



Rushcliffe
Borough Council

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY 11 JANUARY 2018**

Held at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

Councillor R L Butler (Chairman)
Councillor J A Stockwood (Vice-Chairman)

Councillors B R Buschman, J N Clarke M J Edwards, J E Greenwood, S J Hull
(substitute to S E Mallender) R M Jones, Mrs M M Males, Mrs J A Smith and
J E Thurman

ALSO IN ATTENDANCE

Councillor R Mallender
16 Members of the public

OFFICERS IN ATTENDANCE

P Cox	Senior Solicitor
M Elliott	Constitutional Services Team Leader
D Mitchell	Executive Manager - Communities
A Pegram	Service Manager – Communities
H White	Area Planning Officer

APOLOGIES FOR ABSENCE

There were no apologies for absence.

27. DECLARATIONS OF INTEREST

17/22252/FUL – 102 Mona Road, West Bridgford – Councillor Edwards
declared a non-pecuniary interest as he personally knew one of the objectors
to the application.

28. MINUTES

The Minutes of the Meeting held on Thursday 14 December 2017 were
confirmed as a correct record and signed by the Chairman.

29. PLANNING APPLICATIONS

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

Item 1 - 17/02451/OUT - Outline planning application for 5 x 2 bedroom affordable dwellings (rural exception site) - Land West of Works Lane, Barnstone, Nottinghamshire.

Updates

Representations received from the Borough Council's Sustainability Officer and from Waterloo Housing, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Ms Sarah Hudson of Waterloo Housing (on behalf of the applicant) and Councillor Tina Combella (ward councillor), addressed the meeting.

DECISION

THAT THE EXECUTIVE MANAGER – COMMUNITIES BE DELEGATED AUTHORITY TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING OF A SECTION 106 AGREEMENT, AND THE FOLLOWING CONDITIONS:

1. Applications for approval of reserved matters must be made no later than three years beginning with the date of this permission and the development must be begun no later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[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 only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council.
 - a. A detailed layout plan of the whole site;
 - b. The siting, design and external appearance of the proposed buildings;
 - c. The finishes for the hard surfaced areas of the site;
 - d. The means of enclosure to be erected on the site;
 - e. Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
and
 - f. The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with policy GP2 (Design & Amenity

Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Development shall not proceed above foundation level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. Before development is commenced, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. As a minimum, this report will need to include a Desktop Study documenting historical uses of the site and its immediate environs, site specific interpretation and a conceptual site model explaining results. Where the Desktop Study identifies potential contamination a Detailed Investigation Report will also be required, including a site investigation documenting the characteristics of the ground, an evaluation of all potential sources of contamination and a risk assessment, together with an updated conceptual model. In those cases where a Detailed Investigation Report confirms that contamination exists, a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required. All of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council, prior to development commencing, and the development shall be carried out in accordance with the approved details.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be discharged prior to work commencing on site to ensure that any potential contamination is dealt with prior to or during the construction phase]

5. No development shall commence until a scheme for protecting the dwellings from noise from the adjacent electricity substation; has been submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be

discharged before development commences on site to ensure that any measures can be incorporated into the build]

6. The development hereby permitted shall not be commenced beyond foundations 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 the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

7. Occupation of the proposed dwellings shall not take place until the access driveway has been provided and surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres from the back edge of the highway threshold, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

8. No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with the approved plans. The areas within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions for the lifetime of the development.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

9. Occupation of the proposed dwellings shall not take place until the parking areas have been provided and they shall be retained as such for the life of the development.

[In the interests of highway safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during construction shall be submitted to and approved in writing with the Borough Council. The works shall be carried out in accordance with the approved method statement.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory

Replacement Local Plan. This condition needs to be discharged before development commences on site to ensure that appropriate measures are in place during the build phase].

11. This permission shall relate only to the submitted application as amended by the revised plans received on 18 December 2017 regarding the proposed access arrangements and illustrative site plan.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

12. No development shall take place until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The scheme shall include a buffer zone between the remaining agricultural field and the development, including a new native species hedge line, ditch and grass/wildflower margin. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

This 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 affordable housing.

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 applicant should take guidance from their preferred Registered Provider partner to ensure the design and layout of the affordable units reflects their specific design requirements prior to the submission of a reserved matters application.

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.

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees, hedgerows and vegetation concerned it is recommended that works including felling/surgery should be carried out between September and January 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 protected species are found during works, work should cease until a suitable qualified ecologist has been consulted. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk. For further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk.

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done: <http://swift-conservation.org/Nestboxes%26Attraction.htm>
Advice and information locally can be obtained by emailing: carol.w.collins@talk21.com

The provision of bat bricks/lofts/boxes and bird nest bricks/boxes within the development site is recommended. 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.

Consideration should be given to energy efficiency, water sustainability, management of waste during and post construction and the use of recycled materials and sustainable building methods.

Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats, etc) Regulations 1994. These statutory instruments protect both the species themselves and their associated habitats.

If great crested newts are discovered during work on the development, the relevant work should be halted immediately and English Nature should be notified and further advice sought. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months or both.

Councillor Edwards who had declared an interest in the following item left the room at this point and did not take part in the subsequent discussion and vote.

Item 2 - 17/02252/FUL - Residential development of three dwellings following demolition of existing dwelling. (Revised application to include basements) - 102 Mona Road, West Bridgford, Nottinghamshire, NG2 5BT

Updates

Representations from two neighbours objecting to the application, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr Dalminder Singh (the applicant), Mr T Riddiough (objector) and Councillor Sue Mallender (ward councillor), addressed the meeting.

Comments

Members of the Committee considered that there would be a negative impact on the water table in the area from construction of the basements to the proposed properties and that this would adversely impact on the amenities of residents of the neighbouring properties, and considered that the properties with basements were an overdevelopment of the site. Members of the Committee were also concerned that a full assessment had not been made about the displacement of, and impact of ground water, caused by the creation of the basements on the neighbouring properties.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The development would be likely to impact on the water table in the area and potential for flooding of neighbouring properties, with a consequential impact on the ability of occupiers of those properties to make use of and enjoy their private amenity space, to the detriment of the amenities of these properties. The proposal is, therefore, contrary to one of the core planning principles of the National Planning Policy Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, and contrary to the objectives of policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.
2. The provision of basements within the dwellings would result in a more intensive form of development which, along with the associated earthworks and resultant size of the dwellings on this constrained site, would result in an overdevelopment of the site. The proposal is, therefore, contrary to policy GP2 d) (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

Councillor Edwards re-joined the meeting at this point

Item 3 - 17/01982/FUL - Construction of replacement dwelling (following demolition of existing dwelling)

17/02761/FUL - Demolition of dwelling (to allow replacement dwelling)

The Dovecote, Main Street, Hickling, Nottinghamshire, LE14 3AJ

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr Peter Greenwood (objector) and Councillor Tina Combellack (ward councillor), addressed the meeting.

Comments

Members of the Committee, whilst not objecting to the demolition of the existing property, were concerned that the replacement dwelling proposed would have a detrimental and overbearing impact on the adjacent property of The Old Forge by reason of its scale, height and mass and proximit to the neighbouring property, together with the difference in level between the sites. Members of the Committee were also of the opinion that the design of replacement property, incorporating large areas of glazing to the front elevation, would be unsympathetic to and fail to respect the historic character of the village and would harm the character and appearance of the conservation area.

17/01982/FUL

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The design and materials of the proposed dwelling, incorporating a substantial amount of glazing to the front elevation, would be unsympathetic to and would fail to respect the historic character of the village, and would, as a consequence, cause harm to the character and appearance of Hickling Conservation Area. The proposal is, therefore, contrary to the objectives of chapters 7 (Requiring good design) & 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework. The proposal is also contrary to policies 10 (Design and enhancing local identity) & 11 (Historic environment) of the Rushcliffe Local Plan Part 1: Core Strategy, and policies GP2 (Design & Amenity criteria) & EN2 (Conservation Areas), of the Rushcliffe Borough Non-Statutory Replacement Local Plan, and the objectives of the Rushcliffe Residential Design Guide.
2. The proposal would, by virtue of the scale, height and mass of the proposed dwelling, the proximity to the property to the north (Olde Forge) and the difference in level between the site and that property, have an undue overbearing impact on Olde Forge which would be detrimental to the residential amenity of that property. The proposal is, therefore, contrary to one of the core planning principles of the National Planning Policy Framework which states that planning should always

seek to secure a good standard of amenity for all existing and future occupants of land and buildings, and contrary to policy GP2 d) (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

DECISION

17/02761/FUL

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT 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 not commence until a scheme for re-development or aftercare/restoration of the site has been submitted to and approved in writing by the Borough Council, and re-development or aftercare/restoration of the shall take place in accordance with the approved scheme.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to Applicant

It is possible that the roof space, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

Item 4 - 17/02414/FUL - Single storey extension to rear and side – Cornerways, Main Street, Sibthorpe, Nottinghamshire, NG23 5PN

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Councillor Sarah Bailey (ward councillor), addressed the meeting.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASON

1. The rear extension, by reason of siting, massing, size and design, would have an overbearing impact upon the rear elevation and private amenity area of the adjoining property, Farley Cottage. Given the visibility of the site the depth of the extension to the south west would be out of proportion with the host property, failing to remain subservient to the character of the host property and representing an over dominant feature on approach to the site from the north west. Therefore, the development would be contrary to Policy 10 (2b) of the Rushcliffe Local Plan Part 1: Core Strategy which states:

Development will be assessed in terms of its treatment of the following elements:

- b) impact on the amenity of occupiers or nearby residents;

The proposal is also considered to be contrary to Policy GP2 (d) of the Rushcliffe Non Statutory Replacement Local Plan which states, inter alia:

Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:

- d) The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy.

Item 5 - 17/02455/FUL - Single storey extensions to side and rear, first floor/two storey extensions to front and rear, new porch and construction of car port - Nettle Barn, Bassingfield Lane, Bassingfield, Nottinghamshire, NG12 2LG

Updates

A representation received from Councillor Jonathan Wheeler (ward councillor), received after the agenda had been finalised had been circulated to members of the Committee prior to the meeting.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT 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 not be carried out in a accordance with the following approved plans:

- 17009-00-10
- 17009-00-11
- 17009-00-12
- 17009-00-13 revision A
- 17009-00-14

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to construction of the extensions hereby permitted reaching Damp Proof Course level, details of the facing and roofing materials to be used on all external elevations shall be submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

NOTES TO APPLICANT

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.

It is possible that the roof space, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land

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

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

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

The Chairman advised the Committee that as the time was approaching 10pm he was changing the order in which the remaining items were taken with agenda item 5 (Radcliffe on Trent No.1 TPO 2017) to be taken before the consideration of agenda item 4, item 6 - 17/02707/FUL - Single storey extension to rear - 3 East Acres Cotgrave, Nottinghamshire, NG12 3JP

30. RADCLIFFE ON TRENT NO.1 TPO 2017

The Executive Manager - Communities submitted a report to inform the Committee of objections which had been received to the above Order.

DECISION

THAT THE OBJECTIONS BE OVERRULED AND THE RADCLIFFE ON TRENT NO.1 TREE PRESERVATION ORDER 2017 BE CONFIRMED AS MADE.

Councillor Butler, as ward councillor for Cotgrave, vacated the Chair and withdrew from the meeting for consideration of the next item. Councillor John Stockwood took the Chair for the item.

31. PLANNING APPLICATIONS

Item 6 - 17/02707/FUL - Single storey extension to rear - 3 East Acres Cotgrave, Nottinghamshire, NG12 3JP

Updates

There were no updates reported.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT 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: Drawing No. 02 (Planning Drawing), received on 13 November 2017; and Drawing No. 03 (Block Plan), received on 17 November 2017.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The extension hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.
[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

Notes to Applicant

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

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 meeting closed at 9:55pm.

CHAIRMAN