

## **PLANNING COMMITTEE**

**Wednesday, 8th May, 2013**

Councillor P.G. Barnes(Chair)

Councillors:	P.A. Allan	R.D. Allan
	C.P. Barnfather	D.N. Beeston MBE(a)
	A.S. Bexon	F.J.D. Boot
	R.F. Collis	A.M. Ellwood(a)
	C.J. Hewlett	S. Hewson
	J. Hollingsworth	M. Hope
	M. Lawrence	B.S.R. Miller
	M. Paling	C.J. Powell
	S.J. Prew-Smith	J. Truscott
	G.G. Tunncliffe	

Officers in Attendance: P. Baguley, H. Barrington, N. Morley, L. Parnell.

### **154 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors Beeston, Ellwood and Hewson, who would be late.

### **155 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 10 APRIL 2013.**

#### **RESOLVED:**

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

### **156 DECLARATION OF INTERESTS.**

None.

### **157 INTRODUCTORY REPORT TO PLANNING APPLICATIONS 2012/0616 AND 2012/0799**

The Council Solicitor and Monitoring Officer provided legal advice to Members following the receipt of a letter from an applicant's barrister.

Service Manager, Planning and Economic Development, presented the report, which had been previously circulated, outlining the issues contained within the report.

Dawn Edwards, representing the Catfoot Lane Crematorium Opposition Group and local resident, Mr Thorpe, spoke against the report. Objectors raised concerns about the reliability of data used to assess need and that they did not feel that sufficient need had been evidenced to warrant the "very special circumstances" required to approve inappropriate Green Belt development.

Applicants, Mr Nigel Lymn Rose and Mr Richard Evans spoke in favour of the report. Mr Evans argued that his application provided compelling evidence of a need for a crematorium and also additional burial space within the Borough, both in quantitative and qualitative terms. Mr Nigel Lymn-Rose also discussed the statistical need for additional crematorium capacity and informed Members of complaints received to this end from Borough residents.

Members discussed the statistics presented with regards to current capacity and debated the qualitative and quantitative issues raised, in relation to the "very special circumstances" required to permit this type of development in the Green Belt.

**RESOLVED:**

To note the content of the report and take it into consideration when determining the two applications that it refers to.

Councillor Hewson arrived at 7.05pm.

158

**APPLICATION NO. 2012/0616  
LAND NORTH OF THE LIGHTHOUSE, CATFOOT LANE, LAMBLEY**

The Service Manager, Planning and Economic Development, presented application 2012/0616 and 2012/0799 and drew Member's attention to the comparison tables contained within the Introductory Report and outlined key comparisons between the two applications.

Dawn Edwards, on behalf of the Catfoot Lane Crematorium Opposition Group, and resident Mr Thorpe spoke against both applications. With regard to Application 2012/0616, Ms. Edwards discussed issues of design, landscaping, the increased traffic that would be caused by the development and the sustainability of the location, which is not easily accessible by public transport. In respect of Application 2012/0799, Ms. Edwards raised concerns related to the location of the building on the site, the visual impact on the Dumbles and traffic issues related to such a development. Mr Thorpe, a local resident, reiterated that he did not feel that need had not been proven sufficient to warrant such development on green belt and made reference to the impact of the

numbers of services held at any potential crematorium on traffic in the local area.

Applicants, Mr Richard Evans and Mr Nigel Lymn Rose, spoke in favour of their respective applications and Mr Bishop, spoke on behalf of a local resident in favour of Application 2012/0616.

Mr Evans pointed out the proven track record of his company, the time spent by the company to ensure the appropriateness of the site and addressed issues raised regarding anticipated services and traffic.

Mr Lymn-Rose discussed the reduction in light pollution on the proposed crematorium site, emphasised that there is currently a building on the Application 2012/0799 site and the weight that should be attributed to the innovative design of the building as per the National Planning Policy Framework.

Mr Bishop, speaking, on behalf of a Mrs Redgrave, in favour of Application 2012/0616 discussed issues of landscaping, need and stated that site searches could not be indefinite.

Application 2012/0616 and Application 2012/0799 were debated by Members. Members discussed issues of site suitability, openness of the green belt, landscaping, design and accessibility/highways.

After discussion and on the requisition of two Members the motion was put to a named vote and the motion was carried.

**For the motion:**

P.G. Barnes, B.S.R. Miller, P.A. Allan, R.D. Allan, R.F. Collis, C. J. Hewlett, J. Hollingsworth, M. Paling, J. Truscott.

**Against the motion:**

C. P. Barnfather, A.S. Bexon, F.J.D Boot, M. Hope, M. Lawrence, S.J. Prew-Smith, C.J. Powell, G. G. Tunnicliffe.

**Abstentions:**

S. Hewson.

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

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.

2. The development hereby approved shall be built in accordance with the approved Elevations (04 Rev 4), Floor Plan (05), Floral Tribute Plans and Elevations (06) and Sections (M052.D.LS02) drawings, deposited on 23rd May 2012; Proposed Footway drawings (SCP/11100/D01 APPENDIX 4 Rev B), received on 31st July 2012 and General Arrangement drawing (M052.D.PA01 Rev f), received on 1st November 2012.

3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the materials to be used in the external elevations of the proposed building. Thereafter the development shall be carried out in accordance with approved materials unless otherwise prior agreed in writing by the Borough Council.

4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the means of enclosure of the site. Thereafter the development shall be carried out in accordance with approved means of enclosure unless otherwise prior agreed in writing by the Borough Council.

5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of any proposed alterations to the existing ground levels of the site, other than those shown on Sections drawing (M052.D.LS02). Thereafter the development shall be carried out in accordance with approved details unless otherwise prior agreed in writing by the Borough Council.

6. Before development is commenced there shall be submitted to and approved writing by the Borough Council details of the means of surfacing of the access road, driveways, car parking areas, turning and servicing areas and other unbuilt on portions of the site. The access road, driveways, car parking areas, turning and servicing areas and other unbuilt on portions of the site shall be provided and completed in accordance with the approved details before the development is first brought into use and the parking, turning and servicing areas shall not be used for any other purpose other than the parking, turning, loading and unloading of vehicles.

7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of any gates at the access point, which shall open inwards only and be set back 5.00 metres from the highway boundary. The gates shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

8. Before development is brought into operation there shall be submitted to and approved in writing by the Borough Council details of the type, dimensions and layout of memorial stones to be used within the cemetery, together with details of any footways within the cemetery, grassland and meadow areas. The cemetery shall be provided and operate in accordance with the approved details 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 a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council. The scheme to be submitted shall demonstrate the utilisation of holding sustainable drainage techniques; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and responsibility for the future maintenance of drainage features.

10. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of all external plant, including extract units, air conditioning systems, flues, fans & vents. The external plant shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

11. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of all external lighting, including levels of illumination, to be provided on the proposed building or elsewhere within the site. The external lighting shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of cycle stands for staff and visitors. The cycle stands shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

13. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a landscape plan of the site showing the position, type, planting size and seed mix of all trees, shrubs, grassland and meadow areas proposed to be planted and sown, including details of proportions, establishment methods and the maintenance regime and, where appropriate, details of any existing trees and hedges to be felled, removed or retained.

14. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a landscape management plan, detailing how habitats created as part of the landscaping scheme will be managed and maintained, in order to maximise their value.

15. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme for the protection of the existing hedgerows and hedgerow trees which form the boundaries of the site. The scheme shall be implemented in accordance with the approved details and shall be retained until all construction works have been completed.

16. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no: SCP/11100/D01 APPENDIX 4 Rev B are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all

obstructions, structures or erections exceeding 0.90 metres in height.

17. No operation of the use hereby permitted shall commence on any part of the application site unless or until the vehicular access and footway on the south side of Catfoot Lane has been provided between the site access point and the B684 Mapperley Plains, together with the provision of a pedestrian island on the B684, as shown for indicative purposes only on drawing no: SCP/11100/D01 APPENDIX 4 Rev B to the satisfaction of the Borough Council.

18. No part of the development hereby permitted shall become operational until a Travel Plan has been submitted to and approved in writing by the Borough Council. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to reduce the traffic and environmental impacts of the development and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan and shall subsist for the lifetime of the development, unless otherwise agreed in writing by the Borough Council.

19. 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.

20. Should the development hereby permitted not commence within one year of the date of this permission, an updated badger survey shall be undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council before development commences. If any badgers are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences.

## **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough replacement Local Plan (Certain Policies Saved 2008).
4. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough replacement Local Plan (Certain Policies Saved 2008).
5. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough replacement Local Plan (Certain Policies Saved 2008).
6. To ensure the details of the development are satisfactory and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough replacement Local Plan (Certain Policies Saved 2008).
7. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough replacement Local Plan (Certain Policies Saved 2008).
9. 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 the sustainable drainage structures in accordance with the National Planning Policy Framework, Policies ENV1 and ENV40 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
10. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
11. In the interests of visual amenity and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the



Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

12. To ensure the details of the development are satisfactory and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough replacement Local Plan (Certain Policies Saved 2008).

13. In the interests of visual amenity, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

14. To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.

15. To minimise any potential impacts on biodiversity and the landscape in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.

16. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

17. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

18. To ensure the traffic and environmental impacts of the development are mitigated and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

19. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.

20. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.

### **Reasons for Decision**

There is a justifiable need for a new crematorium within Gedling Borough which constitutes the very special circumstances necessary to

outweigh the harm to the Green Belt and the slight adverse impact on the local landscape. The proposed crematorium and cemetery would not unduly harm the openness of the Green Belt or have an unduly detrimental impact on Landscape Character or Visual Amenity. The proposed development would not give rise to any undue impacts on highway safety and would meet the main principles of sustainable development. The proposed development would not give rise to any undue impacts with regard to pollution, the water environment, the amenity of nearby residential properties and businesses; ecology; the design of the proposed development; and its impact on the public footpath. As such, the proposed development would comply with Policies ENV1, ENV2, ENV11, ENV26, ENV37, ENV40, ENV43, ENV48 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008), emerging Policies 1, 3, 10, 16 and 17 of the Gedling Borough Aligned Core Strategy Submission Documents, and accords with the aims of Sections 7, 9, 10 and 11 of the National Planning Policy Framework.

#### **Notes to Applicant**

Your attention is drawn to the attached comments from Public Protection, the Environment Agency, Nottinghamshire Wildlife Trust and the Nottinghamshire County Council with regard to Highways, Landscape, Conservation and Rights of Way.

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).

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.

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#### **APPLICATION 2012/0799 ORCHARD FARM, 216 CATFOOT LANE, LAMBLEY**

On the requisition of two Members the motion was put to a named vote and the motion was carried.

**For the motion:**

P.G. Barnes, B.S.R. Miller, P.A. Allan, R.D. Allan, C.P. Barnfather, A.S.Bexon, F.J.D. Boot, R.F. Collis, C.J. Hewlett, J. Hollingsworth, M. Hope, M. Lawrence, M. Paling, S.J. Prew-Smith, C.J. Powell, J. Truscott, G.G. Tunncliffe.

**Against the motion:**

None.

**Abstentions:**

S. Hewson.

**RESOLVED to REFUSE PLANNING PERMISSION:**

1. In the opinion of the Borough Council, the proposed development would not fall within the categories of appropriate development within the Green Belt as set out in Policy ENV26 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and paragraphs 87, 88, 89 and 90 of the National Planning Policy Framework. Paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the National Planning Policy Framework advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Borough Council does not consider that the very special circumstances by reason of need put forward by the applicant to justify the proposal would, in this instance, outweigh the harm to the Green Belt at the application site due to the impact on openness and the harm caused to the purpose of safeguarding the countryside from encroachment.

2. In the opinion of the Borough Council, the proposed development would not maintain the openness of the Green Belt at the application site by reason of its scale, appearance and associated hard surfaced areas, and would conflict with the purpose of assisting in safeguarding the countryside from encroachment, as stated in paragraph 80 of the National Planning Policy Framework.

3. In the opinion of the Borough Council and the Nottinghamshire County Council, the proposed development would have a moderate adverse visual impact and a moderate adverse effect on Policy Zone MN045 (The Dumbles Rolling Farmland) of the Mid-Nottinghamshire Farmlands Landscape Character Area and the Mature Landscape Area by introducing buildings and a fundamentally diverse landscape into an

area of high landscape sensitivity, derived from its simplicity and openness. As such, it would be contrary to the Greater Nottingham Landscape Character Assessment 2009, Policies ENV2 and ENV37 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008), Policies 10 and 16 of the Aligned Core Strategy Submission Documents and paragraph 109 of the National Planning Policy Framework.

### **Notes to Applicant**

Planning Statement - The Borough Council has determined this application in accordance with paragraphs 185 and 186 of the National Planning Policy Framework.

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### **APPLICATION NO. 2013/0106 I WEAR OPTICIANS, 21A PLAINS ROAD, MAPPERLEY**

Proposed change of use from optician (A1 Use class) to nail bar (Sui Generis).

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

### **Conditions**

1. The use hereby approved shall be carried out in accordance with the details deposited with the application on the 7th February 2013.
2. This permission relates to use of the premises by Mrs Phuong Laon Tran as a nail bar (Sui Generis). Should the nail bar cease to operate or be operated by another party, the use of the building would revert back to a Retail (A1) use and for no other purpose under the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in equivalent provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

### **Reasons**

1. For the avoidance of doubt.
2. For the avoidance of doubt.

### **Reasons for Decision**

In the opinion of the Borough Council there are material considerations

which outweigh the criteria under Policy S2(b) of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008. The proposed use will result in no undue impact on the amenities of neighbouring properties, the character or appearance of the area or highway safety. The proposal therefore accords with the National Planning Policy Framework (2012) and policy S8 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008 in that it supports the retail function of the District Shopping Centre.

### **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.

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**20013/0162**

**THE PRECINCT, 13-25 PLAINS ROAD, MAPPERLEY**

A 50 sq m prefabricated kiosk for A3 planning use class and associated external works.

Dr Henman, local resident, spoke against the application, raising concerns about the loss of a community space, safety and the effect on the viability of other shops within the precinct area.

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

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be completed in accordance with drawing nos. 12014/004 Rev C, 12014/007 Rev B, 12014/008 Rev A, 12014/009 and the materials set out on the plans, accompanying application forms and design and access statement.
3. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Borough Council. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

4. The kiosk shall not be brought into use until the works to the precinct and car park set out on the proposed site schedule on drawing no.12014/004 Rev C have been completed.

5. Before development is commenced precise details of the glass to be used in the elevations of the kiosk and details of any internal or external security shutters shall be submitted to and approved in writing by the Borough Council. Once approved the glass and security shutters shall only be installed in accordance with the approved details and shall be retained as such at all times.

6. Other than any security shutters approved under condition 5 of this consent, no internal or external shutters shall be installed on or within the kiosk without the express consent of the Borough Council.

7. Before development is commenced precise details of the proposed new bins, proposed waste and recycling store and the proposed kiosk store annotated 9, 16 and 17 respectively on drawing no.12014/004 Rev C shall be submitted to and approved in writing by the Borough Council. Once approved the bins, waste and recycling store and the kiosk store shall be retained in accordance with the approved details at all times.

8. Before development is commenced, precise details of security lighting to be installed to the front and rear elevations of the kiosk shall be submitted to and approved in writing by the Borough Council. Once approved the security lighting shall be installed on the kiosk prior to the kiosk first being brought into use and shall be retained and kept operational at all times thereafter.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt.

3. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

4. In order to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

5. In order to protect the visual amenity of the area and in the interests of crime prevention in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

6. In order to protect the visual amenity of the area and in the interests of crime prevention in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

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

8. In the interests of crime prevention in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Reasons for Decision**

In the opinion of the Borough Council the proposed kiosk would result in significant additional investment in the District Centre which is strongly supported by the aims of the National Planning Policy Framework (2012). The proposal would not result in the loss of an existing A1 use and would result in an overall increase in retail floorspace in the shopping centre. There are therefore material considerations which outweigh the criteria under Policy S2(b) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008). The external improvement works to the precinct and car parking facilities accord with the aims of Policy S4. The proposal also complies with the aims of policies ENV1 and S17 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Notes to Applicant**

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).

Your attention is drawn to the attached comments of the County Council's Forestry Manager.

Decision Statement - The Local Planning Authority has worked with the Applicant in accordance with the requirements of the National Planning Policy Framework paragraphs 186 to 187.

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**APPLICATION NO. 2013/0194  
20C DUKE STREET, ARNOLD**

Construct building consisting of ground floor and first floor two bed maisonette.

Councillors Barnes, Tunnicliffe and Prew-Smith disclosed non-pecuniary interests due to knowing the applicant.

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

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved plans deposited on the 12th March 2013 (drg no.s 800 02, 03, 05, 07) and revised layout and elevation plans (drg. no. 800 01A and 04A) deposited on the 22nd April 2013.
3. This permission relates to the Design and Access Statement deposited on the 12th March 2013.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a sample of the materials to be used in the external elevations of the proposed development. The development shall be constructed in accordance with the approved details.
5. Before development is commenced there shall be submitted and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted and including where appropriate details of existing trees to be felled and retained. The approved landscape scheme shall be



carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.

6. The means of enclosure hereby approved as set out in the Design and Access Statement deposited on the 12th March 2013 as part of this application shall be retained where applicable and the new 1.8m fencing to be erected to the rear boundary shall be erected prior to the dwelling being first occupied.

7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the means of screening to the external staircase. The screening of the external staircase shall be carried out in accordance with the approved details prior to the building being first brought into use and shall be retained as such for the life of the development.

8. No first floor windows shall be inserted in the side elevation of the proposed building adjacent to the boundary with nos 20E and 20F Duke Street at any time.

9. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

10. No part of the development hereby approved shall be brought into use until the vehicle parking areas are provided in accordance with the approved plans. The approved arrangements shall thereafter be retained as such for the life of the development.

11. No part of the development hereby approved shall be brought into use until all drives and parking areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres rear of the adopted highway boundary in accordance with details to be first submitted to and approved in writing by the Borough Council. The surfaced drives and parking areas shall then be maintained in such hard bound material for the life of the development.

12. No part of the development hereby approved shall be brought into use until the access driveway/parking/turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking areas to the public highway in

accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent unregulated discharge of surface water to the public highway shall be retained for the life of the development.

13. No works permitted under Class A, B, C and E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as local planning authority.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.
4. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
5. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
6. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
7. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
8. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
9. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
10. In the interests of pedestrian safety.

11. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

12. To ensure surface water is not deposited on the public highway causing dangers to road users.

13. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development will result in no undue impact on the amenities of neighbouring residential properties, the character or appearance of the area or highway safety. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.

### **Notes to Applicant**

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.

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 development makes it necessary to alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are therefore required to contact the County Council Highways Customers Services tel. 0300 500 80 80 to arrange for these works to be carried out.

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.

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**APPLICATION NO. 2012/1485  
LAND SURROUNDING, 315 SPRING LANE, LAMBLEY**

Diversion to Carlton Footpath No 1.

Councillor Hope proposed a motion to not authorise the diversion on the grounds that it would be contrary to public safety and would deter people from the use of sustainable forms of transport. The motion was duly seconded and

**RESOLVED:**

That Member's do not authorise the Council Solicitor and Monitoring Officer to make an order that Carlton footpath 1 be diverted in accordance with the plan submitted with the application.

In reaching its decision the Borough Council has weighed the disadvantages or loss likely to arise as a result of the diversion of the way to members of the public and to persons whose properties adjoin or are near the existing highway against the advantages of the proposed order in accordance with S7.15 of the Rights of Way Circular (1/09).

The proposed route for the footpath principally relates to the pavement adjacent to the an estate road, requires pedestrians to cross the estate road within the application site and adjoins Ashwater Drive adjacent to the vehicular access serving no.11 Ashwater Drive. The proposed route would therefore not protect and exploit opportunities for the use of sustainable transport modes and would result in conflict between traffic and cyclists or pedestrians contrary to the advice in the National Planning Policy Framework (2012).

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**APPEAL RECEIVED  
APPLICATION NO. 2012/1402  
375 CAVENDISH ROAD**

**RESOLVED:**

To note the report.

165

**PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the report.

**166 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the report.

**167 ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS URGENT.**

None.