

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY 15 JUNE 2017**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

Councillor R L Butler (Chairman)
Councillor J A Stockwood (Vice-Chairman)

Councillors M Buckle (Substitute for J E Greenwood) B R Buschman,
A M Dickinson (Substitute for Mrs J A Smith), M J Edwards, S J Hull
(Substitute for R M Jones), Mrs M M Males, S E Mallender, Mrs M Stockwood
(Substitute for J N Clarke) and J E Thurman

ALSO IN ATTENDANCE

6 Members of the public

OFFICERS IN ATTENDANCE

P Cox	Senior Solicitor
A Goodman	Constitutional Services Officer
M Hilton	Area Planning Officer
D Mitchell	Executive Manager – Communities
A Pegram	Service Manager – Communities

APOLOGIES FOR ABSENCE

Councillors J N Clarke, J E Greenwood, R M Jones and Mrs J A Smith

1. DECLARATIONS OF INTEREST

There were none declared.

2. MINUTES

The Minutes of the Meeting held on Thursday 18 May 2017 were confirmed as a correct record and signed by the Chairman.

3. PLANNING APPLICATIONS

The Committee considered the written report of the Executive Manager - Communities relating to the following applications, which had been circulated previously.

Item 1 - 17/00582/FUL - Demolish existing house and ancillary buildings, erect 2x apartment blocks comprising 8x2 bed apartments, 1x1 bed apartment, plus gym facility with parking - 134A Trent Boulevard, West Bridgford, Nottinghamshire NG2 5BW.

Updates

A representation from the Applicant received after the Agenda had been finalised, had been circulated to Members of the Committee prior to the meeting.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS

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

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall not proceed beyond foundation level until details of the facing and roofing materials, including the colour finish of any render and cladding, to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved. Thereafter, the development shall be maintained in accordance with the approved details.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

3. The development shall be carried out in accordance with the mitigation measures included in the Flood Risk Assessment March 2017 / 17-0036/BSP Consulting.

[To ensure protection against flooding and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The development shall not be brought into use until the proposed access and parking/turning area, the bin store and bicycle storage facilities have been constructed with the access driveway fronted by a dropped kerb vehicular crossing with any redundant sections returned to footway. These facilities shall be retained for the lifetime of the development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. Details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council before development commences. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained thereafter unless the Borough Council gives written consent to a variation.

[In the interest of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. Prior to the installation of any externally mounted plant or equipment or any internally mounted equipment which vents externally, serving the gym area, the noise levels for such items shall be submitted to and approved in writing by the Borough Council. Thereafter, the plant and/or equipment shall only be operated in accordance with the approved details.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

7. Before development is commenced, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. Where the Report identifies potential contamination a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

8. Prior to the use of the proposed gym commencing, an insulation scheme to effectively reduce the transmission of noise to the apartments in the building shall be carried out in accordance with details first approved in writing by the Borough Council.

[To protect the amenities of the neighbouring residential property and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

9. Details of any proposed external lighting shall be first approved in writing by the Borough Council and the lighting shall be installed and maintained to accord with the approved details, for the lifetime of the development.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. Prior to demolition of the existing buildings, a method statement detailing techniques for the control of noise, dust and vibration shall be submitted to and approved in writing by the Borough Council and the works shall be carried out in accordance with the approved details.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

11. Prior to the development being brought into use/occupied, the open areas of the site shall be finished in hard surfacing and soft landscaping in accordance with details to be submitted to and approved by the Borough Council. The open areas of the site shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

12. The proposed gym shall only be for the use of the occupants of the proposed flats.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

13. The development shall be carried out in accordance with the submitted plan no's 16058-A-3010- P05, 16058-A-2002-P05, 16058-A-2002-P05, 16058-A-3002-P04, 16058-A-3003-P04, 16058-A-5011-P03, 16058-A-4002-P04, 16058-4001-P04.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

14. The roof area above flats 7, 8 and the gymnasium shall not be used as a balcony, roof garden or similar amenity area.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

15. In the event that the proposed development does not commence within 12 months of the date of this permission, a further bat survey shall be carried out and submitted to the Borough Council and any mitigation measures carried out in accordance with the report.

[To ensure the survey reflects the situation pertaining at the time and to comply with policy EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

16. Prior to occupation of the respective flats, the frosted glass screens shall be installed on the western end of the balconies at first and second floor level on the rear elevation of the building, shown on drawing number 16058-A-4002 - revision P04. The glass screens shall be rendered permanently obscured to Grade 5 level of privacy or equivalent. Thereafter, the frosted glass screens shall be retained and maintained for the life of the development.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

Although the submitted Bat Survey found no evidence of bats, it points out that bats are mobile and could appear at any time. If bats are found when development commences, work should cease and an ecologist consulted.

The render and cladding to be used on all external elevations, details of which are required to be submitted pursuant to condition 2, should be of a neutral colour and not bright/bold colours.

Item 2 - 17/00043/COU - Use of land to provide vehicle parking with measures to improve bio-diversity (part retrospective) - Artex Ltd, Pasture Lane, Ruddington, Nottinghamshire NG11 6AE.

Updates

Representations from the Applicant's Agent and a local resident, received after the Agenda had been finalised, had been circulated to Members of the Committee prior to the meeting.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plan(s): 1:1250 Site Location Plan; Drawing numbers 17-0181-001 and 17-0181-002; the Protected Species Survey and Enhancement Strategy and the Planning Statement.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

2. Before any further works are undertaken on the bio-diversity area of the site, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. In those cases where the detailed investigation report confirms that contamination exists, a remediation report and validation statement will also be required. All of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council, prior to any further works, including clearance, continuing, and thereafter any mitigation measures shall be implemented and the development shall be carried out in accordance with the approved details.

The existing soils and any soil or forming materials brought to site shall be tested for contamination and suitability for use on site.

Contamination testing should take place within UKAS and MCERTS accredited laboratories, unless otherwise agreed with the Borough Council. Laboratory certificates shall be submitted to and approved in writing by the Borough Council prior to any soil or soil forming material being imported onto the site.

Details of the source and type of the imported materials and the estimated amount to be used on the site are also required to be submitted prior to any further works continuing on the bio-diversity area of the site.

[To ensure that the site is free from contamination and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. A Contaminated Land Report is required prior to development commencing in the biodiversity area because it may be necessary to carry out remediation measures which could not be carried out once development has commenced].

3. Prior to the erection/installation of the proposed lighting within the development hereby approved details of any such lighting including the number, height, materials, finish, hours of operation including timings (and mechanism for doing so) shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance at the nearest residential premises. Thereafter the lighting shall be installed, maintained and operated only in accordance with the approved details.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. No development, including site works and clearance, shall continue until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:
 - (a) the treatment proposed for all ground surfaces, including hard areas;
 - (b) full details of tree planting;
 - (c) planting schedules, noting the species, sizes, numbers and densities of plants;
 - (d) finished levels or contours;
 - (e) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
 - (f) a landscape management plan and schedule of maintenance.

Thereafter the approved landscape scheme shall be carried out in the first tree planting season following the date of this permission and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Continuation of development in advance of the submission of a landscaping scheme could result in inappropriate species being proposed and avoidable harm to the existing species on site that could result in the loss of trees and/or hedges which should otherwise be retained.]

5. The mitigation/compensatory measures referred to in the Protected Species Survey and Enhancement Strategy shall be completed before any further works commence on site and shall be submitted to and approved in writing by the Borough Council.

The mitigation shall include, but not be limited to, the following:

- Creation and maintenance of meadow areas and glades as specified;
- Enhancement of woodland area through native bulb planting, shrub and tree planting and on-going maintenance as specified;
- Enhancement of riparian habitats (stream edge) through pre-planted coir rolls and seeding banks and on-going maintenance as specified; and
- Use of bat boxes, hibernacula and bird nesting boxes as specified.

Thereafter the Borough Council shall be notified when these measures have been carried out and there shall be no alteration to the measures taken without the prior written approval of the Borough Council. Any mitigation measures required shall be implemented in accordance with the survey.

[To ensure that adequate compensatory measures are undertaken and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of development in advance of the submission of these details could result in habitats or other items of wildlife interest being damaged or destroyed.]

6. Prior to any further works continuing on site an on-going Ecological Management Plan shall be submitted to and be approved in writing by the Borough Council and shall include details for:
 - The monitoring of all ecological and mitigation works stating the timescales and period for implementation and the future maintenance and monitoring and management measures, including timescales for doing so and to ensure that the works are successful not only immediately following implementation but also in the future.
 - Details of the removal of any trees with potential to support roosting bats, including the method and timescales for doing so to ensure that such felling only be undertaken between late August and early October and March and April, when bats are active but outside the main breeding season. If any such trees are required to be removed a pre-works bat survey to check bats are not present, shall be undertaken by suitably qualified and licenced person(s), and a report confirming the findings shall be undertaken prior to the removal of said tree(s) and submitted in writing for approval by the Borough Council. Thereafter the works shall be undertaken in accordance with the approved details. If bats or roosts are found the works should either not be carried out or should be carried out according to the conditions of a European Protected Species Derogation licence from Natural England and should be soft-felled in the presence of a licenced bat ecologist.

- Details of how all workers / contractors will be made aware of the potential of protected species being found on site and how they will be advised that care should be taken during works to avoid harm, including during any tree works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted and they have prepared a report to be submitted in writing to the Borough Council for consideration. Thereafter the works shall only be undertaken in accordance with the approved details.
- Details of how all works impacting on vegetation used by nesting birds will be timetabled to avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted, a report has been prepared and submitted in writing for approval by the Borough Council. Thereafter the works shall be undertaken in accordance with the approved details.
- Details of the design and positioning of external lighting, including temporary light set up to enable works, to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice.
- Confirmation that best practice will be followed during building work to ensure trenches dug during works activities are left open over night, they should be left with a sloping end or ramp to allow animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Tree root protection zones should be established around trees.

Thereafter all works shall be undertaken in accordance with the approved details within the Ecological Management Plan.

[To ensure that adequate compensatory measures are undertaken and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of development in advance of the submission of these details could result in habitats or other items of wildlife interest being damaged or destroyed.]

7. Prior to any further works continuing on site details of the number and location(s) of the interceptor unit(s) installed on the car park area of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the interceptor unit(s) shall be maintained in accordance with the manufacturer's specification for the lifetime of the development.

[To ensure that adequate drainage facilities are provided in connection with the development free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) and policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

Due to the close proximity of neighbouring residents, there shall be no burning of waste/wood on the site.

Guidance on lighting installations can be found at:
<https://www.theilp.org.uk/documents/obtrusive-light/>, Guidance Notes for the Reduction of Obtrusive Light GN01:2011.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

Your attention is drawn to the requirements of Condition 2 in respect of potential contamination of the site. For further information on the content of Contaminated Land Reports, please refer to the Council's Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both Rushcliffe Borough Council's website www.rushcliffe.gov.uk (use the A-Z search for Contaminated Land) or by contacting the Neighbourhoods Service directly or use the following link. <http://www.rushcliffe.gov.uk/media/rushcliffe/media/documents/pdf/environmentandwaste/Notts%20developers%20guide%202013.pdf>.

Item 3 - 17/00450/FUL - Division of existing site to form a separate plot to allow the construction of a four bedroom family home - 2 Field Bungalow, Chapel Lane, Aslockton, Nottinghamshire NG13 9AR.

Updates

There were none reported.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS

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

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

16-123-08-04 Revision A, 16-123-08-03 Revision A, 16-123-08-10 Revision A.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to construction of the development hereby permitted reaching Damp Proof Course level, specific details of the facing and roofing materials to be used on all external elevations shall be submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. The dwelling hereby permitted shall not be occupied until the garage and/or driveway/parking area is available for the parking of vehicles, and a minimum of 2 parking spaces (2.4m x 4.8m) shall be retained for the lifetime of the development.

[To ensure that adequate off street parking is provided and retained in the interests of highway safety and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

5. The hedgerow along the south and west boundaries shall be retained and maintained at a minimum height of 2 metres for the lifetime of the development and any part of the hedgerow removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedgerow is an important feature in the area and to comply with policy GP2 Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath adjacent to the land to which this application relates. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures (Tel 01159 9148215).

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

Item 4 - 17/00656/FUL - Single storey side extension with accommodation in the roof - 44 Daleside, Cotgrave, Nottinghamshire NG12 3QN.

Updates

There were none reported.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS

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

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): 1:1250 Location Plan; SK005; SK006 A and SK007 A.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The extension(s) hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. Notwithstanding the provisions of Schedule 2 Part 1 Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows shall be inserted in the roof of the extension hereby approved, other than those shown on the approved plans and there shall be no alteration to the roof without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to Applicant

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

4. APPEAL DECISIONS

The report of the Executive Manager - Communities was submitted and noted.

The meeting closed at 8.25 pm.

CHAIRMAN