

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 14 SEPTEMBER 2023**

Held at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford
and live streamed on [Rushcliffe Borough Council's YouTube channel](#)

PRESENT:

Councillors R Butler (Chair), T Wells (Vice-Chair), S Calvert, J Chaplain,
A Edyvean, E Georgiou, S Mallender and R Walker

OFFICERS IN ATTENDANCE:

E Dodd	Planning Manager - Development Lead Specialist
M Dunne	Team Manager – Area Planning
J Mountain	Area Planning Officer
G Sharman	Team Manager - Area Planning
N March	Environmental Health Officer
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors A Brown, H Parekh and C Thomas

13 Declarations of Interest

Councillor Wells declared a non-pecuniary interest as Ward Councillor in application 22/02311/FUL and would remove himself from the discussion and vote for this item.

Councillor Edyvean declared a non-pecuniary interest as previous Ward Councillor in application 22/02311/FUL and would remove himself from the discussion and vote for this item.

Councillor S Mallender declared a non-pecuniary interest as Ward Councillor in application 23/00910/FUL and would remove herself from the discussion and vote for this item.

14 Minutes of the Meeting held on 10 August 2023

The minutes of the meeting held on 10 August 2023 were approved as a true record and were signed by the Chair.

15 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.

Councillor Wells and Councillor Edyvean removed themselves from the Committee and did not contribute to the discussion or vote on the following application.

22/02311/FUL - Erection of 73 dwellings including landscaping, public open space and associated infrastructure - Land At Hillside Farm, South Of Bunny Lane, Keyworth, Nottinghamshire

Updates

Additional representations were received after the agenda was published and these were circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Rob Galij (Agent for Applicant), Mary Butler, Mrs Colbeck and Norman Davill (collective Objectors) and Councillor J Cottee (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern about the challenging topography of the site and said that it did not lend itself to this type of development. The Committee said that by virtue of the gradient and level changes in the design the layout did not provide appropriate amenities, including some of the gardens not meeting the requirements of the neighbourhood plan. Members referred to the Local Plan and said that contrary to the Plan the applicant had not demonstrated that residents would not be detrimentally affected by noise and dust and odour from the farm, nor that the farm would not be adversely impacted by the development. Members of the Committee also expressed concern about hedgerows being removed and that mitigation proposals did not sufficiently address the negative impact on biodiversity from the development.

Councillor Ellis moved for refusal of the application for the following reason:

- By virtue of the site's proximity to the adjacent farm and sewerage Treatment Works with their associated noise, odour, dust and flies, the sites engineering approach to the land gradient and level changes resulting in some significant retaining structures within private gardens, and the general design and layout resulting in built form to site boundaries without adequate screening, public open space in close proximity to the neighbouring farm and numerous undersized gardens across the site, it is not considered that the development would represent 'good design' in response to the site context, opportunities and constraints, or provide for an appropriate level of amenity for future occupiers.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

By virtue of the site's proximity to the adjacent farm and sewerage Treatment

Works with their associated noise, odour, dust and flies, the sites engineering approach to the land gradient and level changes resulting in some significant retaining structures within private gardens, and the general design and layout resulting in built form to site boundaries without adequate screening, public open space in close proximity to the neighbouring farm and numerous undersized gardens across the site, it is not considered that the development would represent 'good design' in response to the site context, opportunities and constraints, or provide for an appropriate level of amenity for future occupiers.

These future occupiers would be unduly exposed to numerous constraining factors which cumulatively are considered to be a significant constraint to their reasonable residential amenities, failing to deliver a high standard of amenity for future occupiers as advised within Paragraph 130 'f' of the National Planning Policy Framework (2023).

Overall the development would be considered contrary to Policy 10 (Design and Enhancing Local Identity) particularly part 1b with reference to the assessment of parts 2a and 2b of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 1 (Development Requirements) particularly parts 3 and 8 of the Rushcliffe Local Plan Part 2: Land and Planning Policies, Policies H2 (Type and Tenure) and H3 (Design Requirements for New Developments) of the Keyworth Neighbourhood Plan and the guidance contained within the National Planning Policy Framework, specifically Chapter 12 - Achieving Well Designed Places. A decision to refuse permission would accord with paragraph 134 of the National Planning Policy Framework which states that:

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings".

Councillor Edyvean and Councillor Wells re-joined the meeting.

Councillor S Mallender removed herself from the Committee and did not contribute to the discussion or vote on the following application.

23/00910/FUL - Demolition of bungalows and construction of 6 apartments and 2 new dwellings, including erection of bike store and bin store, boundary wall and associated car parking - Numbers 49 To 55 Trent Boulevard West Bridgford Nottinghamshire

Updates

Additional representations were received after the agenda was published and these were circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr S Thompson (Objector) and Councillor R Mallender (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern about the overbearing nature of the development and asked for a condition to be added for the development to have obscure glazing to the ground floor dwellings to both sides.

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: 002 Revision M; 004 Revision N; 003 Revision K; 005 Revision L; 007 Revision M; 008 Revision M; 009 Revision K.

[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. The development shall not commence until a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction works has been submitted to and approved by the Borough Council, and the construction of the development shall be undertaken in accordance with the approved details.

[The condition needs to be discharged before work commences on site as this information was not included in the application and it is important to agree these details in order to minimise the impact on adjacent and nearby residents during demolition and construction of the development, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

4. The development hereby permitted shall be carried out in accordance with The submitted Flood Risk Assessment by Swish Architecture & Planning dated October 2021 and the following mitigation measures it details:

- Finished floor levels in the detached properties shall be set no lower than 24.39 metres above Ordnance Datum (AOD) and the Finished floor levels in the Apartment complex shall be set no lower than 24.69m AOD
- Flood resilience measures as detailed in Section 6 of the Flood Risk Assessment.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements, and the mitigation measures shall be retained thereafter throughout the lifetime of the development.

[To ensure that occupants are safe for the lifetime of the development and to comply with policy 17 (Managing flood risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

5. Construction of the development hereby permitted shall not proceed beyond damp proof course until details of materials to be used on all external elevations, including dormers, and roofs have been 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 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

6. None of the apartments or dwellings hereby permitted shall be occupied until the driveways/parking areas have been surfaced in a bound material and provided with drainage to prevent the discharge of surface water on to the public highway in accordance with details to be previously submitted to and approved in writing by the Borough Council. The driveways/parking areas shall thereafter be retained available for parking at all times for the lifetime of the development.

[To ensure that sufficient off street parking is provided and retained in the interests of highway safety, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

7. The development shall not proceed above foundation level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved 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 to comply with policy 10 (Design and

enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

8. An Electric Vehicle Charging Point shall be provided for the use of each apartment and for both dwellings hereby approved and shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

9. The apartments and dwellings hereby approved shall be designed and constructed 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 Local Plan Part 2: Land and Planning Policies (2019)]

10. None of the apartments or dwellings hereby permitted shall be occupied until bat roosting and bird nesting boxes have been installed into the construction of the development in accordance with details to be previously submitted to and approved in writing by the Borough Council. Thereafter the bat roosting / bird nesting boxes shall be retained for the lifetime of the development.

[To ensure the incorporation of features that benefit biodiversity, and to comply with 38 (Non designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

11. No apartments or dwellings shall be occupied until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

12. The flat annotated as Flat 1/ 2 (which has the western side elevation facing number 47 Trent Boulevard), Flat 4, flat 6 and the dwelling at Plot 3 shall not be occupied until the following works have been carried out:

* The bathroom window to the west side elevation of flat 4 has been installed with glazing obscured to Group 5 level of privacy or equivalent and a mechanism to restrict opening by no more than 20cm.

- * The roof lights to the west roof slope of flat 6 have been installed with a mechanism to restrict opening by no more than 20cm.
- * The ground floor kitchen window and the first and second floor en-suite windows to the east side elevation of plot 3 have been installed with glazing obscured to Group 5 level of privacy or equivalent and a mechanism to restrict opening by no more than 20cm.
- * The ground floor kitchen and bathroom windows to the west side elevation of Flat 1/2 have been installed with glazing obscured to Group 5 level of privacy or equivalent and a mechanism to restrict opening by no more than 20cm

The windows and roof lights shall be retained to the above specifications for the lifetime of the development.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. Neither of the ground floor apartments or the two dwellings shall be occupied until full details of steps to gain access from the rear external doors to the rear gardens together with details of privacy screens to be installed either side of the steps have been submitted to and approved in writing by the Borough Council, and the steps and privacy screens have been installed in accordance with the approved details. Thereafter the steps and privacy screens shall be retained for the lifetime of the development.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

14. Notwithstanding the provisions of Schedule 2, Part 1 Class A - C 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 dwellings, including no alteration to or insertion of windows other than those shown on the plans, without the prior written approval of the Borough Council.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

15. The outbuilding hereby approved shall only be used for the storage of refuse bins and bicycles in connection with the approved apartments, and shall not be used for any other purpose.

[For the avoidance of doubt, and to safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1

(Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

NOTES TO APPLICANT

The development makes it necessary to construct a vehicle crossing over a footway of the public highway, and you should contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or licences@viaem.co.uk to arrange for these works to be carried out. If any street furniture needs to be relocated, this will be at the applicant's expense.

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 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 provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

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.

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively, you can obtain an asbestos fact sheet from their website www.nottinghamshire.gov.uk.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application

forms to discharge conditions can be found on the Rushcliffe Borough Council website.

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 meeting closed at 8.50 pm.

CHAIR