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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 8 June 2022

To all Members of the Planning Committee

Dear Councillor

Planning Committee – Thursday, 9 June 2022

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

Yours sincerely



Gemma Dennis  
Monitoring Officer

## **AGENDA**

### 4. Planning Applications (Pages 1 - 12)

The report of the Director for Development and Economic Growth.

#### Membership

Chairman: Councillor R Butler  
Vice-Chairman: Councillor Mrs M Stockwood  
Councillors: B Bansal, S Bailey, N Clarke, L Healy, D Mason, F Purdue-Horan,  
V Price, C Thomas and J Walker

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**20/03248/OUT**

**Applicant** Barratt Homes North Midlands Charlotte Henson

**Location** Land Rear of Mill Hill Lane/The Old Park, Cotgrave, Nottinghamshire

**Proposal** Application for Outline Planning Permission for the construction of up to 210 dwellings (all matters reserved except for access).

**Ward** Cotgrave

## LATE REPRESENTATIONS FOR COMMITTEE

1. **NATURE OF REPRESENTATION:** Additional Condition  
**RECEIVED FROM:** Case Officer

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

As the Rushcliffe Borough Council is an owner of part of the Application Land, we cannot enter into a S106 agreement with ourselves as Local Planning Authority. Whilst the Applicant can bind their interest in the part of the Application Land they own, the other interests cannot be bound at this time. It is therefore proposed that a s.106 is entered into at the present time with the Applicant only, but the commencement of development will be restricted until such time as all legal interests in the entirety of the Application Land are bound by way of a further s.106 Agreement. This will be included within the s.106 Agreement and also restricted by way of the below suggested condition.

### **PLANNING OFFICERS COMMENTS:**

Recommend the following condition

26. No development shall commence anywhere on the land subject to this Planning Permission unless and until all legal and equitable interests in this land are bound by the provisions of the s106 Agreement entered into by all relevant owners relating and pursuant to this Planning Permission or by a deed made pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) securing the same planning obligations as set out in the aforementioned s106 agreement.

[The requirements of this condition need to be satisfied prior to work

commencing on site to ensure that the impacts of the development are sufficiently mitigated in accordance with Policy 19 of the Rushcliffe Local Plan Part1: Core Strategy].

2. **NATURE OF REPRESENTATION:** Alteration to Recommendation wording

**RECEIVED FROM:** Legal Service

**SUMMARY OF MAIN POINTS:**

Due to the inter-relationship between the two strategic allocations and all four planning applications across these two sites there may be a need to finesse some of the conditions post resolution. Therefore, in order to allow this process to occur, without the need to return to planning committee to agree any changes to the wording that do not go to the heart of the permission, the below wording is suggested.

**PLANNING OFFICERS COMMENTS:**

Recommend the following revision:

It is RECOMMENDED that the Director – Development and Economic Growth be authorised to grant planning permission subject to:

- 1) The prior signing of a s.106 Agreement
- 2) The following conditions (save that in the event that after the date of the Committee's decision but prior to the planning permission being issued any changes are needed to the wording of the conditions (to vary the wording of the conditions or their informatives only), the Director – Development and Economic Growth be delegated authority to make these changes in consultation with the Chair of the Planning Committee, provided that these changes do not exceed or alter the substantive nature of the conditions as set out in the Officer's Report to the Committee)

3. **NATURE OF REPRESENTATION:** Suggested alteration to the wording of condition 19 (Archaeological condition)

**RECEIVED FROM:** NCC Archaeology

**SUMMARY OF MAIN POINTS:**

The Archaeological Team at the County Council requested that the wording include the requirement that the protective fencing remain in situ in perpetuity and that no works shall take place within that area. They advise that the issue is 20/025not during the development, it is keeping the preservation in situ area preserved thereafter. The Archaeologist advises that based on the wording of condition 19 the WSI is complete the condition would be discharged which

means the fenced off area is potentially free for other purposes, which just in terms of pd could mean lots could happen.

**PLANNING OFFICERS COMMENTS:**

Officers advise that no changes are suggested to the wording of condition 19. Whilst the Archaeologist's concerns are noted, if any further applications to develop the area in question are submitted, they will be assessed on their own merits. Furthermore, if any development on the site is permitted development, then the planning authority would have no control over those works (and they tend to be of a small scale to be permitted, i.e., allowed without first requiring planning permission). The archaeologist admits that they originally requested that their preference was for any buried archaeology to remain in situ and have only suggested this change, for the area to be excavated and surveyed at the 11<sup>th</sup> hour. Officers are of the opinion that the wording of condition 19 is proportionate to the scale of development currently proposed.

4. **NATURE OF REPRESENTATION:** Suggested alteration to the wording of condition 11 (LEMP)

**RECEIVED FROM:** Officers

**SUMMARY OF MAIN POINTS:**

The condition as proposed requires the retention and maintenance of the biodiversity improvements for the lifetime of the development. The best practice guidance advises that the time period for the improvement to bed in and become established through appropriate management is 30 years. Although the applicant has not challenged the wording in line with the recommendation on the other applications Members are considering the below alteration is suggested.

**PLANNING OFFICERS COMMENTS:**

Suggest the following alteration:

No development in any phase shall take place until a Biodiversity Net Gain Assessment supported by a Landscape and Ecological Management Plan (LEMP) including strengthening of the hedgerow to the east of the site to support woodland connectivity and provision of enhancements for Bat foraging in that phase have been submitted to and approved by the Local Planning Authority and shall include all of the biodiversity enhancements and protection measures set out within the report(s). Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site **for 30 years from planting.**

[Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity

Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is pre-commencement to ensure that any protected species are afforded the appropriate protection prior to development that may otherwise harm them or their habitats from occurring.]

**20/02508/OUT**

**Applicant** Charlotte Henson

**Location** Land South and East of Hollygate Lane, Cotgrave

**Proposal** Application for Outline Planning Permission for up to 100 dwellings with all Matters Reserved other than access/means of access.

**Ward** Cotgrave

## LATE REPRESENTATIONS FOR COMMITTEE

5. **NATURE OF REPRESENTATION:** Alteration to Recommendation wording

**RECEIVED FROM:** Legal Service

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

Due to the inter-relationship between the two strategic allocations and all four planning applications across these two sites there may be a need to finesse some of the conditions post resolution. Therefore, in order to allow this process to occur, without the need to return to planning committee to agree any changes to the wording that do not go to the heart of the permission, the below wording is suggested.

### **PLANNING OFFICERS COMMENTS:**

Recommend the following revision:

It is RECOMMENDED that the Director – Development and Economic Growth be authorised to grant planning permission subject to:

- 3) The prior signing of a s.106 Agreement
- 4) The following conditions (save that in the event that after the date of the Committee's decision but prior to the planning permission being issued any changes are needed to the wording of the conditions (to vary the wording of the conditions or their informatives only), the Director – Development and Economic Growth be delegated authority to make these changes in consultation with the Chair of the Planning Committee, provided that these changes do not exceed or alter the substantive nature of the conditions as set out in the Officer's Report to the Committee).

**21/01203/OUT**

**Applicant** Ellie Gale

**Location** Land South of Hollygate Lane And North of Colston Gate, Cotgrave, Nottinghamshire

**Proposal** Outline planning application for up to 90 dwellings with all matters reserved except for means of access.

**Ward** Cotgrave

## LATE REPRESENTATIONS FOR COMMITTEE

6. **NATURE OF REPRESENTATION:** Alteration to Recommendation wording

**RECEIVED FROM:** Legal Service

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

Due to the inter-relationship between the two strategic allocations and all four planning applications across these two sites there may be a need to finesse some of the conditions post resolution. Therefore, in order to allow this process to occur, without the need to return to planning committee to agree any changes to the wording that do not go to the heart of the permission, the below wording is suggested.

### **PLANNING OFFICERS COMMENTS:**

Recommend the following revision:

It is RECOMMENDED that the Director – Development and Economic Growth be authorised to grant planning permission subject to:

- 5) The prior signing of a s.106 Agreement
- 6) The following conditions (save that in the event that after the date of the Committee's decision but prior to the planning permission being issued any changes are needed to the wording of the conditions (to vary the wording of the conditions or their informatives only), the Director – Development and Economic Growth be delegated authority to make these changes in consultation with the Chair of the Planning Committee, provided that these changes do not exceed or alter the substantive nature of the conditions as set out in the Officer's Report to the Committee).



7. **NATURE OF REPRESENTATION:** Comment on conditions

**RECEIVED FROM:** Planning Agent

**SUMMARY OF MAIN POINTS:**

The land covered by Policy 2.1 (Land north of Hollygate Lane) requires the one junction on Hollygate Lane and land covered by Policy 2.2 (the allocated site to the south of Hollygate Lane) requires the one junction and the connecting road. Accordingly, 2.1 land contributes to the roundabout only and 2.2 land contributes to the roundabout and the connecting road (putting to one side other infrastructure). It should be possible for this to be covered by s.106 planning obligations.

**PLANNING OFFICERS COMMENTS:**

No changes are proposed. Officers advise that it is easier and quicker to enforce any potential breaches of planning condition and that the requirements to undertake the relevant upgrades/changes to junctions are covered on all the relevant planning applications. Furthermore, officers advise that matters that can be covered by condition should not be included in the S106 agreement(s).

8. **NATURE OF REPRESENTATION:** Comment on conditions

**RECEIVED FROM:** Planning Agent

**SUMMARY OF MAIN POINTS:**

- Condition 1 – is there an option for us i.e., Taylor Wimpey, to provide an indication on a construction programme? We ask because of the concern over uncertainty on any conditional requirement for delivery of the link road whilst construction works are taking place.
- Condition 2 – the last sentence refers to development shall take place. Should this be development should have commenced? I mention it because my client is concerned that this could be interpreted as having completed (partially/substantially) the development, which wouldn't be right of course.
- Condition 8 – the concern here is that details are to be installed/implemented prior to the first occupation and so presumably you are content that this includes the words 'of the relevant dwelling' or such like wording?
- Condition 18 – the same concern applies here i.e., inclusion of 'of the relevant dwelling' or such like wording.
- Condition 23 – this is possibly the biggest concern in that it would not be possible from my client's point of view to have the link road between Hollygate Lane, and Colston Gate provided prior to first occupation. I know we have separately touched upon reference to phasing and so I have in mind this is one for RBC/NCC to respond back on?

- Condition 24 – similar consideration to condition 23 in that I think it is for RBC/NCC to respond back on timing.
- Condition 27 - I just think this needs to state that no dwelling should be occupied until the access driveways and parking areas for the relevant dwelling has been constructed etc. This is a similar point to conditions 8 and 18.
- Conditions 24 to 27 – would you agree that these planning conditions are applicable to all of the south of Hollygate Lane 3 no. planning applications?

**PLANNING OFFICERS COMMENTS:**

Condition 1 would allow the applicant to submit the additional information if they wish to.

The suggested alterations to conditions 2, 8, 18, and 27 would be permitted (if deemed necessary) via the suggested alterations to the recommendation (point 1 of the update) – if accepted by Members.

Condition 23 could potentially be amended to include a trigger point for the works to be undertaken, and whilst the Highway Authority and officers are open to this. However, to date no details have been submitted within the Traffic Assessments/Reports to demonstrate/evidence when an alternative trigger might be. Officers therefore of the opinion that in the absence of any information to demonstrate an alternative trigger point the wording of conditions 23 should remain. However, officers did seek clarification from the highway authority to the extent of works required. The Highway authority advised that *“when it comes to the time that vehicles will be able to access out onto Colston Gate, the junction needs to be in place to serve the traffic. If the through route is to be put in place later in the process of constructing the dwellings, then that is not a problem. The masterplan shows a couple of shared private drives that also access out onto Colston Gate, so a slight rewording to include these may be appropriate. In view of this, the wording of the condition could be changed...”* Officers therefore suggest the following wording be used:

23. *‘No dwellings shall be served from Colston Gate until their junction/vehicle access has been provided as shown on the drawing entitled ‘Illustrative Masterplan’, drawing no. 122 rev. C’ to the satisfaction of the Local Planning Authority.’*

Finally, as Members will note the wording for conditions 24-27 is replicated on the other recommendations for development on the area covered by Policy 2.2 (the allocated site to the south of Hollygate Lane)

**21/00231/OUT**

**Applicant** Mr Oscar Briggs

**Location** Land South and East of, Hollygate Lane, Cotgrave

**Proposal** Outline planning application for up to 45 dwellings with all matters reserved other than access / means of access.

**Ward** Cotgrave

## LATE REPRESENTATIONS FOR COMMITTEE

9. **NATURE OF REPRESENTATION:** Alteration to Recommendation wording

**RECEIVED FROM:** Legal Service

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

Due to the inter-relationship between the two strategic allocations and all four planning applications across these two sites there may be a need to finesse some of the conditions post resolution. Therefore, in order to allow this process to occur, without the need to return to planning committee to agree any changes to the wording that do not go to the heart of the permission, the below wording is suggested.

### **PLANNING OFFICERS COMMENTS:**

Recommend the following revision:

It is RECOMMENDED that the Director – Development and Economic Growth be authorised to grant planning permission subject to:

- 7) The prior signing of a s.106 Agreement
- 8) The following conditions (save that in the event that after the date of the Committee's decision but prior to the planning permission being issued any changes are needed to the wording of the conditions (to vary the wording of the conditions or their informatives only), the Director – Development and Economic Growth be delegated authority to make these changes in consultation with the Chair of the Planning Committee, provided that these changes do not exceed or alter the substantive nature of the conditions as set out in the Officer's Report to the Committee).

10. **NATURE OF REPRESENTATION:** Comment on conditions

**RECEIVED FROM:** Planning Agent

**SUMMARY OF MAIN POINTS:**

- Condition 1 - We see no real need for a phasing plan on our site - a site of 45 Condition 1 - houses does not really need a phasing plan
- In general, we see no need for any reference to 'phasing' on our site/land parcel
- Condition 13 – “lifetime of the development” – it has been fixed for a period of time – 25 or 30 years perhaps?
- Indeed, in relation to the above consistency amongst all the sites / decisions is necessary in our view
- Condition 18 – again “lifetime” – its overly onerous – not everyone will drive an electric car – other forms of cars – hydrogen, etc
- Condition 20 – it’s not related to our red line application site
- Condition 21 – we have a detailed drawing of the access – as referenced in Condition – it’s part of the application with detailed approval sought
- Condition 22 – we say off site financial contribution
- Condition 24 – Must be relevant to our site and can’t prevent house sales and occupation on part of the site compared to the wider allocation
- Condition 25 – Similar to above

**PLANNING OFFICERS COMMENTS:**

Condition 1 (phasing) – officers note that the applicants are not a house builder, and therefore the phasing condition would allow the flexibility that a subsequent applicant may require, as per the neighbouring applications. Furthermore, the phasing condition would allow a greater understanding of how the development, not just the housing, would be delivered. Officers suggest that condition 1 should remain.

Condition 13 (LEMP) – This should be revised, as per the neighbouring developments to read as follows:

13. No development in any phase shall take place until a Biodiversity Net Gain Assessment supported by a Landscape and Ecological Management Plan (LEMP) including strengthening of the hedgerow to the east of the site to support woodland connectivity and provision of enhancements for Bat foraging in that phase have been submitted to and approved by the Local Planning Authority and shall include all of the biodiversity enhancements and protection measures set out within the report(s). Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site **for 30 years from planting.**

[Reason: To ensure the development contributes to the enhancement of

biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021). This is pre-commencement to ensure that any protected species are afforded the appropriate protection prior to development that may otherwise harm them or their habitats from occurring.]

Condition 18 (EV charging) – whilst officers recognise that technology and other forms of green/clean energy will evolve, for now it is considered necessary that the technology sought to be provided cannot be simply removed post installation. Therefore, officers advise that the wording should not be altered.

Condition 20 (Roundabout on Hollygate Lane) – whilst officers recognise that the roundabout is not within the redline of the application, it is within the redline(s) of the allocation, and the access is required to make the allocation acceptable in planning terms. The wording of Policy 2.2 required the allocation to come forward as a single planning application, however as three separate applications have been submitted, it is still considered that the roundabout is required. Therefore, officers advise that the wording should not be altered.

Condition 21 (access onto Hollygate Lane – for new spine road) officers are seeking clarification from the Highway Authority and will verbally update Members.

Condition 22 (off site highway improvements) - mechanisms for which developer pays what proportion of the contributions required will be covered in the S106 agreement(s), however the Highway Authority request that the works should be in place prior to any occupation to make the development acceptable. Therefore, officers advise that the wording should not be altered.

Condition 24 (surfacing of driveways and parking areas) - officers suggest the wording should be revised as follows:

24. No dwelling shall be occupied until the drives and parking areas **servicing those properties** have been surfaced in a bound 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) 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).]

Condition 25 (driveways to prevent discharge of water onto highway) – the clarification sought, similarly to the above amendment, would be captured by the suggested alterations to the recommendation, if Members were to accept this.

Officers suggest that the wording could be altered (for all the applications it affects) as follows:

25. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas **servicing those properties** 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 prevent surface water discharging onto the public highway 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).]

The suggested alterations to conditions 2, 8, 18, and 27 would be permitted (if deemed necessary) via the suggested alterations to the recommendation (point 1 of the update) – if accepted by Members.

Condition 23 could potentially be amended to include a trigger point for the works to be undertaken, and whilst the Highway Authority and officers are open to this. However, to date no details have been submitted within the Traffic Assessments/Reports to demonstrate/evidence when an alternative trigger might be. Officers therefore of the opinion that in the absence of any information to demonstrate an alternative trigger point the wording of conditions 23 should remain.

Finally, as Members will note the wording for conditions 24-27 is replicated on the other recommendations for development on the area covered by Policy 2.2 (the allocated site to the south of Hollygate Lane)

11.