
|----------------|-----------------------------|------------------------------|
| In Attendance: | Councillor Michael Adams | Councillor Rosa Keneally |
| | Councillor Peter Barnes | Councillor Meredith Lawrence |
| | Councillor Chris Barnfather | Councillor Barbara Miller |
| | Councillor Bob Collis | Councillor Marje Paling |
| | Councillor David Ellis | Councillor John Parr |
| | Councillor Rachael Ellis | Councillor Alex Scroggie |
| | Councillor Andrew Ellwood | Councillor Henry Wheeler |
| | Councillor Mike Hope | |

Absent: Councillor John Truscott

Officers in Attendance: M Avery, N Bryan, C Goodall and S Pregon

41 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Truscott. Councillor Collis attended as a substitute.

42 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 4 SEPTEMBER 2019.

RESOLVED:

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

43 DECLARATION OF INTERESTS

None.

44 APPLICATION NO. 2019/0158 - MANNA FARM, OLD RUFFORD ROAD, CALVERTON

Erection of a new accommodation block and staff apartments.

Paul Toon, Director of Betel UK - Nottingham (The Applicant), spoke in support of the application.

The Service Manager – Development Services, introduced the report.

RESOLVED:

That the Borough Council GRANTS FULL PLANNING PERMISSION, subject to 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 Site Location Plan drawing no 005 P 001, Proposed Elevations Sheet 1 drawing no 005 P 015, Proposed Elevations and Section drawing no 055 P 016, Proposed Site Plan drawing no 005 P 002 A, Proposed First Floor Plan drawing no 055 P 011 Rev C and Proposed Ground Floor Plan drawing no 055 P 010 Rev C received 30th July 2019; Access Junction Layout and Required Visibility Splays Drawing no ADC2101-DR-001 Rev P2 received 13th August 2019 and Proposed Section Plan drawing no 055 P 007 and Proposed Layout drawing no 055 P 006 received 12th September 2019. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 No above ground level works shall take place until a scheme for the on-site storage and regulated discharge of surface water run-off and foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
- 4 No above ground works shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5 No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the widened access driveway has been surfaced in a bound material (not loose gravel). The surfaced drive 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 vehicular access has been altered and made

available for use in accordance with the Access Junction Layout and Required Visibility Splay drawing no ADC2101-DR-001 Rev P2 received 13th August 2019.

- 7 Prior to commencement of any above ground construction works, details of an Electric Vehicle charging point to be provided for the proposed use, 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.
- 8 No above ground works shall commence until a scheme of landscaping, , which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

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 ensure that an appropriate surface water and foul drainage system is provided to accommodate the proposed development.
- 4 To ensure that the finished appearance of the development will enhance the character and visual amenities of the area.
- 5 In the interests of Highway safety
- 6 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 7 In the interests of Highway safety.
- 8 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 Chapter 9 of the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

9. To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To comply with Policy LPD19 of the Local Planning Document and BE1 of the Calverton Neighbourhood Plan.

Reasons for Decision

In the opinion of the Borough Council, whilst the application consists of inappropriate development within the Green Belt and the proposal would have an impact upon openness, very special circumstances have been provided that, in the planning balance, outweigh the harm to the Green Belt by virtue of its inappropriateness, impact upon openness and the impact upon landscape character and visual amenity. On balance, the proposal is in accordance with the National Planning Policy Framework, Policy 3, 10, 12 and 17 of the Aligned Core Strategy 2014, Policies LPD18, LPD19, LPD32, LPD57 and LPD61 of the Local Planning Document 2018 and Policies ISF2, ISF3, BE1, BE2, BE4, NE3, NE4 and NE5 of the Calverton Neighbourhood Plan 2018.

Notes to Applicant

The development makes it necessary to amend a vehicular crossing within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:

<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

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 paragraph 38 of the National Planning Policy Framework (2019). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The Applicants attention is drawn to the Nottinghamshire County Council Local Lead Flood Authority comments attached regarding surface water drainage.

With regards to the EV charging point, optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. 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).

45 APPLICATION NO. 2019/0479 - 5 STATION ROAD, CARLTON, NG4 3AT

Outline Planning Application for the demolition of The Cottage to the rear of 5 Station Road and the erection of 12 No. x C3 Apartments and 2 dormer bungalows on land to the rear of 5 Station Road, Carlton (access, appearance, layout and scale to be determined).

The Service Manager – Development Services introduced the report.

RESOLVED:

To Refuse Permission.

Reasons

- 1 The development does not constitute an acceptable form of residential development and would consist of the over development of this site. The layout proposed is of a poor design and would lead to a cramped and contrived form of development that would be out of character with the form of development within the area. Furthermore, the layout would cause harm to the residential amenity of neighbouring properties, the residential properties within the application site area and the future proposed occupiers in terms of overlooking, poor outlook, massing on the boundaries and noise and disturbance created by vehicular movements generated by the development along the access driveway serving no 5 and 7 Station Road. The layout also fails to provide sufficient private amenity garden space for the proposed bungalows. The development is therefore contrary to Section 12 of the National Planning Policy Framework, Policy 10 of the

Aligned Core Strategy 2014 and Policies LPD32, LPD34, LPD35 and LPD40 of the Local Planning Document 2018.

- 2 The development does not provide a safe and appropriate access with the current driveway being sub-standard, and any additional intensification would cause highway safety concerns. The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access/junction which is geometrically substandard, of an insufficient width and insufficient entry radii that would be able to accommodate the proposed development including the ability for larger vehicles and emergency vehicles to turn and exit the site in a forward gear. The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing access which has sub-standard visibility. The proposed gradient of the site and the insufficient width of the access driveway would make movement between the site and the highway difficult and would consequently increase the likelihood of danger to users of the highway. Furthermore, at this density the site would not be of a sufficient size to accommodate sufficient parking to serve the development. The development is therefore contrary to Section 9 of the National Planning Policy Framework, Policies LPD57 and LPD61 of the Local Planning Document 2018 and the 'Parking Provision for Residential Development' SPD 2012.
- 3 The application would lead to the loss of trees worthy of protection of a Tree Preservation Order and their loss would have a detrimental impact upon the character of the area contrary to the provisions of the National Planning Policy Framework and Core Strategy Policy 10 and LPD19.
- 4 Insufficient information has been submitted to allow a full assessment of the implications of the development on the ecology and wildlife within and around the site contrary to section 15 of the National Planning Policy Framework and LPD18.

The Service Manager – Development Services introduced the report.

RESOLVED:

To Grant Planning Permission: Subject to the applicant entering into a deed of variation amending the original Section 106 Agreement to planning approval 2018/0549 with the Borough Council as Local Planning Authority for the provision of a Local Labour Agreement and a viability review of the development in respect of planning obligations for affordable house, public open spaces and primary healthcare contribution and the following conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of the original 2018/0549 planning permission which was issued by the Local Planning Authority on 29th March 2019.
- 2 This permission shall be read in accordance with the following plans: TMA 18-07-01, TMA 18-07 09, TMA 18-07 11, TMA 18-07 12, TMA 18-07 13 and TMA 18-07 14 received on 4th June 2018, TMA 18-07 15A received on 20th August 2018 and TMA 18-07 06A, TMA 18-07 07A, TMA 18-07 08A and TMA 18-07 16 received on 19th November 2018. The development shall thereafter be undertaken in accordance with these plans.
- 3 Prior to the first occupation of the buildings 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, unless otherwise prior agreed in writing by the Local Planning Authority.
- 4 The new windows and doors to be inserted into the elevations of the existing building (former Police Station) shall be of the same appearance, colour and materials as the existing doors and windows in the building.

- 5 Prior to the demolition of the enclosed yard to the rear of the existing building (former Police Station), or any other timescale agreed in writing with the Local Planning Authority, details of the proposed finish of the exposed walls shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such in perpetuity.
- 6 The development shall be carried out in accordance with the submitted flood risk assessment Revision A (compiled by SCC Consulting Engineering dated 2nd March 2019) and the following mitigation measures it details:
 - o Finished floor levels for the apartment building shall be set no lower than 36.8m above Ordnance Datum (AOD).
 - o Finished floor levels for the office building shall be set no lower than 36.0m AOD.
- 7 No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossings/accesses to serve the approved accesses are available for use and constructed in accordance with the Highway Authority specification.
- 8 No part of the development hereby permitted shall be brought into use until the existing site accesses that have been made redundant as a consequence of this permission are permanently closed and the access crossing reinstated as footway and kerbs brought up to full height kerbs.
- 9 No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number TMA 18-07 09. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 10 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

- 11 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 10 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.
- 12 Prior to commencement of an external works, details of Electric Vehicle charging points to be provided within the site, 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.
- 13 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.
- 14 a) No external development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority, and until all pre-start elements of the approved scheme have been completed to the satisfaction of the Local Planning Authority. The scheme shall include an assessment of

significance and research questions; and:i) The programme and methodology of site investigation and recordingii) The programme for post investigation assessmentiii) Provision to be made for analysis of the site investigation and recordingiv) Provision to be made for publication and dissemination of the analysis and records of the site investigationv) Provision to be made for the archive deposition of the analysis and records of the site investigationvi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigationb) The development shall not take place other than in accordance with the Written Scheme of Investigation for archaeological work approved under part a)c) The new buildings shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation for archaeological work approved under part a) and the provision to be made for analysis, publication and dissemination of results has been secured.

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 visual amenity.
- 4 In the interests of visual amenity.
- 5 In the interests of visual amenity.
- 6 To reduce the risk of flooding to the proposed development and future occupants.
- 7 In the interests of Highway safety.
- 8 In the interests of Highway safety.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 10 To ensure that land contamination matters are fully addressed.
- 11 To ensure that land contamination matters are fully addressed.
- 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 policy LPD11 of the Councils Local Plan.

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

14 In the interests of affording protection to the archaeological interest of the site.

Reasons for Decision

The proposed development would not cause harm to the vitality and viability of the Carlton Square local centre, would be of an acceptable design and appearance, would not cause undue harm to residential amenity, would not be detrimental to the surrounding highway network or highway safety and would be acceptable in flood risk terms. The proposal would not be viable if the required planning obligations are provided however, in the overall planning balance it is considered that this is outweighed by the fact that the development would bring a vacant site in a prominent location back into use, that it would provide residential and office accommodation in a sustainable location and that it would contribute to the Council's 5 year housing land supply. The proposal would therefore meet with the objectives of the National Planning Policy Framework 2019, the Aligned Core Strategy Policies A, 1, 2, 4, 6, 10 and 19 and Local Planning Document Policies LPD 3, 11, 32, 33, 35, 37, 40, 45, 48, 49, 50, 56, 57 and 61.

47 ENFORCEMENT REF. 0159/2019 - 32 MILE END ROAD, COLWICK

Breach of Planning Conditions 3, 4 and 5 attached to planning reference 2018/0916

RESOLVED:

That the Service Manager, Development Services, be authorised to take all enforcement action including the service of any necessary enforcement notices/breach of condition notices and in conjunction with the Director of Organisational Development & Democratic Services take proceedings through the courts if required to ensure the business complies with conditions 3, 4 and 5 of the planning permission 2018/0916, ensuring the hours of operation are adhered to and there is no storage of goods or working in the open areas of the site.

48 ENFORCEMENT REF. 0119/2019 - LAND AT 9 MCINTOSH ROAD, GEDLING

Material change of use of residential dwelling and garden (Use Class C3) to a mixed use of residential dwelling and garden and a car sales business (sui generis)

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 take proceedings through the courts if required to ensure;

- (a) the cessation of the unauthorised car sales business**
- (b) the removal of all vehicles which are not incidental or ancillary to the domestic residential use of the dwelling.**

49 TREE PRESERVATION ORDER 000126 - 5 STATION ROAD, CARLTON, NOTTS NG4 3AT

Protection of three trees by a Tree Preservation Order (TPO)

RESOLVED:

That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at 5 Station Road Carlton.

50 TREE PRESERVATION ORDER 000127 - LINBY HOUSE, LINBY LANE, LINBY, NOTTINGHAMSHIRE

Protection of a group of trees by a Tree Preservation Order (TPO)

RESOLVED:

That the Service Manager, Development Services, be authorised to make a Tree Preservation Order in respect of the identified trees situated on land at Linby House, Linby Lane, Linby.

51 STATEMENT OF COMMUNITY INVOLVEMENT REPORT

RESOLVED:

To note the report.

52 FUTURE APPLICATIONS

RESOLVED:

To note the information.

53 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

54 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.45 pm

Signed by Chair:
Date: