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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 3 November 2021

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 11 November 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 Director – Development and Economic Growth.

#### Membership

Chairman: Councillor R Upton  
Vice-Chairman: Councillor Mrs M Stockwood  
Councillors: S Bailey, N Clarke, P Gowland, B Gray, L Healy, D Mason, F Purdue-Horan and C Thomas

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**20/02670/FUL**

**Applicant** Barratt David Wilson Homes

**Location** Land At Hillside Farm ,Bunny Lane, Keyworth

**Proposal** Erection of 77 dwellings with landscaping, public open space, and associated infrastructure (revised scheme)

**Ward** Keyworth And Wolds

#### LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Clarification

**RECEIVED FROM:** Applicant

**SUMMARY OF MAIN POINTS:**

- a) Discrepancy in para 155 and 4 of the report regarding density clarification provided that the correct figures are 32dph (net) and 24dph (gross) as per para 4 of the Committee report.

**PLANNING OFFICERS COMMENTS:**

- a) Noted.

2. **NATURE OF REPRESENTATION:** Condition update

**RECEIVED FROM:** Case officer

**SUMMARY OF MAIN POINTS:**

- a) **Condition 6 updated to - The development shall not be *brought into use occupied* unless or until the following works have been provided in accordance with plans previously submitted to and approved in writing to the satisfaction of the Local Planning Authority:**
- i. **The A60/Pendock Lane highway improvement works, to include the conversion of the junction into a 3-arm mini-roundabout, together with associated change in speed limit on the southern approach to the roundabout from 40mph to 30mph.**

- ii. The proposed Village Gateway on Bunny Lane to include marker posts, hazard centre line, clock type signs in the verges to either side and supplementary VA sign.
- iii. The proposed new site access junction on Bunny Lane.
- iv. A 2m footway along the northern frontage of the site, together with associated crossing points
- v. Reinstatement of the redundant vehicular access on Bunny Lane.
- vi. Pedestrian infrastructure improvements to include dropped kerbs and tactile paving at the junctions on the southern side of Bunny Lane from the application site to Nottingham Road i.e all the way east to the town centre.

Reason as per condition 6 within the report.

- b) Condition 7 replaced with - No development shall take place, excluding topsoil strip, earthworks to form balancing ponds and foul sewer diversion, survey works in connection with ecology and archaeology, until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure the access is not too steep for vehicles to stop in icy conditions without entering the highway, to ensure the development hereby permitted is served by an appropriate access from the public highway, that the estate streets serving the development are at an acceptable standard in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). This is a pre-commencement condition that is required to ensure that the internal roads are acceptable to the County Council].

3. **NATURE OF REPRESENTATION:** Object

**RECEIVED FROM:** 8 representations received from residents on Roseland Close (one on behalf of 7 properties on Bunny Lane)

**SUMMARY OF MAIN POINTS:**

- a) Insufficient time to comment on the revised plans and the 73 page published document on 03 Nov for submission to the planning committee. Less than 48 hours notice to comment. The report would have been written several days prior to the consultation.

- b) As the latest revision of the plans submitted by Barrett are not significantly different to previous versions all comments made previously by objectors still apply.
- c) The high density of housing unacceptable at 25 dwellings per hectare. 20 dwelling per hectare continues to be disregarded in these plans.
- d) This site was published with an indicative 50 homes, within LPP2.
- e) The site was not included in the democratically approved Keyworth Neighbourhood Plan. The site should be reinstated with its Green Belt designation
- f) Infrastructure capacity.
- g) Increase in vehicle access in short distance. Steep gradient - disabled access has been ignored.
- h) Archaeology - Best practice is the digging of exploratory trenches before approval of application and that the current paucity of artifacts in the Keyworth area would render archaeological finds of increased significance.
- i) Proximity to water treatment facility
- j) A third barn been constructed since these plans were originally submitted. Loss of amenity for all residents within this site will be affected by the noise, odour and smell from this active farm. No bank or fence will protect the residents from the noise, smell and the flies in summer together with the sound of tractor engines and generators through the night. More than a 3m fence is required.
- k) There should be 16 affordable properties. 20% discounts to achieve affordability for those within the lower quartile of earnings is unlikely to provide 'affordability' in the light of local house market prices.
- l) Inconsistent reference to watercourses and Non compliance with Policy 19 LPP2 – gardens, street and parking areas within 10m buffer to a watercourse of east and south. The watercourses on the eastern boundary is a continuation of an adopted storm sewer taking surface and storm drain water from large areas of the Bunny Lane storm drain network and the southern boundary is a continuation of a Seven Trent adopted storm water system draining the wider Brookview estate and Bunny Lane areas of Keyworth, including 222 properties on the new Keyworth Rise development north of Bunny Lane and connecting into the Fairham Brook adjacent to the Water Treatment works. Fairham Brook within 200m of this site. Only the detailed design NOT the size of any buffer zone will be

determined on a site by site basis in consultation with the environment agency. Determination of this application must be deferred until clarity on LPP2 policy 19 is established.

- m) Why is a buffer zone required on the eastern boundary of the proposed development when no such buffer zone appears on the continuation of the watercourse along the southern boundary?
- n) The planning officer intends to alter Rushcliffe Planning policy by introducing a differentiation in treatment between designated and undesignated watercourses and in doing so sets precedent without due authority, openness or transparency.
- o) It is not in compliance with the 5m requested by the LAAF and is not sufficient to accommodate the normal manoeuvring of machinery necessary to reach the bottom of the watercourse and the placing of fencing against the watercourse precludes all access.
- p) Significant loss of amenity to both residents of Roseland Close and Bunny Lane, as well as to the potential occupiers in the proposed plots 58-76. Supported by the cross sections provided which show a significant loss of amenity and privacy, for existing properties on Roseland Close.
- q) Some of the cross sections present an inaccurate representation of the houses on Roseland Close and suggest that some proposed plots within the development will be elevated in respect of the current topography.
- r) The reversed orientation of Plot 77 and the raising of the ground level would result in overlooking the sun lounge of 37 Bunny Lane, this is not shown on Barrett's Plan, along with the sun lounge attached to the rear 19 Roseland Close. 03/01368/FUL 9 Roseland close permission for further balconies facing the site. RDG requires 30m gap
- s) Lack of garden amenity to the occupants of plot 5 Cross section E-E illustrates that Plot 5 will have a garden that has 3.25m high retaining bank topped with a neighboring garage several meters higher to the north and the same plus a fence to the east. This garden is entirely shadowed from the west by a garage and from the south by its own house. As such this will create a detached family property with a garden receiving no direct sunlight for the majority of the year. Directly affecting the amenity of residents and in not in accordance with Rushcliffe design guide.
- t) The site plan places an effective terrace of 11 (terraced and exceptionally closely spaced detached houses) directly adjacent and less than 26 meters from only 2 corresponding properties on Roseland Close. The character of this terrace has not been considered in respect of character of adjacent buildings or the effect of the massing on the amenity and visual impact of the residents of Roseland Close

- u) Irrecoverable damage to wildlife and the environment.
- v) No detail or evidence of the proposed landscape buffer on the eastern periphery in the areas between 58-68 and 9 and 112 Roseland Close
- w) Removal of sections of the mature hedgerow some 5-6meteres in height on the southern boundary. The existence and retention of this mature hedgerow at this size on the south of the site was explicitly required for the inclusion of this site in LPP2 for the purposes of shielding the site from the view from the countryside footpath running to the south of the application site. Building plots 44 & 59 would require the removal of the hedge in order to build or access these plots. Plot 59 shows a change of level within 2m of the hedge in direct contradiction of the requirements of the landscape officer.

**PLANNING OFFICERS COMMENTS:**

- a) - b) The notification was undertaken to advise that additional plans had been received. The plans did not alter the scheme fundamentally but provided information clarifying levels, retaining structures and relationships. One house type plot was altered – 76 and comprised a reduction in height.
- c)-h) These matters have been addressed within the Committee report
- l) The issues of noise and odour from the adjacent site has been considered by the Council's Environmental Health officer and their response is included in the Report.
- k) The level and type of affordable housing has been agreed with the Strategic Housing Officer.
- l) -0) Policy 19 LPP2 within the supporting text at 5.32 refers to development sites which include watercourses which are expected to maintain a 10m buffer either side of the watercourse. The ditches to the east and south are not within the application site but adjacent. 5.34 states "*Detailed design of the buffer zone will be determined on a site by site basis in consultation with the Environment Agency*" – discussion has taken place between planning officers and the Environment Agency and this consultee has agreed that the reduction in size could be supported if justified. Officers have weighed the buffer width according to the significance of the ditches. The access rights to the ditch to the east are proposed to be covered within the s.106/ UU. of the said properties. The southern ditch can be accessed from the south. The LLFA have raised no objections to the proposed access to the east.
- p)- t) The Residential Design Guide (RDG) is not prescriptive with regard to

distances between buildings. The RDG provides 'guidance' only and each case must be considered on its merits. The house type on plot 76 has been amended from a 2.5 storey to a 2 storey dwelling in the recent plans received in October. The house on plot 77 has always been a Henley house type and was rotated in the revised submission submitted in July 2021. A bathroom and a bedroom window is proposed at first floor and would be 10m to the rear boundary of the plot, followed by the 3.5m easement area and ditch.

- u)-w) Matters relating to ecology and landscaping have been considered in the report. In terms of the details of landscaping along the eastern side of the site this is to be determined by condition. There are areas of hedgerow that are to be improved along the southern boundary. If areas are required to be removed these will be covered by the landscaping condition.

**21/02694/CTY**

**Applicant** Nottinghamshire County Council Childrens And Families

**Location** Land North Of, Rempstone Road, East Leake

**Proposal** Erection of 120 Place Temporary School Learning Village Accommodation with temporary lit access road and permanent lit access path. Associated areas of soft play, canopies, car parking and surface water balancing pond.

**Ward** Leake

#### LATE REPRESENTATIONS FOR COMMITTEE

4. **NATURE OF REPRESENTATION:** Comments
- RECEIVED FROM:** East Leake Ward Members (all three)

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

Whilst the delay in delivering the permanent school is deeply regrettable, the temporary school must go ahead. However, access and road safety are of great concern, specifically:

- Traffic congestion along Sheepwash Way and gridlock at the turning area.



- Condition 22(g) on the outline permission for the permanent school requires measures to improve the highway problems along Sheepwash Way to be implemented - the timing should be brought forward to cover the access issues associated with the temporary school. Also, other improvements such as a one-way system will be needed, and the Highway Authority are urged to design a suitable scheme.
- The design of the roundabout between Kirk Lea Road and Woodgate Road needs re-assessing to ensure it is suitable for additional vehicles and pedestrian crossings generated by the school(s). A “school zone” and associated measures should be considered along with lowering the speed limit to 20mph.
- Visibility for those crossing Kirk Lea Road is compromised by signage on the roundabout – this will be an issue for those walking/cycling to the school(s).
- The footpath along the eastern side of Kirk Lea Road should be completed along with the internal perimeter footpath around the Persimmon Estate.
- There should be no loss of mature trees, and any young trees should be carefully removed so they can be replanted elsewhere – The East Leake Tree Warden is willing to assist with this.
- The trees and hedgerow outside the redlined area should be protected during construction and deconstruction.
- The bridge over the ditch to form the access road should not impede the flow of water along the ditch.
- The suggested condition 1 (attached to this recommendation) should be amended to allow the formation of the sports pitches/playing fields for the permanent school to take place prior to the temporary road being removed.
- Even though the school is temporary there should be at least 1 electric vehicle charging point in the staff car park.

### **PLANNING OFFICERS COMMENTS:**

The Highway Authority will advise the case officer on all matters relating to highway safety, the design of the existing roundabout (which is outside of the redline for this application), school zones etc. The informative note already suggests that the determining authority seeks the input of the Highway Authority and the full version of Ward Councillors comments have been shared with the case officer at the County Council. However, conditions 18 and 22(g) from the outline permission for the permanent school can be suggested to make the determining authority (Nottinghamshire County Council) aware of the concerns around the need for a school zone and with regards to likely issues on Sheepwash Way. Officers suggest the following:

- 13. Within six months of the commencement of development details of a School Zone incorporating off-site highway works (pedestrian guardrail, markings, associated signage and other measures as appropriate) within the vicinity of the school vehicular and pedestrian entrance within the Persimmon Homes site and the roundabout**

crossings on Kirk Lea Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the School Zone shall be implemented in accordance with the approved details.

14. Prior to the approved school first being brought into use details of measures to prevent errant parking in the vehicle turning head of Sheepwash Way shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures shall be implemented in accordance with the approved details and retained in perpetuity.

The Borough Council Enforcement Team are already seeking resolution to the footways along Kirk Lea Road and internally within the Persimmon Estate.

The application includes a plan showing the proposed reinstatement of landscaping once the temporary school is no longer required. Condition 4 attached to the recommendation seeks to address the issue of tree loss and tree protection, however this could be revised as follows.

4. ~~The development hereby permitted shall not be occupied or first brought into use~~ commence until a Landscaping Scheme (LS), has been submitted to and approved in writing by the Local Planning Authority. The LS must provide details of all hard and soft landscaping features to be used and include the following:

- An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed, along with details for the restoration of any trees lost as a result of the proposal.
- Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow.
- A schedule of the new trees and shrubs (using their botanical/Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees).
- Plans showing the proposed finished land levels/contours of landscaped areas.
- Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features.
- Details of the protection measures to be used of any existing landscape features to be retained.

The approved LS must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted, or it being first brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

The landscape protection measures 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.

As the determining authority, Nottinghamshire County Council would need to take on board the technical advice from the Lead Local Flood Authority with regards to potential impacts on the drainage ditch –this is already covered in the suggested Informative Note. However, the requirement to consult with the Public Right of Way (PROW) Team is not covered in the suggested wording. It is therefore suggested that the following addition be made:

- **The technical input of the Highway Authority, the Lead Local Flood Authority, *Public Rights of Way Team* and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.**

The Ward Members point about the formation of the playing fields for the permanent school is a good one and Condition 1, attached to the recommendation can be revised to read as follows:

1. **All structures, including their foundations and hard surfacing associated with the temporary school buildings hereby permitted must be removed from the land on or before 31 December 2023. However, the vehicular access along with any items/chattels including (but not limited to) the access gates, the vehicular access lighting shall not be removed until the playing fields associated with the permanent school, granted outline permission under application ref 8/21/01029/CTY, have been completed. Thereafter all the land associated with this permission shall be restored to its former condition within 3 months of the permanent school opening.**

Officers agree with regards to the issue of electric vehicle charging points, and

this is already covered by suggested condition 9.

2. **NATURE OF REPRESENTATION:** Correction of condition 6

**RECEIVED FROM:** Case Officer

**SUMMARY OF MAIN POINTS:**

Suggested condition 6 refers to the now superseded version of the NPPF

**PLANNING OFFICERS COMMENTS:**

The suggested wording should be amended as follows:

6. a) **Notwithstanding the Preliminary Risk Assessment from VIA East Midlands (Job No: CN2050801 dated November 2020) submitted with the application, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of an exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority. The SI must be prepared by a suitably qualified ‘competent person’ (as defined in the National Planning Policy Framework ~~February 2019~~ 2021) and must be in accordance with the Environment Agency’s ‘Land Contamination Risk Management’ (LCRM).**

b) **Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority.**

**The submitted RS must include:**

- **full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;**
- **the proposed remediation objectives and criteria; and,**
- **a verification plan.**

**The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.**

c) **The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where**

appropriate the results of any validation testing and copies of any necessary waste management documentation.

3. **NATURE OF REPRESENTATION:** Clarification of consultee responses

**RECEIVED FROM:** Case Officer

**SUMMARY OF MAIN POINTS:**

Paragraph 49 of the report states that the Environmental Health Officer had not responded. They did however respond just before the report was finalised and their comments can be found at paragraphs 21, 47 and 48 and within the suggested conditions.

**PLANNING OFFICERS COMMENTS:**

No amendments required to the report or recommendation.

4. **NATURE OF REPRESENTATION:** Consultee responses

**RECEIVED FROM:** Environmental Sustainability Officer

**SUMMARY OF MAIN POINTS:**

The response stated: *“I note a Preliminary Ecological Assessment report has been supplied, however this document has been in part redacted. I am unable to fully assess any constraints at this site without the full document. At this time is not possible to determine if the favourable condition of populations of protected species will be maintained.”*

**PLANNING OFFICERS COMMENTS:**

A copy of the unredacted report was requested along with clarification as to whether the County Council’s own Ecology Specialists had been consulted on the proposal.

No response has been received at the time of drafting this update.

However, officers are mindful that the areas proposed to be developed by the temporary school do not differ to those approved for development by the permanent school, and that those areas are covered by the ecology report that was accepted in June 2021, and therefore suggested condition 3 would still cover this matter of ecology/any protected species/habitats on the proposed site.

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