

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 6 JULY 2023**

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

PRESENT:

Councillors R Butler (Chair), T Wells (Vice-Chair), R Bird, A Brown, S Calvert,
J Chaplain, A Edyvean, S Ellis, S Mallender, R Walker and L Way

OFFICERS IN ATTENDANCE:

E Dodd	Planning Manager - Development Lead Specialist
M Hilton	Senior Planning Officer
C Thompson	Area Planning Officer
J Mountain	Area Planning Officer
A Walker	Solicitor
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors E Georgiou, H Parekh and C Thomas

5 Declarations of Interest

Councillor Edyvean declared a non-pecuniary interest as Ward Councillor in application 21/02109/OUT and would remove himself from the discussion and vote for this item.

6 Minutes of the Meeting held on 8 June 2023

Councillor Ellis referred to application 22/01468/REM, in relation to the recommendation 'regardless of the details shown on drawing number 2273 48A "HGV and Car Park Access" the building hereby approved shall not be brought into use until details of measures to restrict HGVs exiting the site left onto Newton Lane and accessing the site via a right turn from Newton Lane, have been submitted to and been approved in writing by the Local Planning Authority'. Cllr Ellis said that the recommendation had been to 'stop' rather than to 'restrict' HGVs exiting the site left onto Newton Lane. The Chair confirmed that whilst the decision notice for this application had been published and the minutes could not be changed, the Council could write to the applicant advising of the updated wording to the recommendation.

The minutes of the meeting held on 8 June 2023 were approved as a true record and were signed by the Chair.

7 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 A Edyvean removed himself from the Committee and did not contribute to the discussion or vote on the following application.

21/02109/OUT - Outline application for the erection of up to 110 dwellings and up to 5,600sqm of employment units including associated infrastructure, access, roadway, parking and landscape/amenity areas (all matters reserved except for access) - Land At Former Bunny Brickworks Site Loughborough Road Bunny Nottinghamshire

Updates

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

In accordance with the Council's Public Speaking Protocol for Planning Committee, Ms C Stainton (Agent for Applicant), Mr N Gould (Objector) and Councillor A Edyvean (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern about the quantum of housing proposed on the site and the impact on highways from the increase in traffic from the site. Members said that there was a lack of detail about the size of the buffer zone and biodiversity mitigation measures and questioned whether the 30% affordable housing would be delivered. Members referred to the Local Plan and said that contrary to the Plan, the applicant had not demonstrated that the quantum of residential housing could be accommodated on the northern part of the site whilst safeguarding the southern part of the site for employment.

Councillor Ellis moved for approval of the application and this was seconded by the Chair and the vote was lost.

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

- The application does not adequately demonstrate that the quantum of residential development can be accommodated on the northern part of the site whilst safeguarding the southern part of the site for employment and it is therefore contrary to Policy 23 Part A of the Local Plan Part 2

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

It has not been adequately demonstrated that the site is capable of accommodating the quantum of residential development proposed within the northern half of the site whilst safeguarding the southern half of the site for employment. The development is therefore contrary to Policy 23 (a) of the Local Plan Part 2: Land and Planning Policies which states:

The area, as shown on the policies map, is identified as an allocation for around 100 homes. The development will be subject to the following requirements:

- a) the southern half of the site must be safeguarded and developed for employment purposes (B1, B2 and B8).

Councillor A Edyvean re-joined the meeting.

23/00580/FUL - Erection of new dwelling with access - Land West Of Main Street Thoroton Nottinghamshire

Updates

In accordance with the Council's Public Speaking Protocol for Planning Committee, Ms C Garton (Applicant), Mr R Saville (Objector) and Councillor C Grocock (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 must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

Proposed site plan Dwg No. 2375/3 Rev C (apart from driveway details)
Proposed floor plans Dwg No. 2375/5 Rev D
Proposed elevations and sections Dwg No. 2375/6 Rev E
Proposed site plan Dwg No. 2375/7 Rev C
Proposed site elevation Dwg No. 2375/11 Rev -

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

3. The development hereby permitted must 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 policies 10 (Design and Enhancing Identity) and 11 (Historic

Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (July 2021)].

4. The development hereby permitted must not be occupied until precise details of the proposed vehicle parking area and driveway finish to serve the dwelling have been submitted to and approved in writing by the Local Planning Authority. The submitted details must show:
 - The proposed surface of the parking area and drive to be used (to include the retention of grass verges and unbound materials were possible (as indicated on drawing no 2375/4 (Rev D).);
 - The means of access and retaining features to the parking areas;
 - The finished land level, drainage and any proposed lighting.

The vehicle parking area and drive way must be constructed in accordance with the approved details before the development hereby permitted is occupied. Thereafter the vehicle parking areas shall be retained in accordance with the submitted plan and kept permanently available for the parking of vehicles in connection with the development hereby permitted.

[In the interests of highway safety and to accord with policy Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

5. The dwelling hereby permitted must not be occupied until the optional requirement for water efficiency (i.e: not exceeding 110 litres per person per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 (as amended)(or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of the dwelling.

[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].

6. 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 112 of the National Planning Policy Framework (July 2021)].

7. Notwithstanding the details contained in the application form, the development shall not progress beyond damp proof course level until a surface water drainage scheme showing compliance with the drainage hierarchy has been submitted to and approved in writing by the Borough Council. The development shall only be carried out in accordance with the approved surface water drainage scheme, which shall thereafter be maintained throughout the life of the development.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy, and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Prior to the development progressing above Damp Proof Course (DPC), details of ecological enhancements to provide biodiversity net gain shall be submitted to and approved in writing by the Borough Council. The biodiversity enhancements shall be implemented in accordance with the approved details prior to the first occupation of the development.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 179-180 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

9. The approved dwelling shall not be occupied until the driveway has been surfaced in a hard bound material for a minimum distance of 5m behind the highway boundary and has been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The hard bound surfacing and drainage measures shall thereafter be retained for the life of the development.

[To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), and to ensure surface water from the site is not deposited on the public highway causing dangers to road users].

10. The approved dwelling shall not be occupied until the driveway is fronted by a suitably constructed vehicular verge crossing, in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[In the interests of highway safety].

11. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously

identified, it

- a) must be reported to the Local Planning Authority within (48 hours). All development on the site must cease immediately and must not recommence until a written scheme for the investigation and risk assessment of the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework July 2021) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM)
- b) Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (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

- c) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[To ensure that any unexpected contamination that is encountered is appropriately remediated so 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 177 of the National Planning Policy Framework (July 2021)].

12. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning

authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

[To ensure that all soil or soil forming materials brought onto the site are free from contamination so 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 177 of the National Planning Policy Framework (July 2021)].

13. The development hereby permitted must not be occupied or first brought into use until a written scheme the hard (including means of enclosure) and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted) has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

NOTES TO APPLICANT

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. 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 licences@viaem.co.uk to arrange for these works to take place.

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/>

Condition 5 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 liters per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

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.

In order to prevent nuisance to neighbours, you are advised to agree with the Borough Council's Head of Environmental Health, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction. If the use of a crusher is required, this should be sited as far as possible from nearby dwellings and be operated in accordance with its process authorisation.

In the interests of amenity, all demolition and construction works, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

- o Monday - Friday 0700 - 1900 hours
- o Saturday 0800 - 1700 hours
- o Sunday/Bank Holidays No work activity

Good practice construction methods should be adopted including:

- o 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.
- o 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.
- o 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.
- o Root protection zones should be established around retained trees /

- o hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- o Pollution prevention measures should be adopted

Consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability including electric vehicle charging points and cycle storage, management of waste during and post construction and the use of recycled materials and sustainable building methods.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats and lighting.html](http://www.bats.org.uk/pages/bats%20and%20lighting.html) for advice.

The applicant/developer should be aware and make the future owner aware of the following responsibilities: 1) to ensure that the footpath is not impacted by the hedge and that it is cut back regularly, 2) that the fence alongside the path and the gate giving access to the path maintained to a safe and suitable standard.

23/00752/FUL - Extension and external alterations to ancillary annexe building - Farleigh Cottage Clifton Lane Ruddington Nottinghamshire NG11 6AA

Updates

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr Elenor (Applicant) and Councillor J Walker (Ward Councillor) addressed the Committee.

Comments

Members of the Committee referred to the proposed increase in size for the annex building and thought that the evaluation of disproportionality was subjective and did not consider it to be significant in relation to the size of the garden. Members also referred to the openness of the development given its location within the greenbelt and said that they did not consider that visibility was impacted. Members said that the applicant had demonstrated a need for the additional space.

Members of the Committee requested that conditions requiring use of matching materials and to ensure that the annex remain an ancillary building in perpetuity be applied.

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: • P003 Rev B - Proposed Floor Plans and Elevations (received 19 April 2023) • P004 - Proposed Side Elevation (received 19 April 2023) • P001 Rev B - Site Location Plan and Block Plan (received 25 April 2023) .

[For the avoidance of doubt having regard 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].

3. The materials specified in the application shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

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

4. The building hereby permitted must not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Farleigh Cottage, Clifton Lane, Ruddington and must not at any time be used as an independent dwelling.

[To ensure that the use of the building hereby permitted is not used as a separate dwelling independently from the existing dwelling at Farleigh Cottage, Clifton Lane, Ruddington. 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)].

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

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

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.

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.

8 Planning Appeals

The Committee noted the Planning Appeals Decision report which had been circulated with the agenda papers

The meeting closed at 5.18 pm.

CHAIR