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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 10 February 2021



To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 11 February 2021

The following is a schedule of representations received after the agenda for the Planning Committee was finalised.

Yours sincerely

Sanjit Sull  
Monitoring Officer

**AGENDA**

4. Planning Applications (Pages 1 - 12)

The report of the Executive Manager - Communities.

Membership

Chairman: Councillor R Butler  
Vice-Chairman: Councillor Mrs M Stockwood  
Councillors: N Clarke, P Gowland, L Healy, A Major, D Mason, J Murray,  
F Purdue-Horan, C Thomas and D Viridi

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## 20/02652/REM

**Applicant** Countryside Properties PLC Mr & Mrs Oglesby

**Location** Land South And West Of Grooms Cottage, Shelford Road

**Proposal** Application for approval of matters reserved under Outline Planning Permission 18/02269/OUT relating to appearance, landscaping, layout and scale of 55 residential dwellings

**Ward** Radcliffe On Trent

### LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Further comments
- RECEIVED FROM:** neighbouring property Clumber Drive

**SUMMARY OF MAIN POINTS:**

Disagrees that the 5m wide buffer would not be maintainable. Carefully selected garden suitable trees and bushes could be spaced correctly so that the householders could maintain them. This type of planting provision would then be a permanent screen/buffer and equally an excellent habitat for garden birds that so many of are currently in decline.

Would hope that the gesture that William Davis had made to mitigate impact on existing Clumber Drive homes will continue in their future more detailed plans and that the Planning Authority would not want to see it back tracked on.

Requests that the applicant gives this further consideration

**PLANNING OFFICERS COMMENTS:**

Matters relating to the boundary treatment and landscaping are considered in the report. The comment regarding the William Davis development is not material to the determination of this application.

2. **NATURE OF REPRESENTATION:** Further comments
- RECEIVED FROM:** Radcliffe on Trent Parish Council

**SUMMARY OF MAIN POINTS:**

Refers back to the previous comments

**PLANNING OFFICERS COMMENTS:**

Covered in the Officer report

3. **NATURE OF REPRESENTATION:** Additional information and revised plans in relation to southern boundary

**RECEIVED FROM:** Applicant/Agent

**SUMMARY OF MAIN POINTS:**

Additional and revised plans have been received including cross section plans to show how plot 21 will relate to properties on Clumber Drive. Additional information has been received confirming that the southern boundary hedge is the shared responsibility of the applicant and the neighbouring landowner to south (William Davis). A revised boundary treatment plan has been received confirming the use of hit and miss fencing to allow ongoing maintenance of the hedge. The hedge would be maintained by occupiers of the dwellings which adjoin the site and where the hedge abuts open space the management companies appointed will be responsible for the maintenance of their respective halves.

With regard to open space maintenance, the registered provider will manage communal areas through the use of their own landscaping contractors. There will be a service charge which is charged weekly or monthly for both rented and shared ownership homes.

**PLANNING OFFICERS COMMENTS:**

The cross section plans help to illustrate the adequate distances and relationship of the proposed dwelling on plot 21 and neighbouring properties. The proposed boundary details to the south of the site are considered acceptable and will allow the hedgerow to be retained and managed.

The S106 attached to the outline permission requires the submission of a Public Open space scheme to cover long term management and maintenance.

Condition 1 needs to be updated to refer to:

amended planning layout plan rev K  
amended boundary treatment plan rev G  
street scene section SW SKEM-044-011-2A

Condition 2 which relates to boundary treatments/means of enclosure should be amended to refer to amended boundary treatment plan rev G.

<b>20/00888/FUL</b>
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<b>Applicant</b>	David Wilson Homes East Midlands
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<b>Location</b>	Land Off, Rempstone Road, East Leake
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<b>Proposal</b>	The erection of 51 dwellings with associated access, parking and landscaping
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<b>Ward</b>	Leake
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## LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Revised plans.

**RECEIVED FROM:** Officer update

### **SUMMARY OF MAIN POINTS:**

Officers noted that the redline area (indicating the extent of the planning application to be considered) did not extend back to the adopted highway. Therefore revised plans detailing this were requested. The affected drawings are the planning layout, materials layout, boundary treatment layout, surface treatment layout, bin & cycle storage & refuse collection plan, pedestrian visibility splay plan, construction traffic management layout and location plan which the applicant has submitted along with an updated drawing schedule.

### **PLANNING OFFICERS COMMENTS:**

The revised drawings are welcomed, however this does result in a need to amend condition 2 (drawing schedule) which it is proposed should be revised as follows:

2. This permission shall be constructed in accordance with the approved plans and documents as stated in the drawing register, document reference H8112-ELP2-001-Rev B-DRAWING REGISTER dated 03/02/2021.

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) Local Plan Part 2: Land and Planning Policies].

2. **NATURE OF REPRESENTATION:** Additional comments.

**RECEIVED FROM:** Ward Councillor Thomas.

**SUMMARY OF MAIN POINTS:**

The Ward Councillor advises that her decision not to object was finely balanced therefore should the committee decide to approve the application Councillor Thomas has some requests about contributions and conditions, namely:

1. Presumably the Health Centre, Secondary School and Sports Pitches contributions for the additional 51 homes will be collected under CIL, and as all these items are sorely needed in East Leake, it is to be hoped that the funds will be directed to East Leake in due course.
2. Cllr Thomas requests that the play contribution clause in the S106 agreement be worded so that it can be used to provide additional equipment for older children on the Gotham Road playground rather than the Community Development Manager's request (para 96 of the officer report) that play contributions are sought towards the play area already to be provided on the overall site.
3. Para 111 of the officer report discusses wheelchair adapted properties and states the number of ground floor properties. Cllr Thomas states that just being on the ground floor is insufficient to provide for wheelchair use and she would like to see a condition that ensures that at least one dwelling (but ideally more) conforms to the relevant standards (in terms of door widths, ramps, larger car parking spaces, height of switches etc).
4. Aircraft noise causes considerable distress to new residents and will hit hard when we come out of the pandemic and the normal volume of flights resume. Para 118 of the officer report discusses aircraft noise, and seems to be saying that because the Environmental Health Officer did not notice the proximity to the EMA flight path, Policy H4 of the Neighbourhood Plan can be disregarded. Cllr Thomas requests that the following condition be attached to any grant of permission:
 

*“Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details and be retained thereafter.”*
5. Para 124 of the Officer Report states that *“the County Council’s request that the spine road through the residential development be completed and is*

*available for construction traffic to build the school is not considered to be reasonable.” Allocating children to schools outside the village is certainly not reasonable – and not in the developer’s interest either - and this is the likely outcome if access is not provided to build the school as soon as possible.*

Cllr Thomas is concerned that based on the Construction Plan that the spine road will not reach the school site until the last phase of the site. Indeed, by adding in these two parcels of land at the end of the build, the access to the school could be delayed even further than under the approved plan for 235 houses. Cllr Thomas supports the County Council’s request for a condition that access to build the school is provided before building on these two additional parcels of land can start, or alternatively a condition that requires the school to be open before these 51 houses are occupied. (This is anyway required by policy H1 of the ELNP). Furthermore, Cllr Thomas advises that a condition is needed to guarantee safe vehicle and pedestrian access to the school should it open before construction of the houses finishes.

6. Cllr Thomas requests a condition requiring Electric Charging points.

#### **PLANNING OFFICERS COMMENTS:**

1. CIL payments towards Health, Secondary Education and Sports Pitches from the 51 homes will be secured should permission be granted and those monies will be available to spend in accordance with the CIL legislation and the Council’s Infrastructure List.
2. Paragraph 56 of the NPPF reminds decision makers that planning obligations must only be sought where they meet all of the following tests:
  - a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.

The S106 agreement is currently being drafted, entirely at the applicants own risk, however in relation to this matter the Borough Council have suggested that the Open Space Enhancement Scheme be defined as “*a scheme detailing a timetable and measures of a value of not less than £28,509.00 (twenty eight thousand five hundred and nine pounds) for the enhancement of **the equipped and informal play provision** within the Off-Site Open Space to be undertaken by the Owner*”. This should address Cllr Thomas’s concerns that the approved LEAP could not accommodate any additional equipment for a wider age range of users as it allows for the provision of additional equipment elsewhere in the wider development, thus fulfilling the tests for securing a planning obligation.

3. Paragraph 111 of the report states that the requirement is to comply with Part M4 (3)(a) of the Building Regulations regarding wheelchair adaptable dwellings. Therefore, the specific adaptations required are covered by Building Regulations (not the planning system). The reference in the report was simply to highlight that a greater number of properties that are single storey with ground floor access are proposed, not that this alone fulfilled the requirements of Policy 12.
4. Paragraph 118 of the report clarifies that “*The East Leake Neighbourhood Plan was adopted on 19 November 2015 and the outline appeal was granted on the 20 November 2017 following the hearing being held 6 days earlier. Therefore, the Neighbourhood Plan was adopted and a material consideration at the time that the outline appeal was determined. The issue of compliance with the East Leake Neighbourhood Plan would therefore have been assessed at the Hearing, with the Inspector allowing the appeal.*”

Planning conditions must satisfy the 6 tests set out in the NPPF and the National Planning Practice Guidance, i.e relevant to planning, relevant to the development, necessary, precise, enforceable and reasonable in all other respects. Conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning. Colleagues in Building Control have confirmed that BS 8233 2014 is the standard that they would expect the buildings to be built to in order to satisfy the Building Regulations and in dealing with an application they would take into account the location of the development and the likely external noise sources. Therefore, a condition which effectively requires compliance with the Building Regulations would not satisfy the test of necessity.

The suggested condition has not been applied to the approved neighbouring development of 235 dwelling.

5. The County Council requested that the spine road be completed upon commencement of the development of the wider site i.e. the 235 dwellings already approved. Planning conditions need to fulfil a strict set of criteria as set out at Paragraph 55 of the NPPF which states:

*“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”*

Whilst officers can appreciate that the request would facilitate the delivery of the school, such a condition is not considered to fulfil all of the above requirements, e.g. relevant to the development being permitted, reasonable or necessary as the school does not form part of the current proposal.

Nevertheless, having reviewed the S106 agreement attached to the outline approval for the 235 dwellings and the school, that legal agreement requires



the school site to be, amongst other things: a cleared site, level (relative to the neighbouring land levels), to be free of contamination and to **have safe access (vehicular and pedestrian)** emphasis added.

Officers are also aware that that the Highway Authority (NCC) have advanced the S38 agreement for the adoption of new highways as part of the approved development and that the construction of the 235 dwellings and the spine road have started on site.

6. Officers do not disagree with this request and if Committee wish to attach such a condition to any grant of planning permission, the following wording is suggested:

*“Prior to the construction of any dwelling on the site proceeding above damp proof course level, a scheme for the provision of Electric Vehicle Charging Points (EVCP’s) must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type and location of the proposed EVCP apparatus. If any plots not to be served by an EVCP then it must be demonstrated why the provision of an EVCP would be not be technically feasible. None of the dwellings on the site shall be first occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be retained on each dwelling in accordance with the approved scheme in perpetuity.”*

3. **NATURE OF REPRESENTATION:** Additional comments.

**RECEIVED FROM:** East Leake Parish Council.

**SUMMARY OF MAIN POINTS:**

East Leake Parish Council maintain their objection, but state if the application were to be approved, they echo Cllr Thomas’s request that the S106 monies towards play equipment should be made available to the Parish Council to use at the villages central Neighbourhood Play Area on Gotham Road due to the lack of space to extend the approved facilities designed for younger children at Rempstone Road.

**PLANNING OFFICERS COMMENTS:**

Officers have already commented on this request in response to Cllr Thomas’s request above.

**20/02703/FUL**

**Applicant** Rushcliffe Borough Council

**Location** Gresham Park Pavilion, Gresham Park Road, West Bridgford

**Proposal** Construction of new 3G all-weather football pitch with associated hardstandings, floodlighting and fencing and re-surfacing and fencing alterations to existing football pitch. Drainage and remediation works to natural playing fields to provide better, more suitable playing fields for football use.

**Ward** Compton Acres

#### **LATE REPRESENTATIONS FOR COMMITTEE**

1. **NATURE OF REPRESENTATION:** Consultee comments  
**RECEIVED FROM:** Via East Midlands Ltd

#### **SUMMARY OF MAIN POINTS:**

- a. Rights of Way have No Objections to this application 20/02703/FUL.
- b. West Bridgford - public footpaths no 8 and 24 are situated to the south -east of the development. It is noted that the proposed drainage facility will discharge in the vicinity of the footpath, within the designated 'swale' areas, and it is possible that it will increase seasonal water levels within this area. RoW therefore request the planning authority to monitor this issue in the future, to ensure that the public access is not unduly affected as a direct result of changes to land drainage.
- c. The footpath surfaces must not disturbed without authorisation, and must remain open and available at all times, unless there is a public safety reason to apply for a temporary closure of either footpath during the construction phase.

#### **PLANNING OFFICERS COMMENTS:**

No further comments to add to the body of the report. Two additional notes to applicant are suggested

“The applicant is advised to ensure that the drainage does not have an adverse impact on the adjacent footpath”

And

“The footpath surfaces adjacent the application site must not be disturbed without authorisation from Nottinghamshire County Council Right of Way, and must remain open and available at all times, unless there is a public safety reason to apply for a temporary closure of either footpath during the construction phase. Such a diversion or closure will require prior agreement with the appropriate Authority”

# 20/02623/FUL

**Applicant** Miss Jen Harvey

**Location** Land West Of, Pasture Lane, Sutton Bonington

**Proposal** Erection of an equestrian stable block, with outdoor manège, associated car parking and access. Stable block with eight stable pens, hay store and tack room, used as a full livery yard. (Resubmission)

**Ward** Sutton Bonington

## LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** comments/ points of clarification

**RECEIVED FROM:** Highway Access Solutions in support of the applicant

### **SUMMARY OF MAIN POINTS:**

- Clarification of initial comments on vehicle movements, it is accepted that the proposal would result in a slight intensification of vehicular movements compared to the current consented use of the land.
- Vehicular movements would be negligible in the context of existing traffic flows along Pasture Lane, which serves a 20 space car park at Diamond Wood and is used by heavy agricultural machinery.
- Inaccuracy in paragraph 31 of the committee report - the entire length of Pasture Lane is paved, rather than the 'metalled surface' terminating at Pasture Close as stated in the report.
- It should be the duty of the Highway Authority to maintain the road.
- The matter of mud on the road does not relate to the state of the paved surface.
- The works requested to upgrade the highway would cost more than the value of the development, not considered that the works would meet the tests set out under paragraph 56 of the NPPF.
- Access to an equestrian use by a single-track dual-use bridleway is not an uncommon situation
- Not considered the proposal would result in an unacceptable highway safety impact

### **PLANNING OFFICERS COMMENTS:**

The officer agrees that the section of Pasture Lane serving the application site is a tarmacked surface, rather than the tarmacked/metalled part of the highway

terminating at Pasture Close as stated in paragraph 31 of the committee report. There is however a clear distinction between the section of Pasture Lane running to Pasture Close, and the proceeding part of Pasture Lane serving the application site which is single width and in a poor state of repair and would require improving.

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