

**MINUTES
PLANNING COMMITTEE**

Wednesday 14 May 2014

Councillor John Truscott (Chair)

In Attendance:	Councillor Barbara Miller	Councillor Bob Collis
	Councillor Pauline Allan	Councillor Andrew Ellwood
	Councillor Roy Allan	Councillor Cheryl Hewlett
	Councillor Peter Barnes	Councillor Mike Hope
	Councillor Chris Barnfather	Councillor Meredith Lawrence
	Councillor Denis Beeston MBE	Councillor Marje Paling
	Councillor Alan Bexon	Councillor Lynda Pearson
	Councillor John Boot	Councillor Colin Powell
	Councillor Ged Clarke	Councillor Suzanne Prew-Smith

Absent: Councillor Jenny Hollingsworth

Officers in Attendance: P Baguley, D Gray and L Sugden

155 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillor Hollingsworth.

156 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 25 APRIL 2014.

RESOLVED:

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

157 DECLARATION OF INTERESTS

Councillor R. Allan declared a non - pecuniary interest in item 4 on the agenda on the grounds of his employment with Aldergate Properties working on maintenance contracts unrelated to this application.

158 APPLICATION NO. 2013/1518- SITE OF THE WHITE HART, MANSFIELD ROAD, ARNOLD, NOTTINGHAMSHIRE

Erection of Class A1 retail foodstore with associated car parking, access and landscaping works.

The Service Manager, Planning and Economic Development outlined the following amendments to Condition 2 of the report and proposed conditions set out on p.51 of the agenda:

Line 5: (P108 Rev E) to be replaced with (P108 Rev G)

Line 6: (P102 Rev J) to be replaced with (P102 Rev L)

Line 7: (P106 Rev I) to be replaced with (P106 Rev K) and 29th April 2014 to be replaced with 9th May 2014.

RESOLVED:

To GRANT PLANNING PERMISSION 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 in accordance with the following approved plans: External Plant Details, received on 7th February 2014; Proposed Ground Floor Plan (P103 Rev G), Proposed Roof Plan (P104 Rev E and Proposed Elevations (P105 Rev F) received on 31st March 2014; Proposed Surface Treatment Plan (P108 Rev G), Proposed Site Plan (P102 Rev L), and Proposed Boundary Treatment (P106 Rev K), received on 9th May 2014.
3. Before development is commenced there shall be submitted to and approved by the Borough Council cross sections through the site showing the relative levels of the proposed development in relation to existing levels and adjoining development. The development shall be constructed in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of surface water and foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use, unless otherwise prior agreed in writing by the Borough Council.
5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the design and location of the two proposed electric vehicle charging points. The charging points shall be provided in accordance with the approved details before the development is first brought into

use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council,

6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of spaces for motor cycle parking. No part of the development hereby permitted shall be brought into use until the approved motor cycle parking has been provided and that area shall not thereafter be used for any purpose other than the parking of motor cycles for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of all external lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the proposed building or elsewhere within the site. Any security lighting/floodlighting to be installed, shall be designed, located and installed so as not to cause a nuisance to users of the highway. The external lighting shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
8. Before development is commenced, including site preparation, there shall be submitted to and approved in writing by the Borough Council details of a scheme for the protection of existing trees to be retained. The scheme shall be implemented in accordance with the approved details before development is commenced and shall be retained until all construction works have been completed.
9. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted, and including where appropriate details of existing trees to be felled and retained, and a method statement detailing how the land beneath the protected trees along the northern boundary of the site will be managed and maintained. The land shall be managed and maintained in accordance with the approved details for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
10. Prior to the commencement of the development hereby approved, details of a Local Labour Agreement shall be submitted to and approved in writing by the Borough Council. The Local Labour Agreement shall demonstrate how the applicant will work with the Borough Council and local employment training agencies to develop a training plan. The training plan will demonstrate the

developers commitment to address local employment issues and targets will be set within the plan accordingly, with agreement between the applicant and Gedling Borough Council. This shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.

11. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council 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 of the Borough Council, 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 Borough Council.
12. Before the development hereby permitted is first brought into use, the individual parking spaces shall be clearly marked out on site in accordance with the approved plan. The parking spaces shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
13. No part of the development hereby permitted shall be brought into use until all access routes, parking and turning areas are surfaced in a hard bound material (not loose gravel). The surfaced access routes, parking and turning areas shall then be maintained in such hard bound material for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
14. No part of the development hereby permitted shall be brought into use until egress/access arrangements, including the provision of tactile paving crossing points where appropriate, have been provided in accordance with details to be first submitted to and approved in writing by the Borough Council. The approved egress/access arrangements shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
15. No part of the development hereby permitted shall be brought into use until off site works to the nearby traffic signalled junction have been completed and the County Council as Highway Authority has notified the Borough Council of this in writing.
16. No part of the development hereby permitted shall be brought into use until the cycle parking has been provided and that area shall not thereafter be used for any purpose other than the parking of

cycles for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

17. The proposed means of enclosure and surfacing shall be implemented before the development hereby permitted is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
18. The approved landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
19. The development shall not be occupied or be brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan to be approved and whose details shall be provided and continue to be provided thereafter to the Borough Council.
20. The Travel Plan Coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM), or similar to be approved in writing by the Local Planning Authority, in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the Borough Council shall summarise the data collected over the monitoring period that shall have categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates to be approved in writing by the Borough Council.
21. The Travel Plan Coordinator shall within 3 months of occupation of the development hereby permitted produce or procure a full travel plan that sets out final targets with respect to the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved in writing by the Borough Council. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives, including implementation dates, to the satisfaction of the Borough Council.
22. The proposed foodstore shall: (i) only be occupied for uses within Use Class A1 of the Town and Country Planning (Use Classes)

Order 1987, as amended; (ii) be used for the purposes of sale of convenience goods and not more than 15% of the [net sales] floor space of the unit [1,294 square metres] shall at any time be used for the display and sale of comparison goods, unless otherwise approved in writing by the Borough Council; and (iii) not be subdivided into separate units, unless otherwise approved in writing by the Borough Council.

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 a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. To ensure a satisfactory development in accordance with the aims of Sections 10 and 11 of the National Planning Policy Framework and Policy 1 of the Aligned Core Strategy Submitted Documents.
5. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
6. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
7. To protect drivers from uncontrolled light sources near the public highway and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. In the interests of visual amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
9. To ensure a satisfactory development in accordance with the aims of Policy ENV2 of the Replacement Local Plan 2005 (Certain Policies Saved 2008).
10. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.

11. To ensure a satisfactory development in accordance with the aims of Policy ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
12. In the interests of highway safety.
13. In the interests of highway safety.
14. In the interests of highway safety.
15. In the interests of highway safety.
16. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
17. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
18. To ensure a satisfactory development in accordance with the aims of Policy ENV2 of the Replacement Local Plan 2005 (Certain Policies Saved 2008).
19. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
20. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
21. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
22. To ensure the development does not go beyond the scope of the detail submitted as part of this application, which assesses the potential trading impact associated with a store with that scale of net sales floorspace.

Reasons for Decision

In the opinion of the Borough Council it has been demonstrated that there is no suitable or available site within or on the edge of a town

centre and that the proposed development would not be likely to have a significant impact on the vitality or viability of a town centre or on investment in a centre. Additionally, the redevelopment of the site and economic benefits that would result from the proposal has been given significant weight in the decision. The proposed development would have no significant adverse impact on highway safety, the streetscene, protected trees or residential amenity. The proposed development meets with the fundamental aims of the National Planning Policy Framework and Policies ENV1, ENV2, ENV47, S11 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008). It also accords with the aims of Policies 1, 6, and 10 of the Gedling Borough Aligned Core Strategy Submission Documents.

Notes to Applicant

Your attention is drawn to the attached comments from Nottinghamshire County Council as Highway Authority, the Environment Agency, Severn Trent Water and the Borough Council's Public Protection Section.

Some elements of the proposed works are on land within the ownership of the Borough Council. In order to undertake these works you will need to enter into an appropriate agreement with the Borough Council.

As part of the proposed development you will be undertaking work on Severn Trent Water operational land and you are advised to liaise with Severn Trent Water before undertaking such works.

In order to carry out the off-site works (access/exit to the site and works on nearby traffic signalled junction and provision of tactile paving crossing etc), you will be undertaking work in the public highway which is the land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake these works you will need to enter into an agreement under Section 278 of the Act.

The applicant needs to ensure that during the construction period there will be no mud, debris will be transported to the adjacent roads. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

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

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant and agent to discuss consultation responses; providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised and providing updates on the application's progress.

159 APPLICATION NO. 2013/1495- CAR PARK, NORTH GREEN, CALVERTON, NOTTINGHAMSHIRE.

Outline planning permission for up to 21 Single storey bungalows suitable for the elderly.

RESOLVED:

To REFUSE PLANNING PERMISSION.

1. In the opinion of the Borough Council, the proposed development would constitute inappropriate development in the Green Belt by virtue of not serving the five purposes of including land within the Green Belt. Therefore, in the absence of any very special circumstances the proposed development would, by definition, be harmful to the Green Belt contrary to the guidance contained within the National Planning Policy Framework (2012) and Policy ENV26 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. The proposal was the subject of pre-application discussions and the agent was made aware of the policy objections. The applicant has been made aware of the situation in writing and in order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions, which cannot resolve the reasons for refusal, to facilitate a decision in a timely fashion.

160 APPLICATION NO. 2014/0177- 1 NOTTINGHAM ROAD, RAVENSHEAD, NOTTINGHAMSHIRE, NG15 9HG

Demolition of existing car showroom and erection of convenience store (Use Class A1) with associated landscaping and car parking.

RESOLVED:

To REFUSE PLANNING PERMISSION for the following reasons:

1. In the opinion of the County Council as Highway Authority and the Borough Council as Planning Authority the proposed development would lead to an increase in turning and manoeuvring at the existing vehicle accesses on a heavily congested junction during peak hours causing traffic dangers and difficulties on the adjoining highways for both drivers and pedestrians. The proposal is therefore contrary to Policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 and the NPPF which attaches great importance to good design and considers it as a key aspect of sustainable development.
2. In the opinion of the County Council as Highway Authority and the Borough Council as Planning Authority the proposed development would not provide adequate space within the site for manoeuvring of vehicles and for delivery vehicles, which would interfere with the safety and free flow of traffic on the adjoining highway. The proposal is therefore contrary to Policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 and the NPPF which attaches great importance to good design and considers it as a key aspect of sustainable development.
3. In the opinion of the County Council as Highway Authority and the Borough Council as Planning Authority the increase in the use of the right turn entrance into the site from Main Road, by virtue of its proximity to the junction and limited visibility over the brow of the hill, would interfere with the safety and free flow of traffic on the adjoining highway. The proposal is therefore contrary to Policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008 and the NPPF which attaches great importance to good design and considers it as a key aspect of sustainable development.

161

APPLICATION NO. 2014/0319- 7 GORSE HILL, RAVENSHEAD, NOTTINGHAMSHIRE, NG15 9AF

Demolition of bungalow and garage and construction of two chalet format houses with integral garage and access.

RESOLVED:

To GRANT PLANNING PERMISSION 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 approved shall be carried out in accordance with the approved plans (drawing no. 11044/12 and 11044/13 deposited 15th April 2014 and 11044/10A and 11044/11A deposited 25th April 2014).
3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a sample of the materials to be used in the external elevations of the proposed development. The development shall be constructed in accordance with the approved details.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the position of the means of enclosure of the site. The means of enclosure shall be erected in accordance with the approved details prior to the dwelling being first occupied.
5. Prior to the demolition of the existing garage a protected species survey shall be undertaken and submitted to the Borough Council. No development shall commence until the applicant has secured the implementation of a programme of mitigation for protected species using the site in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
6. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape scheme hereby approved shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
7. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of surfacing of the unbuilt portions of the site. The means of surfacing shall be erected in accordance with the approved details prior to the dwelling being first occupied.

8. The development hereby permitted shall not commence until the drainage plans the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
9. The development hereby approved shall be carried out in accordance with the findings and recommendations of the White Peak Tree Consultancy Ltd. tree survey 'A predevelopment appraisal of the trees at and adjacent to 7 Gorse Hill, Ravenshead' January 2013.
10. No part of the development hereby approved shall be brought into use until all drives and parking areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and parking areas shall then be maintained in such hard bound material for the life of the development.
11. No works permitted under Class A, B, C and E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as local planning authority.

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 the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. To ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
5. To ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
6. To ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough

Replacement Local Plan (Certain Policies Saved 2008).

7. To ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
9. In the interests of good arboricultural practice and to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
10. In the interests of highway safety and to reduce the possibility of deleterious material being deposited on the highway (loose stones etc).
11. To protect the character of the area and the amenity of adjoining and nearby dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008).

Reasons for Decision

In the opinion of the Borough Council the proposed dwellings are of an acceptable size, design and layout and would have no undue impacts on neighbouring amenity or the character of the area. There are no highway implications. The proposal therefore complies with the National Planning Policy Framework (2012) and Policies ENV1, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. It has done this by has undertaking negotiations during the consideration of the application to address concerns in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation.

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.

Your attention is drawn to the attached comments of Nottinghamshire Wildlife Trust drawing your attention to your legal obligations should any bats be found during development.

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).

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.

162 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

163 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

164 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

The Chair advised Members that copies of the presentation from that morning's briefing would be made available, along with copies of the ruling of the Court of Appeal on the Wind Turbine Application.

The meeting finished at 7.35pm

Signed by Chair:
Date: