



Rushcliffe  
Borough Council

**MINUTES  
OF THE MEETING OF THE  
PLANNING COMMITTEE  
THURSDAY 17 AUGUST 2017**

Held at 6:30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road,  
West Bridgford

**PRESENT:**

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

Councillors B R Buschman, J N Clarke, J E Greenwood, S J Hull, R M Jones,  
A MacInnes (substitute for M J Edwards), Mrs M M Males, Mrs J A Smith and  
J E Thurman

**ALSO IN ATTENDANCE**

Councillors A Dickinson, J Donoghue, A Edyvean, A Philips and R Upton  
25 Members of the public

**OFFICERS IN ATTENDANCE**

P Cox	Senior Solicitor
E Dodd	Principal Area Planning Officer
M Elliott	Constitutional Services Team Leader
D Mitchell	Executive Manager - Communities
A Pegram	Service Manager – Communities

**APOLOGIES FOR ABSENCE**

Councillors M J Edwards

**6. DECLARATIONS OF INTEREST**

There were no declarations of interest

**7. MINUTES**

The Minutes of the Meeting held on Thursday 13 July 2017 were confirmed as  
a correct record and signed by the Chairman.

**8. 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 - 17/00673/FUL - Residential development of 171 dwellings plus remediation of wider area - Land South of Wilford Lane West Bridgford Nottinghamshire.**

## **Updates**

There were none reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr David Donovan (objector) and Councillor Alan Philips (ward councillor) addressed the meeting.

## **DECISION**

### **THAT THE EXECUTIVE MANAGER – COMMUNITIES BE DELEGATED AUTHORITY TO GRANT PLANNING PERMISSION, SUBJECT TO THE PRIOR SIGNING OF A S106 AGREEMENT, AND 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): Layout plan A690-1 Revision C, Materials plan A690-2 Revision C, House Types Brochure 690-10 Revision B, Apartment Block A690-11 Revision A and Means of Enclosure plan A690-03 Rev C.

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

3. No building shall proceed above damp proof course level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The scheme shall broadly accord with the submitted indicative scheme (A690-24). The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development (or in the event that the site is developed in phases, the substantial completion of the respective phase). 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.

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

4. The development hereby approved shall not be occupied until a scheme, to include timescales for implementation, to widen the footway along the frontage of the site has been submitted to and approved in writing by the Borough Council. The footway widening shall be implemented in accordance with the timescales embodied within the approved scheme.

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

5. Development shall not commence until details of the finished ground and floor levels for the site have been submitted to and agreed in writing by the Borough Council. The development shall be carried out in accordance with these details.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This information is required to be submitted and approved prior to development commencing as it will impact on the accurate setting out of the site and construction]

6. Prior to the development being occupied, a scheme to upgrade the existing cycle path running north to south through the site shall be submitted to and agreed in writing. The scheme shall specify a 3m wide sealed and lit shared use facility which shall be implemented prior to occupation of the development.

[To encourage the use of bicycles as an alternative to the car; and to comply with policy MOV6 (Facilities in New Development) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

7. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 15097/FRA Rev.B written by BSP consulting and dated June 2017 and the following mitigation measures detailed within the FRA:

1. Occupants of the site sign- up to flood warnings.
2. A flood evacuation plan is produced and followed by occupants of the site.
3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
4. Finished floor levels (FFL) are set at 25.48m AOD where building regulations allow and no lower than 25.32 m above Ordnance Datum (AOD).
5. Flood resilience measures are incorporated up to at least 25.48m AOD when FFLs are unachievable at this level due to building restrictions.
6. The development drainage discharge will be restricted to a green field rate.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

[To enable safe evacuation in the event of a flood, and to reduce the risk of flooding to the proposed development and future occupants. And ensure no downstream flooding will be caused as a result of this development. In accordance with Policy WET2 of the Rushcliffe Borough Non-Statutory

Replacement Local Plan and Policy 2 (Climate Change) of the Rushcliffe Core Strategy]

8. Before development is commenced, a Contaminated Land Phase II Exploratory Works Report shall be submitted to and approved in writing by the Borough Council. Where the report confirms that contamination exists, a remediation report will be required to be submitted and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details. Prior to occupation a validation statement relating to the works undertaken in accordance with the above shall be submitted to and approved in writing by the Borough Council.

[To protect the underlying secondary aquifer and adjacent Greythorne Dyke from contamination and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework. The requirements of this condition in so far as it relates to the submission of a Contaminated Land Phase II Exploratory Works Report and remediation report needs to be discharged before work commences on site to ensure any contamination is dealt with prior to construction of buildings]

9. In accordance with the recommendations set out in the Flood Risk Assessment, a detailed surface water drainage strategy for the site shall be submitted to and approved in writing by the Borough Council prior to development commencing. The strategy shall be implemented in accordance with the approved details.

[To ensure the site is adequately drained and does not increase flood risk elsewhere, in accordance with Policy WET2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 2 (Climate Change) of the Rushcliffe Core Strategy. This condition is required to be discharged prior to development commencing as it may require groundworks which could not be carried out after construction had begun.]

10. Prior to the houses being constructed above damp proof course level, an air quality assessment shall be submitted to and approved in writing by the Borough Council. Should the report identify any measures required to mitigate the impact of air quality on future occupiers of the site or the impact the development would have on the air quality of the surrounding area, a scheme shall be submitted to and approved in writing by the Borough Council and the development shall be carried out in accordance with these measures which shall be maintained for the lifetime of the development.

[The site is in close proximity to the existing AQMA1 2005 and impact on new receptors (i.e. future occupiers) should be reviewed, in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

11. Prior to the houses being constructed above damp proof course level development, an Environmental Noise Assessment shall be submitted to and approved by Borough Council. This assessment shall be undertaken in accordance with BS8233:2014 Guidance on sound insulation and noise

reduction for buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound. It shall include representative monitoring positions and measurement parameters, as agreed with the Borough Council.

Where noise mitigation measures are identified and required a sound mitigation scheme to effectively reduce the transmission of noise from the site/external sources shall be submitted to and approved in writing by the Borough Council. Thereafter, the development shall be carried out in accordance with the approved details.

[To safeguard the amenities of future occupiers of the site, in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

12. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during construction shall be submitted to and approved in writing by the Borough Council. The works shall be carried out in accordance with the approved method statement.

[To protect the amenities of nearby residents during construction in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Non-Statutory Replacement Local Plan. This condition is required to be discharged prior to development commencing as it related to the construction phase of the development]

13. Prior to development commencing, a scheme to identify the timescales for submission of additional information relating to the enhancement, compensation and mitigation measures listed on pages 3-4 of the submitted Ecological Assessment (January 2015) shall be submitted to and approved in writing by the Borough Council. Additional surveys shall be carried out and any recommended mitigation measures implemented in accordance with these recommendations.

[To protect the biodiversity of the site and ensure that relevant ecological assets are protected during development In accordance with policy 17 (Biodiversity) of the Core Strategy. This condition is required to be discharged prior to development commencing as some of the measures are required to be put in place at construction stage]

14. The measures detailed in the Badger Survey Report (November 2015) shall be implemented in accordance with these recommendations, this shall include, where necessary, gaining a License from Natural England.

[To protect the biodiversity of the site and ensure that relevant ecological assets are protected during development In accordance with policy 17 (Biodiversity) of the Core Strategy.

15. 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 Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

[To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policy WET2 of the Rushcliffe Non-Statutory Replacement Local Plan 2006]

16. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound, permeable material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

[To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and in the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

17. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

18. No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition is required to be discharged prior to development commencing as the wheel washing is required during the construction phase].

19. The development hereby permitted shall not be occupied until such time as plans have been submitted to and approved in writing by the Borough Council detailing the proposed bin collection points/stores for any properties located on drives over 25m long and the apartment blocks. The bin collection points/stores shall be constructed prior to occupation and shall be maintained for the lifetime of the development.

[To enable the adequate storage/collection of waste and in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan

20. No operations shall commence on site until a plan identifying the trees and hedges to be retained on site has been submitted to and approved by the Borough Council. The existing trees and/or hedges which are to be retained shall be protected in accordance with details to be approved in writing by

the Borough Council and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition is required to be discharged prior to development commencing to ensure the trees are protected during the construction phase.]

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows, doors or openings of any kind shall be formed in the north-east elevation(s) of plots 3 and 9 without the prior written approval of the Borough Council.

[To safeguard the reasonable residential amenities of the properties on Gresham Close and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

22. Notwithstanding the provisions of Schedule 2, Part 1 Class A, D and E 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 enlargement or alteration of the proposed dwelling(s), no porches added and no sheds, buildings or structures shall be erected on the site without the prior written approval of the Borough Council.

[The site is contaminated and remediation measures are required as part of this permission. The approval of the Borough Council is therefore required for any further works outside the scope of this permission that may involve digging down into remediated soils to ensure the capping layer is not disturbed. To protect the amenity of future occupiers of the site and in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

23. The development shall be carried out in accordance with the approved remediation strategy for the site, including the recommendations in the Contaminated Land Phase II Report and the additional information submitted pursuant to condition 8. No dwelling shall be occupied until such time as confirmation has been received by the Borough Council that the approved mitigation measures have been undertaken at the site.

[The Borough Council requires assurance that the relevant mitigation measures have been put in place to ensure the health and amenity of future occupiers of the site, in accordance with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

## Notes to Applicant

The application is subject to a Section 106 Agreement under the Town and Country Planning Act, 1990

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

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.

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at [info@nottswt.co.uk](mailto:info@nottswt.co.uk). If bats are present you should contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Approval from the Highway Authority of the detailed design of the roads etc will impact on the information required to discharge condition 15 of this permission and lack of approval from the Highway Authority may prevent favourable consideration of an application to discharge this condition.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact



Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.

The applicant should note that notwithstanding any planning permission, 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 roadworks.

Best practice should 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. Storage of materials and equipment should be outside of sensitive areas and care should be made to prevent pollution events.

In relation to condition 22, a comprehensive drainage strategy must be produced for the site. This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means. Surface water should be drained using sustainable techniques. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) Include a timetable for its implementation; and
- iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The strategy will also demonstrate how any land drainage issues will be resolved. The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.

Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.

If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

## **Item 2 - 17/00865/FUL - Erection of two dwellings, conversion of barn/store to dwelling - Reindeer Inn Kneeton, Road East Bridgford, Nottinghamshire NG13 8PH**

### **UPDATES**

Representations from East Bridgford Parish Council, Councillor Lawrence, as ward Councillor and from the resident of 65a Kneeton Road, 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 be commenced until details of the facing and roofing materials 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.

[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. The condition needs to be discharged before work commences on site as the information was not included in the application and it is important to agree these details to ensure that the appearance of the development is acceptable]

3. The development shall not be brought into use until the proposed access, turning area and parking facilities have been constructed in accordance with the submitted details. 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]

4. Neither of the dwellings on Plot 1 and 2 shall be occupied until the windows shown as obscure glazed on the submitted plans have been fitted with glass which has been permanently obscured to group 5 level of privacy. Thereafter,

these windows shall be retained to this specification for the lifetime of the development.

[To protect the privacy of neighbours and comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

5. Prior to occupation of any of the dwellings hereby approved, a detailed landscaping scheme for the shall be submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. 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.

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

6. The development shall only be carried out in accordance with details of finished ground and floor levels, details of which shall be first submitted to and approved in writing by the Borough Council.

[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. It is considered that these details need to be agreed before development commences as the development will then need to be carried out in accordance with the approved details].

7. The development shall be carried out in accordance with the submitted plans 001 REV G, 002 REV D, 004 REV F, 005 REV F, 006 Rev A, 007 REV I and SLP REV D.

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

8. Prior to occupation of the dwellings within the site, screen fencing/walling and other means of enclosure shall be to enclose the curtilage of the respective dwelling, in accordance with details to be first submitted to and approved in writing by the Borough Council. In the case of the boundary treatment to enclose the garden area to the converted barn, the submitted details shall include particulars of the design and appearance of the wall, the bricks to be used in its construction and details of the planting in front of the wall, as shown on the approved site layout plan. Thereafter, the screen fencing/walling and means of enclosure shall be retained in accordance with the approved details.

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

9. Notwithstanding the provisions of Schedule 2, Part 1 Class E 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

sheds, buildings or structures shall be erected on the site without the prior written approval of the Borough Council.

[To clarify the extent of the permission and to comply with policy GP1 (Sustainable Development) and GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

10. This planning permission, insofar as it relates to plot 3, relates to the conversion of the outbuilding and does not authorise any demolition or rebuilding thereof other than any shown on the approved plans, unless otherwise previously agreed in writing by the Borough Council.

[To clarify the extent of the permission and to comply with policy GP1 (Sustainable Development) and GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

### **Notes for 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.

### **Item 3 - 17/01214/FUL - Demolition of the existing building and the erection of two detached dwellings and associated landscape - 70 Wilford Road Ruddington Nottinghamshire NG11 6EY**

#### **UPDATES**

There were none reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr George Ellison (on behalf of the applicant) and Councillor Jean Greenwood (ward councillor) addressed the meeting.

#### **COMMENTS**

Councillors noted that the applicants were intending to build the properties for their own occupation and that the garden areas were sufficient to meet their needs, and that future occupants would be aware of the amenity provision available when they

purchased the property. They did not, therefore, consider that refusal would be justified on grounds that the amenity areas were insufficient or did not satisfy the guidelines in the Rushcliffe Residential Design Guide.

## **DECISION**

### **GRANT PLANNING PERMISSION 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: A2.1-017 Drawing No. 6 (Proposed Site Plan), A2.1-017 Drawing No. 7 (Proposed Basement Plan), A2.1-017 Drawing No. 8 (Proposed Ground Floor Plan), A2.1-017 Drawing No. 9 (First Floor Plan), A2.1-017 Drawing No. 10 (Second Floor Plan), A2.1-017 Drawing No. 11 (Proposed Roof Plan), A2.1-017 Drawing No. 12 (Plot 1 Proposed West Elevation), A2.1-017 Drawing No. 13 (Plot 2 Proposed West Elevation), A2.1-017 Drawing No. 14 (Plot 2 Proposed East Elevation)., A2.1-017 Drawing No. 15 (Plot 1 Proposed East Elevation), A2.1-017 Drawing No. 16 (Plot 1 and 2 Proposed South Elevation), A2.1-017 Drawing No. 17 (Plot 1 and 2 Proposed South Elevation (no boundary wall), and Plot 1 and 2 Proposed South Elevation Drawing No. 18 (Proposed North Elevation), received on 24 May 2017

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

3. Development hereby permitted shall not proceed beyond foundation level until details of the facing and roofing materials 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.

[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. Occupation of the dwellings shall not take place until their respective parking areas have been provided as shown on Project Visuals Drawing No. 8 received on 24 May 2017 and have been provided with a dropped kerb vehicular crossing. Any crossings made redundant as a consequence of this consent shall be reinstated to footway.

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. Occupation of the dwellings shall not take place until their respective driveways have been surfaced in a suitably bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

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

6. Prior to the development being brought into use, a privacy screen measuring a minimum of 1.7 metres in height, above the level of the floor of the balcony/terrace, shall be fitted to the east end of the second floor balcony serving the dwelling on Plot 1 in accordance with details to be submitted to and approved by the Borough Council and the development shall not be brought into use until the approved screening has been completed. Thereafter the screen shall be retained to the approved specification.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no additional windows, doors or openings of any kind shall be formed in the east elevation of the dwelling on Plot 1.

[In the interest of amenity to ensure the privacy of the dwelling on Plot 2 and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

8. Notwithstanding the provisions of Schedule 2, Part 1 Class A 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) there shall be no enlargement or alteration of the proposed dwellings.

[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]

9. Notwithstanding the provisions of Schedule 2, Part 1 Class E 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 sheds, buildings or structures shall be erected on the site 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]

- 10 The development hereby permitted shall not proceed beyond foundation level until a landscaping scheme has been submitted to and approved in writing by the Borough Council. The landscaping scheme should cover both the soft and hard landscaped areas of the site, and should include details of the materials to be used on the hard surfaced areas. The hard landscaping shall be carried out prior to the development being brought into use with the soft landscaping completed during the first planting season following the substantial completion of the development. The site shall thereafter be retained to the agreed specification.

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

## NOTES TO APPLICANT

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.

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

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.

The existing outbuildings contain asbestos. You are advised that the demolition and disposal of asbestos requires special measures under the Control of Asbestos Regulations 2012. More information on the removal and disposal of asbestos can be found at: <http://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/how-to-recycle-or-dispose-of-common-waste-items/asbestos>

**Item 4 - 17/01472/VAR & 17/01473/VAR - (i) Variation of conditions 8 and 14 of planning permission 17/00221/FUL to require submission of details prior to occupation instead of prior to commencement (ref: 17/01472/VAR); and (ii) Variation of condition 14(e) of planning permission 17/00221/FUL to require boundary treatments to be at 1.8m from finished floor level instead of 2.5m, vary condition 16 to**

**require fitting of obscure glazing only to rear of plots 6 and 7 (ref: 17/01473/VAR) - 11 West Avenue West Bridgford Nottinghamshire NG2 7NL**

**UPDATES**

A representation from a local resident, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Julien McGuinness of Rainer Davies Architects (architect for the applicant), Mr David Jones (objector) and Cllr Julie Donoghue (ward councillor), addressed the meeting.

**COMMENTS**

Councillors, whilst resolving to grant planning permission for both applications, did not consider that the proposed height of the perimeter wall at 1.8 metres above the finished floor level of the proposed dwellings would be sufficient to protect the amenities of neighbouring properties and, therefore, resolved to approve application ref: 17/01473/VAR with an amendment to condition 14 specifying that the height of the walls should be 2.2 metres above finished floor level.

**DECISION**

**17/01472/VAR**

**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):

2284(08)001 Rev A;  
2284(08)003 Rev B;  
2284(08)E01 Rev B;  
2284(08)E02 Rev B;  
2284(08)E03 Rev C;  
2284(08)E04 Rev B;  
2284(08)E05;  
2284(08)H01 Rev B  
2284(08)H02 Rev B  
2284(08)H03 Rev F;  
2284(08)H04 Rev B;  
2284(08)H05;  
2284(08)G01 Rev E;



2284(08)S01 Rev B; and  
The Boundary wall Method Statement.

[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 development hereby permitted shall not advance beyond foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall thereafter only be undertaken in accordance with the materials so approved.

[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. Prior to the construction of any of the dwellings hereby approved an Environmental Noise Assessment shall be submitted to and approved by the Borough Council. This assessment shall be carried out during the day and night time on the site where the residential homes are proposed and shall monitor noise from the retail premise's mechanical plant / equipment, especially close to the proposed residential homes. It shall include representative monitoring positions and measurement parameters to be first agreed with the Borough Council. Where noise mitigation measures are identified by the Environmental Noise Assessment a sound mitigation scheme to effectively reduce the transmission of noise from external sources shall be submitted to and approved by the Borough Council prior to development commencing. Thereafter the dwellings shall be constructed incorporating those noise mitigation measures which shall be maintained for the lifetime of the development.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The noise assessment is considered to be required prior to commencement as it may impact on the design of the dwellings and/or the implementation of noise mitigation measures that could prove costly and avoidable if required to be fitted retrospectively]

5. The development shall be undertaken in accordance with the approved method statement detailing techniques for the control of noise, dust and vibration during demolition and construction as discharged under condition 5 of application 17/00221/FUL.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

6. Before development is commenced, a Phase II Contaminated Land Report as detailed in Report Delta-Simons Project No. 16-0897.01 shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with any approved mitigation measures.

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 because it may be necessary to carry out remediation measures which could not be carried out once development has commenced.

7. Following completion of the works undertaken in respect of condition 6, a written Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details shall be submitted to and approved in writing by the Borough Council prior to the occupation of the development

[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 any soil or forming materials being brought to site for use in garden areas, soft landscaping, filling and level raising it 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 in writing with the Borough Council, and shall include details of the source and type of the imported materials and the estimated amount to be used on the site. Laboratory certificates and the other information 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.

[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].

9. No part of the development hereby permitted shall be brought into use until the parking/turning areas as shown on drawing number 2284(08)003 Revision B have been provided. The parking/turning areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain available for such use throughout the lifetime of the development.

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. No part of the development hereby permitted shall be brought into use until the access driveway has been constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall be retained for the life 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]

11. The mitigation/compensatory measures referred to in the protected species survey shall be completed prior to the occupation of the first dwelling and 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 the satisfaction of the Borough Council.

[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]

12. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Residential Development 11 & 11A West Avenue, West Bridgford, Nottingham reference MA10463 - R01A by Millward and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 25.12m above Ordnance Datum (AOD).
- Flood proofing/resilience measures are included in the scheme

The mitigation measures shall be fully implemented prior to the first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

[To ensure that adequate drainage facilities are provided in connection with the development; to reduce the risk of flooding to the proposed development and future occupants; to reduce the impact of flooding when it occurs and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

13. All future owners and occupants of the dwellings hereby approved shall be provided with details of the flood evacuation plan including the details of the safe exit route (in accordance with the approved flood evacuation plan) upon their first occupation of the dwellings. The flood evacuation plan must not adversely affect the flood regime and the safe exit route must be in place before any occupancy of the buildings.

[To provide safe access and egress during flood events in accordance with the Government's PPS25 and to reduce reliance on emergency services]

14. Prior to the first occupation of any of the dwellings hereby approved a landscaping scheme, to include those details specified below, shall be 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 any tree planting;
- c. planting schedules, noting the species, sizes, numbers and densities of plants;

- d. finished levels or contours;
- e. full details of all boundary treatments for the perimeter of the site, including the timescale for implementation, colour, materials, and finish(es), and where that the perimeter boundary adjoins the rear gardens of 33 to 57 Carlyle Road and 24 to 32 North Road shall be finished to a height of at least 2.2m above the finished floor level of the properties they serve within the development; and
- f. full details of all other boundary treatments, including those subdividing the domestic gardens of the approved properties within the site detailing the timescale for implementation, colour, materials, finish(es) and heights measurable from a fixed datum point.

The boundary treatment(s) required by 14.e shall be carried out in accordance with the approved details and timescales for implementation or prior to the first occupation of the dwellings hereby approved (whichever is the soonest). The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of the development 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. Thereafter the boundary treatments and landscaping shall be maintained in accordance with the approved details for the life of the development.

[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].

15. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - E 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) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or rooflights other than those shown on the approved plans and no sheds, buildings or structures shall be erected on the site without first obtaining planning permission to do so.

[The development is of a nature whereby future development of this type should be closely controlled to protect neighbouring amenity and the risk of flooding to comply with policies GP2 (Design & Amenity Criteria) and WET3 (Flooding) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

16. The windows in the first floor, north-west facing (front) elevations of the dwellings hereby approved shall be obscure glazed and fixed shut. The first floor windows on the south-east facing (rear) elevations of the dwellings hereby approved shall be obscure glazed to a height of 1.5m measured from the internal floor of the rooms they serve. Details of the method and specification of the obscure glazing specification shall be submitted to and approved in writing by the Borough Council prior to the occupation of the first dwelling. Thereafter the windows shall be installed in accordance with the approved details and retained as such with no changes made to the windows without first obtaining planning permission to do so from the Borough Council.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

## **Notes to Applicant**

Although the submitted protected species survey found no evidence of bats, it points out that there is the possibility that they may be found behind pantiles etc. You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report.

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

If any unexpected, visibly contaminated or odorous materials of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the Borough Council before further work is undertaken in the affected areas, and works shall proceed only in accordance with the agreed remediation proposals.

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.

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website

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.

All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday - Friday 07:00 - 19:00 hours

Saturday 08:00 - 17:00 hours

Sunday and Public / Bank Holidays No work activity

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

For further information on the content of Contaminated Land Reports, please refer to the Councils 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](http://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>

The buildings on the site may contain asbestos materials and these should be removed by an appropriate licensed contractor prior to demolition in order to prevent contamination and risk to human health.

It is an offence under S.148 and S.151 of the Highways Act 1980 to deposit mud on the highway and as such you should undertake every effort to prevent it occurring.

The demolition works adjacent to the public highway may need to be controlled. Please contact our Highway Management Team on 0300 500 8080 to determine whether any temporary traffic management / licenses are necessary.

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively, you can obtain an asbestos fact sheet from their website [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

Best practice should 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 exit for any animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

All workers / contractors should be made aware of the (low) potential of protected species (bats) being found on site and care should be taken during works to avoid harm. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

All work impacting on buildings used by nesting birds should 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.

The use of external lighting should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice.

Measure to provide habitat enhancements are recommended and could include installing bat and bird boxes (which can be incorporated within walls through appropriate boxes).

Ecological enhancements should be considered including planting native shrubs and trees and native wildflower grassland within any landscaping and the use of soakaway / rain gardens incorporating native species.

Consideration should be given to creating highly energy efficient properties, renewable generation, space for recycling bins and bicycle storage.

With respect to Condition 3, of this planning permission, please contact the Case Officer on 0115 9148 252, to arrange for samples to be viewed on site, giving at least 5 days' notice. The application for discharging condition 3, of this permission, relating to materials, should be submitted prior to this.

**AND**

**DECISION**

**17/01473/VAR**

**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):

2284(08)001 Rev A;  
2284(08)003 Rev B;  
2284(08)E01 Rev B;  
2284(08)E02 Rev B;  
2284(08)E03 Rev C;  
2284(08)E04 Rev B;  
2284(08)E05;  
2284(08)H01 Rev B  
2284(08)H02 Rev B  
2284(08)H03 Rev F;  
2284(08)H04 Rev B;  
2284(08)H05;  
2284(08)G01 Rev E;  
2284(08)S01 Rev B; and  
The Boundary wall Method Statement.

[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 development hereby permitted shall not advance beyond foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall thereafter only be undertaken in accordance with the materials so approved.

[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. Prior to the construction of any of the dwellings hereby approved an Environmental Noise Assessment shall be submitted to and approved by the Borough Council. This assessment shall be carried out during the day and night time on the site where the residential homes are proposed and shall monitor noise from the retail premise's mechanical plant / equipment, especially close to the proposed residential homes. It shall include representative monitoring positions and measurement parameters to be first agreed with the Borough Council. Where noise mitigation measures are identified by the Environmental Noise Assessment a sound mitigation scheme to effectively reduce the transmission of noise from external sources shall be submitted to and approved by the Borough Council prior to development commencing. Thereafter the dwellings shall be constructed incorporating those noise mitigation measures which shall be maintained for the lifetime of the development.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The noise assessment is considered to be required prior to commencement as it may impact on the design of the dwellings and/or the implementation of noise mitigation measures that could prove costly and avoidable if required to be fitted retrospectively]

5. The development shall be undertaken in accordance with the approved method statement detailing techniques for the control of noise, dust and vibration during demolition and construction as discharged under condition 5 of application 17/00221/FUL.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

6. Before development is commenced, a Phase II Contaminated Land Report as detailed in Report Delta-Simons Project No. 16-0897.01 shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with any approved mitigation measures.

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 because it may be necessary to carry out remediation measures which could not be carried out once development has commenced.

7. Following completion of the works undertaken in respect of condition 6, a written Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details shall be submitted to and approved in writing by the Borough Council prior to the occupation of the development



[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 any soil or forming materials being brought to site for use in garden areas, soft landscaping, filling and level raising it 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 in writing with the Borough Council, and shall include details of the source and type of the imported materials and the estimated amount to be used on the site. Laboratory certificates and the other information 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.

[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].

9. No part of the development hereby permitted shall be brought into use until the parking/turning areas as shown on drawing number 2284(08)003 Revision B have been provided. The parking/turning areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain available for such use throughout the lifetime of the development.

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. No part of the development hereby permitted shall be brought into use until the access driveway has been constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall be retained for the life 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]

11. The mitigation/compensatory measures referred to in the protected species survey shall be completed prior to the occupation of the first dwelling and 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 the satisfaction of the Borough Council.

[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]

12. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Residential Development 11 & 11A West Avenue, West Bridgford, Nottingham reference MA10463 - R01A by Millward and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 25.12m above Ordnance Datum (AOD).
- Flood proofing/resilience measures are included in the scheme

The mitigation measures shall be fully implemented prior to the first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

[To ensure that adequate drainage facilities are provided in connection with the development; to reduce the risk of flooding to the proposed development and future occupants; to reduce the impact of flooding when it occurs and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

13. All future owners and occupants of the dwellings hereby approved shall be provided with details of the flood evacuation plan including the details of the safe exit route (in accordance with the approved flood evacuation plan) upon their first occupation of the dwellings. The flood evacuation plan must not adversely affect the flood regime and the safe exit route must be in place before any occupancy of the buildings.

[To provide safe access and egress during flood events in accordance with the Government's PPS25 and to reduce reliance on emergency services]

14. Prior to the first occupation of any of the dwellings hereby approved a landscaping scheme, to include those details specified below, shall be 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 any tree planting;
- c. planting schedules, noting the species, sizes, numbers and densities of plants;
- d. finished levels or contours;
- e. full details of all boundary treatments for the perimeter of the site, including the timescale for implementation, colour, materials, and finish(es), and where that the perimeter boundary adjoins the rear gardens of 33 to 57 Carlyle Road and 24 to 32 North Road shall be finished to a height of at least 2.2m above the finished floor level of the properties they serve within the development; and
- f. full details of all other boundary treatments, including those subdividing the domestic gardens of the approved properties within the site detailing the timescale for implementation, colour, materials, finish(es) and heights measurable from a fixed datum point.

The boundary treatment(s) required by 14.e shall be carried out in accordance with the approved details and timescales for implementation or prior to the first occupation of the dwellings hereby approved (whichever is the soonest). The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of the development 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. Thereafter the boundary treatments and landscaping shall be maintained in accordance with the approved details for the life of the development.

[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].

15. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - E 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) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or rooflights other than those shown on the approved plans and no sheds, buildings or structures shall be erected on the site without first obtaining planning permission to do so.

[The development is of a nature whereby future development of this type should be closely controlled to protect neighbouring amenity and the risk of flooding to comply with policies GP2 (Design & Amenity Criteria) and WET3 (Flooding) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

16. The windows in the first floor, north-west facing (front) elevations of the dwellings hereby approved shall be obscure glazed and fixed shut. The first floor windows on the south-east facing (rear) elevations **of plots 6 and 7** hereby approved shall be obscure glazed to a height of 1.5m measured from the internal floor of the rooms they serve. Details of the method and specification of the obscure glazing shall be submitted to and approved in writing by the Borough Council prior to the first occupation of the first dwelling. Thereafter the windows shall be installed in accordance with the approved details and retained as such with no changes made to the windows without first obtaining planning permission to do so from the Borough Council.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

## Notes to Applicant

Although the submitted protected species survey found no evidence of bats, it points out that there is the possibility that they may be found behind pantiles etc. You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report.

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If any unexpected, visibly contaminated or odorous materials of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the Borough Council before further work is undertaken in the affected areas, and works shall proceed only in accordance with the agreed remediation proposals.

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.

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website

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.

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Sunday and Public / Bank Holidays No work activity

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

For further information on the content of Contaminated Land Reports, please refer to the Councils 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](http://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>

The buildings on the site may contain asbestos materials and these should be removed by an appropriate licensed contractor prior to demolition in order to prevent contamination and risk to human health.

It is an offence under S.148 and S.151 of the Highways Act 1980 to deposit mud on the highway and as such you should undertake every effort to prevent it occurring.

The demolition works adjacent to the public highway may need to be controlled. Please contact our Highway Management Team on 0300 500 8080 to determine whether any temporary traffic management / licenses are necessary.

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively, you can obtain an asbestos fact sheet from their website [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

Best practice should 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 exit for any animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

All workers / contractors should be made aware of the (low) potential of protected species (bats) being found on site and care should be taken during works to avoid harm. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

All work impacting on buildings used by nesting birds should 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.

The use of external lighting should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice.

Measure to provide habitat enhancements are recommended and could include installing bat and bird boxes (which can be incorporated within walls through appropriate boxes).

Ecological enhancements should be considered including planting native shrubs and trees and native wildflower grassland within any landscaping and the use of soakaway / rain gardens incorporating native species.

Consideration should be given to creating highly energy efficient properties, renewable generation, space for recycling bins and bicycle storage.

With respect to Condition 3, of this planning permission, please contact the Case Officer on 0115 9148 252, to arrange for samples to be viewed on site, giving at least 5 days' notice. The application for discharging condition 3, of this permission, relating to materials, should be submitted prior to this.

**Item 5 - Change of use from restaurant; conversion to four residential apartments - The Hall Nottingham Road Keyworth, Nottinghamshire NG12 5FD**

## **UPDATES**

A Representation from a local resident, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Sam Boote (objector), and Cllr Andy Edyvean (ward councillor), addressed the meeting.

## **COMMENTS**

Councillors considered that the restaurant contributed to the vibrancy and wellbeing of the community and that the proposal would result in the loss of a community facility which would have an adverse impact on the vitality of the area and vibrancy and wellbeing of the community.

## **DECISION**

### **REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASON**

The restaurant facility is considered to contribute towards the vitality of the area and in meeting the varied needs of local people to interact with other members of the community. It is considered that the proposal would result in the loss of a community facility which would adversely impact on the vibrancy and economic wellbeing of the community and local area contrary to the golden thread of sustainability that runs through the National Planning Policy Framework (NPPF) and in particular paragraphs 7, 14, 17 and 23. It is also contrary to Policy 12 (Local Services and Healthy Lifestyles) of the Rushcliffe Local Plan Part 1: Core Strategy and policy COM3 (Loss of a Community Facility) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

**Item 6 - 17/00808/FUL - Two storey side and rear extensions, single storey front and side extensions, raise roof and provision of dormers (re-submission) - 163 Melton Road West Bridgford Nottinghamshire NG2 6JL**

## **UPDATES**

A Representation from Councillor Buschman, as ward Councillor, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Cllr Angela Dickinson (ward councillor), addressed the meeting.

Councillor Brian Buschman, as ward councillor for Abbey Ward withdrew from the Committee for the consideration of this item.

## **DECISION**

**THAT THE EXECUTIVE MANAGER – COMMUNITIES IS AUTHORISED TO GRANT PLANNING PERMISSION, SUBJECT TO NO FURTHER REPRESENTATIONS BEING RECEIVED AS A RESULT OF THE FURTHER PUBLICITY, WHICH RAISE SUBSTANTIALLY NEW ISSUES, AND 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 permission hereby granted relates to the following plans:

7326 200 Location Plan

7326205 Rev P2

7326-204-REV P3 - as amended in part by the revised 1:200 Proposed Site Plan submitted on 4 August 2017 showing the retention of the Hawthorn Tree (previously shown to be removed).

[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 development hereby approved shall be carried out using the materials for the walls and roof as specified in the application unless otherwise agreed in writing by the Borough Council.

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

4. The windows in the side (south-east) elevation of the proposed development at first floor level and the windows in the rear elevation serving an en-suite and laundry room shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent and shall be fixed shut with the exception of the top light opening. Thereafter, the windows shall be retained to this specification. No additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

9. **EDWALTON NO.1 TREE PRESERVATION ORDER 2017**

The Executive Manager - Communities submitted a report to inform the Committee of objections which had been received to the above Order.

#### **DECISION**

**THAT THE EDWALTON NO.1 TREE PRESERVATION ORDER 2017 BE CONFIRMED WITHOUT MODIFICATION.**

10. **APPEAL DECISIONS**

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

The meeting closed at 9:53pm.

CHAIRMAN