

**MINUTES  
OF THE MEETING OF THE  
PLANNING COMMITTEE  
THURSDAY, 12 SEPTEMBER 2019**

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

**PRESENT:**

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman),  
A Brennan, N Clarke, P Gowland, L Healy, A Major, J Murray, F Purdue-Horan,  
C Thomas and R Walker

**ALSO IN ATTENDANCE:**

Councillors R Mallender, S Mallender and R Upton

**OFFICERS IN ATTENDANCE:**

A Pegram	Service Manager - Communities
O Pennington	Area Planning Officer
S Sull	Monitoring Officer
H Tambini	Democratic Services Manager

**APOLOGIES:**

Councillors K Beardsall and D Viridi

59 **Declarations of Interest**

There were no declarations of interest.

60 **Minutes of the Meeting held on**

The minutes of the meeting held on 15 August 2019 were agreed as a true record and were signed by the Chairman.

61 **Planning Applications**

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

**18/02515/FUL – Erection of 221 dwellings with landscaping, public open space and associated infrastructure – Land north of Bunny Lane, Keyworth, Nottinghamshire.**

**Updates**

A representation from a local resident objecting to the proposal was received after the agenda was published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol, Oliver Pritchard (objector) and Steve Harley (agent for applicant) addressed the Committee.

## Comments

Members of the Committee referred to the practice of hedge netting adopted by some developers to prevent birds nesting and requested that the developer be asked to resist that practice where possible.

## DECISION

**THAT IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009, THE APPLICATION BE REFERRED TO THE NATIONAL PLANNING CASEWORK UNIT AND THAT, SUBJECT TO THE APPLICATION NOT BEING CALLED IN FOR DETERMINATION BY THE SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT, THE EXECUTIVE MANAGER FOR COMMUNITIES BE AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING OF A SECTION 106 AGREEMENT AND THE FOLLOWING CONDITIONS.**

1. The development, hereby permitted, shall be begun not later than three years from the date of this permission.

[To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004].

2. The development hereby approved shall be implemented in accordance with the following plans and documents:

- Site Location Plan 063\_003 Rev B received 28 August 2019;
- Planning Layout M1127-SL-001P received 2 September 2019;
- Revised Refuse Tracking Plan received 22 May 2019;
- Refuse Tracking M1127-EN-030A received 22 May 2019;
- House Type Pack originally submitted:
  - Chesterton; Byron; Milton; Blake; Hallam; Brooke; Skelton; Wyatt; Morris; Shakespeare; Peele; Raleigh; Berry; Stein; Sinclair; Tate; Sorley; Sorely Strand; Sorely Sinclair Spencer; GL01.PL-01 Single Garage; GL02.PL 01 Double garage; GR02.PL-01 Double Garage; and SG02.PL Sales Double garage;
- as revised by:
  - 2BF02 received 26 March 2019;
- Henley and Orbourne house type plans received 22 May 2019:
  - Henley 385.PL -01 Brick; Henley 385.PL-03 Tudor; Henley 385-1.PL-02 Render; Henley 385-1.PL03 Tudor; Henley 385-1.PL-01 Brick and Osbourne Brick;
- and revised by house types in the document dated June 2019 received 8 July 2019:
  - 375.PL- 01 Lyttelton Brick; 375.PL- 02 Lyttelton Render;

375-1.PL 01- Lyttelton Brick; 375-PL-02 Lyttelton Render; 476.PL-02\_06 Wyatt Render; 483.PL-01\_05 Darlton Brick; 483.PL-02\_05 Darlton Render; 483-1.PL -01\_05 Darlton Brick; 483-1.PL-02\_05 Darlton Render; 570.PL-01\_06 Rowley Brick; 570-1.PL-01\_06 Rowley Brick; 570-1.PL-03\_06 Rowley Tudor; 807-PL-01-03 Lyttelton Byron Brick; 807-1.PL-01\_03 Lyttelton Byron Brick; Wyatt – 476.PL-03 Tudor; Wyatt – 476.PL-06 Floor Plans; and Wyatt 476-1.PL-03 Tudor;

- and revised by house type plans received 2 September 2019 for the following:
  - 1 BB2P.PL-01 Thorne Brick; 3B5P\_4B6P-1.PL-01\_03 Sorely Strand Brick; and 859-1.PL-01,02,05 and 06 Sorley Sinclair Spencer;
- POS Areas Plan MI127-SL-015 received 28 August 2019;
- Landscape strategy plan 155\_-010 rev A received 26 March 2019;
- Design and Access Statement, By Define received 23 October 2018;
- Planning Statement, Oxalis Planning;
- Landscape and Visual Impact Appraisal, 064 LVIA 011018 October 2018 by Define;
- Keyworth Rushcliffe Assessment of Housing Mix, Lichfields, September 2018;
- Heritage Statement, 3150.R01d, Nexus Heritage received 23 October 2018;
- Transport and Infrastructure Planning, WIE14513-100-1-2-3, Waterman dated October 2018 received 23 October 2018;
- Transport Assessment Addendum, WIE14513-100-R-4-1-3, Waterman, received 4 July 2019;
- Framework Travel Plan, 14513-100-R-2-3-2, Waterman, dated May 2019 received 22 May 2019;
- Flood Risk Assessment and Drainage Strategy, BM11651 0001 V03, October 2018, Wardell Armstrong received 23 October 2018;
- Flood Risk Assessment and Drainage Strategy Addendum Report, BM11561 002 VO.1, Wardell Armstrong, July 2019;
- Ecological Assessment, 6633.EcoAss.Vf1, October 2018 Ecology Solutions Ltd received 23 October 2018;
- Statement of Community Involvement, Instinctif Partners, September 2018;
- Preliminary Risk Assessment 312327-01, RSK April 2013;
- Arboricultural Assessment, FPCR, September 2018, Rev B;
- Health Matrix, received 22 May 2019;
- The proposed A60 improvements shown indicatively on Drawing No. 14513-SA-03-017-A03;
- The proposed new site access junction on Bunny Lane as shown indicatively on Drawing no. WIE-SA-03-009-A01; and
- The proposed Village Gateway on Bunny Lane as shown indicatively on Drawing No. WIE-SA-03-009-A01.

[For the avoidance of doubt and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in the interests of amenity and to accord Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy and with emerging Local Plan Part 2 Policy 4.3].

3. No development shall proceed beyond foundation level until such time that details of the proposed materials to be used in the elevations and roofing of the dwellings hereby approved have been submitted to the Local Planning Authority and agreed in writing. The development shall be undertaken in accordance with the approved details.

[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 and to accord Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

4. No development shall be carried out until a Phasing Plan, including details of phasing for the approved development, has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of:

- The timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
- The timing of biodiversity, SUDS and landscaping features;
- The timing of the provision of on-site natural play /equipped play space provision in relation to the provision of any new residential units;
- The timing and provision of internal footpaths/cyclepaths;
- The timing of connections of internal footpath/cyclepaths to the North of the site, to Bunny Land and Croft Road; and
- details of the timing of the erection of boundary treatment (other than that relating to specific house plots).

The development shall be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

[To ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities and to promote biodiversity on the site, in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition to enable consideration to be given in a coordinated manner to all the key components of the scheme].

5. No dwelling hereby approved shall be occupied until the following works have been provided in accordance with plans previously submitted and approved in writing to the satisfaction of the Local Planning Authority:

- The proposed new site access junction on Bunny Lane as shown indicatively on Drawing no. WIE-SA-03-009-A01;
- The proposed Village Gateway on Bunny Lane as shown indicatively on Drawing No. WIE-SA-03-009-A01, to include marker posts, hazard centre line (extended to that which has been shown), clock type signs in the verges to either side and supplementary VA sign;
- Reinstatement of redundant vehicular accesses on Bunny Lane; and
- The proposed footpath improvements along Bunny Lane as shown indicatively on drawing 14513-SA-03-005-A03.

[To make sure that a satisfactory means of access is provided, in the interests of road safety to promote sustainable travel and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan In interest of highway safety and promote sustainable travel].

6. There shall be no excavation or other groundworks, except for archaeological investigative works in respect of condition 28, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. All details shall comply with the County Councils current Highway Design and Parking Guides:
- a. tactile paving;
  - b. vehicular, cycle, and pedestrian accesses;
  - c. vehicular and cycle parking (surfaced in a bound material);
  - d. vehicular turning arrangements;
  - e. maneuvering arrangements;
  - f. access widths, gradients, surfacing, street lighting;
  - g. structures;
  - h. visibility splays; and
  - i. drainage.

The development shall be carried out in accordance with the approved details and no dwelling shall be brought into use until the approved vehicle access, parking, maneuvering and turning areas approved under this Condition for that dwelling:

- a. have been constructed in accordance with the approved drawings; and
- b. are available for use.

[In the interest of highway safety, to make sure the drive is not too steep, in order to provide a reasonable level of safety in icy conditions and to comply with Policies GP2 (Design and Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition that is

required to ensure that the highway matters are addressed before works start on the site].

7. No development shall take place, excluding topsoil strip, earthworks to form balancing ponds and foul sewer diversion, survey works in connection with ecology and archaeology, until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure an adequate form of development in the interests of highway safety and to comply with Policies GP2 (Design and Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition that is required to ensure that the internal roads are acceptable to the County Council].

8. No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the version of the A52/A606 Improvement package Developer Contributions Strategy Memorandum of Understanding in force at the time of commencement of development.

[To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety. This is a pre-commencement condition to ensure that funding for necessary wider highway improvements required as a result of the development is made available so that the works can be implemented in a timely fashion].

9. Prior to first occupation the developer of the site shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Interim Travel Plan to be approved prior to development taking place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with Policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. The Travel Plan coordinator shall within 6 months of first occupation of the site produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent

with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with Policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

11. The Travel Plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Detailed Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where Travel Plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with Policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

12. Prior to the commencement of the development hereby permitted a scheme of on plot (excluding private rear gardens) and public open space landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- Planting plans;
- Written specifications including cultivation and other operations associated with tree, plant and grass establishment;
- A schedule of plants noting species, plant sizes and proposed numbers/densities;
- Existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate);
- Existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate);
- Existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
- A timetable/ phasing for implementation and completion of the landscaping scheme;
- A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including a scheme for protecting 4m emergency link along plots 221 200-201);
- Details of how the landscape proposals comply and compliment with the ecological requirements under condition 11; and
- Details of the footpath/cycle path connections within the wider site

area and to Croft Road and Bunny Lane and the fields to the north.

The approved scheme shall be carried out in accordance with the approved details and implemented and completed in accordance with the approved timetable. If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe Core Strategy and Policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition to ensure that existing features to be retained are identified and protected].

13. Prior to the occupation of any dwelling hereby approved, details of the equipped play area and natural play area shall be submitted to the Local Planning Authority for written approval. Each area shall include a minimum of 5 pieces of equipment/play features with ancillary equipment. The equipment in the equipped play area shall replicate, rocking, sliding, swinging, rotating and imaginative play and be designed taking into account the Fields Trust National Playing Fields Association General Principles Guidance and the topography of the site. The total area of equipped play should be a minimum of 0.13 hectares. The development shall be implemented in accordance with the approved details and the play area and their provision shall be in accordance with the phasing submitted and approved in condition 4.

[To make sure that adequate open space is Provided within the development and to comply with Policy COM5 (Provision of Open Space in New Developments) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

14. No development shall take place until a Landscape and Ecology Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP shall have full regard to the mitigation and enhancements together with the summary and conclusions of the Ecological Assessment dated October 2018 (6633.EcoAss.vf1) by Ecology Solutions Ltd (or as amended/ updated as Part of the discharge other conditions) and shall include:

- Details of habitat creations and enhancement of hedgerows;



- Bird and bat boxes shall be integrated into the building fabric (the former targeting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their garages;
- Ongoing management of the SUDS and landscaped areas for the benefit of wildlife and biodiversity;
- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance;
- A pre-commencement walkover survey for badgers by an appropriate ecologist; and
- If the Ash tree, with potential as a bat roost is to be removed, it should be surveyed by an appropriate ecologist Prior to works and any recommendations followed.

The development shall be undertaken in accordance with the approved LEMP.

[To ensure the appropriate wildlife protection is provided during 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 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy and to comply with Policies GP2 (Design and Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

15. No development shall take place until the details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken have been submitted to the Local Planning Authority. All existing trees and/or hedges which are to be retained are to be protected in accordance with the approved measures and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with Policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition to ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired].

16. No removal of hedgerows, trees or shrubs shall take place between 1st

March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraph 174 and 175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

17. In the event that the planning permission is not implemented within two years of the date of the planning permission being granted a further protected species survey shall be carried out, prior to work commencing on site, and submitted to and approved by the Local Planning Authority in writing. Any mitigation measures recommended by the survey shall be implemented in accordance with approved details and in line with other conditions.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

18. Prior to installation of any lighting, a bat-sensitive lighting scheme should be submitted and approved in writing by the Local Planning Authority. The lighting scheme should be in accordance with Conservation Trust (2018) "Bats and artificial lighting in the UK. The scheme shall include details of lux plots of the estimated luminance . The scheme shall be designed to minimise skyglow. The lighting scheme shall be implemented in accordance with the approved details and maintained thereafter.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy and Policies GP2 (Design and Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

19. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles put forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy v3, October 2018, Wardell Armstrong Ltd and (Flood Risk Assessment and Drainage Strategy Addendum Report July 2019), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details

prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753;
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to the QBar Greenfield rates for the developable area;
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA;
- Provide detailed design (Plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm; and
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long-term operation to design parameters.

The approved drainage strategy shall thereafter be implemented in accordance with the surface water drainage scheme.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy and to prevent the increased risk of flooding and to comply with Policies WET2 (Flooding) and WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory replacement Local Plan. This is a pre-commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

20. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

[To ensure that adequate drainage facilities are provided in connection with the development as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with Policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition to ensure that flood risk and sewage capacity requirements are mitigated and the measures can be incorporated in to the build phase].

21. No development shall commence until details of the finished floor and ground levels in relation to a fixed datum point, existing site levels and adjoining land levels has been submitted and approved in writing by the Local Planning Authority. Such details shall have regard to the drainage strategy for the site. The development shall be undertaken in accordance with the approved details.

[To ensure a satisfactory development in the interests of amenity, accessibility and highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory replacement Local Plan. This is a pre-commencement condition to ensure that the development is undertaken with agreed levels from the outset].

22. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) will be carried out in accordance with the mitigation and enhancements and summary and conclusions of the Ecological Assessment dated October 2018 (6633.EcoAss.vf1) by Ecology Solutions Ltd (or as amended/ updated as part of the discharge of other conditions) and shall include the following:

- Risk assessment of the impact of construction activities on biodiversity;
- Identification of "biodiversity protection zones";
- practical measures (both physical measures and sensitive working practices) to reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy. To ensure the survey reflects the situation pertaining at the time and to comply with Policies GP2 (Design and Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take Place].

23. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The Statement shall have regard to the CEMP and LEMP approved under conditions 14 and 22 and provide for:

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

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

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management to comply with Policies GP2 (Design and Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site

wildlife].

24. During any ground works, demolition or construction, there shall be no burning of waste on the site.

[To protect the amenities of neighbouring residential properties and to comply with Policies GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

25. The existing soils and any soil or forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Contamination testing should take place within UKAS and MCERTS accredited laboratories, certificates shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming material being imported onto the site. Details of the source and type of the imported materials and the estimated amount to be used on the site are also required to be submitted. Only the approved material shall be used.

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

26. No development shall take place until an Employment and Skills Strategy for the construction phase of the approved development shall be produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citb framework and will provide opportunities for people in the locality to include employment, apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[In order to promote local employment opportunities in accordance with Policies 1 and 5 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition because recruitment and employment takes place prior to commencement].

27. Prior to the occupation of each dwelling submitted as part of the planning application each dwelling shall be provided with ducting to enable the connection to high-speed fibre optic Broadband.

[To assist in reducing travel demand by enabling working from home initiatives in accordance with the aims of Policy 24 of the Rushcliffe Local Part 1 - Core Strategy].

28. No development shall commence until a programme of archaeological work under a Written Scheme of Investigation, drafted in accordance with ClfA published standards shall be submitted to and approved by the Local Planning Authority in writing. It should focus, but not be limited to,

the four historic ponds and the slightly curving bank in the south west of the site as identified in the submitted Heritage Assessment.

No development shall take place other than in accordance with the Written Scheme of Investigation as approved (if required).

Any post investigation assessment (including any analysis, publication, dissemination and archiving of results) required by the Written Scheme of Investigation shall be undertaken and completed in accordance with the programme set out in the Written Scheme of Investigation.

[To ensure that items of archaeological interest are recorded in accordance with Para 199 of the NPPF. This is a pre-commencement condition required to ensure that any archaeological items are recorded from the onset of any intrusive operations and to comply with Policies GP1 (Sustainable Development), GP2 (Design and Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition required to ensure that if archaeological interest is identified it is recorded or in order to influence the reserved matters layout in order to avoid harm to].

29. No dwellings hereby permitted shall be occupied until a scheme for the provision of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. Thereafter the charging points shall be installed, maintained and operated in accordance with the approved scheme for the lifetime of the development.

[In order to address the causes and impacts of climate change and in accordance with Policies GP1 (Delivering Sustainable Development] and GP2 [Design and Amenity Criteria] of the Rushcliffe Borough Non Statutory Local Plan].

30. Notwithstanding the provisions of Schedule 2, Part 1 Classes A – D 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 enlargement or alteration of the proposed dwelling(s) and no alteration to or insertion of windows or rooflights other than those shown on the approved plans on plots 191 -199

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

31. 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 Local Planning Authority prior to development commencing.

[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 and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and to comply with the NPPF and Local Plan Part 1. This is a pre-commencement condition that is required to ensure that the site is free from contamination].

32. The hedge located within the centre of the site and those on the west, north and southern boundary of the application site shall, with the exception of any sections where removal is necessary to facilitate construction of the vehicular access to the site, be retained and any part of the hedges removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedgerows are an important feature in the area and its retention is necessary to help screen the new development and prevent undue overlooking of adjoining dwellings and to comply with Policy GP1viii (Delivering Sustainable Development) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

33. Details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council before the laying of any foundations of any of the dwellings hereby approved. No dwelling shall be occupied until the approved boundary treatment to that dwelling has been completed. Details of the timing for the erection/planting of other boundary treatment within the site (specifically boundary treatment to the eastern boundary of the site) shall be provided as part of the Phasing Plan required by condition 4. Once erected/planted, the boundary treatment and means of enclosure shall be retained thereafter in accordance with the approved details.

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

### **Notes to Applicant**

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



payments will increase subject to the provisions set out in the Agreement.

The Ecological Appraisal recommends that the proposed footpath should be positioned to avoid the orchard, but this does not appear to be the case. This will require addressing as part of the detailed landscaping scheme.

The submitted Preliminary Risk Assessment advises: That an intrusive investigation should be undertaken to further determine the geotechnical constraints, potential gas risks and potential human health risks around the AST and animal holding/ traffic areas and that a slope stability assessment may be required depending on the proposed development. In respect of foundations in the south it is likely that shallow strip footings would be suitable and in the north deeper foundations may be required possibly with piled foundations. These issues will need to be addressed, including in any submission for the approval of Building Regulations.

In relation to soil management details, you are advised to refer to DEFRA Construction Code of Practice for the sustainable use of soils on Construction sites.

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

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such, you should make every effort to prevent it occurring.

Section 38 Agreement (Highways Act 1980) - The applicant should note that, notwithstanding any planning Permission, if any highway forming Part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the Particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and

approved by the County Council (or District Council) in writing before any work commences on site.

Section 278 Agreement (Highways Act 1980) - In order to carry out the off-site works required, you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and, therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Jan Witko on telephone number 0115 9774364.

In order to satisfy the requirements of conditions 5 and 6 the Highway Authority will need to undertake a full technical design check of the your detailed design drawings. Discharge of any conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted. We therefore strongly recommend technical approval for your drawings is obtained from the Highway Authority Prior to any formal reserved matters submission.

Travel Plan - Advice regarding Travel Plans can be obtained from the Travel Plans Officer on telephone 0115 9774323. Correspondence with the Highway Authority should be addressed to:

Highway Development Control Section  
Highways South  
Nottinghamshire County Council  
County Hall  
West Bridgford  
Nottingham, NG2 7QP

In respect of any conditions relating to drainage:

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.
- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and
  - ii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy shall also demonstrate how any land drainage issues will be resolved.
- A hydraulic modelling study may be required to determine if the

proposed flows can be accommodated within the existing system and if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.

- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

In respect of ecology:

- The orchard should be retained and enhanced.
- Mature trees should be retained where possible.
- The hedgerows should be largely retained and enhanced.
- Hedgerow's should be buffered with a flower rich grassland strip.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral and / or wet grassland and / or wetlands and ponds should be created and hedgehog corridors.
- Artificial wild bird nest sites should be installed within buildings (including for swifts and sparrow terraces) and roost / nest boxes on retained trees (including for tree sparrows).

Good practice construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.

If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal. Night working should be avoided.

Your attention is drawn to the requirements of condition 16 limiting the period when trees or hedgerows should be removed. Every effort should be made to ensure that any trees or hedgerows are not removed during the bird nesting season and the practice of netting trees or hedgerows to prevent birds nesting should be avoided where practicable.

The Borough Council and Nottinghamshire County Council are keen to

encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details: Openreach: Nicholas Flint 01442208100 [nick.flint@openreach.co.uk](mailto:nick.flint@openreach.co.uk) Virgin: Daniel Murray 07813920812 [daniel.murray@virginmedia.co.uk](mailto:daniel.murray@virginmedia.co.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 landowner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

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.

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

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](mailto:carol.w.collins@talk21.com)

The Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act Payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980.

Condition 31 relates to requirements in relation to contamination. For further information on the content of Contaminated Land Reports, please refer to the Councils Publication "A Guide to Developing Land Within Nottinghamshire". This booklet is available from Rushcliffe Borough Council's website [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) (use the A-Z search for Contaminated Land) or via the following link: <https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/environmentandwaste/environmentalhealth/protectionandsafety/Notts%20developers%20guide%202013.pdf>

The farm buildings on the site may contain asbestos cement materials and these should be removed by a licensed contractor prior to demolition in order to

prevent contamination and risk to human health.

**19/00535/OUT – Outline application (with all matters reserved apart from access) for residential development of around 180 homes with associated landscaping, public open space and infrastructure – Land east of Loughborough Road, Ruddington, Nottinghamshire.**

### **Updates**

A representation from a member of the public was received after the agenda was published and was circulated to the Committee before the meeting.

Details of a number of amendments to the conditions were recommended by the Planning Officer after the agenda was published and those were circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol Gary Lees (applicant) and Councillor Michael Gaunt (Ward Councillor) addressed the Committee.

### **DECISION**

**THAT IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009, THE APPLICATION BE REFERRED TO THE NATIONAL PLANNING CASEWORK UNIT AND THAT, SUBJECT TO THE APPLICATION NOT BEING CALLED IN FOR DETERMINATION BY THE SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT, THE EXECUTIVE MANAGER FOR COMMUNITIES BE AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING OF A SECTION 106 AGREEMENT AND THE FOLLOWING CONDITIONS.**

1. Application for approval of reserved matters for Phase 1 (which shall include a minimum of 100 dwellings) must be made no later than one year beginning with the date of this permission. In the case of Phased development, all subsequent reserved matters applications must be submitted to the Local Planning Authority within three years of the date of this permission. The development must be begun not later than the expiration of two years from the date of approval of the associated reserved matters to be approved.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004 and to ensure appropriate early delivery of the development].

2. No development (other than for the access to Loughborough Road approved under this permission) shall take place within any phase of the development until details of the following within that phase having first been submitted to and approved in writing by the Local Planning Authority:

- a. appearance;
- b. landscaping;
- c. layout; and
- d. scale.

(hereinafter called the “reserved matters”). The application for approval of reserved matters shall be generally in accordance with the illustrative concept plan reference: ‘DRG: P17-0223\_002 1 - Rev: H’ and design proposals outlined in section 5 of the Design and Access Statement.

The development shall thereafter be carried out in accordance with the approved reserved matters.

[To comply with Section 91 of the Town and Country Planning Act 1990 and in order to establish the parameters and design principles of the development in the interests of amenity and to accord Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1: Core Strategy and with emerging Local Plan Part 2 Policy 6.3].

#### Pre-Commencement Including Access:

3. No part of the development hereby approved (including access) shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 07-0036 February 2019, G30 Ltd, for the relevant phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

In the instance of a phased development, the detailed surface drainage scheme must be submitted (at least) so far as it relates to that phase and drainage zone, and must demonstrate how the scheme would not prejudice the future delivery of remaining phases in broad accordance with the approved surface water drainage strategy.

The scheme shall be implemented in accordance with the approved details prior to completion of the development (or relevant phase). The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753;
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 19.9l/s for the total site area;
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA;
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive

of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;

- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm;
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure; and
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long-term operation to design parameters.

The reserved matters applications should build upon the submitted Flood Risk Assessment and should provide a more detailed layout plan clearly showing the provision for above ground drainage features in accordance with the submitted document and allow for the frontage ponds to be designed to achieve retention of a base water level, subject to LLFA requirements. The approved drainage strategy shall thereafter be implemented in accordance with these details and those approved under condition.

[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. This is a pre-commencement condition in ensure that flood risk is mitigated].

4. No development shall take place until the details of a Construction Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement shall have regard to the 'CEMP' required by condition 7 and provide for:
  - i. Access and parking of vehicles of site operatives and visitors;
  - ii. Loading and unloading of plant and materials;
  - iii. Storage of plant and materials used on constructing the development;
  - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. Wheel washing facilities;
  - vi. Measures to control the emission of noise, dust and dirt during construction;
  - vii. A scheme for recycling/disposing of waste resulting from construction works;
  - viii. Hours of operation;
  - ix. A scheme to treat and remove suspended solids from surface water run-off during construction;
  - x. An earthworks strategy to provide for the management and protection of soils; and
  - xi. The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation.

The approved Statement shall be adhered to throughout the construction period.

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

5. Immediately prior to development commencing (including site clearance), a badger survey shall be undertaken by a competent ecologist and the Borough Council shall be provided with details of this survey. Should any evidence of badgers be identified work shall not commence until mitigation measures have been submitted to and agreed by the Council.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre-commencement condition to ensure that ecological matters including protected species are adequately protected].

6. No development shall take place until the existing trees and/or hedges which are to be retained have been protected in accordance with details to first be submitted and approved by the Borough Council. The approved scheme of protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.

[To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. This is a pre-commencement condition to ensure the protection of vegetation].

7. No development shall take place (including demolition, ground works, vegetation clearance) until a construction ecological management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP will build upon the recommendations of:
  - Ecological Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019;
  - Badger Report and Impact Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019 [Confidential]; and



- Extended Phase 1 Habitat Survey and Preliminary Protected Species Assessment – Section 6 – Landscape Science Consultancy Ltd dated July 2018.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre-commencement condition to ensure that ecological matters are adequately considered at an early stage].

8. No development shall be carried out until a Phasing Plan including details of phasing for the approved development has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of:
  - a. The timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
  - b. The timing of biodiversity, SUDS and landscaping features; and
  - c. The timing of the provision of on-site recreation/open play space provision in relation to the provision of any new residential units.

The development shall be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

[To ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities and to promote biodiversity on the site and to comply with Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition to enable consideration to be given in a coordinated manner to all the key components of the scheme].

Pre-commencement Conditions (Main Development):

9. No development shall take place in the relevant phase (other than for the access to Loughborough Road approved by under this permission) until details of the following in respect of that phase have been submitted :
  - i. A detailed layout plan of the proposed development;
  - ii. The siting, design and external appearance of the proposed buildings;
  - iii. details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land;
  - iv. Cycle and bin storage facilities;
  - v. Sections and cross sections of the site showing the relationship of

- vi. the proposed development to adjoining land and premises;
- vii. The means of enclosure to be erected on the site;
- viii. The finishes for the hard-surfaced areas of the site;
- ix. The layout and marking of car parking, servicing and manoeuvring areas;
- x. The details of a scheme for the provision of electric vehicle charging points to serve each dwelling on the site. If any plots are to be without provision then it must be demonstrated why the positioning of such apparatus to the external fabric of the dwelling or garage, or the provision of a standalone vehicle charging point would be technically unfeasible or would have an adverse visual appearance on the street-scene;
- xi. Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the application site, and this shall include details of drainage, surfacing and lighting;
- xii. The means of access within the site;
- xiii. Details of the means of foul and surface water drainage;
- xiv. The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of number of bedrooms and proportion of houses and flats and tenure;
- xv. Details of how renewable/energy efficiency, climate change proofing has been incorporated into the phased to include for the provision of electric charging points and measures to conserve and recycle water;
- xvi. A statement providing an explanation as to how the design of the development has had regard to the Design and Access Statement submitted with the application and include an assessment the development against the Building for Life Standards and will allow for a development which does not prejudice the delivery of the neighbouring site Flawforth Lane;
- xvii. Details of connectivity to the neighbouring site on Flawforth Lane; and
- xviii. Details of on-site recreation space/facilities to serve the proposed development. Details to be submitted shall include landscaping, planting and any equipment to be provided on the proposed amenity spaces with equipment for the proposed LEAP to generally accord with the aim to cater for children in the age bracket of 8 – 11 years unless evidenced otherwise.

The development shall thereafter be undertaken in accordance with those approved details.

[These details will help inform the Reserved matters details and will ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 6.3 of emerging Local Plan Part 2 Land and Planning Policies. This condition is pre-commencement to ensure details are acceptable prior to work commencing on site].

10. No development shall take place in any relevant phase (other than for the access to Loughborough Road approved under this permission) until the details of the landscaping scheme for that phase, to include those

details specified below, have been submitted to and agreed in writing by the Borough Council:

- a) the treatment proposed for all ground surfaces, including hard areas;
- b) full details of tree planting;
- c) Planting schedules, noting the species, sizes, numbers and densities of plants. Measure to provide habitat enhancements should be adopted including the use of native fruiting species within landscaping and retention and gapping up hedgerows, new hedgerows, retention of mature trees and the use of bat and bird boxes / tubes;
- d) finished levels or contours;
- e) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
- f) details of all boundary treatments including height, design, location, materials and finish; and
- g) details of how the landscape proposals comply and compliment the ecological requirements under conditions 14 - 15.

The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of each phase of the development and any trees or plants which within a period of five 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.

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe Core Strategy].

11. No development shall take place in any relevant phase (other than for the access to Loughborough Road approved under this permission) until a scheme to demonstrate that the internal noise levels within the residential units in that phase will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, has been submitted to and approved in writing by the Local Planning Authority. The report shall include detailed proposals for any mitigation that is required to avoid noise from giving rise to significant adverse impacts on health and quality of life of the future residents and for mitigating and reducing to a minimum other adverse impacts on health and quality of life arising from noise. The work specified in the approved scheme shall then be carried out in accordance with the approved details and be retained thereafter.

[To ensure that acceptable noise levels within the development and its curtilage are not exceeded in the interests of the amenity of future occupants in accordance with Policy GP2 of the Rushcliffe Borough non Statutory Replacement Local Plan. This condition is pre-commencement to ensure details are acceptable prior to work commencing on site, as

alterations may impact fundamental positioning or design of buildings].

12. No development shall take place in any relevant phase (other than for the access to Loughborough Road approved under this permission) until the technical approval under S38 has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within that phase of the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling in that phase shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure an adequate form of development in the interests of highway safety and to comply with Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy)].

13. No development shall take place until an Employment and Skills Strategy for the construction phase of the approved development shall be produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citb framework and will provide opportunities for people in the locality to include employment, apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[In order to promote local employment opportunities in accordance with Policies 1 and 5 and 24 of the Rushcliffe Local Plan Part 1: Core Strategy].

14. No development shall take place in any phase (except for the access to Loughborough Road approved under this permission) until an Ecological Mitigation Strategy (EMS) and Artificial Lighting Strategy (ALS) for that phase has been submitted to and approved in writing by the Local Planning Authority. The EMS and ALS will build upon the recommendations of:

- Ecological Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019;
- Badger Report and Impact Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019 [Confidential]; and
- Extended Phase 1 Habitat Survey and Preliminary Protected Species Assessment – Section 6 – Landscape Science Consultancy Ltd dated July 2018.

The EMS and ALS shall include specific consideration of Badger, Reptile and Harvest Mouse mitigation amongst the wider considerations whilst the approved EMS and ALS shall be adhered to and implemented in accordance with the approved details.

[To ensure that the proposed development contributes to the

conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre-commencement condition to ensure that ecological matters are adequately considered at an early stage].

15. No development in any phase shall take place until a landscape and ecological management plan for that phase (LEMP) has been submitted and approved in writing by the Borough Council. This plan shall cover all public open space, ecological enhancement areas and Green/blue infrastructure. This shall build upon the details submitted for condition 14 (Ecological Mitigation Strategy and Artificial Lighting Strategy). The agreed mitigation and enhancements shall be implemented in accordance with the agreed works and timetable for implementation set out in the approved management plan and shall allow for the means to implement this plan in perpetuity.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre-commencement condition to ensure that ecological matters are adequately considered at an early stage].

Pre-occupation:

16. No part of the development shall be occupied until the highway improvements on Loughborough Road / Mere Way roundabout have been completed as indicatively shown on the submitted plan ref. Drawing title: Site Access Preliminary Layout, Project no. A109368, drawing no. P01 rev. D, dated 26.07.18 including provision of a new access into the site, footways widening, new footways and footways/cycleways, new crossing points on the roundabout, and Toucan crossing on Loughborough Road. The improvements shall also include amendments to road markings on the roundabout, upgrades to street lighting, upgrades/provision of skidding resistance surface at pedestrian crossings which are not shown on the submitted plan but are required as part of the highway works.

[To make sure that a satisfactory means of access is provided, in the Interests of road safety to promote sustainable travel and to comply with Policy 10 (Design and Enhancing Local Identity), Policy 14 (Managing Transport Demand) and Policy 15 (Transport Infrastructure Priorities) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].

17. No part of the development shall be occupied until the highway improvements on Loughborough Road/Kirk Lane/ Flawforth Lane signalised junction have been completed as indicatively shown on the submitted plan Drawing title: Proposed Junction Improvements Loughborough Road/Flawforth Lane, Project no. A109368, Drawing no. 001, dated: 04-01-19. These works shall include improvements shown in both blue and red line and shall include a provision of a traffic monitoring

camera and appropriate infrastructure and connections.

[In the Interests of road safety to promote sustainable travel and to comply with Policy 10 (Design and Enhancing Local Identity), Policy 14 (Managing Transport Demand) and Policy 15 (Transport Infrastructure Priorities) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].

18. No dwelling shall be occupied until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5 metres behind the highway boundary, 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 lifetime of the development.

[To ensure adequate parking and servicing areas are provided to serve the development, to ensure appropriate drainage to prevent the discharge of surface water to the highway in the interest of highway safety and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].

19. No dwelling shall be occupied until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding (the date of which is in force at the time of the commencement of development).

[To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety].

20. The residential development shall not be occupied or be brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a Travel Plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan (WYG Ref RT109368-02 Rev 1 May 2019), or any subsequent update to be approved and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

21. The Travel Plan coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the Local Planning

Authority shall summarise the data collected over the monitoring period that shall have categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where Travel Plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

22. The Travel Plan coordinator shall within three months of occupation of the final dwelling produce or procure a full Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

23. Prior to the occupation of each dwelling submitted as part of the planning application each dwelling shall be provided with ducting to enable the connection to high-speed fibre optic Broadband.

[To assist in reducing travel demand by enabling working from home initiatives and in the interests of encouraging sustainable forms of travel in accordance with the aims of Policy 24 of the Rushcliffe Local Plan Part 1: Core Strategy].

General conditions:

24. No dwelling shall be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, as agreed and detailed through reserved matters approval (condition 9).

[In order to address the causes and impacts of climate change and in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

25. In the event that contamination that was not previously identified is found at any time when carrying out the approved development it must be reported in writing immediately to Rushcliffe Borough Council. An investigation and risk assessment must be undertaken to assess the nature and extent of the contamination and any risks to designated receptors and where remediation is necessary a remediation scheme must be prepared and submitted to Rushcliffe Borough Council for approval. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to Rushcliffe Borough Council for approval.

[To protect the health and quality of life of the future occupiers of the development].

26. In the event that the development has not commenced within two years of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the Local Planning Authority. Any mitigation measures or further surveys required shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy].

27. No removal of hedgerows, trees or shrubs shall take place between the beginning of March and the end of September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any written confirmation should be submitted to the Local Planning Authority.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

28. The residential part of the development shall comprise no more than 190 dwellings.

[To clarify the extent of the development and in the interests of highway safety].

### **Notes to Applicant**

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

In relation to condition 16 requiring soil management details, you are advised to refer to DEFRA Construction Code of Practice for the sustainable use of soils on Construction sites.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank



Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council Highway Development Control (email: [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)) for details.

The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The submitted protected species survey has confirmed that there is evidence of bats and barn owls and no work should, therefore, be undertaken until a licence has been obtained from Natural England.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

All correspondence with the Highway Authority should be addressed to:

NCC Highways (Development Control, Floor 3)  
Nottinghamshire County Council  
County Hall  
Loughborough Road  
West Bridgford  
Nottingham, NG2 7QP

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

Your attention is drawn to the attached letter from Network Rail.

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.

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 Advanced Payments Code in the Highways Act 1980 applies and under Section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works.

If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

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. Every effort should be made to ensure that any trees or hedgerows are not removed during the bird nesting season and the practice of netting trees or hedgerows to prevent birds nesting should be avoided where practicable.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations and a wildlife sensitive lighting scheme should be developed and implemented.

Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal. Night working should be avoided.

Where possible, new trees/hedges should be planted with native species (preferably of local provenance and including fruiting species) and existing trees/hedgerows should be maintained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new

native trees (preferably of local provenance). Root protection zones should be established around retained trees/hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within the zones.

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

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](mailto:carol.w.collins@talk21.com)

The applicant is encouraged to incorporate bird and bat boxes into the fabric of buildings where practicable.

**19/00735/FUL – Demolition of existing dwelling and outbuildings. Construction of one two-storey house and one bungalow; associated means of access, enclosure and soft and hard landscaping – 12 Cliff Road, Radcliffe on Trent, Nottinghamshire.**

As Ward Councillors for Radcliffe on Trent, Councillor Abby Brennan and Councillor Neil Clarke withdrew from the Committee and did not take part in the subsequent discussion or voting.

**Updates**

A representation from the applicant's agent in support of the application was received after the agenda for the meeting was published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol, Michael Cuddington (objector) addressed the Committee.

**DECISION**

**PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON.**

1. Due to the limited site area, the proposal to accommodate two dwellings on this site as proposed would result in the proposed two storey dwelling being located closer to the road than other properties on this section of Cliff Drive which, by reason of its position within the plot, design and size would be out of keeping with the character of development in the area. The two dwellings on the site would represent an over intensive form of development out of keeping with the spacious character of the area. It would, therefore, be contrary to Policy HOU2 of the Rushcliffe Borough

Non-Statutory Replacement Local Plan which states that planning permission for new unallocated development will normally be granted provided that, inter alia:

- (a) The size and location of the site is such that its development would not detrimentally affect the character or pattern of the surrounding area of the settlement as a whole.

The proposal would also be contrary to Policy 11 (Infill Development) of the Radcliffe on Trent Neighbourhood Plan which requires, inter alia, that; "Infill development should respect the existing massing, building form and heights of buildings within their immediately locality. Front and rear building lines should be continued where these are well established and clearly defined as part of the existing settlement pattern.

Councillor Abby Brennan and Councillor Neil Clarke re-joined the meeting at this point.

**19/01330/FUL – Refurbishment, alterations and two-storey side extension to existing property – The Lodge, 7 Trevelyan Road, West Bridgford, Nottinghamshire.**

In accordance with the Council's public speaking protocol, David Bradley (objector) and Councillor Sue Mallender (Ward Councillor) addressed the Committee.

**DECISION**

**GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS SET OUT IN THE REPORT.**

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 and Compulsory Purchase Act 2004].

2. The development hereby approved shall be carried out in accordance with the submitted Site Layout Plan received 13/06/2019 and the revised plans ref no. DL/442/352 Rev A, DL/442/353 Rev A and DL/442/354 Rev B received on 19/07/2019.

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

3. The development hereby permitted shall not proceed above foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure 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].

4. No part of the extension hereby approved shall be brought into use until the parking and turning areas are provided in accordance with the approved site plan ref no DL/442/351 Rev A. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles and shall be retained for the life of the development.

[To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, in the interests of Highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and the National Planning Policy Framework].

5. Prior to the commencement of development, tree protection details, relevant for all trees to be retained within and adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall be installed prior to the commencement of development and remain in situ until the development is complete.

[This is a pre-commencement condition to ensure that the protection measures are agreed and erected before work commences on site 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].

6. Details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council prior to occupation of the development hereby approved. 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 as such thereafter.

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

### **Notes to 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.

The tree within the pavement is outside of your control and you would need to

contact Nottinghamshire County Council if any work to the tree was needed.

It was noted at the time of the consideration of the application that there was a significant amount of ivy growth on the building. Removal of this growth should take place outside of the bird nesting season (March to September). If it is proposed to remove the ivy during this period, it should first be checked for nesting birds and if nests are found work should cease and not recommence until after the nesting season. It is an offence under the Wildlife and Countryside Act 1981 to disturb nesting birds and their eggs.

The proposed work would necessitate removal of slates from the roof and cutting into the existing roof structure. Prior to work commencing, the roof should be inspected by a competent person for the presence of bats and if evidence of bats is found, work should not take place and advice should be sought from Natural England. Bats and their roost are protected under the Wildlife and Countryside Act 1981 and it is an offence to remove, injure or kill a bat or to damage or destroy their roost.

**19/01236/FUL – Proposed roof-light to side elevation and basement window to side (revised description) – Flats 1 and 2, 59 Crosby Road, West Bridgford, Nottinghamshire.**

### **Updates**

A representation from a neighbouring property objecting to the proposals was received after the agenda was published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol, Clare Bradley (objector) and Councillor Sue Mallender (Ward Councillor) addressed the Committee.

### **DECISION**

#### **GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS SET OUT IN THE REPORT.**

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 and Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the plan ref no DL/443/2/302 Rev C and DL/443/2/304 received on 30/05/2019.

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

62 **Planning Appeals**

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

The meeting closed at 10.12 pm.

CHAIRMAN