

**MINUTES
PLANNING COMMITTEE**

Wednesday 5 June 2024

Councillor Roy Allan (Chair)

In Attendance: Councillor Paul Wilkinson Councillor Catherine Pope
 Councillor Stuart Bestwick Councillor Grahame Pope
 Councillor David Ellis Councillor Sam Smith
 Councillor Andrew Ellwood Councillor Ruth Strong
 Councillor Helen Greensmith Councillor Jane Walker
 Councillor Ron McCrossen Councillor Henry Wheeler
 Councillor Julie Najuk Councillor Russell Whiting
 Councillor Marje Paling

Absent: Councillor Sandra Barnes and Councillor Lynda Pearson

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

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Barnes and Pearson.

Councillors Ron McCrossen and Paling attended as substitutes.

Under this item, the Chair informed the committee that item 6 had been withdrawn from the agenda, and that it would return to a future meeting.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 27 MARCH 2024

RESOLVED:

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

3 DECLARATION OF INTERESTS

Councillor Wheeler declared a non-pecuniary interest in item 4 on the agenda, as he had worked closely with the Friends of the Hobbocks group who had submitted written objections in relation to the application.

Councillor Paling declared a non-pecuniary interest in item 4 on the agenda in relation to Friends of the Hobbocks, but reserved the right to speak.

Councillor Greensmith declared a non-pecuniary interest in item 4 on the agenda as she lived in close proximity to the site and confirmed that she would leave the meeting whilst the item was being debated.

Councillor Smith declared a non-pecuniary interest in item 5 on the agenda, as an elector member of Nottinghamshire County Council and confirmed that he would refrain from voting on that item.

4 APPLICATION NO. 2023/0830 - LAND EAST OF KILLISICK LANE, ARNOLD

Councillor Greensmith left the meeting.

Erection of 45 dwellings, including associated infrastructure, landscaping and open space.

Claire Richards, a representative on behalf of local residents, spoke in objection to the application.

Grace Clarkson, Strategic Land and Planning Manager, the applicant, spoke in support of the application.

The Development Manager introduced the report and advised the committee of a typo on page 59, para 6.5, bullet point 1. He confirmed that £45,000 was being sought.

He added that condition 11 on page 64 required updating as the landscape masterplan was broadly acceptable, but did not include adequate detail, and therefore it should read as follows:

Notwithstanding the approved Landscaping Scheme pursuant to the Landscape Masterplan BG23.146-BRGR-ZZ-ZZ-DR-L-0001 Revision P02 and the Landscape Management Plan BY00131-STH-B01-00-DR-A-0011, prior to above ground works commencing there shall be submitted to and approved in writing by the Local Planning Authority detailed landscape details, including a planting schedule. Development shall proceed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that

originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

He then went on to introduce the report.

Members had requested two additional conditions in respect of wheel washing and drainage details during construction. The former point was covered in the already approved 'construction management and mitigation', identified in condition 7 and the later point was covered by condition 8(g). As a result, no additional conditions were deemed necessary.

RESOLVED:

To GRANT PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, public transport improvements; education; health; public open space; highway improvements; monitoring and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.

Conditions

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Construction Management and Mitigation for Killisick Lane – July 2023

Transport Statement P2247_20230810 - TPS August 2023

Noise Impact Assessment NIA-10905-23-11104 V2.0.

Arboricultural Method Statement BG23.146.18 Rev 1

Arboricultural Impact Assessment BG23.146.17 Rev 1

Preliminary Ecological Appraisal BG23.146 Rev 1

Archaeological Desk Based Assessment – MAPArch 5.19.23

Flood Risk Assessment 48015-ECE-XX-XX-RP-C-0003 Issue 3

Landscape & Visual Impact Assessment BG23.146.10 Rev 1

Location plan BY00131-STH-B01-00-DR-A-003-P02 Revision A

Planning Layout BY00131-STH-B01-00-DR-A-0001PL-P05 Revision F

EVCP and Parking Plan BY00131-STH-B01-00-DR-A-0005.-
P02 Revision A
Single Garage – MY-SG1-01
Landscape Management Plan BY00131-STH-B01-00-DR-A-
0011
Landscape Masterplan BG23.146-BRGR-ZZ-ZZ-DR-L-0001
Revision P02
Welcome Centre MY-P-405 Revision –
S278 Layout 48015-ECE-XX-XX-DR-C-0031 Revision P02
Production Management Plan BY00131-STH-B01-00-DR-A-
0016-P01
Close Coupled Substation Pyramid Roof Detail General
Arrangement GTC-E-SS-0012_R2-1_1_of_1
Bologna BM-C4-1000-A1 Planning Drawing 01 Revision P1
Valencia BM-C5-0201-A1 Planning Drawing 01 Revision P3
Naples BM-C5-0301-A1 Planning Drawing 01 Revision P3
Siena BM-C5-0601-A1 Planning Drawing 01 Revision P3
T2 BM-C3-0301-A2 Planning Drawing 01 Revision R3

3. No dwelling shall be erected 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.
4. No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.
5. Occupation of any proposed dwellings shall not take place until such time as the site access arrangement via Strathmore Road / Howbeck Road as shown on drawing number S278 Layout 48015-ECE-XX-XX-DR-C-0031 Revision P02 has been provided in full.
6. Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface

water to the public highway shall be retained for the lifetime of the development.

7. Construction of the development hereby approved shall comply with the Construction Management and Mitigation for Killisick Lane – July 2023. The development shall be carried out in accordance with the approved details for its entire construction phase.

8. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the Flood Risk Assessment 48015-ECE-XX-XX-RP-C-0003 Issue 3 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

a. Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.

b. Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.

c. Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

No surcharge shown in a 1 in 1 year;
No flooding shown in a 1 in 30 year.;
For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

d. Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

e. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.

f. Evidence of approval for drainage infrastructure crossing third party land where applicable.

g. Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

h. Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

9. All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.

10. No part of the development hereby approved shall commence until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Preliminary Ecological Appraisal BG23.146 Rev 1 and the Biodiversity Impact Assessment for Net Gain Matrix - submitted 15th November 2023 have been submitted to and approved by the Local Planning Authority in the form of a Land and Environmental Management Plan (LEMP) to secure recommended enhancements and habitat creation, and provide detail how enhancement will be managed subsequently. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development in accordance with the LEMP.

11. Notwithstanding the approved Landscaping Scheme pursuant to the Landscape Masterplan BG23.146-BRGR-ZZ-ZZ-DR-L-0001 Revision P02 and the Landscape Management Plan BY00131-STH-B01-00-DR-A-0011, prior to above ground works commencing there shall be submitted to and approved in writing by the Local Planning Authority detailed landscape details, including a planting schedule. Development shall proceed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby

permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

12. No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.
13. From the date of first occupation every dwelling built on the site shall be provided with access to electric vehicle (EV) charge point(s) in accordance with the EVCP and Parking Plan (Ref: BY00131-STH-B01-00-DR-A-0005.-P02 Revision A). All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
14. The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Method Statement BG23.146.18 Rev 1 and Arboricultural Impact Assessment BG23.146.17 Rev 1 have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
15. 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 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 of the Local Planning Authority, 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.

16. No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.
17. The footpath connections to Killisick Lane and other parts of the housing allocation (H8) as detailed on Planning Layout BY00131-STH-B01-00-DR-A-0001PL-P05 Revision F shall be formed and made available for use prior to the completion of the development hereby approved.

Reasons

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and for the avoidance of doubt.
3. To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
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5. In the interests of highway safety.
6. In the interests of highway safety.
7. 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.

8. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
9. To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, and to comply with policies ASC10 and LPD26.
10. To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023).
11. To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
12. To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
13. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
14. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to having regard to Policy LDP19 - Landscape Character and Visual Impact of the adopted Local Plan and Chapter 15 (Conserving and

Enhancing the Natural Environment) of the National Planning Policy Framework (2023).

15. To ensure the development is safe and suitable for use.
16. To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.
17. To ensure that connectivity is provided to other parts of the housing allocation and Killisck Lane and to comply with

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). 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 applicant should note that there are planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act 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, or alternatively 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. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed

works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk 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.

Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart 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).

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

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Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk

In order to carry out the off-site works required you will be undertaking work in the public highway which is 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 the works you will need to enter into an agreement under Section 278 of the Act. Please contact hdc.south@nottscc.gov.uk for details.

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.

5 APPLICATION NO. 2024/0063 - TOP WIGHAY FARM, WIGHAY ROAD, LINBY

Councillor Greensmith re-joined the meeting.

Variation of section 106 Legal Agreement (Schedule 5 Provision of Open Spaces – Definitions Section) for outline planning permission 2020/0050.

The Development Manager introduced the report and informed members that as part of the permission, a masterplan was approved showing two sports pitches to the north of the site and within the S106 this was identified as two full size football pitches, but this only accommodated for two junior pitches of 9-a-side. He added that Sport England had objected to the shortfall and advised that if granted, additional financial contributions should be sought.

He added that the scheme was approved subject to a viability assessment, which indicated that it would be unviable with additional contributions and that increasing the size of the pitches would reduce

the area available for residential development, resulting in a reduction in the number of properties built on the site.

He added that, the Council had published a new Playing Pitch and Outdoor Sport Strategy (September 2023), which identified the greatest shortfall in provision for Top Wighay Farm was for youth football.

He concluded that he recommended the application be supported and the Section 106 be amended to allow the provision of two 9-aside pitches as opposed to two full size pitches, as outlined on page 79 of the report.

RESOLVED:

That the Head of Development and Place and the Monitoring Officer, be authorised to enter into a Deed of Variation as detailed in the report.

6 APPLICATION NO. 2014/0273 - LAND AT CORNER OF LONGDALE LANE & KIGHILL LANE, RAVENSHEAD

This item was withdrawn from the agenda.

7 ENFORCEMENT REF. 0257/2022 - NOTTINGHAM SUN CLUB, BRACKENWOOD, NEWSTEAD ABBEY PARK, RAVENSHEAD

Unauthorised Construction of a glamping structure.

RESOLVED:

That the Head of Development and Place, in conjunction with the Head of Governance and Customer Services, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and issue of proceedings through the courts, if required, to ensure the removal of the unauthorised structure from the land.

8 ENFORCEMENT REF. 0132/2023 - 22 ONCHAN DRIVE, CARLTON

Unauthorised rear garden canopy.

The Development Manager introduced the report.

RESOLVED:

That the Head of Development and Place, in conjunction with the Head of Governance and Customer Services, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and issue of proceedings through the courts, if required, to ensure the removal of the unauthorised canopy.

9 ENFORCEMENT REF. 0267/2022 - 91 MAIN STREET, BURTON JOYCE

Unauthorised Gates and Fencing.

The Development Manager introduced the report.

RESOLVED:

That the Head of Development and Place, in conjunction with the Head of Governance and Customer Services, be authorised to take all relevant planning enforcement action including the service of any necessary enforcement notices and issue of proceedings through the courts, if required, to ensure the removal or reduction in height of the gates and fencing.

10 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

11 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

12 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT

None.

The meeting finished at 7.05 pm

Signed by Chair:
Date: