

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY 14 DECEMBER 2017**

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 for R M Jones), Mrs M M Males, S E Mallender, Mrs J A Smith and
J E Thurman

ALSO IN ATTENDANCE

Councillor J Cottee
16 Members of the public

OFFICERS IN ATTENDANCE

M Elliott	Constitutional Services Team Leader
M Marshall	Principal Area Planning Officer
D Mitchell	Executive Manager - Communities
I Norman	Legal Services Manager
A Pegram	Service Manager – Communities

APOLOGIES FOR ABSENCE

Councillors R M Jones

24. DECLARATIONS OF INTEREST

17/02375/FUL - 68b Eltham Road, West Bridgford – Councillor Buschman
declared a non-pecuniary interest as he was ward Councillor for Abbey.

25. MINUTES

The Minutes of the Meeting held on Thursday 16 November 2017 were
confirmed as a correct record and signed by the Chairman.

26. PLANNING APPLICATIONS

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

Councillors J N Clarke and Mrs J Smith, as ward councillors for Radcliffe on Trent withdrew from the committee for the consideration of this item and did not take part in the subsequent discussion and vote.

Item 1 - 17/02364/FUL - Demolition of existing dwelling, construction of three detached dwellings, associated soft and hard landscaping, means of enclosure and access (resubmission) - 5 Golf Road Radcliffe On Trent Nottinghamshire NG12 2GA

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol Mr Peter Brears (the applicant), Mr Richard Metcalfe (objector), and Councillor Roger Upton (ward Councillor), addressed the committee.

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; '17-009-P01'; '17-009-P02'; '17-009-P03' & '17-009-P04' received on 10/10/2017.

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

3. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction shall be submitted to and approved by the Borough Council, in consultation with the Head of Environment & Waste Management Service. The works shall be carried out in accordance with the approved method statement.

[This is a pre-commencement condition as any works on site must be done in accordance with the details to be submitted to protect the amenities of the area to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. Before development is commenced, a Contaminated Land Report shall be submitted to and approved by the Borough Council. As a minimum,

this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that contamination exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved by the Borough Council prior to development commencing.

[This is a pre-commencement condition as any survey and remediation works that may be required on site must be done prior to any other works commencing. This is to protect the amenities of the area to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. 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.

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Details of the protective fencing need to be agreed and erected prior to work commencing on site to ensure that no damage is caused to trees and hedgerows during the construction phase.]

6. The development hereby permitted shall not progress beyond damp proof course 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].

7. Occupation of the proposed dwellings shall not take place until their respective driveways have been provided as shown for indicative purposes only on drawing number '17-009-P01'. The driveways shall be surfaced in accordance with the details submitted and shall be fronted by a dropped kerb. These provisions shall be retained for the life of the development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. Prior to the occupation of the dwellings the noise mitigation measures as specified within the noise assessment by Acute Acoustics Ltd reference 2136 Radcliffe on Trent - Harewood Close dated 2/10/17 shall be implemented and maintained thereafter.

[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]

9. 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 GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

10. The 2 first floor windows in the north west elevation of the Plot B property, serving the bathrooms (including en-suites) as indicated in the approved plans, shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification unless otherwise agreed in writing by the Borough Council. No additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

11. The 2 first floor windows in the north west elevation of the Plot C property, serving the bathrooms (including en-suites) as indicated in the approved plans, shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification unless otherwise agreed in writing by the Borough Council. No additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & 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.

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 concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

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

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

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 the County Council) on 0300 500 8080 to arrange for these works to take place.

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

For further information on the content of Contaminated Land Reports, please refer to the Council's Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both Rushcliffe Borough Council's website www.rushcliffe.gov.uk (use the A-Z search for Contaminated Land) or by contacting the Environmental Health Service directly or use the following link

<http://www.rushcliffe.gov.uk/media/rushcliffe/media/documents/pdf/environmentandwaste/Notts%20developers%20guide%202013.pdf>

Your attention is drawn to the comments from the National Grid on the application. BEFORE carrying out any work you must:

- Carefully read these requirements (available online) including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Councillors J N Clarke and Mrs J Smith re-joined the Committee at this point

Item 2 - 17/02550/FUL - Change of use from restaurant, conversion to four residential apartments - The Hall Nottingham Road Keyworth Nottinghamshire NG12 5FB.

Updates

Representations from two local residents 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 Sam Boote (objector), and Cllr Andy Edyvean (ward councillor), addressed the meeting.

Comments

The members of the Committee noted that as the application was largely unchanged from that considered by Planning Committee on 17 August, 2017, that their decision to refuse planning permission should remain unchanged. In the opinion of the Committee the restaurant contributed to the vibrancy and wellbeing of the community and that the proposal would result in the loss of a community facility which would have an adverse impact on the vitality of the area and vibrancy and wellbeing of the community and therefore should be maintained.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The restaurant facility is considered to contribute towards the vitality of the area and in meeting the varied needs of local people to interact with other members of the community. It is considered that the proposal would result in the loss of a community facility which would adversely impact on the vibrancy and economic wellbeing of the community and local area contrary to the golden thread of sustainability that runs through the National Planning Policy Framework (NPPF) and in particular paragraphs 7, 14, 17 and 23. It is also contrary to Policy 12 (Local Services and Healthy Lifestyles) of the Rushcliffe Local Plan Part 1: Core Strategy and policy COM3 (Loss of a Community Facility) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

Item 3 - 17/02094/FUL- Construction of 2 dwellings with new vehicular access and associated landscaping-Land Adjacent 18 Cherryholt Lane East Bridgford Nottinghamshire NG13 8LJ.

Updates

There were no updates reported

In accordance with the Council's Public Speaking Protocol Councillor Nigel Lawrence (ward Councillor), addressed the committee.

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 proceed beyond 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 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.]

3. The development shall not be brought into use until the proposed access, turning area and parking facilities have been constructed in accordance with details to be first submitted to and approved in writing by the Borough Council. These facilities shall include measures to prevent the unregulated run off of surface water to the highway and shall be retained for the lifetime of the development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. Neither dwelling shall be occupied until the terminal point of the wall on the Cherryholt Lane frontage has been re-built in accordance with the submitted details.

[To ensure the listed wall is completed satisfactorily and to comply with policy EN5 (Demolition and Listed Building) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. 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.

[To ensure existing trees and or hedges are adequately protected and to comply with policy EN13 (Landscaping Schemes) of the RBNSRLP. Commencement of development in advance of the implementation of tree protection measures could result in loss of or damage to trees and/or hedges which it is considered should be retained].

6. The development hereby permitted shall not progress beyond damp proof course level until a detailed landscaping scheme including hard surfaces 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].

7. The development shall be carried out in accordance with the submitted plans 3264 02 rev C, 3264 03 rev A and 3264 04 rev C.

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

8. Development shall not proceed beyond damp proof course level until details of all screen fencing/walling and means of enclosure to be erected on the site has been submitted to and approved in writing by the Borough Council. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained thereafter unless the Borough Council gives written consent to a variation.

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

9. The construction of the wall to the east of the proposed access shall not commence until details of the method of construction of the foundations have been submitted to and approved in writing by the Borough Council. Thereafter, the wall shall be constructed in accordance with the approved details and neither dwelling shall be occupied until it is completed.

[To ensure there is no damage to the roots of the nearby tree and to provide security to 18 Cherryholt Lane and comply with policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

10. Prior to the commencement of development, a method statement detailing techniques for the control of noise, dust and vibration shall be submitted to and approved in writing by the Borough Council. Thereafter, the development shall be carried out in accordance with the approved details.

[To avoid nuisance to nearby residents and comply with policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be discharged prior to work commencing on site to ensure that the methodology for undertaking the development does not give rise to unacceptable impacts from noise, dust and vibration].

11. The first floor windows in the east elevation of Plot 2, serving the stairwell, and the first floor bathroom windows in the west elevation of Plot 1 shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter the windows shall be retained to this specification unless otherwise agreed in writing by the Borough Council. No additional windows shall be inserted in these elevations without the prior written approval of the Borough Council.

[In the interests of the amenities of neighbouring properties and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

NOTES TO APPLICANT

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

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.

Councillor Buschman who had declared an interest in the following application left the room for the consideration of the next application and did not take part in the subsequent discussion and vote.

Item 4 - 17/02375/FUL- First floor rear extension including increase in roof height, and ground floor alterations to extend living room - 68B Eltham Road West Bridgford Nottinghamshire NG2 5JT.

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 plans ref: 2608/14/02 received on 5 October 2017.

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

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

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The glazed side panels in the first floor bay window in the rear elevation of the proposed development shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the window shall be retained to this specification. No additional windows shall be inserted in this elevation.

[To protect the residential amenity of the neighbouring properties and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

NOTES TO APPLICANT

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.

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 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 that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website.

27. **APPEAL DECISIONS**

Councillor Buschman re-joined the meeting at this point.

The report of the Executive Manager - Communities was submitted and noted.

The meeting closed at 8.37pm.

CHAIRMAN