

**MINUTES  
PLANNING COMMITTEE**

**Wednesday 29 October 2014**

Councillor John Truscott (Chair)

In Attendance:

Councillor Barbara Miller	Councillor Andrew Ellwood
Councillor Pauline Allan	Councillor Cheryl Hewlett
Councillor Roy Allan	Councillor Jenny Hollingsworth
Councillor Peter Barnes	Councillor Mike Hope
Councillor Chris Barnfather	Councillor Meredith Lawrence
Councillor Denis Beeston MBE	Councillor Lynda Pearson
Councillor Alan Bexon	Councillor Colin Powell
Councillor John Boot	Councillor Suzanne Prew-Smith
Councillor Bob Collis	

Absent: Councillor Ged Clarke and Councillor Marje Paling

Officers in Attendance: P Baguley, N Morley, L Parnell and L Sugden

**233 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Paling and Clarke.

**234 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 8 OCTOBER 2014.**

**RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record, subject to the following amendment:

1. That the apologies for absence read:

“Apologies for absence were received from Councillors Collis and Barnfather.

Councillor Clarke attended as a substitute for Councillor Pauline Allan, who had given apologies.”

**235 DECLARATION OF INTERESTS**

None.

**236 APPLICATION NUMBER 2014/0665 - LAND AT 96 PLAINS ROAD,**

## **NOTTINGHAM, NG3 5RH**

Proposed Residential Development (outline).

Mr Newell, the applicant, spoke in support of the application.

Mr Mulhern, of Mapperley Golf Course, spoke in objection to the application.

**RESOLVED to GRANT OUTLINE PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as education authority for the provision of, or financial contributions towards Educational Facilities and Open Space; and subject to the following conditions:**

### **Conditions**

1. Application for the approval of the reserved matters shall be made to the Borough Council not later than three years from the date of this permission.
2. The vehicular access hereby permitted shall be constructed in the position shown on the Draft Illustrative Layout Plan drawing (13/105-Olalt v.1), deposited on 4th June 2014.
3. Unless otherwise agreed in writing by the Borough Council, 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 Borough Council. 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 Borough Council. 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.
4. 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 Borough Council.

5. 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 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 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 Borough Council.
6. Before development is commenced, including site clearance and demolition works, there shall be submitted to and approved in writing by the Borough Council a Dust Management Plan. The Plan shall be produced and carried out in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The Plan shall be implemented in accordance with the approved details, 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 a site level survey plan showing existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, Traffic Regulation Orders and drainage. All details submitted to the Borough Council for approval shall comply with the County Council's Highway Design and Parking Guides which are current at the time the details are submitted. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
9. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of wheel washing facilities to be used by vehicles entering and leaving site during the construction. The approved wheel washing facilities shall be maintained in working order at all times during the

construction period and shall be used by every 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.

10. 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.
11. Before development is commenced, including site preparation, the existing trees on adjoining land shall be protected in accordance with the details specified within the Arboricultural Report and Method Statement dated 9th June 2014 by Forest Farm Tree Services. The protection measures shall be retained until all construction works have been completed.
12. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of a scheme for the incorporation of integrated bird and bat boxes within the fabric of a proportion of the houses; bird boxes should target species such as house sparrow and swallow. The scheme shall be implemented 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.
13. No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.
14. 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 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 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 lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
16. The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
17. The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
18. If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub 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 Borough Council.
19. Should any bats be found during demolition, work must stop immediately. If the bats do not voluntarily fly out, the aperture shall be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. EMEC Ecology (0115 964 4828) or The Bat Conservation Trust (08451 300228) should be contacted immediately for further advice and any advice must be followed before any further demolition work takes place.

20. Should any common species of amphibian be found during works, they should be removed carefully by hand to areas away from the works, such as under scrub habitat not to be affected by the works. Gloves should be worn to avoid touching amphibians by hand. If it is proposed to drain the pond, this should be carried out between 1st July to 31st March inclusive in any given year, which will allow sufficient time for any frog tadpoles present to have changed into small frogs. These can then be moved into safe areas beneath hedgerows etc.
21. During the construction phase, if any trenches are left open overnight, they should be left with a sloping end or ramp to allow badgers or other animals that may fall into the excavation to escape, and any pipes over 200 mm in diameter should be capped off at night to prevent animals from entering them.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework.
7. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

8. To ensure that the roads of the proposed development are designed to an adoptable standard in order to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. 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 for Gedling Borough (September 2014).
11. In the interests of visual amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
12. To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
13. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
14. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
15. To ensure surface water from the site is not deposited on the public highway causing dangers to road users, in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
16. To ensure a satisfactory development in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
17. To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
18. To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

19. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
20. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
21. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

### **Reasons for Decision**

The development has been considered in accordance with the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), the Aligned Core Strategy for Gedling Borough and the National Planning Policy Framework, where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

### **Notes to Applicant**

Your attention is drawn to the attached comments from Nottinghamshire County Council's Highway and Nature Conservation sections, Nottinghamshire Wildlife Trust, Environment Agency, Severn Trent Water and the Borough Council's Public Protection section.

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](http://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](http://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 providing details of issues raised in consultation responses and providing updates on the application's progress.



**APPLICATION NUMBER 2014/0864 - 384 WESTDALE LANE WEST,  
MAPPERLEY, NOTTINGHAMSHIRE, NG3 6ES**

Change of Use from residential to day nursery.

Ms. Maria Fullwood, the applicant, spoke in support of the application.

Mrs Thomas, a local resident, spoke in objection to the application.

**RESOLVED to GRANT CONDITIONAL 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 operated in accordance with the Planning Application Forms and Plans received on 6th July 2014.
3. The day nursery shall have no more than 30 children in their care at any one time.
4. The day nursery shall only operate between the hours of 7:30 am and 6.30 pm Monday to Friday and shall not operate on a Saturday, Sunday or on a Bank Holiday.
5. No part of the development hereby permitted shall be brought into use until the dropped vehicle footway crossing and access has been widened to 5.25 metres in width and is made available for use and constructed to the Local Highway Authority specifications to the satisfaction of the Local Planning Authority.
6. 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 parking bays clearly delineated in accordance with the plans received on the 6th July 2014. 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 service areas.
7. Before the nursery is first brought into use a layout plan showing the precise area to be used as the children's play area, together with details of how the play area will be clearly defined on site and details of the proposed surfacing of the rear play area shall be submitted to and approved in writing by the Local Planning Authority. The rear play area shall be sited, defined and surfaced in accordance with the approved details prior to the development

being brought into use. Children attending the nursery shall only play in the area defined on the approved plan.

8. Before the nursery is first brought into use precise details of the acoustic fence to be installed shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted and approved shall set out the type, height and location of the proposed acoustic fence and provide a method statement outlining how the acoustic fence shall be installed. The acoustic fence shall be installed in accordance with the approved details prior to the nursery first being brought into use and retained thereafter for the lifetime of the development.
9. The existing garage shown on the plan received on the 6th July 2014 shall remain in use for the purposes of parking for staff at the nursery. It shall be kept available for the accommodation of staff parking at all times and shall not be used for any other purpose unless otherwise agreed in writing by the Borough Council as the 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 a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To safeguard the residential amenity of neighbouring properties and in order to accord with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy for Gedling Borough.
5. In the interests of Highway Safety.
6. 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.
7. To safeguard the amenity of neighbouring residents in order to comply with the Aligned Core Strategy for Gedling Borough (September 2014) Policy 10.

8. To ensure that the details of the development are acceptable , in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. In the interests of road safety, in accordance with the aims of policies ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2014).

### **Reasons for Decision**

The proposed use is an acceptable use in this location, results in no undue impact on neighbouring properties or the area in general. The proposal is also acceptable from a highway safety viewpoint. The proposal therefore accords with Policies ENV1 and C3 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

### **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 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.

## **238 PLANNING DELEGATION PANEL ACTION SHEETS**

### **RESOLVED:**

To note the information.

## **239 FUTURE PLANNING APPLICATIONS**

### **RESOLVED:**

To note the information.

## **240 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

The Chair reminded Members of a Planning Seminar scheduled to take place on the 7<sup>th</sup> November and a technical briefing taking place on the 14<sup>th</sup> of November.

The meeting finished at 6.35 pm

Signed by Chair:  
Date: