

**RECORD OF DECISIONS
TAKEN UNDER DELEGATED
AUTHORITY IN CONSULTATION WITH THE
CHAIRMAN OF THE PLANNING COMMITTEE
THURSDAY, 9 APRIL 2020**

17 Planning Applications - Delegated Decisions

**Planning Applications Considered Under Delegated Authority
Thursday 9 April 2020**

Decision of: Dave Mitchell, Executive Manager – Communities

Consulted: Cllr R Butler (Planning committee Chairman)

Andrew Pegram, Service Manager – Communities

Planning applications

The following planning applications were considered under delegated authority on 9 April 2020 in consultation with Cllr Butler, Chairman of Planning Committee:

19/02914/FUL - Construction of new leisure centre with swimming pool and fitness suite, new community hall sharing entrance and common facilities with the leisure building, new separate office building, and new car park to serve these buildings - Land East Of Chapel Lane Adjacent Level Crossing Chapel Lane Bingham Nottinghamshire

DECISION

Having considered the officer's report and the proposal as detailed on the submitted plans, it was resolved that the Service Manager – Communities be authorised to grant planning permission, subject to the prior completion of a Section 106 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 undertaken in accordance with following approved plans:-

Site Location Plan (Revised) J4285-08-01-P3

Design and Access Statement J4285(08) 001

Schedule of Planning drawings and documents as set out Rev C06

March 2020 (received 9th March)

Pre commencement conditions:

3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - a). A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site; and
 - asbestos survey.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d). A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

[To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework This is a pre commencement condition to ensure that any potential contamination is considered and mitigated against if necessary prior to ground disturbance taken place].

4. No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials

- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- measures to control the emission of dust and dirt during construction which shall take into account the recommendations as set out in the Air Quality Assessment (WYG Nov 2019)
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- The routing of deliveries and construction vehicles to site and any temporary access points.
- Details of methods of protection of the neighbouring railway line
- details of any vibro – compaction machinery and associated method statement
- Method statement to deal with any excavations, piling, building, cranes proposed within 10m of the railway line.

The approved statement shall be adhered to throughout the construction period.

[In order to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management and to comply with Policy 1 (Development Requirements) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife].

5. No development shall take place until the existing trees and/or hedges which are to be retained as indicated on Soft Landscaping 200-HOSTA-XX-GF-DR-L-004-S4-P03.00 have been protected in accordance with tree protection details to BS5837:2012 details to first be submitted and approved by the Borough Council. The approved scheme of protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority

[To ensure existing trees and hedgerows are adequately protected

during the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired].

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP will build upon the recommendations of the Protected Species Survey and reptile survey reports (EMEC ecology) and provide a working method statement and information for contractors which should include information to protect badgers, small mammals including hedgehogs, reptiles and amphibians during both vegetation clearance and construction activities. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].

7. No development shall take place until details of the following have been submitted to and approved by the Borough Council:
 - details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land
 - details of materials to the external elevations of the building
 - bin storage facilities;
 - details of the proposed substation and its screening
 - Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
 - Details of connectivity to the public bridleway no.26 at the unmanned railway crossing to include detail and design.
 - Details of all external plant and associated screening to accord with the information submitted in the Environoise noise Assessment V2

The development shall thereafter be undertaken in accordance with those approved details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy. This condition is pre commencement to ensure details are acceptable prior to work commencing on site].

8. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set

forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

[A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site. This is a pre commencement condition to ensure that such details are appropriately designed into the scheme].

9. An updated badger survey should be carried out immediately prior to commencement of works on site and the report submitted to the Borough Council. Should evidence of badgers be found on site then the report should include recommendations that will need to be submitted and approved by the Borough Council before development including site clearance is commenced.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition to ensure that no undue impact on potential protected species results in site.]

10. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation. The details of such a scheme of investigation shall be submitted to and approved in writing by the Borough Council also prior to the commencement of the development on the site.

[To ensure that any archaeological items are recorded and to comply with Policy 29 (development affecting Archaeological Sites of the Local Plan Part 2: Land and Planning Policies and the National Planning Policy Framework This is a pre commencement condition to ensure that any potential features of archaeological interest are adequately considered prior to potential works being undertaken which could impact negatively impact on their importance].

11. Prior to work commencing on the car parking area there shall be submitted to and approved by the Borough Council details of a scheme for the provision of electric vehicle charging points to serve the site which shall largely accord with the locational details as indicated on Landscape General Arrangement Plan 200=HOSTA-XX-GF-DR-L-002 REV E. The scheme shall thereafter be undertaken in accordance with the approved details and those facilities made available prior to the occupation of the building that they serve.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Local Plan Part 1 Rushcliffe Core Strategy. This is a pre commencement condition to ensure that the car parking area is designed and constructed to allow for the provision of such infrastructure].

Prior to use commencing

12. No removal of hedgerows, trees or shrubs shall take place between the beginning of March and the end of September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any written confirmation should be submitted to the local planning authority.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

13. Prior to any part of the approved development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy (required by condition 3) and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved

verification plan to demonstrate that the site remediation criteria have been met.

[To ensure that the site does not pose any risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework].

14. The development shall not be brought into use until the site access arrangement and widened footway on Chapel Lane as shown indicatively on Proposed Site Access Arrangement (Drawing No. CLBN-BSP-ZZ-XX-DR-D-0001 Rev P02) has been provided.

[To ensure an appropriate form of access is provided in the interests of highway safety and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

15. No part of the development shall be brought into use until there has been submitted to and approved by the Borough Council a scheme for a biodiversity enhancement plan for the provision of biodiversity net gain in general accordance with the recommendations as set out in the submitted biodiversity net gain assessment (Baker Consultants 2020). This will allow for potential biodiversity enhancement on and off site and will include the timetable and method of delivery. The plans shall thereafter be implemented in accordance with the approved scheme.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy].

16. No part of the development shall be brought into use until a detailed hard and soft landscaping scheme, to include those details specified below, have been submitted to and agreed in writing by the Borough Council. This scheme shall largely accord with the hard and soft landscaping schemes shown on drawing numbers Hosta 200-HOSTA-XX-GF-DR-L-004-S4-P03.00 and 200-HOSTA-XX-GF-DR-L-0003 REV B and 200=HOSTA-XX-GF-DR-L-002 REV E

- a) the precise materials proposed for all ground surfaces, including hard areas;
- b) full details of tree planting and tree pit specifications to trees within the car park which shall accord with the details as submitted on specification drawing Tree Pit System GBU 2108(Rev A);
- c) planting schedules, noting the species, sizes, numbers and densities of plants. Measure to provide habitat enhancements should be adopted including retention trees and the use of bat and bird boxes/tubes;
- d) finished levels or contours;
- e) details of all boundary treatments (including the acoustic fencing)

- including height, design, location, materials and finish;
- g) details of hard landscaping proposals including seating and planters and barriers to prevent driving/roll onto railway line or damage to lineside fencing; and
- g) details of how the landscape proposals comply and compliment the ecological requirements under conditions 15.

The approved hard landscaping scheme shall be implemented prior to first occupation of any of the buildings on site. The soft landscape scheme shall be carried out in accordance with the approved details in the first planting season following the substantial completion of the relevant building 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.

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1 Core Strategy].

16. The development shall not be brought into use until the parking/turning/servicing areas are provided and surfaced in materials which have been submitted to and approved by the Borough Council which shall generally accord with those approved under Hard Landscaping Plan 200-HOSTA-XX-GF-DR-L-0003-S4--03.00 with the parking bays clearly delineated in accordance with the approved plans. The parking/turning/servicing areas shall be maintained for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

[To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, in the interests of highway safety and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

17. Prior to the occupation of either of the buildings the cycle parking proposed to serve that particular building shall be provided in accordance with the details shown on Hard Landscaping Plan 200-HOSTA-XX-GF-DR-L-0003-S4--03.00.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

18. The approved Car Park Management Plan shall be implemented on occupation of the site, and adhered to for the lifetime of the development.

[To ensure the car parking provision is managed appropriately and is adequate for the needs of the development in the interests of highway safety to ensure a satisfactory development in accordance with the aims

of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

19. Prior to first occupation of either of the buildings the owner or the occupier of that building shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan to be approved prior to development taking place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

20. The travel plan coordinator for that building shall, within 6 months of occupation, produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy]

21. The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved by the Local Planning Authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

22. Prior to the use of either of the buildings being commenced, details of any external lighting relating to that building or the open areas of the site (together with a lux plot of estimated illumination) shall be submitted to and approved by the Borough Council as Local Planning Authority. This lighting should be designed, located and installed so as not to cause nuisance to neighbouring residents and users of the railway line. The lighting shall thereafter be implemented in accordance with these details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy]

23. Prior to the occupation of the leisure and community building, all sound attenuation measures detailed in the noise assessment supplied (Environoise Consulting Ltd noise assessment ref 21331R01aSWmdw

dated 27/2/20), with the exception of the acoustic fencing to the Chapel Lane frontage, shall be fully implemented and shall thereafter be permanently retained

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy]

24. Prior to the commencement of the use of the community hall element of the scheme, a noise management plan shall be submitted to and approved by the Borough Council. This plan shall include details relating to a sound limiting device to ensure DJ controls are in place to limit noise impact, together with details of signs to be displayed on the premises (including number, content and location) to remind patrons/visitors to leave the premises quietly to minimise disturbance when leaving the premises, particularly late at night. The agreed mitigation shall be in place prior to uses commencing and shall thereafter be implemented in accordance with the approved details.

[To protect the amenity of the occupiers of the residential properties adjacent to the site and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

25. When live or amplified music is being played in the community building all external doors and windows shall remain closed and shall only be opened in an emergency or for access and egress.

[To protect the amenity of the occupiers of the residential properties adjacent to the site and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

26. Before any of the proposed kitchens are brought into use, full details of the proposed extract ventilation system for the cooking area shall be submitted to and approved by the Borough Council. The approved system shall be installed before any cooking takes place in these areas and shall thereafter be maintained and operated in accordance with the approved details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

27. The proposed pedestrian/cycle link from Chapel Lane to the public right of way to the east of the site adjacent to the unmanned level crossing shall be surfaced and lit, in accordance with the details to be submitted pursuant to condition 7, prior to the leisure centre first being brought into use and shall thereafter remain available for such purposes.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

28. The leisure centre and community building hereby approved shall only be open for use by members of the public between the hours of 6.30am

to 11pm Monday to Thurs, 6.30 am to 12 midnight Friday, 7am to 12 midnight Saturday and 7am to 9pm on Sundays and Bank Holidays.

[In the interests of residential amenity and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

29. The proposed office building shall only be used for purposes falling within Class B1a of the Town and Country Planning (Use Classes) Order 1987 (as amended).

[For the avoidance of any doubt and to ensure accordance with Policy 15 of Local Plan Part 2 Land and Planning Policies].

Notes to Applicant

Section 278 Agreement (Highways Act 1980).

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority for details.

Your attention is drawn to the comments from Network Rail in particular the need to consult with the Asset Protection Project Manager and contact should be made using assetprotection@networkrail.co.uk

The Environment Agency make the following comments in relation to the information required to satisfy condition 3 and 13. The Combined Phase 1 and 2 report submitted to support this planning application (Geodyne, dated November 2019) has been reviewed. The report recommends that a DQRA be undertaken to assess the risks posed to controlled waters by the hydrocarbon contamination present in the ground and groundwater at the site.

Before consideration is given to undertaking a DQRA, the conceptual site model needs to be further refined. This should include an assessment of the source(s) of the hydrocarbon contamination in the central southern area of the site, an assessment of the hydrogeological regime at the site, and also an investigation into other potential pathways such as underground drains and pipework (if present). An assessment of all potential controlled waters receptors should then be made based on the refined conceptual site model.

A DQRA should only be undertaken on the basis of a robust conceptual site model. If a DQRA is the chosen way forward it should be ensured that it is based on a robust conceptual site model and site specific data. Should you require further advice on this then please contact the Environment Agency.

You are advised to contact Plant Protection at Cadent prior to construction regarding any potential impact on apparatus in the vicinity of the site.

Guidance on systems considered suitable can be found within Guidance on the

Control of Odour and Noise from Commercial Kitchens EMAQ September 2018.

You are advised to ensure that the fabric of the building takes into account the assumptions made in the Noise Impact Assessment (V2).

In relation to Condition 10 your attention is drawn to para 6.3.1 of the submitted Archaeological Desk Assessment.

20/00367/FUL - Residential development 5no. dwellings - Land North East Of Burford Sutton Lane Granby Nottinghamshire

DECISION

This application was withdrawn.

20/00465/FUL - Demolition of existing conservatory. Construction of single rear and side extensions - 1 Elterwater Drive, Gamston, Nottinghamshire

DECISION

Having considered the officer's report and the proposal as detailed on the submitted plans, it was resolved to 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].

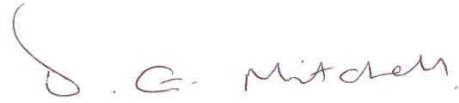
2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): NA494/BP, NA494/8 and NA494/9.

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

Signed:

A handwritten signature in black ink that reads "D. G. Mitchell". The signature is written in a cursive style with a large initial "D" and a stylized "G".

Dave Mitchell
Executive Manager - Communities

The meeting closed at Time Not Specified.

CHAIRMAN

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