

**MINUTES  
PLANNING COMMITTEE**

**Wednesday 13 January 2016**

Councillor John Truscott (Chair)

In Attendance:   Councillor Barbara Miller      Councillor Bob Collis  
                  Councillor Michael Adams    Councillor Gary Gregory  
                  Councillor Pauline Allan        Councillor Meredith Lawrence  
                  Councillor Peter Barnes         Councillor Marje Paling  
                  Councillor Sandra Barnes       Councillor Colin Powell  
                  Councillor Chris Barnfather     Councillor Paul Stirland  
                  Councillor Alan Bexon         Councillor Paul Wilkinson

Absent:                            Councillor Sarah Hewson

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

**109            APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Hewson.

**110            TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 16 DECEMBER 2015.**

**RESOLVED:**

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

**111            DECLARATION OF INTERESTS**

None.

**112            APPLICATION NO. 2011/0523- WOODBOROUGH PARK, FOXWOOD LANE, WOODBOROUGH**

Erection of 1 medium sized wind turbine with a generating capacity of 330kw. The turbine has a hub height of 50.09m and a blade length of 16.7m. Ancillary development comprises a permanent access track and crane pad.

The Service Manager, Planning, introduced the report providing a brief history of the application and informing Members of additional correspondence received. The Service Manager informed Members that

additional letters had been received from the applicant's solicitor, in relation to ownership of the wind turbine, Burton Joyce Parish Council and Woodborough and Calverton Against Turbines (WACAT), raising 1 additional area of objection questioning the carbon report, however the Service Manager informed Members that the carbon report was produced using recognised methodology and was, therefore, valid.

The Service Manager also informed Members that a number of signatures found on the original petition against the wind turbine had been fabricated, however that the issues considered by the petition had been raised in a number of legitimate objections and as such were still relevant.

The Service Manager also commented on the recent ministerial statement setting out new and transitional requirements relating to wind turbine development. The Service Manager informed Members that the transitional arrangements applied to the application and had been considered when deciding the recommendation.

At the discretion of the Chair, the Planning Committee protocol in regards to speakers was waived and a period of 5 minutes was allowed for the argument for, to be shared by two speakers, and a period of 5 minutes was allowed for the argument against, to be shared by two speakers,

Mr Charles-Jones, the applicant, spoke in favour of the application.

Ms. Rose, a resident supporter, spoke in favour of the application.

Mr Chapman, on behalf of WACAT, spoke against the application.

Mr Quilty, a resident objector, spoke against the application.

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

**For the Motion:**

Councillor Pauline Allan  
Councillor Peter Barnes  
Councillor Gary Gregory  
Councillor Barbara Miller  
Councillor John Truscott

Councillor Sandra Barnes  
Councillor Bob Collis  
Councillor Meredith Lawrence  
Councillor Marje Paling  
Councillor Paul Wilkinson

**Against the Motion:**

Councillor Michael Adams  
Councillor Alan Bexon  
Councillor Paul Stirland

Councillor Chris Barnfather  
Councillor Colin Powell

## **RESOLVED to GRANT CONDITIONAL PLANNING PERMISSION:**

### **Conditions**

- 1 This permission relates to the approved plans, application forms and supporting information dated 11th February 2015 ref: C.0514.
- 2 This permission shall endure for a period of 25 years from 1st April 2014 [First Export Date (of electricity to grid)], after which the use shall cease, and the turbine, ancillary structures, crane erection and lay down areas shall be removed from site, and the land restored to its original condition in line with the details submitted under Condition 4, unless otherwise agreed in writing by the Borough Council.
- 3 The wind turbine hereby approved shall be dismantled and removed from site, in the event of being non-operational for a continuous period in excess of 6 months and the site returned to its original condition, unless otherwise approved in writing by the Borough Council. The wind turbine shall be decommissioned in line with the details approved under Condition 4.
- 4 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.
- 5 The development hereby approved shall be completed and thereafter maintained in accordance with the details approved under the Applications for approval of details reserved by condition reference: 2011/1354DOC and 2013/0748DOC unless otherwise agreed in writing by the Local Planning Authority. Any planting material which becomes diseased or dies within five years from the 1st April 2014 shall be replaced in the next planting season by the applicants or their successors in title.
- 6 The methodology and scheme for the monitoring programme in relation to Bats set out in Chapter 10 of the Additional Information to allow the Council to re-determine the Planning Application dated 11th February 2015 ref: C.0514 shall be followed in accordance with the details submitted. The monitoring programme shall cover a period of five years from the date of first

export of electricity. The findings and the results of the surveys, together with any proposed mitigation measures and timescales for carrying out any mitigation shall be submitted as a report to the Borough Council. The reports shall be submitted within three months of each survey being undertaken. Any further mitigation required shall be carried out in accordance with the approved details in relation to each survey undertaken.

### **Reasons**

- 1 For the avoidance of doubt.
- 2 This is a temporary permission and condition 2 is attached for the avoidance of doubt.
- 3 In order to safeguard visual amenity of the area in the event that the benefits from the production of renewable energy by the wind turbine have ended, as the turbine is non-operational. In accordance with the requirements of the NPPF, National Policy Statements (NPS) for Energy (EN-1), and Renewable Energy (EN-3).
- 4 To ensure that when the site ceases operation at the time stated within condition 2 and 3 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.
- 5 To ensure the development is constructed and maintained in accordance with the details previously approved by the Gedling Borough Council.
- 6 In order to record and monitor information on the direct impact of the turbine on bat populations from wind turbines, in accordance with the recommendation of Nottinghamshire Wildlife Trust.

### **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**

The development hereby approved is subject to the Unilateral Undertaking dated 17th day of September 2012 between Mr John Nigel Charles-Jones and Mrs Catherine Mary Charles-Jones in favour of Gedling Borough Council, Made under Section 106 of the Town and

Country Planning Act 1990 (as amended) relating to: - Land at Woodborough Park Farm, Foxwood Lane, Woodborough.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that the development comprises a structure(s) and/or buildings that people only enter for the purpose of inspecting or maintaining fixed plant or machinery.

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186 - 187 of the NPPF. This included seeking additional information in order to assess the application and its impacts following on from the Court of Appeal decision to quash the planning permission, remitting back to the Council for redetermination. Further information requested related to: The 'Very Special Circumstances' that were put forward, Efficiency, Consideration of Alternative Forms of Renewable Energy, Financial Support for the Farming Enterprise and Farm Diversification, Carbon Emissions Reduction, Landscape and Visual Impact, Noise Impact Assessment, and Habitat and Wildlife Surveys.

**113 APPLICATION NO. 2015/1190- 31 SOUTH DEVON AVENUE, MAPPERLEY.**

Demolition of existing dwelling and construction of a physical disabilities dwelling.

The Chair informed Members that the application had been referred to Planning Committee by the Planning Committee Delegation Panel due to the high level of public interest.

At the Chair's discretion, Mr Nocker spoke on behalf of the applicant who was unable to address the Committee.

Mr Nocker, on behalf of the applicant, spoke in favour of the application.

Mr Hill, a local resident, spoke against the application.

**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 built in accordance with the details as set out within the application forms received on the 2nd October 2015 and the plans received on the 2nd October 2015.
3. Before development is commenced there shall be submitted to and approved by the Borough Council precise details and samples of all materials to be used in the external construction of the proposed dwelling. Once these details are approved the dwelling shall be built in accordance with these details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
4. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the means of enclosure of the site. Once these details are approved the development shall be carried out in accordance with the approved details. The proposed means of enclosure shall be erected before the dwelling is first occupied, and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council as Local Planning Authority.
5. The rendered sections of the dwelling shall be completed before the development is first brought into use.

### **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 materials to be used in the construction of the dwelling are appropriate, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
4. To ensure that the means of enclosure of the site are appropriate in terms of appearance and protect the privacy of the proposed and neighbouring dwellings, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
5. To ensure that the dwelling is visually acceptable in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).

### **Reasons for Decision**

The proposed development of the site would result in no undue impact on neighbouring properties, the area in general and there are no highway safety

implications arising from the proposal. The proposal therefore accords with policies ENV1, H7 and H16 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014), the National Planning Policy Framework March 2012 and the Aligned Core Strategy for Gedling Borough.

### **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.

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

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

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 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).

**114**

### **APPEAL DECISION- 164 PORCHESTER ROAD, CARLTON**

Erection of bungalow on land to rear- appeal dismissed.

**RESOLVED:**

To note the information.

**115 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**116 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

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

None.

The meeting finished at 7.30 pm

Signed by Chair:  
Date: