

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 13 OCTOBER 2022**

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

PRESENT:

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman), S Bailey,
N Clarke, L Healy, D Mason, F Purdue-Horan and C Thomas

ALSO IN ATTENDANCE:

Councillors

OFFICERS IN ATTENDANCE:

A Ashcroft	Planning Services Consultant
P Cook	Interim Operations Manager
M Dunne	Team Manager Area Planning (East)
T Pettit	Landscape Officer
R Sells	Solicitor
T Coop	Democratic Services Officer
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors B Bansal, V Price and J Walker

17 Declarations of Interest

Councillor R Butler declared a non-pecuniary interest for application 22/00243/FUL due to objecting to this application and for 22/01639/FUL as the ward councillor and would remove himself from the discussion and vote for this item.

Councillor L Healy declared a non-pecuniary interest for application 22/01639/FUL as the ward councillor and would remove himself from the discussion and vote for this item.

Councillor N Clarke declared a non-pecuniary interest for application 22/00108/TORDER as the ward councillor and would remove himself from the discussion and vote for this item.

Councillor C Thomas declared a non-pecuniary interest for application 22/01639/FUL as a member of the Crematorium member working group, but considered that she was not bias and pre-determined and would consider the application with an open mind, therefore could take part in the discussion and vote for this item.

18 Minutes of the Meeting held on

The minutes of the meeting held on 8 September were approved as a true record and were signed by the Chairman.

19 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 N Clarke removed himself from the meeting for this item.

22/00108/TORDER – TO Radcliffe on Trent No.1 Tree Preservation Order 2022 - 8 Lamcote Gardens, Radcliffe on Trent, Nottinghamshire

Updates

There were no updates for this application.

DECISION

THE TREE PRESERVATION ORDER 2022 BE CONFIRMED WITHOUT MODIFICATION.

Councillor N Clarke re-joined the meeting at this point.

Councillor R Butler removed himself from the meeting for the next item.

22/00243/FUL - Erection of 4 Poultry Sheds and associated Infrastructure, 8 no. feed bins, 2 no. feed blending rooms, gate house, generator, plant room, water tank, Dirty Water Tank and Gas Tanks. Creation of new access road, car parking and concrete apron as well as new attenuation pond – Land North of Cotgrave Road, Owthorpe, Cotgrave, NG12 3GE

Updates

Additional representations were received after the agenda was published and were circulated to the Committee before the meeting. In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr I Pick (on behalf of the Applicant), Mr T Bowden (Objector) joining remotely and Councillor T Combella (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed their concerns in respect of the scale and overbearing nature of the development on the landscape, including the detrimental impact from noise, odour and light on the properties within the village. Members also expressed their concerns in relation to the observatory and the negative impact the development would have in respect of light and heat pollution. Additionally, members noted that the development was sited in the greenbelt and considered this was inappropriate development.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. By virtue of the scale and size of the proposed buildings the proposal would have an unacceptable impact on the openness of the Green Belt. As such it would be contrary to the provisions of Section 13 of the NPPF and Policy 21 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
2. The scale and massing of the proposed buildings fail to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services and would have an unacceptable impact on the appearance and character of the local landscape by virtue of their prominence. As such it would be contrary to the provisions of Section 15 of the NPPF and would fail to meet the requirements of Policy 10 of the Rushcliffe Local Plan Part 1 and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
3. The applicant has failed to demonstrate that the proposal would not have any undue impact by virtue of lighting, odour, ammonia, and noise on the amenity of residential properties in this part of the Borough. As such, the proposal would fail to meet the requirements of Policy 10 of the Rushcliffe Local Plan Part 1 and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
4. The applicant has failed to demonstrate that the proposal would not have any undue impact by virtue of its impact on lighting levels and heat haze on the effective and ongoing operation of the Nottingham Astronomical Society Observatory. As such, the proposal would fail to meet the requirements of Policy 10 of the Rushcliffe Local Plan Part 1 and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

Councillor Butler re-joined the meeting at this point.

22/01105/FUL – Erection of 1 No. 2 Storey detached dwelling (resubmission of Ref No. 22/00571/FUL – The Smithy, 45 Church Street, Ruddington, Nottinghamshire.

Updates

In accordance with the Council's Public Speaking Protocol for Planning committee, Mr G Machin (on behalf of the Applicant) addressed the Committee.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

- PL05A - Proposed Street Scene (received: 05 September 2022)
- PL04A - Proposed Elevations (received: 05 September 2022)
- PL03A - Proposed Floor Plans (received: 05 September 2022)
- PL02 - Proposed Site Plan (received: 05 August 2022)
- PL01 - Site Location Plan (received: 08 June 2022)

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

3. The off-street car parking space and cycle store, as shown on the approved site layout plan referred to under condition 2 of this planning permission, shall be retained for off-street car parking and cycle storage and kept free from all other obstructions, for the life of the development.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

4. The bathroom window, located in the first floor of the northern side elevation of the development hereby permitted must be;
- a) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and;
 - b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

5. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and 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 additional windows (including roof lights and dormer windows) inserted within any part of the roof of the dwellings hereby approved, other than as shown on the

approved plans referred to in condition 2 of this permission, nor any alterations to any part of the roof of the dwellings hereby approved.

[In order to protect the living conditions of surrounding occupiers from any unacceptable levels of overlooking and/or loss of privacy, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

6. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Class AA of the Town and Country Planning (General Permitted Development) (England)(Amendment) (No.2) Order 2020 (or any Order revoking or re-enacting that Order with or without modification) no enlargement or any other alteration, including the insertion of windows/doors in the northern side elevation, shall be carried out to the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To ensure that adequate amenity space for the dwelling is retained in the interest of future occupiers, to protect the amenities of neighbouring properties and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

7. Notwithstanding the provisions Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no outbuildings or other structures shall be erected within the curtilage of the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To ensure that adequate amenity space for the dwelling is retained in the interest of future occupiers and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

8. The residential 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].

9. The development hereby permitted must not be occupied or first brought into use until details of the bicycle parking/storage area within the site have been submitted to and approved in writing by the Local Planning Authority. The development must not be occupied or first brought into use until the bicycle parking/storage areas have been provided in accordance with the approved details. Thereafter the bicycle parking/storage areas must be retained on the site in accordance with the approved details and must be kept available for the parking of

bicycles at all times.

[To ensure there is adequate provision for the secure and undercover parking/storage of bicycles within the site to encourage the use of bicycles as an alternative to using motor vehicles having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).]

10. The construction of the dwelling hereby permitted must not proceed above damp-proof course level until a scheme for the provision of Electric Vehicle Charging Point(s) (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The dwelling hereby permitted must not be first occupied until the EVCP has been installed in accordance with the approved details. Thereafter an EVCP must be permanently retained on the site in accordance with the approved scheme throughout the lifetime of the development.

[To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy Framework (July 2021).]

11. The development hereby permitted must not be occupied or first brought into use until details of the boundary treatments for the site have been submitted to and approved in writing by the Local Planning Authority.

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

12. The development hereby permitted must not proceed above the damp proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.

[To ensure the appearance of the development is satisfactory having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. The development hereby permitted must not proceed above the damp proof course level until details of the materials to be used in the construction of the hard surface areas (driveway/parking area) have been submitted to and approved in writing by the Local Planning Authority. The hard surface areas must only be constructed in

accordance with the approved materials.

[To ensure the appearance of the development is satisfactory and to ensure that it is of permeable construction having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7 October 2019 may be subject to the Community Infrastructure Levy (CIL).

Further information about CIL can be found on the Borough Council's website at: <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

/Condition 8 requires the new dwelling 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.

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.

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.

You are advised that should the site contain asbestos, it will require specialist removal. Further advice on this matter can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website.

Councillor R Butler and Councillor L Healy removed themselves from the meeting for the next item.

22/01639/FUL – Installation of freestanding Solar Photovoltaic Generation system and associated works – Rushcliffe Oaks, Main Road, Stragglethorpe, Nottinghamshire.

Updates

There were no updates for this application.

Comments

Members requested consideration be given to an environmental management plan in respect of the landscaping underneath and around the panels to ensure biodiversity enhancement and protection. Members also commented on the value of the solar panels and whether an element of security needs to be considered.

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 shall be undertaken in accordance with the following approved plans :-
D200008-CDS-EN-ZZ-DR-L-002 SITE CONCEPT = block plan
D200008-CDS-EN-ZZ-DR-L - 092-001- REV 1 section details
Solar Plan Floor Plan

[For the avoidance of any doubt and to ensure an acceptable development in accordance with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

3. Before development commences there shall be submitted to and approved in writing by the Borough Council, details of a biodiversity enhancement planting scheme proposed under and around the solar arrays and a management plan to maintain these in perpetuity. The approved planting scheme shall be undertaken prior to the development hereby approved being constructed and shall thereafter be maintained in accordance with the approved management details.

[To ensure that the proposed development contributes to the enhancement of biodiversity within the site and for the wider area in accordance Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition to ensure that matters of ecological importance are adequately considered and implemented before construction commences].

4. Before development commences there shall be submitted to and approved in writing by the Borough Council, details of a security scheme to protect the site. The approved security scheme shall be implemented prior to the development hereby approved being constructed and shall

thereafter be retained.

[To ensure a satisfactory development and to protect the site from crime in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 . This is a pre commencement condition to ensure that adequate consideration has been given to protection against possible criminal activities on the site].

NOTES TO APPLICANT

The site adjoins a public footpath to the south of the site. The footpath should remain unobstructed to the full width, open at all times, and be kept upon its legal alignment. Any foreseen works likely to cause an obstruction should be discussed in advance with the RoW team at NCC (Via) so a temporary closure or diversion order can be agreed where necessary.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks notice is required to process the closure and an alternative route on should be provided if possible

Please ensure that you have the necessary consents to undertake works in relation to any easements that may affect the site

Councillor R Butler and Councillor L Healy rejoined the meeting at this point.

20 **Planning Appeals**

The Committee noted the Planning Appeal Decisions report which had been circulated with the agenda papers.

The meeting closed at 4.56 pm.

CHAIRMAN