



**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 11 MARCH 2021
Held at 6.30 pm via Zoom**

PRESENT:

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

ALSO IN ATTENDANCE:

Councillors B Bansal, R Upton

OFFICERS IN ATTENDANCE:

L Ashmore	Executive Manager - Transformation
T Coop	Democratic Services Officer
A Pegram	Service Manager - Communities
R Sells	Solicitor
L Webb	Democratic Services Officer

APOLOGIES:

There were no apologies.

7 Declarations of Interest

There were no declarations of interest.

8 Minutes of the Meeting held on

The minutes of the meeting held on 11 February 2021 were voted as a true record of the meeting.

9 Planning Applications

The Committee considered the written report of the Executive Manager - Communities relating to the following applications, which had been circulated previously.

20/02623/FUL – Erection of an equestrian stable block, with outdoor manège, associated car parking and access. Stable block with eight stable pens, hay store and tack room, used as a full livery yard. (Resubmission) – Land West Of Pasture Lane, Sutton Bonington

Updates

An additional representation from the applicants agent and two objectors were received after the agenda was published and was circulated to the committee

before the meeting.

In accordance with the Council's public speaking protocol for planning committee, Andrew Dennison (Applicant's Agent), Cllr Kevin Jackson (Objector – Sutton Bonington Parish Council) and Councillor R Upton (acting as Ward Councillor) addressed the Committee.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposed development would be accessed via a shared highway and public bridleway that is substandard in width and in a poor condition. The proposal would result in increased vehicle movements and an intensification of the use of Pasture Lane, leading to further degradation of the highway and bridleway. The width of the highway is insufficient to allow a two-way flow of traffic. The proposed development would therefore be served by an unacceptable highway access to the detriment of highway safety and public amenity.
2. The proposal would be contrary to Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies, which states that permission for new development, changes of use, conversion or extensions would normally be granted provided that, inter alia;

"a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority;"

As Ward Councillor for the following application, Councillor C Thomas removed herself from the meeting and did not take part in the following discussion.

20/02632/REM – Application for approval of matters reserved under application ref 17/02292/OUT relating to appearance, landscaping, layout and scale for the erection of 195 dwellings with associated access, landscaping, open space and drainage infrastructure. – OS Field 8500 Partial, Lantern Lane, East Leake

Updates

An additional representation from the applicant/agent and two objectors were received after the agenda was published and was circulated to the committee before the meeting.

In accordance with the Council's public speaking protocol for planning committee, Helen Dawkins (Applicant), Lloyd King and Cllr L Taylor (Objectors who split their allocated 5 minutes), and Councillor C Thomas (Ward Councillor) addressed the Committee.

DECISION

APPROVAL OF RESERVED MATTERS BE GRANTED FOR THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF THE DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS

1. The development shall be carried out in accordance with the following approved plans and documents:

- Site Sections EL-SITE SECTIONS
- Affordable Housing Plan EL-AH-01
- Finished Floor Levels (1 of 3) 20055-100 Rev. C
- Finished Floor Levels (2 of 3) 20055-101 Rev. C
- Finished Floor Levels (3 of 3) 20055-102 Rev. C
- Adoptable Drainage Strategy (1 of 4) 20055-103 Rev. C
- Adoptable Drainage Strategy (2 of 4) 20055-104 Rev. C
- Adoptable Drainage Strategy (3 of 4) 20055-105 Rev. C
- Adoptable Drainage Strategy (4 of 4) 20055-106 Rev. C
- External Surfaces 20055-108
- Vehicle Tracking and Visibility Splay Plan 20055-150 Rev. B
- Materials Layout EL-MAT-01
- Boundary Treatments Plan EL-BTP-01
- Refuse Plan EL-RCL-01
- House Type Pack, January 2021
- On-Plot Landscaping 9707-L-04 to 09 Rev. C
- POS Landscape Proposals 9707-L-01 Rev. F
- POS Landscape Proposals 9707-L-02 Rev. F
- POS Landscape Proposals 9707-L-03 Rev. F
- Detailed Planning Layout EL-DPL-01, Rev. D
- Post and rail fence detail SDF/80
- Mining Investigation Summary Report, 7th October 2020
- Updated Ecology Report, 16th October 2020
- Noise Assessment Report, October 2020

[To ensure an acceptable development in accordance 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].

2. Prior to the commencement of development, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Borough Council. This plan shall include the recommendations in the protected species survey and follow up survey ref. 9707 / MPG /RAG dated 16 October 2020 including details of the proposed ecological enhancements and long term management of retained and created habitats, together with a timetable for the implementation and completion of the approved landscaping within the site. The agreed mitigation and enhancements shall be implemented in accordance with the agreed works and timetable for implementation set out in the approved management plan.

[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 policies 1 (Development requirements) and 38 (Non Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].

3. Prior to the commencement of development, in accordance with the mitigation/compensatory measures referred to in the protected species survey and follow up survey ref: 9707 / MPG /RAG dated 16 October 2020, a sensitive lighting scheme shall be submitted to and approved in writing by the Borough Council to safeguard bats and other nocturnal wildlife by retaining dark corridors along retained and created habitat, especially around the boundaries of the development. The lighting scheme shall provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan should be provided to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. It shall include the following measures to ensure minimal light spill from the site:

- During the construction period, no artificial lighting should be used at night in the vicinity of the brook or field perimeter habitats.
- The lighting scheme should ensure lighting is directed to where it is needed, avoiding light spillage, particularly along the woodland habitats, hedgerows/scrub lines, wildflower grassland and waterbodies
- The lighting scheme should incorporate LED luminaires as these have a sharp cut-off, lower intensity, good colour rendition and dimming capability. All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats; and
- Security lighting on properties backing on to sensitive habitats such as hedgerows, trees or waterbodies will be low wattage (<70W)9 motion censored lights on short (1min) timers. These should be provided on any properties (along the site boundaries) at construction to dissuade future homeowners from installing unsuitable lighting which could adversely impact bats.

Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

[To ensure that adequate compensatory measures are undertaken and to comply with policies 1 (Development requirements) and 38 (Non Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that ecological matters

including protected species are adequately protected during all stages of the development].

4. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted, a further protected species survey shall be carried out and submitted to the Borough Council. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

[To ensure the survey reflects the situation pertaining at the time and to comply with policies 1 (Development requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Prior to the commencement of development (other than for the access to Lantern Lane approved under the outline planning permission) details of the new road shall be submitted to and approved in writing by the Borough Council including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details.

[To ensure the development is constructed to adoptable standards and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to avoid abortive works at a later date].

6. No part of the development hereby permitted shall be brought into use until all drives and parking areas are 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.

[In the interests of highway safety, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas 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 ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The boundary treatment/means of enclosure as detailed on drawing no.

EL-BTP-01 shall be erected prior to the occupation of the respective dwelling(s) or in the case of hedgerow planting, in the first planting season following completion of the plot. In addition, details of the timing of the provision and ongoing maintenance of the hedgerow proposed along the southern boundary of the site, shared with Lantern Lane, shall form part of the open space scheme required pursuant to the S106 agreement. The means of enclosure shall be erected pursuant to the approved details and thereafter retained for the lifetime of the development.

[To ensure an acceptable appearance to the development 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].

9. The 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].

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

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

11. The sound attenuation measures detailed in the noise assessment supplied [Wardell Armstrong noise assessment ref GM11446 dated October 2020] shall be fully implemented prior to the first occupation of the development hereby approved and retained in perpetuity for the lifetime of the development.

[To ensure noise attenuation is achieved and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]:

12. East Leake footpath 27 shall be retained within the open spaces and upon their recorded lines shall be surfaced with Breedon gravel to a

minimum of 1.5m width. The central section shall be a sealed surface material such as tarmac.

[To ensure the footpath is suitably finished in a material appropriate to the level of usage expected and in accordance with policy 34 (Green Infrastructure and Open Space Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to applicant

This permission relates to matters reserved by Condition 3 and 4 of planning permission 17/02292/OUT, dated 18 July 2018 and does not constitute the discharge of any of the remaining conditions on the outline approval. Separate application/applications for the discharge of the remaining conditions should be submitted to the Local Planning Authority either prior to works commencing on site, or prior to the occupation of the dwellings, as appropriate.

Condition 10 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

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 S106 agreement dated 22 June 2018 requires the submission of an Open Space Works Specification and the Management Plan, the SUDs Scheme, Affordable Housing Scheme, and Affordable Housing Scheme prior to the development commencing.

A Good practise 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, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

The applicant should note that notwithstanding any planning permission, 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.

All correspondence with the Highway Authority should be addressed to:-

NCC Highways Development Control (Floor 3)
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham, NG2 7QP

This decision relates to planning law only. It is not a legal agreement either to remove or relocate any right of way affected by the development given planning permission.

Attention is drawn to condition 2 of the outline planning permission ref: 17/02292/OUT (appeal ref: APP/P3040/W/18/3196537) which specifies that built development shall not extend beyond the 60 metre contour line and condition 18 which requires the provision of a buffer zone to the former mine workings. The provision of the green-infrastructure buffer zone is also required

by Policy 3.2 of the Rushcliffe Local Plan Part 2: Land and Planning Policies in order to reduce the visual impact on the elevated parts of the site. The approved plans include a landscaped open space area/buffer zone to the north and east of the proposed built development, as shown on the Detailed Planning Layout, drawing no. EL-DPL-01. This area should be retained as open space for the life of the development.

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.

Councillor C Thomas re-joined the committee at this point.

As Ward Councillor for the following application, Councillor J Murray removed herself from the meeting and did not take part in the following discussion.

20/03153/FUL – Proposed Two Storey Rear Elevation extension and Single Storey Side Elevation Extensions – 12 Abbey Road West Bridgford Nottinghamshire NG2 5HB

Updates

Additional representations were received from further objectors and were circulated to the committee before the meeting.

In accordance with the Council's public speaking protocol for planning committee, Sharon Ding (Applicant), and Councillor B Bansal (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 plan(s): 12ABRD/PP/2 received on 15 December 2020.

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

3. The extension(s) hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

4. The first floor windows in the west elevation of the proposed two storey rear extension, serving the bathroom and ensuite as shown on drawing number 12ABRD/PP/2, shall be fitted with glass that has been rendered permanently obscured to Group 5 level of privacy, or equivalent, and will be non-opening to a height of 1.7m from internal floor level. The windows shall be retained to this specification for the lifetime of the development.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

Notes to 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 meeting closed at 9.05 pm.

CHAIRMAN