



**MINUTES  
OF THE MEETING OF THE  
PLANNING COMMITTEE  
THURSDAY, 14 APRIL 2022**

Held at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford

**PRESENT:**

Councillors R Upton (Chairman), Mrs M Stockwood (Vice-Chairman), S Bailey, P Gowland, B Gray, D Mason, F Purdue-Horan, C Thomas, V Price, R Butler and A Phillips

**OFFICERS IN ATTENDANCE:**

A Ashcroft	Planning Services Consultant
L Ashmore	Director of Development and Economic Growth
M Hilton	Area Planning Officer
M Klabou	Area Planning Officer
S Sull	Service Manager - Legal Services
T Coop	Democratic Services Officer

**APOLOGIES:**

Councillors N Clarke and L Healy

**31 Declarations of Interest**

Councillor B Gray declared a non-pecuniary interest in item 22/00011/FUL and would remove himself from the discussion and vote for this item.

**32 Minutes of the Meeting held on 10 March 2022**

The minutes of the meeting held on 10 March 2022 were approved as a true record and were signed by the Chairman.

**33 Planning Applications**

The Committee considered the written report of the Director – Development and Economic Growth relating to the following applications, which had been circulated previously.

As Ward Councillor for East Leake, Councillor C Thomas removed herself from the meeting and did not take part in the following discussions or votes on the first two items.

**21/0287/FUL and 21/02993/RELDDEM – (i) Demolition of existing shed. Construction of new detached garage, new access to include new driveway, alterations to front boundary wall including partial demolition and new dropped kerb – (ii) Partial demolition of front boundary wall – 1A Station Road, East Leake, Nottinghamshire.**

## **Updates**

An additional representation was received after the agenda had been published and was circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr W Brown (Applicants Agent), Mr C Robinson (Objector), Councillor L Taylor (Parish Councillor) and Councillor L Way (Ward Councillor) addressed the Committee.

## **DECISION**

**(i) 21/02987/FUL - PLANNING PERMISSION BE GRANTED 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 must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

- Application Form received 18 November 2021
- Flood Risk Assessment received 22 November 2021
- Proposed Garage Plans A-004B received 4 January 2022
- Design and Access Statement received 4 January 2022
- Planning Statement received 6 January 2022
- Proposed Site Plan A-003G received 6 January 2022
- Garden Wall Plans and elevations A- 005A Received 6 January 2022

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

3. The development hereby permitted must be undertaken in accordance with the brick and tiles indicated on the application form and approved plans. The coloured finish of the timber shall be submitted to and approved in writing by the Local Planning Authority prior to the development proceeding beyond the damp proof course level. In respect of the boundary wall to Brookside traditional matching materials should be used where it is not possible to use the originals. The development must only be constructed in accordance with the approved materials and colour finish.

[To ensure the appearance of the development is satisfactory having regard to policies 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (2021)]

4. The development hereby permitted must not proceed above the damp proof course level until details of the existing hardsurfaced areas to be removed and the permeable materials to be used in the construction of the new driveway and parking area have been submitted to and approved in writing by the Local Planning Authority. The hard surface areas must be removed and new areas of driveway and parking constructed in accordance with the approved details prior to the use of the garage hereby approved being commenced. Notwithstanding the provisions of the Schedule 2 Part 1 Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no hard surfaces (other than those expressly authorised by this permission) shall be constructed within the curtilage of the dwelling hereby permitted without express planning permission from the Local Planning Authority.

[To ensure the appearance of the development is satisfactory and to enable the Local Planning Authority to retain control over the construction of additional hard surfaces that may adversely affect surface water runoff from the site having regard to Policies 2(10) (Climate Change), 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies 1 (Development Requirements), 17 (Managing Flood Risk), 18 (Surface Water Management) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (2021)]

5. No development shall take place until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The scheme shall include root barriers (if required), hedgerow and replacement trees species, size and numbers. The approved scheme shall be planted in position(s) previously agreed in writing by the Borough Council in the first planting season after the felling of the tree(s) to be removed. Any tree(s) within a period of 5 years from the completion of the planting which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Borough Council gives written consent to any variation.

[To ensure the appearance of the development is satisfactory having regard to policies 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and

Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (February 2021)]. This is a pre commencement condition required to ensure that existing features to be retained are identified and protected, to ensure adequate mitigation is in place before any intrusive site works take place]

6. No development shall be commenced until a scheme for the provision and implementation of surface water run-off limitation measures has been submitted to and approved in writing by the Borough Council. The scheme shall be implemented in accordance with the approved programme and details.

[To ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 163 and 165 of the National Planning Policy Framework (2021) This is a pre commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

7. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological control and supervision to be carried out during demolition, 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 and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021). This is a pre-commencement condition required to ensure that if archaeological interest is identified it is recorded]

8. The proposed access shall be constructed to Nottinghamshire Highway Authority specification.

[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)].

9. The development shall not be brought into use until the existing access has been closed permanently to vehicles and the land within the highway reinstated, in accordance with details previously submitted to and approved in writing by the Borough Council prior to the use of the access and garage hereby approved being brought into use. The approved closure details shall be retained for the life of the development.

[To reduce the number access points into the site in the interest of highway safety, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

10. Notwithstanding the provisions of section 55(2)(a)(i) and 55(2)(d) of the Town and Country Planning Act 1990 or Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 the garage hereby permitted must be kept available at all times for the parking of motor vehicles of the occupants of the dwelling (1a Station Road) and their visitors and must not be used for any other purpose whatsoever.

[To ensure that sufficient parking provision is retained at the site having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

11. There shall be no enlargement or any other alteration to the appearance, [including alterations to the roof of the garage] hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 28 (Historic Environment: Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021)].

### **Note to applicant**

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse –sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.

4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

For these works to be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at [Licences@viaem.co.uk](mailto:Licences@viaem.co.uk) to arrange for these works to be carried out.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

**(ii) 21/02993/RELDEM – PLANNING PERMISSION BE GRANTED 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 must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:
  - Application Form received 18 November 2021
  - Flood Risk Assessment received 22 November 2021
  - Proposed Garage Plans A-004B received 4 January 2022
  - Design and Access Statement received 4 January 2022
  - Planning Statement received 6 January 2022
  - Proposed Site Plan A-003G received 6 January 2022
  - Garden Wall Plans and elevations A- 005A Received 6 January

2022

For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

**21/03223/FUL – The erection of 47 dwellings with associated access, parking and landscaping – Land North of Rempstone Road, East Leake, Nottinghamshire.**

### **Updates**

An additional representation was received after the agenda had been published and was circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr H White (Applicant) and Councillor C Thomas (Ward Councillor) addressed the Committee.

### **DECISION**

**THE DIRECTOR – DEVELOPMENT AND ECONOMIC BE AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING 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. 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.D-DRAWING REGISTER dated 10.03.2022 and the following documents submitted under application ref 20/00888/FUL:

- a) The Construction Environmental Management Plan: Biodiversity (CEMP) prepared by RammSanderson (report ref RSE\_3254\_01\_V3\_CEMP) dated February 2020;
- b) The Biodiversity Offsetting Strategy prepared by RammSanderson (report ref RSE\_3433\_03\_V1) dated September 2020; and
- c) The updated Preliminary Ecological Appraisal contained within the letter from RammSanderson (ref RSE\_3254\_L1\_V1) titled "Rempstone Road, East Leake - Ecology Update Survey" dated 21 October 2019.

[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].

3. The materials, as specified on drawing number H8112/002/02 Rev F, shall be used for the external walls and roof of the development hereby approved. If any alternative materials are proposed to be used, prior to the plots affected by any proposed change of materials advancing beyond foundation level, details of any alternative facing and roofing materials to be used on their external elevations shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be undertaken in accordance with the materials as approved.

[To ensure the appearance of the development is satisfactory 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].

4. No dwelling shall be occupied until the vehicle access, parking, maneuvering and turning areas for that dwelling have been constructed in accordance with the approved drawings and are available for use. Thereafter they shall remain as such for the lifetime of the development.

[To ensure a suitable access is provided in the interests of highway safety 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.]

5. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[In the interests of highway safety 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.]

6. No reflective materials, surfaces or finishes shall be used in the construction of any of the buildings or structures hereby approved.

[Reason: Flight safety; to prevent ocular hazard and distraction to pilots using East Midlands Airport].

7. Notwithstanding the provisions of Schedule 2, Part 14, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (or any order revoking or re-enacting that order with or without modification) no solar panels or solar photovoltaics may be installed on any of the dwellings hereby permitted without first obtaining planning permission to do so.



[Reason: To be able to first assess any impact on Flight safety, specifically to ensure that they would not cause any ocular hazard and distraction to pilots using East Midlands Airport].

8. The development hereby approved shall be carried out in accordance with the guidance and recommendations contained within the following documents submitted as part of application ref 20/00888/FUL:
  - a) The Construction Environmental Management Plan: Biodiversity (CEMP) prepared by RammSanderson (report ref RSE\_3254\_01\_V3\_CEMP) dated February 2020, specifically but not exclusively Section 4 "Practical Measures" and the relevant Figures in Section 5 "References" of the report;
  - b) The Biodiversity Offsetting Strategy prepared by RammSanderson (report ref RSE\_3433\_03\_V1) dated September 2020, specifically but not exclusively those contained within Section 5 "Management Plan" of the report; and
  - c) The updated Preliminary Ecological Appraisal contained within the letter from RammSanderson (ref RSE\_3254\_L1\_V1) titled "Rempstone Road, East Leake - Ecology Update Survey" dated 21 October 2019.

[For the avoidance of doubt, for reasons for flight safety as dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers and to ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Prior to the first occupation of any dwelling hereby approved bat and bird boxes shall be placed on or built into the new dwellings and hedgehog boxes shall be located within retained hedgerows or ornamental planting in accordance with details first submitted to and approved in writing by the Local Planning Authority. Thereafter the bat, bird and hedgehog boxes shall be installed in accordance with the approved details and retained as such for the lifetime of the development.

[To ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and the guidance contained within para xi of the updated PEA].

10. Any brash vegetation removed from site shall be chipped, and any small logs retained, and placed onsite within the site margins.

[To provide reptile and amphibian refuge habitats and ensure the proposed ecological mitigation is undertaken in accordance with Policy

17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Prior to the installation of any lighting on site a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. The strategy should provide details of the chosen luminaires and any mitigating features such as dimmers; PIR sensors and timers. The strategy should also include a lux contour plan to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Furthermore, all lighting shall be capped at the horizontal. Thereafter all lighting shall be installed and retained in accordance with the approved details for the lifetime of the development.

[To safeguard bats and any other nocturnal wildlife in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and for Flight safety; to prevent ocular hazard and distraction to pilots using East Midlands Airport].

12. No hedgerows, trees, shrubs, brambles or long grass (over 100mm) shall be removed from the site between 1st March and 31st August (inclusive), unless a survey has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site during this period. If any nesting bird interest is found on the site, details of measures to protect any nesting bird found on the site, including the timescales for implementing and retaining said measures, shall be submitted to and be approved in writing by the local planning authority. Thereafter the approved measures shall be implemented and retained for the time periods set out in the approved details.

[To safeguard against any harm to nesting birds and their nesting sites in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

13. 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 a suitable access is provided in the interests of highway safety 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.]

### **Informative Notes:**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://publicapps.caa.co.uk/docs/33/CAP1096%20E2.1%20September%2020%20FINAL.pdf>

A pre-start meeting to be arranged with EMA Safeguarding prior to construction starts. Email [ops.safety@eastmidlandsairport.com](mailto:ops.safety@eastmidlandsairport.com) with reference number 2019-S29 to arrange a meeting, due to the construction activity being under the approach to East Midlands Airport.

If the use of a crusher is required on site, this should be sited as far as possible from nearby dwellings and be operated in accordance with its process authorisation.

Details of the sensitive lighting on site, as required by condition 11 should follow the guidance set out in Bats and Lighting in the UK (BCT and ILP, 2018). Therefore, associated site lighting proposals must consider the following:

- Avoid lighting where possible;
- Install lamps and the lowest permissible density;
- Lamps should be positioned to direct light to avoid upward spill onto any green corridors that could be used by commuting bats or features with bat roost potential;
- LED lighting - with no/low UV component is recommended;
- Lights with a warm colour temperature - 3000K or 2700K have significantly less impact on bats;
- Light sources that peak higher than 550nm also reduce impacts to bats;

- and
- The use of timers and dimmers to avoid lighting areas of the site all night is recommended.

Where new landscape planting is proposed native species commonly occurring locally should be specified and planting of species known to encourage invertebrates, particularly those that are night-flowering would be beneficial for foraging bats (further information can be found in para ix of the updated PEA.

The Borough Council is charging developers for the first-time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Councillor C Thomas re-joined the meeting.

Councillor B Gray declared a non-pecuniary interest in the following item, and removed himself from the meeting and did not take part in the discussion or vote.

**22/00011/FUL – Proposed residential use of existing agricultural building to create 1no. dwelling, includes creation of residential curtilage and parking – Agricultural Barn on Land North of Back Lane, Willoughby on the Wolds, Nottinghamshire.**

## **Updates**

There were no updates.

In accordance the Council's Public Speaking Protocol for Planning Committee, Mr G Mann and Mr N Baseley (Applicants Agent) and Councillor A Edyvean (Ward Councillor) addressed the Committee.

## **DECISION**

### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 17.039 S03.01 (Proposed Floor Plan and Elevations) received on 5 January 2022; and 17.039 S01.02 Rev B (Location and Proposed Layout Plan), received on 23 March 2022.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. Prior to development progressing beyond the removal of the existing cladding, a Preliminary Risk Assessment (PRA) shall be submitted to and approved in writing by the Borough Council. Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any 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 Borough Council.

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.

[To make sure that the site, when developed is free from contamination,

in the interests of public health and safety and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 - Land and Planning Policies].

4. Where a RS is required by condition 3, 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.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 - Land and Planning Policies].

5. Prior to the cladding of the external elevations of the building, details the facing materials to be used on all external elevations shall be submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Prior to occupation of the dwelling a detailed hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Borough Council. The hard landscaping shall be carried out in accordance with the approved details and the approved soft landscaping scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and to comply with policies 1 (Development Requirements), 22 (Development Within the Countryside) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: land and Planning Policies]

7. Prior to the occupation of the dwelling, details of ecological enhancement measures shall be submitted to and approved in writing by the Borough Council for the provision of bird/ bat boxes to be incorporated into the building and/or on retained trees. The approved ecological enhancement measures shall be installed prior to the occupation of the dwelling and thereafter retained to the approved specification for the lifetime of the development

[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].

8. Prior to any occupation of the dwelling, details of boundary treatments or means of enclosure shall be submitted to and approved in writing by the Borough Council. The approved boundary treatments shall provide for the complete delineation of the site boundaries as per the approved site plan and shall be implemented in full in accordance with the approved details prior to the occupation of the building. Thereafter the boundary treatment shall be retained to the approved specification.

[To ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Prior to the occupation of the dwelling, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the dwelling. Thereafter, the dwelling shall not be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

[To comply with and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. The dwelling hereby permitted shall not be occupied until the existing access has been upgraded in accordance with details to be first submitted to and approved in writing by the Borough Council. The upgraded access shall be widened in accordance with Highway Authority specifications, surfaced in a hard- bound material for a minimum distance of 5m to the rear of the highway boundary, constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway, and fronted with an appropriate dropped- kerb access.

[In the interest of highway safety and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Prior to the occupation of the development the parking and turning provision shall be provided in accordance with the approved site plan. These provisions shall thereafter be retained for the lifetime of the development.

[In the interests of amenity and highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: land and Planning Policies]

12. The development hereby permitted shall be brought into use until an appropriate visibility splay has been provided, details of which shall be first submitted to and approved in writing by the Borough Council. Thereafter the area within the agreed splays shall be kept free of all obstructions, structures or erections exceeding 0.6 metres in height above carriageway level

[In the interest of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details to be submitted to and approved in writing by the Borough Council.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy].

14. Prior to installation of any external lighting, a bat-sensitive lighting scheme should be submitted to and approved in writing by the local planning authority. The lighting scheme should be in accordance with Conservation Trust (2018) "Bats and artificial lighting in the UK. The lighting scheme shall be implemented in accordance with the approved details and retained to this specification thereafter.

[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].

15. This permission does not authorise any further demolition and/or re-building of the buildings to be converted than that identified in the submitted structural report (Dragon Structural Ltd Engineering Consultants - 19-293). For the avoidance of doubt this includes only the following works:

- External re-cladding of the existing walls;
- Insertion of windows and doors and any internal walls;
- Installation of services;
- Provision of insulation within the building envelope;

[To ensure the works are completed as conversions to comply with Policy 1 (Development Requirements) and Policy 22 (Development Within the Countryside) of the Local Plan Part 2: land and Planning Policies].

16. The dwelling hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.



[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

17. Notwithstanding the provisions of Schedule 2, Part 1 Class A; B; C; D; E and G of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), or erection of any outbuildings without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements), Policy 22 (Development Within the Countryside) of the Local Plan Part 2: land and Planning Policies]

18. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, or other built form seen as a means of enclosure other than those shown on the approved plans shall be erected or planted on the site without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements), Policy 22 (Development Within the Countryside) of the Local Plan Part 2: land and Planning Policies]

Note:-

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

## **NOTES TO APPLICANT**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

The provision of a vehicular footway crossing requires works within the public highway on land outside your control. You are therefore advised to contact the Highways Area Office by telephoning 08449 808080 to arrange for these works.

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

The proposed works require the removal of asbestos cement sheeting. You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council: <https://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/how-to-recycle-or-dispose-of-common-waste-items/asbestos>

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30st 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 such written confirmation should be submitted to the local planning authority.

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- A simple biodiversity net gain assessment (demonstrating gains over losses) should be provided.
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs) including any recommendations by the consultant ecologists, should be agreed and implemented
- Permanent artificial bat boxes / bricks and wild bird nests should be installed within buildings and on retained trees, plus hedgehog corridors and 'bug hotels' suitable for bees and other insects are recommended.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Boundary verges should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See:
- <https://www.rushcliffe.gov.uk/conservation/trees/hedgesandlandscaping/landscaping>

- gandtreeplanting/plantingonnewdevelopments/ for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
- Good practice construction methods should be adopted including:
    - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
    - No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
    - All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
    - Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
    - Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
    - Pollution prevention measures should be adopted
  - It is recommended that consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

Councillor B Gray re-joined the meeting.

**21/03219/FUL – Demolition of existing dormer bungalow, garage and out buildings and erection of replacement dwelling and detached garage. Landscaping and associated external works including boundary treatments and alterations to access – Christmas Cottage, Flawforth Lane, Ruddington, Nottinghamshire.**

### **Updates**

There were no updates.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr S Millett (Applicant) and Councillor G Dickman (Ward Councillor) addressed the Committee.

## **DECISION**

### **PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:**

1. The proposed development would result in a building materially larger than the one which it replaces and has significant impacts on the openness of the Green Belt. This would represent inappropriate development in the Green Belt. The Borough Council has considered the Very Special Circumstances submitted by the applicant and affords them no weight. As such, the proposal is contrary to Local Plan Part 2 Policy 21 – Green Belt and Chapter 13 – Protecting Green Belt land and paragraph 147 of the NPPF 2021.
2. The proposed development would, by nature of its design and appearance, have a significantly negative impact on the character and appearance of the immediate street-scene. It would not, therefore, comply with Local Plan Part 1 Policy 10 – Design and Enhancing Local Identity and Local Plan Part 2 - Development Requirements and NPPF Chapter 12 - Achieving well-designed places

### **21/00198/TORDER – Objection to Tree Preservation Order – 3 Cumbria Grange, Gamston, Nottinghamshire.**

#### **Updates**

There were no updates.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr D Hardcastle addressed the Committee.

#### **DECISION**

The Tree Preservation Order be confirmed without modification.

The meeting closed at 6.08 pm.

CHAIRMAN