

**MINUTES  
PLANNING COMMITTEE**

**Thursday 27 November 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: F Whyley, P Baguley, J Cole, A Dubberley, L Mellors and N Morley

**241 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Hollingsworth.

**242 DECLARATION OF INTERESTS**

None.

**243 APPLICATION NO. 2014/0915- A612 BURTON ROAD/B684 MAPPERLEY PLAINS, GEDLING/ARNOLD, NOTTINGHAMSHIRE.**

Construction of a 3.8km long road linking A612 Burton Road and B684 Mapperley Plains Road (Gedling Access Road).

The Service Manager for Planning and Economic Development introduced the report and reported that 13 additional representations had been received from local residents which had raised similar points to those outlined in the report as well as one representation which stating that the County Council's landscaping opinions should be published online. One representation made reference to the development on Clementine Drive stating that the developer wouldn't have known about the road's route as he wouldn't have modified the design of the properties so that they were three storeys making the view of the road more prominent. One representation received from Burton Joyce Parish

Council stated that the Parish was considering withdrawing their objections to the proposal at their next meeting.

An additional letter had been received from solicitors acting on behalf of Carlton Le Willows School asking for deferral of the application to allow further consultation to take place

The Committee was advised that extensive consultation had taken place with the school and more was planned and that proposed condition 5 would give the school the opportunity to be involved with the design of the section of the road in the vicinity of the school. The Service Manager for Planning and Economic Development did not feel it was necessary to defer consideration of the application.

In conclusion the Service Manager for Planning and Economic Development advised that the late representations did not give officers reason to alter their recommendation for approval.

The Chair explained that due to the scale of the proposed development he had agreed to extend the time allocated for public speaking and that he would be allowing separate contributions from residents in the Mapperley Area, Gedling Area and the area to the South of the proposed development.

#### Speakers in support

Alan Bishop, Area Manager Homes and Communities agency, spoke on behalf of the applicants for the development.

Francis Rodrigues on behalf of Gedling Preservation Society spoke in support of the application.

#### Speakers in objection

David Sandercock, a resident of the Mapperley area, spoke in objection to the application.

Colin Weaver, Headteacher of Carlton Le Willows School, spoke in objection to the application.

#### **RESOLVED to:**

**Grant Planning Permission subject to the conditions below and the applicant giving a unilateral undertaking under s106 of the Town and Country Planning Act 1990 to the Borough Council in relation to (1) a Traffic Regulation Order associated with speed limits on Arnold Lane, (2) details of wheel washing and means of access and routes of construction traffic, (3) details of proposed new setts and barn owl nest boxes, details of translocation of Open Mosaic Habitat and badgers to the Gedling Country Park, (4) details of**

**mitigation measures to compensate for the loss of land at Carlton Le Willows Academy and Woodthorpe (St Marks) Scout Group, (5) details of a travel plan co-ordinator and travel plan monitoring in relation to the operational phase of the GAR, (6) details for monitoring of traffic conditions during the operational phase of the GAR and mechanisms for implementing mitigation measures and (7) details of a local labour agreement for the construction of the GAR.**

### **Proposed Conditions**

The conditions that are recommended to be attached to the planning application for the Gedling Access Road are set out below.

A time limit condition specifying when the first phase and second phase of the GAR shall be constructed by is considered necessary as a result of the Environmental Statement (ES) that has been submitted. Following the time limit condition it is proposed that there should be a condition setting out the plans and documents that are to be approved as part of this application.

Given the form of the ES it is considered necessary to condition the manner in which the GAR shall be opened to the public. It is proposed that the 5-arm roundabout should be opened first and that the rest of the GAR should be opened in one entire phase (except for the roundabout and arms of the GAR proposed on Lambley Lane). An exception is made for Lambley Lane, because this part of the GAR will need to be brought into use in order to retain vehicular access through this part of the Borough.

Details of how pedestrian and traffic movement shall be managed during the construction and post construction prior to the opening of the phases of the GAR is also proposed to be conditioned. This will assist in ensuring that adequate measures are put in place so as to avoid any adverse socio-economic impacts that could be caused as a result of temporary alterations to the road network caused by the construction of the GAR.

A public transport strategy is also requested to cover both phases of the development and also to cover the three time periods of construction, post construction and prior to the opening of each phase and then post opening. This information is required in order to ensure that there is no disruption to public transport.

Highways have requested a condition to ensure that any proposed security lighting will not have any adverse impact on other road users.

Two Construction Environmental Management plans are sought, the first would be required prior to site clearance of Phase 1 and the second would be sought prior to the site clearance of Phase 2. These CEMPs would secure the mitigation measures proposed within Chapter 9 of the

Ecology Chapter to reduce any adverse impacts on wildlife whilst the GAR is under construction. The CEMPs would be supplemented by the proposed s106 agreement details in relation to the open mosaic habitats and sites for badgers and owls.

The next set of conditions relate to the need to submit a surface water drainage scheme and a detailed highway design code. The surface water drainage condition would assist in preventing flooding and adverse impacts on water quality, whilst the highway design code would ensure that once the GAR is constructed and is operational that it would be of adoptable standard.

Following on from the highway and drainage conditions it is proposed that there should be conditions requiring the submission of tree protection measures, landscaping scheme, dust management scheme and a noise assessment.

An Environmental Management Plan to cover the post construction protection and enhancement of wildlife which would secure the measures set out in section 9.7.60 to 9.7.76 of the Chapter 9 of the Ecology Chapter. Again, the s106 agreement details in relation to the open mosaic habitats and sites for badgers and owls would also assist in terms of the post construction protection and enhancement of wildlife.

The remaining conditions relate to dealing with contamination, the demolition of Glebe Farm, the walled garden at Gedling House and the required diversion of the public right of way (Carlton Footpath No.2).

### **Public Consultation on Approval of details required by Conditions**

It is considered that the approval of details required by the conditions set out below should be subject to wider public consultation (including other relevant parties such as the Carlton Le Willows Academy) as the detail that would be contained within the information will be of wider public interest. The consultation period in relation to these details would be 21 days and similar to statutory consultation and notification time frames. It is proposed that the approval of the details submitted in relation to the conditions set out below should be referred to Planning Committee.

- Condition 4 and 5 in relation to the management of traffic and pedestrian movement during the construction of the GAR and post construction but prior to the opening of each phase.
- Condition 6 in relation to the management of public transport during the construction of the GAR and post construction but prior to the opening of each phase and after the construction of each phase.
- Condition 7 in relation to temporary lighting whilst the GAR is being constructed.

- Condition 11 in relation to the proposed Highway Design Code.
- Condition 12 and 13 in relation to retention of trees and landscaping.
- Condition 15 in relation to pre-commencement noise assessment and proposed mitigation measures.
- Condition 21 in relation to the details for the rebuilding of the Gedling House Wall garden
- Condition 22 in relation to the diversion of the Carlton Footpath No.2.

Due to the technical nature of the surface water drainage scheme and the need to ensure adequate protection is given to nature conservation interests, it is recommended that conditions relating to these aspects should be dealt with in the usual manner and that consultation should take place with the appropriate technical bodies. Approval of details associated with these conditions would be delegated to the Corporate Director.

### **Conditions**

1. The Gedling Access Road hereby approved shall be constructed in two phases. Phase 1 shall cover the construction of the five arm roundabout off Arnold Lane, which shall be completed by 31st December 2015. Phase 2 shall cover the construction of the rest of the Gedling Access Road, which shall be completed by 31st December 2019.
2. Phase 1 and Phase 2 of the Gedling Access Road shall be built in accordance with the following plans: Red Line Boundary Climbing Lane Option, Sheets 1-3 (drawing numbers GAR02-1, GAR02-2 and GAR02-3), deposited on 14th August 2014; Proposed Scheme Layout Climbing Lane Design, Sheets 1-3 (drawing numbers GAR17, GAR18 and GAR19), deposited on 9th October 2014; and Additional Cross Sections for Planning Application (drawing number Design Sketch GR1), deposited on 10th October 2014.
3. Phase 1 of the Gedling Access Road hereby approved shall be made available for use by the public first and the rest of the Gedling Access Road shall be made available for use by the public once Phase 2 has been completed in its entirety (except in relation to the proposed alterations to Lambley Lane).
4. Prior to the commencement of site clearance in relation to Phase 1 of the Gedling Access Road hereby approved, precise written

details and plans of how traffic and pedestrian movement shall be managed during and after the construction of the 5-arm roundabout onto Arnold Lane but prior to Phase 1 being made available to the public, shall be submitted to and approved in writing by the Borough Council. Traffic and pedestrian movement shall be managed in accordance with the approved details during and after the construction of 5-arm roundabout prior to the opening of Phase 1 of the Gedling Access Road.

5. Prior to the commencement of site clearance in relation to Phase 2 of the development hereby approved, precise written details and plans of how traffic and pedestrian movement shall be managed during and after the construction of the following junctions but prior to Phase 2 being made available to the public, together with a timetable for implementation shall be submitted to and approved in writing by the Borough Council. These must include: (1) the junction of the Gedling Access Road onto Mapperley Plains Road and the other proposed highway alterations; (2) the proposed roundabout on Lambley Lane and the construction of the northern and eastern arms of the Gedling Access Road onto Lambley Lane; and (3) the junction of the Gedling Access Road onto Trent Valley Way and Burton Road/Nottingham Road at Burton Joyce and the other proposed highway alterations. Traffic and pedestrian movement shall be managed in accordance with the approved details during and after the construction of these junctions prior to the opening of Phase 2 of the Gedling Access Road.
6. Prior to the commencement of site clearance of Phase 1 and also prior to the commencement of site clearance of Phase 2, a public transport strategy shall be submitted in writing each time and approved in writing by the Borough Council. The strategy shall include details of how public transport shall be managed and accessed during the construction of each phase of development, and after the construction of each phase of development but prior to that phase being made available for use by the public, and once each phase is brought into use. The strategy shall provide precise locations of temporary and permanent bus stops, the design of both temporary and permanent bus stops together with the design of pavements to assist access to buses (including for wheelchairs and pushchairs) and shall contain a programme of implementation and a timetable to cover construction, after construction but prior to the opening of each phase of the Gedling Access Road and then after each phase is brought into use. Public transport shall be managed and accessed in accordance with the approved details.
7. Prior to the commencement of site clearance of Phase 1, and prior to the commencement of site clearance of Phase 2, there shall be submitted to and approved in writing by the Borough

Council written details of any temporary security lighting/floodlighting (together with a lux plot of the estimated luminance) to be installed during the construction of that phase, which shall be designed, located and installed so as not to cause a nuisance to users of the highway. The security lighting/floodlighting shall be implemented in accordance with the approved details and shall be removed prior to the opening of phase 1 and phase 2 of the Gedling Access Road.

8. Prior to the commencement of site clearance of Phase 1 of the Gedling Access Road hereby approved a written Construction Environmental Management Plan shall be submitted to and approved in writing by the Borough Council. The Construction Environmental Management Plan shall include the following: (1) details of an ecological clerk who shall be employed to oversee ecological mitigation and to gain necessary licences to undertake ecological mitigation; (2) details of the proposed hours of working during the construction of Phase 1, together with details of any construction site lighting and compound lighting; (3) details of the proposed area for the storage of soil and other materials during the construction of Phase 1, together with details of how dust, noise, incidental damage and spillages will be monitored and dealt with; (4) details of the proposed means of access of construction vehicles during Phase 1 construction; (5) details of a methodology and programme of site clearance of vegetation; (6) details of a methodology and mechanism for the surveying, recording and reporting together with the provision of a programme and timetable for the implementation of mitigation measures in relation to flora and fauna that could be affected by the construction of Phase 1 (the ecological interest to be covered shall include amphibians, insects, bats, badgers, and birds, trees hedgerows, and the Mapperley Tunnel); and (7) details of planting schemes indicating the location, size, species and density of all planting proposed to compensate for the loss of habitat during construction of Phase 1 and a schedule of implementation and timetable of the proposed planting and a management plan including long term design objectives, management responsibilities and maintenance schedules covering the construction phase. The Construction Environmental Management Plan shall be implemented in accordance with the approved details and the proposed mitigation measures shall be retained in accordance with approved details.
9. Prior to the commencement of site clearance of Phase 2 of the Gedling Access Road hereby approved, a written Construction Environmental Management Plan shall be submitted to and approved in writing by the Borough Council. The Construction Environmental Management Plan shall include the following: 1) details of an ecological clerk who shall be employed to oversee ecological mitigation and to gain necessary licences to undertake

ecological mitigation; (2) details of the proposed hours of working during the construction of Phase 2, together with details of any construction site lighting and compound lighting; (3) details of the proposed area for the storage of soil and other materials during the construction of Phase 2, together with details of how dust, noise, incidental damage and spillages will be monitored and dealt with; (4) details of the proposed means of access of construction vehicles during Phase 2 construction; (5) details of a methodology and programme of site clearance of vegetation; (6) details of a methodology and mechanism for the surveying, recording and reporting together with the provision of a programme and timetable for the implementation of mitigation measures in relation to fauna and flora that could be affected by the construction of Phase 2 (the ecological interest to be covered shall include amphibians, great crested newts, Gedling House Wood (LNR), bats, badgers, dingy skippers and any other invertebrates, birds, trees and hedgerows, Mapperley Tunnel, the Pepperpots and Glebe Farm); and (7) details of a management strategy to include methods of mitigation, compensation and enhancement in order to protect local wildlife habitats, the strategy shall include demarcation of permanent fencing to protect Local Wildlife Sites; methods, locations and timing for translocation of notable habitat described as pioneer community which forms part of the mosaics of habitat recorded within the development; plant seed mixes; the design and planting of new water bodies to improve their ecological value; methods for managing and avoiding the spread of invasive species; methods to protect protected and notable species during removal of fire ponds and during vegetation clearance; seed harvesting and larval food plant translocation methods from the existing vegetation to an agreed receptor site; it shall also include details for monitoring and where necessary details of remedial measures for reseeded and habitat management during the construction phase. The Construction Environmental Management Plan shall be implemented in accordance with the approved details and the proposed mitigation measures shall be retained in accordance with approved details.

10. Prior to the commencement of site clearance of Phase 1 and prior to the commencement of site clearance of Phase 2, there shall be submitted and approved in writing by the Borough Council, written details of a surface water drainage scheme for each phase of development. The surface water drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of each phase of development shall be provided. The surface water drainage scheme to be submitted shall; (1) demonstrate that the scheme has been designed in accordance with CIRA C697 and C687 or the National SUDS standard (whichever is in force at the time that the scheme is designed); (2) limit the discharge rate generated by



all rainfall events up to and including the 100 year plus 20% allowance for climate change critical rain storm to Greenfield runoff rates for the site; (3) demonstrate the provision of rainwater run-off attenuation storage in accordance with requirements specified in Science Report SC030219 Rainfall Management for Developments; (4) demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed scheme for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods; (5) include a programme of implementation and a timetable for the provision of each element of the surface water drainage scheme; and (6) shall confirm how the on-site surface water drainage systems shall be adopted and maintained in perpetuity to ensure long term operation at the designed parameters. The surface water drainage scheme shall be implemented in accordance with the approved details at the time that each phase is constructed and shall be retained in accordance with the approved details for the lifetime of the development.

11. Prior to the commencement of site clearance of Phase 1 and prior to the commencement of site clearance of Phase 2, a written Highway Design Code shall be submitted to and approved in writing by the Borough Council. The Design Code shall cover the operational phase of Phase 1 and Phase 2 and shall include detailed coding for the: (1) street type/function; (2) the principal dimensions of the Gedling Access Road for each phase of development including specific details of boundary treatments, details of sight lines (visibility splays and gradients) at junctions onto and off the Gedling Access Road for each phase, and details of the Gedling Access Roads gradients and the design of embankments and their gradients in relation to each phase of development; (3) junctions and types of traffic calming; (4) treatment of major junctions, bridges and public transport links; (5) street lighting and street furniture specifications and locations; (6) specifications for tunnels and details of the locations that they are to be provided at in order to assist the movement of fauna within the surrounding area; (7) specifications, including locations of trees and planting adjacent to the highway, and details for the long term management of such planting together with maintenance schedules covering a minimum period of 25 years; (8) specifications and location of drainage and rainwater run off systems, including SUDS; (9) routeing and details of public utilities; (10) arrangements for maintenance and servicing including refuse collection/bin storage; (11) a strategy to enable the periodic review and, if necessary, revision of the Design Code once Phase 1 and Phase 2 are operational. The Highway Design

Code shall be implemented in accordance with the approved details.

12. Prior to the commencement of site clearance of Phase 1 and prior to the commencement of site clearance of Phase 2, there shall be submitted to and approved in writing by the Borough Council a full written Arboricultural Impact Assessment and Tree Constraints Plan for each phase of development which shall indicate the loss of trees required to facilitate the Gedling Access Road and a full planting mitigation solution and shall set out a programme of implementation and timetable for the provision of mitigation measures and their removal if appropriate. The Arboricultural Impact Assessment and Tree Constraints Plan to be submitted in writing shall detail and consider all supporting infrastructure, such as underground utilities, drainage proposals, street lighting, safety cameras and signage that will be required within the Gedling Access Road and the location of such structures within the red line plan defining the boundary of this Gedling Access Road planning application hereby approved. The Tree Constraints Plan shall be implemented in accordance with the approved details for the duration of that phase of the construction period and the proposed mitigation measures shall be implemented in accordance with approved details.
13. Prior to the commencement of site clearance of Phase 1 and prior to the commencement of site clearance of Phase 2 there shall be submitted to and approved in writing by the Borough Council a written landscape plan for that phase of the site. The detailed plans and particulars to be submitted shall include details of the size, species, positions and density of all trees, ground cover flora and shrubs to be planted, which shall consist of native species, ideally of local provenance where possible, and shall include details of existing trees to be felled and retained. A written programme and timetable for the implementation of the landscaping scheme shall also be submitted as part of the landscape plan. The landscaping scheme shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.
14. Prior to the commencement of site clearance of Phase 1 and prior to the commencement of site clearance of Phase 2, there shall be submitted to and approved in writing by the Borough Council a written Dust Management Plan for that phase, produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The plan for each Phase shall be implemented in accordance with the approved details.
15. Prior to the commencement of site clearance of Phase 1 and prior to site clearance of Phase 2, a written methodology for

undertaking a noise assessment shall be submitted to and approved in writing by the Borough Council. A noise assessment shall then be carried out in accordance with the approved details and findings of the noise assessment together with mitigation measures, a programme of implementation and the length of time that measures are to be retained for shall be submitted in writing to and approved in writing by the Borough Council prior to the commencement of site clearance of Phase 1 and prior to site clearance of Phase 2. The mitigation measures and programme of implementation shall cover the period of construction, after construction and prior to the opening of each phase and once each phase has become operational. The mitigation measures shall be implemented in accordance with the approved details.

16. Prior to the commencement of construction of Phase 1 and prior to the construction of Phase 2, a written Environmental Management Plan shall be submitted to and approved in writing by the Borough Council. The Environmental Management Plan shall include the following: (1) details of a long term management strategy covering a minimum period of 25 years for the long term enhancement of water bodies, translocated habitats and other habitats (including areas of planting) created as part of the Phase 1 and Phase 2 Construction Environmental Management Plan. The long term management strategy shall set out the proposed means of management and maintenance schedules for each habitat created as part of the development and shall identify the roles and responsibilities of various parties and stakeholders associated with each site and the strategy shall also include details of how habitats will be reviewed in terms of condition and the appropriateness of management practices and alterations made to management practices; (2) details of a lighting scheme for all sensitive locations along the route of the Gedling Access Road, in order to reduce any adverse impacts on nocturnal species, which shall make use of the measures outlined in section 9.7.55 of chapter 9 Ecology of the Environmental Statement; (3) details of how invasive species such as Japanese Knotweed and New Zealand Stone Crop/Pygmy weed shall be surveyed and monitored within habitats created as part of the development and measures that will be taken to manage and treat invasive species; and (4) precise details of the mitigation and monitoring measures and a programme and timetable of implementation in relation to assisting amphibians, badgers, bats, breeding birds and invertebrates during the construction and operational phases of the Gedling Access Road, as set out in Section 9.7 of Chapter 9 Ecology of the Environmental Statement and in the letter dated 11th November 2014 from White Young Green. The Environmental Management Plan shall be implemented in accordance with the approved details and the proposed mitigation measures shall be retained in accordance with the approved details.

17. Prior to the commencement of construction of Phase 1 and prior to the commencement of construction of Phase 2 of the development hereby approved a written assessment of the nature and extent of any potential or actual contamination shall be submitted to and approved in writing by the Borough Council. This assessment shall 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. The assessment shall be undertaken by a competent person and shall assess any contamination of the site whether or not it originates on site.
18. In the event that remediation is required to render the development suitable for use in any phase, a written remediation scheme for that phase and timetable of works shall be submitted to and approved in writing by the Borough Council. The scheme shall then be implemented in accordance with the approved details. Prior to the development for that phase being first brought into use, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Borough Council.
19. 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 development must be halted immediately on that part of the site until such time that the Borough Council has given written approval for works to recommence on site. Once contamination has been reported to the Borough Council an assessment of contamination must be undertaken in accordance with the requirements above in relation to condition 17 above. Where remediation is necessary, a written remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The Remediation Scheme shall be implemented as approved.
20. Prior to the demolition of the non-designated heritage asset of Glebe Farm, a historic building recording shall take place to level 3 of Understanding Historic Buildings 2006 and shall be submitted to Nottinghamshire County Council Historic Environment Record.
21. Prior to the partial demolition and rebuilding of the garden wall for Gedling House, a full recording of the existing wall along with a written specification and method statement for its demolition and precise details of the location and materials for the erection of the proposed new wall together with a programme of works and a timetable for the construction of the new wall shall be submitted in

writing to and approved in writing by the Borough Council. The scope of mitigation must include a comprehensive scheme of repair of the garden wall in addition to the basic re-building of the demolished east wall. Phase 2 of the Gedling Access Road in the vicinity of the wall and the erection of the new wall shall be implemented in accordance with the approved details.

22. The development will require the diversion of a public right of way (Carlton Footpath No.2) and no part of the development hereby permitted or any temporary works or structures shall obstruct the public right of way until a Diversion Order has been secured and the diversion has been constructed in accordance with a detailed design and specification which shall be submitted to and approved in writing by the Borough Council.

### **Reasons**

1. To ensure that the development is constructed in accordance with the scope of the impacts defined within the submitted Environmental Statement.
2. For the avoidance of doubt and to ensure that the Gedling Access Road is constructed in accordance with the above plans.
3. To ensure that the development is constructed in accordance with the scope of the impacts defined within the submitted Environmental Statement.
4. To ensure that traffic and pedestrian movement is adequately managed during and after construction of Phase 1 of the Gedling Access Road prior to its opening in the interests of highway safety and to accord with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that traffic and pedestrian movement is adequately managed during and after construction of Phase 2 of the Gedling Access Road prior to its opening in the interests of highway safety and to accord with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To ensure that public transport is adequately managed during and after construction of both Phases 1 and 2 of the Gedling Access Road and prior to the opening of each Phase, in the interests of highway safety and to support the use of public transport and to accord with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
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 2014).

8. To protect and enhance ecology interest in the area during the construction of Phase 1 and to accord with paragraph 109 of the National Planning Policy Framework and to ensure that the measures outlined in section 9.7.2 to 9.7.52 of Chapter 9 Ecology of the Environmental Statement are secured.
9. To protect and enhance ecology interest in the area during the construction of Phase 2 and to accord with paragraph 109 of the National Planning Policy Framework and to ensure that the measures outlined in section 9.7.2 to 9.7.52 of chapter 9 Ecology of the Environmental Statement are secured.
10. To prevent the increased risk of flooding, to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
11. To ensure that the Gedling Access Road is constructed to highway adoption standards, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
12. To minimise the arboricultural impact of the Gedling Access Road and 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).
13. To ensure a satisfactory development and that the landscaping of the development 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).
14. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
15. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).

16. To protect and enhance ecological interests that could be affected during the operation of the Gedling Access Road and to ensure that the measures outlined in section 9.7.53 to 9.7.76 of Chapter 9 Ecology of the Environmental Statement can be secured, and to accord with paragraph 109 of the National Planning Policy Framework.
17. 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).
18. 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).
19. 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).
20. To ensure that an accurate record of the historic building is retained.
21. To ensure that an accurate record of the historic building is retained and that the mitigation works are in accordance with the aims of the National Planning Policy Framework.
22. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### **Notes to Applicant**

Your attention is drawn to the attached correspondence from Nottinghamshire County Council, the Environment Agency, Severn Trent Water, Nottinghamshire Wildlife Trust, Natural England, National Grid and the Borough Council's Public Protection Section.

With regard to condition 1, 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 the County Council for details.

With regard to condition 11, 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, 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 road works.

With regard to condition 22, in cases where a Diversion Order has yet to be secured, it should be noted that the grant of planning permission does not permit the obstruction of the public right of way and that separate statutory approval for the Stopping Up or Diversion Order will be required under the provisions of the Highways Act 1980 or the Town and Country Planning Act 1990 or any other statutory provision.

The proposed off-site traffic management works require a Traffic Regulation Order before the development is first brought into use to provide safe off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the applicant should contact the County Council at an early stage to discuss this matter further.

No infiltration of surface water drainage into the ground is permitted other than that covered by the surface water drainage condition set out above. Any deviation from the approved surface water drainage scheme shall require the express written consent of the Borough Council, either through the submission of a non-material amendment to the approved scheme or through the approval of a section 73 planning application.

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 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.

## **Reasons for Decision**



The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), 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.

244

**APPLICATION NO. 2014/0556- BARRACKS FARM, FOREST LANE, PAPPLEWICK, NOTTINGHAMSHIRE**

Erection of a 500kw wind turbine with a tip height up to 77m along with transformer station at base, access track from farm to turbine and access improvements at junction of farm access and Forest Lane.

The Service Manager for Planning and Economic development introduced the report and advised that no further representations had been received.

Councillor Powell, seconded by Councillor Clarke proposed a motion to defer consideration of the application to allow the committee to be briefed on the technical aspects of wind energy. The motion was put to a vote and was defeated.

Robert Marshall, the applicant, spoke in support of the application and Brent Nicholls a neighbouring resident, spoke in objection to the application.

**RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:**

1. The development hereby permitted shall begin not later than three years from the date of this decision. Written confirmation of the date when electricity is first exported to the grid from the wind turbine hereby permitted (First Export Date) shall be submitted to the Borough Council within one month of the date of this taking place.
2. This permission shall endure for a period of 25 years from the first export date (of electricity to the grid), after which the use shall cease, and the turbine, ancillary structures, crane erection and lay down areas shall be removed from the site, and the land restored in accordance with details to be approved in writing under condition 18 below. The site shall be decommissioned in accordance with the details to be approved under condition 18.

3. The development hereby permitted shall be carried out in accordance with the following approved plans except insofar as may be otherwise required by other conditions of this planning permission: Site Layout Plan (L-MAR-064-SLPX); Site Layout Plan Proposed (L-MAR-064-SLPP); Wind Turbine Boundaries Plan (L-MAR-064-BP); Elevations (drawing no: 1000900); Ecological Walkover Survey Report (424.03643.00010 dated March 2014); Landscape and Visual Impact Assessment (dated December 2013); Noise Impact Assessment (Ref: 1632 Papplewick Wind Turbine); Shadow Flicker Assessment (Project L MAR 064); Technical and Operational Assessment (NAT ref: W(F) 18624); Volume 1 - The Planning Statement (dated April 2014); Planning Supporting Statement Addendum - Green Belt Special Circumstances Justification (August 2014); Supplementary Nightjar and Woodlark Report (SLR ref: 424.03643.00010 August 2014); and Further Detail with Respect to Very Special Circumstances (02.11.2014).
4. Before development hereby approved is first commenced, precise details and elevations of the proposed substation housing shall be submitted to and approved in writing by the Borough Council. The substation shall have the following parameters: No wider than 3.5 metres, no longer than 6.5 metres, and it shall have a ridge height no more than 3 metres. The development shall be implemented in accordance with the written approval.
5. Before the development hereby approved is commenced, and any associated materials transported to the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Borough Council. The Plan shall include the following: (i) A comprehensive study of the agreed delivery route to the application site including identification of the route where highway accommodation works will be required including the clearance of any vegetation and removal of street furniture; (ii) A schedule indicating the time for off peak construction deliveries; (iii) Details of measures to be taken to manage and control construction traffic on the agreed construction route and site access to include advance notification signage, abnormal load traffic warning signs and any temporary speed limits/traffic regulation orders; (iv) Details of measures to be taken to manage the proposed hedge and tree cutting including signage. (vi) details specifying how any damage caused by construction traffic to the highway along the agreed route shall be made good. The Construction Traffic Management Plan shall thereafter be implemented as approved prior to any construction works taking place on site and as required during the construction of the development.
6. Before the development hereby approved is commenced, and any associated materials transported to the site, precise details of

the hardstanding for construction traffic and details of improvements to the access track for the turbine delivery vehicles shall be provided in accordance with the plans to be first submitted to and approved in writing by the Borough Council. The hardstanding and servicing areas as approved shall thereafter be retained for the life of the development and decommissioned in accordance with details submitted under condition 19 of this approval.

7. Before the development hereby approved is commenced, a schedule of ecological site enhancement including hedgerow pruning works, shrub removal and bracken management shall be submitted to and approved in writing by the Borough Council (as indicated para 4.4 of the supplementary Nightjar and Woodlark Report SLR ref: 424.03643.00010). The schedule shall contain details of the works to be undertaken and a timescale for the works to be carried out. Ecological site enhancement works shall be completed in accordance with the approved schedule.
8. All construction work associated to the installation shall be undertaken outside of the bird-breeding season (March - September inclusive). Should works be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds, with a copy of the survey undertaken and any works required at the site to be submitted to and approved in writing by the Borough Council prior to the commencement of development at the site. Works shall be completed in accordance with the approved details.
9. Prior to the erection of the wind turbine, details of the colour finish of the turbine tower, nacelle and blades shall be submitted to and approved in writing by the Borough Council. Development shall thereafter be carried out in accordance with the approved details.
10. Prior to the erection of the substation, details of the colour and type of materials to be used for the external walls and roof shall be submitted to and approved in writing by the Borough Council. The size of the substation shall be in accordance with the parameters set out in condition 4 above. Development shall thereafter be carried out in accordance with the approved details.
11. Before development hereby approved is first commenced, precise details, including depths of the proposed wind turbine foundations to be constructed shall be submitted to and approved in writing by the Borough Council. The foundations as approved shall thereafter be retained for the life of the development and decommissioned in accordance with details submitted under condition 19 of this approval.

12. All cables within the development site from the turbine to the substation shall be set underground.
13. Prior to the first export date, a scheme providing a protocol for the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the wind turbine shall be submitted to and approved in writing by the Borough Council. The protocol shall also include full contact details of who to contact in relation to the development should the Borough Council receive a complaint from a local resident within 12 months of the first export date. The protocol shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Borough Council within 12 months of the first export date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the protocol which has been approved in writing by the Borough Council
14. The Applicant must notify East Midlands Airport in writing that the wind turbine is in operation. This shall be done within 1 month, of the turbine commencing operation and the Borough Council shall be sent a copy of the notification made to East Midlands Airport.
15. The rating level of noise from the wind turbine (including the application of any tonal penalty) when calculated in accordance with the method described in the guidance document 'ETSU-R-97: The Assessment and Rating of Noise from Wind Farms' shall not exceed 35dBa for daytime and 43dBA for night time at nearby dwellings. At Barracks Farm the upper level of 36.5dBa daytime shall not be exceeded.
16. Within 28 days from the receipt of a written request from the Borough Council, following a substantiated complaint to it, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Borough Council to assess the level of noise generated by the wind turbine, following the method described in ETSU-R-97 referred to in condition 14. Within 60 days of appointing the independent consultant, unless agreed otherwise in writing with the LPA, the ETSU-R-97 noise assessment shall be completed and submitted to the Borough Council. Prior to the commencement of the noise measurement and assessment the monitoring locations shall be agreed in writing with the Borough Council. If wind turbine Noise levels are measured and found to exceed those levels set out in Condition 14 the necessary corrective action should taken within 30 days to

reduce the levels to those set out in condition 14 and further noise assessment carried out to ensure compliance with condition 14. Copies of the results on noise assessments made after remedial action has been taken should also be submitted to the Borough Council. A complaint shall be considered 'substantiated' where the Borough Council has conducted a preliminary investigation and taken into consideration the data requested as per condition 11 and judged that the complaint warrants further investigation by the operator to demonstrate that the noise limits are not being breached.

17. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1 (d) of ETSU-R-97. These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1 (e) to the Borough Council on its request, within 14 days of receipt in writing of such a request.
18. If the wind turbine hereby approved ceases to operate for a continuous period of 6 months unless otherwise approved in writing by the Borough Council, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment, including a timetable for its removal, shall be submitted to and approved in writing by the Borough Council, within 3 months of the end of the 6 month cessation period. The approved scheme shall thereafter be implemented in accordance with the approved details.
19. Prior to the decommissioning of the site a scheme setting out a programme of works required to undertake decommissioning works, together with details of any access widening required, alteration to junctions, details of the abnormal load routes together with details of how any required off-site traffic management measures along the proposed route of decommissioning traffic, details of how the site shall be restored and landscaped once structures have been removed and a schedule of works required and timescales for undertaking the restoration shall be submitted to and approved in writing by the Borough Council. The site shall be decommissioned in accordance with the approved details.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is a temporary permission and condition 2 is attached for the avoidance of doubt.

3. For the avoidance of doubt.
4. For the avoidance of doubt.
5. In the interests of highway safety
6. For the avoidance of doubt.
7. To safeguard the appearance of the site
8. In order to safeguard the local bird population.
9. To ensure that the precise details of the turbine are defined in order for the Borough Council to control the nature of the development
10. To ensure that the precise details of the substation are defined in order for the Borough Council to control the nature of the development
11. To ensure that the precise details of the turbine are defined in order for the Borough Council to control the nature of the development
12. To safeguard the appearance of the site
13. To ensure that any adverse impacts on terrestrial television reception in the area is appropriately mitigated
14. To ensure that East Midlands Airport are advised that the turbine has commenced operation
15. In order to safeguard the aural amenity of the site and neighbouring residential properties.
16. In order to safeguard the aural amenity of the site and neighbouring residential properties.
17. To enable the Borough Council to monitor noise impacts and to monitor against condition 18.
18. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
19. To ensure that when the site ceases operation at the time stated within condition 2 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.

### **Reasons for Decision**

Paragraph 98 of the NPPF advises that when determining planning applications for renewable energy schemes, local planning authorities should approve the application if its impacts are, or can be made acceptable. In the opinion of the Borough Council it has been demonstrated that the impacts of the proposal are acceptable.

### **Notes to Applicant**

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. In the interests of Aviation safety, the Civil Aviation Authority requests that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographic, including location(s) height(s) and lighting status of the feature/structure, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to the start of construction to allow for the appropriate notification to the relevant aviation communities.

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.

**245**

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

None.

The meeting finished at 7.40 pm

Signed by Chair:  
Date: