

**MINUTES**  
**OF THE MEETING OF THE**  
**PLANNING COMMITTEE**  
**THURSDAY, 8 APRIL 2021**  
Held virtually via Zoom at 6.30 pm

**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 T Combellack, M Gaunt, L Way and R Walker

**OFFICERS IN ATTENDANCE:**

A Pegram	Service Manager - Communities
N Cox	Principal Planning Officer
G Sharman	Area Planning Officer
R Sells	Solicitor
T Coop	Democratic Services Officer
L Webb	Democratic Services Officer

**APOLOGIES:**

There were no apologies

**10 Declarations of Interest**

There were no declarations of interest reported.

**11 Minutes of the Meeting held on 11 March 2021**

The minutes of the meeting held on 11 March 2021 were approved as a true record.

**12 Planning Applications**

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

**20/00619/FUL - Demolition of a bungalow and erection of Four 2 storey dwellings with access and 20/00620/RELDEM - Demolition of The Orchard and associated outbuildings (retention of a single brick building) – The Orchard, long Lane, Hickling, Nottinghamshire.**

**Updates**

An additional representation from Historic England was received after the

agenda had been published and was circulated to the committee before the meeting.

In accordance to the Council's Public Speaking Protocol for Planning Committee Mr W Webster (Applicants Agent), Ms E Tomlin (Objector) and Councillor T Combellack (Ward Councillor) addressed the Committee.

## **DECISION**

### **20/00619/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 shall be carried out in accordance with the following approved plans:

- Proposed Site Layout – 'GA327-01H' – Received 14/09/2020;
- Proposed Plot 1 Plans– 'GA327-03A' - Received 06/07/2020;
- Proposed Plot 1 Elevations – 'GA327-04B' – Received 06/07/2020;
- Proposed Plot 2 Plans– 'GA327-05B' - Received 14/09/2020;
- Proposed Plot 2 Elevations – 'GA327-06C' – Received 14/09/2020;
- Proposed Plot 3 Plans– 'GA327-09B' - Received 14/09/2020;
- Proposed Plot 3 Elevations – 'GA327-10D' – Received 14/09/2020;
- Proposed Plot 4 Plans– 'GA327-11B' - Received 14/09/2020;
- Proposed Plot 4 Elevations – 'GA327-12C' – Received 14/09/2020;
- Proposed Garage Plans and Elevations – 'GA327-13C' - Received 14/09/2020; and
- Proposed Street Scene Elevations – 'GA327-14D' – Received 14/09/2020;

[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. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with details to be approved in writing by the Borough Council and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of

the Borough Council.

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting, 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 policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No operations shall commence on site until a construction and demolition method statement detailing techniques for the control of noise, dust and vibration during construction, along with a construction access strategy and site materials storage strategy has been submitted to and approved by the Local Planning Authority. Thereafter the works shall only be carried out in accordance with the approved method statement.

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting in order to protect the amenities of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No operations shall commence on site (including demolition) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP will build upon the recommendations of the submitted Ecological Appraisal, bat survey and recommendations of the Borough Environmental Sustainability Officer. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage and 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 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 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Notwithstanding the Historic Environment Desk-Based Assessment by Trent and Peake Archaeology submitted with the application the development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a Written Programme of Archaeological Investigation (WPAI) has been submitted to and approved in writing by the Local Planning Authority. The WPAI must include the following:

- a methodology for site investigation and recording of archaeological items and features;
- a timetable for carrying out such investigations on the site;
- a programme for post investigation assessment;
- provision for the analysis of the site investigations and recordings;
- provision for the publication and dissemination of the analysis and records of the site investigations;
- provision for the archive deposition of the analysis and records of the site investigation;
- nominate the qualified archaeologist or archaeological group who will undertake the works set out in the WPAI.

The development hereby permitted must be carried out and completed in accordance with the approved WPAI.

The development hereby permitted must not be occupied or brought into use until a written report detailing the results and post investigation assessments of any archaeological works that have been undertaken on the site has been submitted to and approved in writing by the Local Planning Authority.

[This is a pre-commencement condition 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 (February 2019)].

7. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a written report of the findings of a Preliminary Risk Assessment (PRA) of the nature and extent of any contamination affecting the site, whether or not it originates from the site, has been submitted to and approved in writing by the Local Planning Authority. The PRA must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM). As a minimum the PRA must include the following:
  - i. a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses;
  - ii. the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface;

- iii. the development of an initial 'conceptual site model' (CSM) which identifies and qualitatively assesses any potential source – pathway – receptor (contaminant) linkages;
- iv. basic hazard assessment identifying the potential risks from any contaminants on:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - Adjoining land;
  - Ground and surface waters;
  - Ecological systems;
  - Archaeological sites and ancient monuments.
- v. Recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.

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 Local Planning Authority.

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.

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.

[This is a pre-commencement condition to ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried out to ensure that the site is

suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 179 of the National Planning Policy Framework (February 2019)].

8. No operations shall commence on site until a detailed foul and surface water drainage scheme building upon the drainage strategies identified within the 'Flood Risk and Drainage strategies Report - Soakaway Solutions - HIC/REP/001 – Rev A' has been submitted to and approved in writing by the Borough Council. The development shall only be carried out in accordance with the approved schemes, which shall thereafter be maintained throughout the life of the development.

[This is pre-commencement to ensure the proper drainage of the site, and that the measures can be incorporated into the build, and to accord with the aims of Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. No operations shall commence on site until finished site and floor levels, including cross sections and levels for the landscaped areas have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall only be implemented in accordance with the finished site levels so agreed.

[This condition is pre-commencement given the agreement of finished levels will need to be resolved prior to any excavation taking place. The condition is required 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].

10. The development hereby permitted shall not proceed beyond foundation level until details (including samples where appropriate) of all materials to be used on all elevations of the buildings, including details of fenestration and any architectural details, have been submitted to and approved in writing by the Borough Council. The development shall only be undertaken in accordance with the materials and details so approved.

[To ensure the appearance of the development is satisfactory and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. The development hereby permitted shall not proceed beyond foundation level until a detailed hard and soft landscaping scheme for the site has

been submitted to and approved in writing by the Borough Council. The submitted scheme shall be in general accordance with the indicative landscaping layout as shown on the approved site layout plan, shall have regard to the requirements of the biodiversity enhancement strategy required by condition 11 and also the requirement to gap up and rejuvenate the southern hedgerow, including the following minimum details:

- Detailed planting plans;
- The treatments proposed for all ground finishes, including hard and soft landscaped areas;
- Details of all boundary treatments; and
- Planting schedules, noting the species, sizes, numbers and densities of plants.

The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development and managed thereafter in accordance with the approved maintenance schedules. 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 Rushcliffe Local Plan Part 1: Core Strategy and 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].

12. The development hereby permitted shall not proceed beyond foundation level until an updated Biodiversity Enhancement Strategy has been submitted to and approved by the Borough Council. The updated assessment shall build upon the commitments made within strategy report by 'BJ Colins Protected Species Surveyors' dated June 2020, taking account of the revised site layout, and making provision for the mitigation of the loss of neutral grassland.

The approved scheme of hard fittings such as bat and bird boxes shall be implemented prior to the occupation of any dwelling, with any landscaping based enhancements included as part of the detailed landscaping scheme required under condition 10.

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and 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].

13. The development hereby permitted shall not proceed beyond foundation level until a scheme for the provision of Electric Vehicle Charging Points (EVCP) has been 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. The dwellings hereby permitted must not be first occupied until the EVCP has been installed in accordance with the approved details. Thereafter the approved EVCP must be retained on the site in perpetuity.

[To promote a reduction of carbon emissions within the Borough and ensure that the development does not exacerbate poor air quality having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The development hereby permitted shall not proceed beyond foundation level until a scheme for the restoration, repair and conversion of the retained brick outbuilding to a communal bike store has been submitted to and approved by the Local Planning Authority. The scheme must include the following details:

- Floor Plans and Elevations for the building as existing and as proposed;
- A structural report identifying any necessary repairs required to the building;
- A scheme of works for the conversion of the building and any necessary repairs; and
- Details of long term building management/ownership;

No dwelling shall be occupied until such time as the approved scheme of works for the outbuilding has been completed and the structure made available for use. The structure shall thereafter be managed, maintained and retained available for the use of residents for the lifetime of the development.

[To ensure the appearance of the development is satisfactory and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. The development hereby permitted shall not proceed beyond foundation level until a scheme for access works and stopping up has been submitted to and agreed by the local planning authority. The scheme of works shall include the following details and information:

- The use of a hard surfaced and bound material for the first 5m behind the highway boundary;
- Access road gradients showing provision of a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, and never exceeding 1:12 thereafter;
- A scheme for the appropriate drainage of the access driveway/parking/ turning areas to prevent the unregulated discharge of surface water from these areas to the public



- highway;
- Specification for the new dropped kerb vehicular crossing;
- A scheme for the stopping up of the existing site access to Main Street including the reinstatement of the footway; and
- A scheme for the stopping up and permanent closure of the existing accesses onto Long Lane.

The development shall be constructed in accordance with the approved scheme of works and no dwelling shall be occupied until such time as the approved works are completed. These provisions shall then be maintained in such condition for the life of the development, with the parking/turning/servicing areas not to be used for any purpose other than parking/turning/loading and the unloading of vehicles.

[In the interests of highway safety and to ensure compliance with Policy 1 (Development Requirements) and policy 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. Prior to occupation of any of the dwellings hereby approved, a hedgerow management scheme in relation to the hedgerow running along the southern boundary of the site shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall detail any new planting required within the hedgerow for gapping up and rejuvenating the hedgerow, the height at the western end of the hedgerow shall be reduced to and maintained at between 1.8m and 2.2m following completion of the development and details of how the ongoing maintenance of the full hedgerow at the agreed height is to be managed. The southern boundary hedgerow shall thereafter be maintained and managed in accordance with the approved details for the first 5 years following first occupation of the development.

[To ensure the hedgerow is preserved for the lifetime of the development in the interests of the visual amenity of the area and the character and appearance of the landscape and adjacent Conservation Area, in accordance with policies 1 (Development Requirements), 22 (Development within the Countryside) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Borough Local Plan Part 2 : Land and Planning Policies].

17. Prior to the use commencing, final details of the siting, external finish and design of the proposed bin store shall be submitted to and approved in writing by the Borough Council. The bin store shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

[To protect the amenities of the area and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning

Policies].

18. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. GA327/01H are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m metres in height.

[In the interests of highway safety and to ensure compliance with Policy 1 (Development Requirements) and policy 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

19. The development shall not be brought into use until the existing site access on Main Street that has been made redundant as a consequence of this consent has been permanently closed and the access crossing reinstated as footway in accordance with details first submitted to and approved in writing by the Local Planning Authority.

[In the interests of highway safety and to ensure compliance with Policy 1 (Development Requirements) and policy 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

20. The development shall not be brought into use until such time as the acoustic mitigation measures as detailed under section 8 of the submitted acoustic report produced by 'Hoare Lea', revision 4, dated 20<sup>th</sup> December 2020 have been fully implemented. These mitigation measures shall be thereafter maintained for the lifetime of the development.

[To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from *the adjacent agricultural use* having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

21. Prior to the installation of any external lighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any submission must have regard to guidance for bat sensitive lighting guidance. The lighting shall be installed only in accordance with the approved details and maintained thereafter.

[To protect the amenities of the area 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].

22. The dwellings 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].

23. No removal of hedgerows, trees or shrubs shall take place between the beginning of March and the end of 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 written confirmation should be submitted to the local planning authority.

[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 Rushcliffe Local Plan Part 1: Core Strategy].

24. For the purposes of Schedule 2, Part 1, 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) and for the avoidance of doubt, the south elevations of plots 2, 3 and 4 shall be considered as the buildings 'principal elevation'.

[The development is of a nature whereby future development of this type should be closely controlled, for the avoidance of doubt and to comply with Policy 1 (Development Requirements), and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: land and Planning Policies].

25. The following windows shall be permanently obscure glazed to level 5 of obscurity and fitted with restrictors so as to limit opening to no more than 100mm, save for emergency access and egress:

- Plot 1 – First Floor North Elevation – En-suite;
- Plot 2 – First Floor South Elevation – Bathroom;
- Plot 3 – First Floor South Elevation – Bathroom & En-suite;
- Plot 4 – First Floor South Elevation – Bathroom;

These windows shall be retained to this specification for the lifetime of the development.

[To minimise overlooking and loss of privacy to neighbouring property and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

26. Notwithstanding the provisions of Schedule 2, Part 1, class A 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 alterations to or creation of

new windows to the south elevations of plots 2, 3 and 4 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), and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

27. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (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 including any gates to the site access, other than those shown on the approved plans and approved under condition 10 shall be erected 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), and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: land and Planning Policies].

28. The southern boundary hedgerow alongside Long Lane shall be managed and maintained at a height of no less than 1.8m (once established at this height for sections to be planted) for the lifetime of the development, and there shall be no removal of any section of this hedgerow or new access (pedestrian or vehicular) created from any plot directly onto Long Lane at any time.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area, to protect the amenity of neighbours and in the interests of highway safety in accordance with Policies 10 (design and amenity Criteria), 11 (Historic Environment) and 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements), 11 (Development on Unallocated Sites within Settlements), 28 (Conserving and Enhancing Heritage Assets) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

29. There shall be no access to the site from Long Lane at any time for any vehicles associated with the demolition of the existing dwelling and construction of the new dwellings, including operatives' vehicles.

[To protect the amenities of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

### **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/>

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 adjacent to the ditch.
- 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

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

Condition 20 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.

The development makes it necessary to construct a vehicular crossing over a footway of the public highway, together with reinstatement of redundant access. These works shall 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 licenses@viaem.co.uk to arrange for these works to take place.

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.

A Public Footpath is situated upon Long Lane. The developer must retain the existing width of Long Lane and not impact or change the surface of it without prior authorisation from the rights of way team. The public footpath must be kept available at all times.

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.

**20/00620/RELDDEM – 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. This permission solely relates to the demolition as shown as required on the following approved plans:

- Existing Plans – ‘MSH-BWB-00-ZZ-M2-G-0001’ - Received 13/03/2020

[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 the commencement of demolition, a method statement detailing techniques for the control of noise, dust and vibration during demolition shall be submitted to and approved by the Borough Council. The demolition works shall only be carried out in accordance with the approved method statement.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing. To protect the

amenities of surrounding residents and to comply with Policy 1 (Development Requirements) and Policy 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Prior to the commencement of demolition, a method statement detailing the methods by which existing trees on the site will be protected, shall be submitted to and approved by the Borough Council. The demolition works shall only be carried out in accordance with the approved method statement.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing. To protect the health of existing trees and to comply with Policy 37 (Trees and Woodland) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. If the demolition of the bungalow does not take place within 12 months of the date of this decision, an additional survey to determine if bats are roosting within the building shall be carried out, and the results and recommendations of which shall be submitted to the Borough Council for approval. The demolition of the bungalow shall thereafter be carried out in accordance with the recommendations as set out in the approved additional bat survey.

[To ensure that protected species and their habitats are not harmed as a result of the development, 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].

### **Notes to Applicant**

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council on 0300 500 80 80 or at <https://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/asbestos-disposal-booking>

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

**20/03285/FUL – Demolition of Bungalow and erection of 7 dwellings with associated parking (re-submission 19/00791/FUL – 21 Kendal Court, West Bridgford, Nottinghamshire.**

### **Updates**

Additional representations were received from objectors and these were circulated to the Committee before the meeting.

In accordance to the Council's Public Speaking Protocol for Planning Committee, Mr R Newton (Objector) and Councillor P Gowland (Ward

Councillor) addressed the Committee.

## **Comments**

The Committee considered the parking to be inadequate for the number of dwellings and that the proposal would add increased pressure on existing parking for the residents of Kendal Court. The Committee considered that the proposal represented overdevelopment of the site and expressed concerns that the scale and mass of the proposal would have a detrimental effect on the amenities for residents at 10-12 Kendal Court and to the towpath, hedgerow and wildlife biodiversity associated with the area.

## **DECISION**

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

1. Due to the proposed scale and siting of the development the proposal would have significant oppressive and overbearing impact upon both the Kendal Court street scene and environment experienced along the Grantham Canal tow path and therefore would be contrary to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy which requires development proposals to, inter alia, “make a positive contribution to the public realm and sense of place” and that “Development must have regard to the local context including valued landscape/townscape characteristics”. The proposal would also be contrary to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which requires, inter alia that “the scale, density, height, massing design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area”. Policy 1 also requires that “developments should not lead to an over intensive form of development or be overbearing in relation to neighbouring properties”.
2. The development as proposed, due to its height and position within the site, would cause significant detriment to the outlook of the occupiers of neighbouring dwellings, namely 10-12 Kendal Court, which would severely harm their amenity. This is contrary to Policy 10 (Design and Enhancing Local Identity) of Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of Rushcliffe Local Plan Part 2: Land and Planning Policies which require that there is no significant adverse impact upon the amenity, particularly residential amenity of adjoining properties.
3. The density and scale of development proposed on this modest parcel of land would represent over development of the site and would consequently, lead to poor level of amenity for future occupiers, including through a lack of adequate private amenity space, as well as providing inadequate levels of parking for future occupants and potentially impacting on existing levels of valuable parking provision for existing residents. The development would therefore be contrary to Policy 10 (Development Requirements) of the Rushcliffe Local Plan Part 2 Policy 1: Core Strategy, which requires, inter alia, that “the scale,



density, height, massing design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area". The proposal is also contrary to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which requires that "developments should not lead to an over intensive form of development". The development would also fail to comply with the Council's adopted Residential Design Guide Supplementary Planning Document which advocates for minimum garden sizes for residential dwellings.

4. The proposal would, by reason of the resultant scale, density and appearance, result in a development which would not be in keeping or sympathetic to the pattern of surrounding development and the character and appearance of the area, adversely impacting on the environs and views along the Grantham Canal, and would therefore be contrary to 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 which require developments to have regard for the local characteristics and amenities of the area.

Councillor P Gowland re-joined the meeting at this point.

**20/00719/FUL – Erection of 43 no. retirement apartments for older people, guest apartment, community facilities, access, car parking and landscaping (resubmission) – Land at Manor Park, Ruddington, Nottinghamshire.**

### **Updates**

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr M Shellum (Applicants Agent) and Councillor M Gaunt (Ward Councillor) addressed the Committee.

### **DECISION**

**THE EXECUTIVE MANAGER - TRANSFORMATION IS 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 28 February 2023.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004. The time limit is less than the standard three years due to the viability considerations associated with the application].

2. The development hereby permitted shall be carried out in accordance with the application details and following approved plans and documents:

- JBA 19 - 111 - SK01 (Landscaping Strategy)
- 30042RT - PL101 (Site Location Plan)
- 30042RT - PL102 (Site Plan/ Roof Plan)
- 30042RT - PL103 (Site Plan/ Ground Floor Plan)
- 30042RT - PL104 (Ground Floor Plan)
- 30042RT - PL105 (First Floor Plan)
- 30042RT - PL106 (Second Floor Plan)
- 30042RT - PL107 (Roof Plan)
- 30042RT - PL108 (North and East Elevations Sheet 1)
- 30042RT - PL109 (South and West Elevations Sheet 2)
- 30042RT - PL110 (Courtyard Elevations Sheet 3)
- 30042RT – PL120/1 (Contextual Elevation)

Received on 26 March 2020;

- And JBA-19-111-02 Rev A (Detailed Soft Landscape Proposals), received on 15 January 2021.

[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. Each unit of the development hereby permitted shall be occupied only by:
  - a) persons over 60 years of age;
  - b) persons living as part of a single household with such a person or persons;
  - c) persons who were living in the unit as part of a single household with such a person or persons who have since died.

[In order to support the considerations of the viability assessment which effectively reduced the level of financial obligations required from this development based on the demographic of the proposed occupiers and subsequently to prevent the sale of these units on the open market to any individual and to comply with policy 43 (Planning obligations Threshold) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. 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 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 18 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

5. Prior to the installation of security lighting/floodlighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance.

Any such scheme shall have regard to The Bat Conservation Trust Bats and artificial lighting guidance note (2018). The lighting shall be installed only in accordance with the approved details and retained as such for the life of the development.

[To protect the amenities of the area, non-designated biodiversity assets and the wider ecological network in compliance with policies 1 and 38 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

6. Before the use is commenced, a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved in writing by the Borough Council. The agreed details shall be implemented before the development is brought into use and thereafter retained for the lifetime of the development in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

7. The proposed access road, service areas and car parking areas shall be provided in hard wearing materials in accordance with details submitted to and approved in writing by the Borough Council and the car parking spaces shall be clearly marked out, before the development is first occupied. The approved access, service and parking areas shall be retained for that purpose thereafter for the life of the development.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

8. During the construction phase there shall be no delivery/collection of goods, materials or arrival/departure of personnel visiting/working on the site during the hours the James Peacock Infant and Nursery School is open for the dropping off and collection of pupils (8:00 am till 9:00am and 3:00pm until 4:00). Details of the management of which shall be submitted to and approved in writing by the Borough Council prior to the commencement of any development of the site. The approved management plan shall be implemented in full and adhered throughout the construction phase of the development hereby approved.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies. The management of deliveries to the site needs to be agreed before work commences on site to ensure appropriate measures are in place during the construction phase].

9. The landscaping scheme hereby approved shall be carried out in accordance with drawing JBA 19-111-02 (Detailed Soft Landscaping Proposals), received on 15 January 2021. The scheme shall be carried out in the first tree planting season following the substantial completion of the development and 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.

[In the interests of amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

10. No operations shall commence on site until the existing trees and or hedges which are to be retained have been protected in accordance with PL003 Rev B- Tree Protection Plan and this protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area.

[To ensure existing trees are adequately protected during the development and to comply with policies 1 and 37 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

11. The development hereby permitted shall not proceed above foundation level until details of the facing and roofing materials to be used on all external elevations 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 a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

12. The development shall only be carried out in accordance with details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land which shall be submitted to and approved in writing by the Borough Council before the development commences and the development shall only be undertaken in accordance with the details so approved.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before development commences to ensure that the development can be undertaken having regard to the existing and intended finished ground and floor levels].

13. Prior to their construction, full details of the proposed Substation and Buggy Store shall be submitted to and approved by the Borough Council and the buildings will be thereafter constructed in accordance with the approved details.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

14. Prior to the development progressing beyond ground floor slab level, a statement of Biodiversity Net Gain from the development shall be submitted to the Borough Council for approval. Any approved mitigation and enhancement scheme, which must include installation within buildings and on retained trees (including Swallow/swift and sparrow cups/boxes) and hedgehog corridors, shall thereafter be implemented prior to the first occupation of any unit and retained for the lifetime of the development.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. Prior to the commencement of any works on site, an Ecological Method Statement shall be submitted to and approved in writing by the Borough Council and 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 adjacent to 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.

Any approved scheme shall be adhered to thereafter until the development is complete.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The plan shall have full regard to the Ecological Method Statement required by condition 15 above, and shall include:

- Access and parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of noise, dust, dirt and vibration during construction;
- A scheme for recycling/disposing of waste resulting from construction works;
- Hours of operation (including demolition, construction and deliveries);
- A scheme to treat and remove suspended solids from surface water run-off during construction;
- An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;
- The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
- Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences; and
- The routing of deliveries and construction vehicles to/from the site, to limit where practicable approach to the site from the west along Bunny Lane, and any temporary access points.

The development shall be carried out in full accordance with the approved Construction Method Statement throughout the construction period.

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management to comply with Policy 1 of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife].

17. Prior to the construction of the building proceeding above foundation level, a scheme for the provision of electric vehicle charging points to serve the development shall be submitted to and approved by the Borough Council. If this is not technically feasible, then it must be demonstrated why the positioning of such apparatus to the external fabric of the building or the provision of a standalone vehicle charging

points would not be possible or Page 7 of decision 19/01616/FUL would have an adverse visual impact on the development or street scene. Thereafter, none of the apartments shall be occupied until such time that the electric vehicle charging points have been installed in accordance with the approved scheme and the apparatus shall be retained for the lifetime of the development.

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

### **Notes to Applicant**

This permission is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to provision of on-site affordable housing and contributions towards essential infrastructure. Any payments will increase subject to the provisions set out in the Agreement.

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.

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.

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 landowner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details: Openreach: Nicholas Flint 01442208100 nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812 daniel.murray@virginmedia.co.uk.

The Committee agreed to defer the remaining items to the next Planning Committee, as there would not be sufficient time to consider these applications, due to the meeting having to close at 10.30pm.

The meeting closed at 10.11 pm.

CHAIRMAN