

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 14 NOVEMBER 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, P Gowland, L Healy, A Major, F Purdue-Horan, C Thomas, D Viridi,
A Phillips and B Gray

ALSO IN ATTENDANCE:

Councillors S Mallender, J Walker and J Wheeler

OFFICERS IN ATTENDANCE:

D Mitchell	Executive Manager - Communities
I Norman	Legal Services Manager
A Pegram	Service Manager - Communities
T Coop	Democratic Services Officer
M Hilton	Area Planning Officer
G Sharman	Area Planning Officer

APOLOGIES:

Councillors K Beardsall and J Murray

63 Declarations of Interest

Councillor A Major declared an interest in planning application 19/01507/FUL and advised that she would withdraw from the committee during this item.

Councillor M Stockwood declared an interest in planning application 19/01565/FUL and advised that she would withdraw from the committee during this item.

Councillor R Butler declared a non-pecuniary interest in planning application 19/01767/FUL and advised that he would withdraw from the committee during this item.

64 Minutes of the Meeting held on

The minutes of the meeting held on 12 September 2019 were agreed as a true record and were signed by the Chairman.

65 West Bridgford No. 1 Tree Preservation Order 2019

The Executive Manager – Communities submitted a report advising of objections that had been received to the West Bridgford No.1 Tree

Preservation Order 2019 – Land North of Wilford Lane located to the East and West of Becket Way.

Members of the committee considered the objections and **RESOLVED** that the order be confirmed without modification.

66 **Planning Applications**

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

19/01233/FUL – proposed roof-light to front and side elevations, window to side elevation, dormer window to rear elevation, basement window to side, fencing to first floor patio area – Flat 2, 7 Trevelyan Road, West Bridgford.

Updates

In accordance with the Council's public speaking protocol Councillor S Mallender, Ward Councillor, addressed the committee.

DECISION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the plans ref no. DL/443/1/302 Rev D and DL/443/1/306 received on 30.05.2019 and email dated 25.09.2019.

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

19/01507/FUL – Erection of two drive thru units (A3, A5), retail Terrace (A1, A3, A5, D1) and Day Nursery (D1), with associated car parking and infrastructure – Land off Landmere Lane, Edwalton, Nottinghamshire.

Councillor A Major had declared an interest in this item and withdrew from the meeting at this point.

Update

Further representations from the General Public objecting to the proposal and further comments from Councillor Robinson received after the agenda was published were circulated to the Committee before the meeting, together with

updates from the officers.

In accordance with the Council's public speaking protocol, Scott Davidson (Applicant) and Simon Cumberland (objector) addressed the Committee.

Comments

The Committee requested that electric charging points be provided within the development.

DECISION

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

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

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

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

Location Plan – 1566-10

HDD Site Development Plan – 1566-110 Rev L

Costa Unit Plans, Sections and Elevations – 1566-202

Costa Height Barrier - 26996

Retail Units Plan – 1566-201 Rev B

Nursery Unit Plans – 1566-200 Rev B

Ground floor, first floor & roof plans – 7641-SA-8725-P006 A

Proposed Elevations and Section – 7641-SA-8725-P005 A

Street lighting layout – LL1088/001 Rev C

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

3. The buildings hereby approved shall be constructed using the external facing and roofing materials detailed on the approved plans and supporting documents submitted considered as part of the application and no alternative or additional materials shall be used.

[To ensure the satisfactory appearance of the development and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

4. The larger Class A1 retail unit hereby approved (identified as Unit 3 on the Proposed Site Plan 1566-110 Rev L) shall not be used as a food supermarket (Use Class A1). The unit shall be used for other A1 purposes including, but not limited to, use as an A1 sandwich shop, or for the principal purpose of the sale of other convenience goods (such as alcohol, newspapers/magazines and household cleaning products).

[To ensure the use of the site does not impact upon the viability and vitality of nearby local centres in accordance with Policy 6 (Role of Town and Local Centres) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 27 (Main Town Centre Uses Outside District Centres or Local Centres) of Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3, Class A, units 5 and 6 as shown on the approved plans shall not be used for the purposes of Class A1 (shops) at any time.

[To ensure the use of the site does not impact upon the viability and vitality of nearby local centres in accordance with Policy 6 (Role of Town and Local Centres) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 27 (Main Town Centre Uses Outside District Centres or Local Centres) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. The development hereby approved shall not be occupied until details of the sheltered cycle storage to serve the development have been submitted to and approved in writing by the Local Planning Authority. The agreed cycle provision shall then be installed prior to the first use of the relevant building and retained as such in perpetuity.

[To ensure the development is served by adequate provision of cycle storage to encourage cycling as a mode of transport for the site's users in accordance with Policy 2 (Climate Change) and 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy].

7. No development shall commence until cross section drawings and detailed finished floor levels of the land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[To ensure the development is of a satisfactory appearance, in the interest of highway safety and to ensure the finished floor levels are 150mm above the surrounding land to prevent surface water flooding. In accordance with Policy 1 (Development Requirements) and 18 (Surface Water Management) of Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition as adjusting land levels and setting drainage would be the first action of this development and such details are required to be agreed beforehand].

8. The units hereby approved shall only be open to the public between the hours of:

7am – 11pm Monday (inclusive) – Saturday, Sunday and Bank Holidays

[In order to protect the amenities of nearby residential properties in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development

Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. No unit hereby approved shall receive deliveries outside of the following hours of the day:

7am – 10pm Monday – Saturday
8am - 8pm Sunday and public holidays

[In order to protect the amenities of nearby residential properties in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:

- a) The means of access for construction traffic;
- b) parking provision for site operatives and visitors;
- c) the loading and unloading of plant and materials;
- d) the storage of plant and materials used in constructing the development;
- e) wheel washing facilities;
- g) a scheme for the recycling/disposal of waste resulting from construction works; and
- h) details of dust and noise suppression to be used during the construction phase.

The approved statement shall be adhered to throughout the construction period

[To protect the amenities of neighbouring residents and in the interests of highway safety to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the agreed measures are implemented throughout the construction phase of the authorised development].

11. The development hereby approved shall not be occupied until details of the noise attenuation fencing, as required by the submitted Noise Impact Assessment and subsequent addendums, has been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall then be installed prior to first occupation of any part of the development and retained as such in perpetuity.

[In order to safeguard the amenity of the existing and future occupiers in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development

Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. Prior to the installation of any extraction equipment on any A1, A3 or A5 use, within any relevant unit, full details of all proposed extract ventilation system(s) for that unit shall be submitted to and be approved in writing by the Local Planning Authority. This submission(s) shall include the following:
 - a. The extract vent should terminate not less than 0.6 metres (ideally 1 metre) above the ridge of the building and not less than 1 metre above any openable window/skylight;
 - b. details of when the extraction systems will be used;
 - c. details of the expected noise levels generated by the fan, including a full octave band analysis;
 - d. details of how the equipment will suppress and disperse fumes and/or odour produced by cooking and food preparation and/or noise from vibration produced by the equipment's use; and
 - e. the siting and appearance of the equipment.

[In order to protect the amenity of nearby and future residential occupiers and to ensure the appearance of the equipment is satisfactory in order to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. Prior to the installation of any fixed plant and/or machinery to each of the A1, A3 or A5 units, details of the siting and appearance of the equipment and a noise scheme detailing the noise outputs for both day-time and night-time operation shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter any fixed plant and/or machinery shall be installed, operated and maintained in accordance with the approved details for the lifetime of the development.

[In order to protect the amenity of nearby and future residential occupiers and to ensure the appearance of the equipment is satisfactory in order to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The development hereby approved shall be carried out in accordance with the approved Travel Plan dated June 2019 including the operational and monitoring measures contained within the approved document.

[In order to encourage modal shift towards more sustainable methods of travel and to monitor the impacts of the measures proposed within the approved plan in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

15. No part of the development hereby permitted shall be brought into use until an appropriate scheme of footway/uncontrolled pedestrian crossing improvements have been provided to link the development to the existing cycle facilities on the northern side of Landmere Lane, in accordance with details to be submitted and approved in writing by the Local Planning Authority.

[In the interests of pedestrian safety and encourage suitable transport and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

16. No part of the development hereby permitted shall be brought into use until a suitable foot /cycleway has been provided across its frontage, in accordance with details to be submitted and approved in writing by the Local Planning Authority.

[In the interests of pedestrian safety and encourage suitable transport and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

17. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas relevant to the corresponding unit(s) are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

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

18. Prior to the first use of the development hereby approved, the approved lighting scheme (as shown on Drw Street Lighting Layout – LL1088/001 Rev C) relevant to that unit shall be fully installed. The lighting scheme shall then be retained and operated in accordance with the External Lighting Impact Assessment Rev B dated 13/6/2019 free from any impediment for its intended use in perpetuity.

[In order to protect the amenity of nearby and future residential occupiers and to ensure the appearance of the equipment is satisfactory in order to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and to encourage the use of the site by protected species in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

19. If any unexpected, visibly contaminated or odorous material or tanks or structures of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the Borough Council, before further work is undertaken in the affected area and

works shall proceed only in accordance with the agreed remediation proposals.

[To make sure the site, when developed is free from contamination, in the interests of public health and safety and to comply with Policy 40 (Health Impacts of Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

20. No development (including site clearance, breaking ground or site preparation) shall take place within any part of the development until the existing trees and/or hedges which are to be retained within the development (either within or adjacent to the site) have been protected in accordance with the approved Arboricultural Impact Assessment dated June 2019. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure the existing vegetation, trees and hedgerows are adequately protected during the construction phase of the development to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition because tree protection is required to be in place prior to any machinery being brought on to site so as the trees will not be damaged through the construction phase].

21. Prior to the erection of any building hereby approved, a hard and soft landscaping scheme relevant to the corresponding unit shall be submitted to and approved in writing by the Local Planning Authority. The agreed landscaping scheme shall then be fully installed prior to the first occupation of that phase of development hereby approved.

[To ensure the development is of a satisfactory appearance in accordance with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

22. Prior to the erection of any building hereby approved, details of ecological habitat accommodation to be incorporated into the building shall be submitted to and approved in writing by the Local Planning Authority. The habitat accommodation shall then be installed prior to first use of that building and retained as such in perpetuity.

[In order to ensure that the development renders a net gain to biodiversity in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

23. The development hereby approved shall be carried out in accordance with the approved "Flood Risk and Drainage Strategy Statement" dated 31st May 2019 and both surface water and foul drainage provision shall

be installed prior to first use of any of the buildings hereby approved and maintained as such in perpetuity.

[To ensure that surface water and foul water is adequately dealt with as part of the development to comply with Policies 17 (Managing Flood Risk), 18 (Surface Water Management) and 19 (Development Affecting Watercourses) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

24. No development hereby approved shall commence until details of the manner in which surface water drainage arising from the site is to be dealt with and disposed of are submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be installed prior to first use of the buildings hereby approved and operated in accordance with the approved details for the life of the development.

[To ensure that surface water and foul water is adequately dealt with as part of the development to comply with Policies 17 (Managing Flood Risk), 18 (Surface Water Management) and 19 (Development Affecting Watercourses) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition as it is anticipated that the drainage provision would be the first action of the development and therefore these details need to be agreed prior to installation].

25. The removal of any scrub, trees or hedgerow hereby approved as part of this development shall take place outside of the bird nesting season unless the activity is supervised by a suitably qualified ecologist. If any nesting birds are found during such works, works should stop immediately and not continue until such a time as outside of the bird nesting season.

[To ensure the construction does not impact upon protected habitats in accordance with the National Planning Policy Framework 2019].

26. Prior to the construction of any building proceeding above foundation level, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the development, including the number of points to be provided and location within the site. The electric vehicle charging points shall be provided in accordance with the approved details, unless it has been demonstrated that it is not technically feasible to provide the charging points to serve any unit or area on site. The electric vehicle charging infrastructure shall be provided in accordance with the approved details prior to the development being brought into use, or where the infrastructure serves a particular unit the bringing into use of that unit or area of the site, and thereafter the infrastructure shall be retained and maintained in accordance with the approved details.

[To comply with and to comply with policy 41 (Air Quality) of the Rushcliffe local Plan Part 2: Land and Planning Policies].

Councillor A Major re-joined the meeting.

19/01063/FUL – Demolition of existing buildings, construction of 56 dwellings, creation of new vehicular and pedestrian access and provision of associated public open space, landscaping, drainage and highways infrastructure – Land off Meadowcroft, Flawforth Lane, Ruddington.

Update

A representation from a local resident received after the agenda was published was circulated to the committee before the meeting, together with an update from officers recommending an additional condition.

In accordance with the Council's public speaking protocol, Peter Wilkinson (Applicant's agent), Louise Mote (objector) and Councillor J Walker (Ward Councillor) addressed the Committee.

Comments

Members of the Committee considered whether safety fencing could be provided around the attenuation area and neighbouring residential property, at Meadow Croft.

DECISION

THE EXECUTIVE MANAGER – COMMUNITIES IS AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING OF A SECTION 106 AGREEMENT AND THE FOLLOWING CONDITION(S)

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

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

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

- Planning Statement
- Site Location Plan
- Landscape Baseline Report
- Landscape Baseline Report and Green Belt Summary
- BRD1661-OR2-A Phase 1 Geo- Environmental Desk Study
- Arboricultural Implications Assessment and Method Statement
- Arboricultural Implications Plan
- Design & Access Statement
- Ecology Report
- Utilities And Foul Drainage Assessment
- Flood Risk Assessment & Surface Water Drainage Strategy
- Transport Assessment
- Energy Statement
- Heritage Statement, received on 24 April 2019; and
- 1237-003 (Planning Layout - Flawforth Lane)

- 16462 B (Playspace layout)
- Geo-Environmental Site Investigation
- 1237-007 REV A (Revised Affordable Plan)
- 1237-006 REV C (Revised Boundary Treatments)
- 1237-005 REV D (Revised Materials Plan)
- 1237 A22-01 HT A22 (Revised A22 House Type)
- ADC 1658 051 (Swept Path Analysis)
- ADC 1658 002 (Access Junction Layout Option 2)
- 1237 TPG Triple Garage (Triple Garage Elevations)
- 1237 TG REV A Double And Twin (Double & Twin Garages)
- 1237 SG Single Garage (Standard Garages);
- and the following revised house types: PEM REV B –Pembroke, 1237 NAS – Nash, 1237 MYL REV A – Mylne, 1237 MOU REV A – Mountford, 1237 MOU D – Mountford, 1237 LEV – Leverton, 1237 KNI – Knightley, 1237 HAR – Harcourt, 1237 GRA REV B – Grainger, 1237 GOO – Goodridge, 1237 EVE02 - Eveleigh V2, 1237 EVE – Eveleigh, 1237 EMM – Emmett, 1237 ELL – Elliott, 1237 A30-01 HT A30, 1237 A26-01 HT A26, and 1237 A10-01 HT A10, and BRD1661-OR3-A, received on 11 September 2019.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The facing and materials shall be in accordance with drawing number 1237-005 Rev D Materials Proposals Drawing received on 11 September 2019 unless otherwise agreed in writing with the Borough Council.

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

4. No development shall take place above damp course level 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 at least base level.

[To ensure an adequate form of development in the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the Flood Risk Assessment (FRA) and Drainage Strategy, April 2019, Glanville Ltd., 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 9.5 l/s 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 and means of enclosure to the attenuation basin(s). 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.
- If appropriate, details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- 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.

[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. To prevent the increased risk of. This is a pre commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

7. The development shall be undertaken in accordance with the landscaping scheme as shown on plans 16505 Rev B Sheet 1 of 2 and 16505 Rev B Sheet 2 of 2 received on 11 September 2019.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation

[To make sure that a satisfactory landscaping scheme for the development is implemented in the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape,

Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

8. No development shall take place until 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 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy. 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].

9. No development, including any demolition and site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. the means of access for demolition and construction traffic;
 - b. the erection and maintenance of security hoarding;
 - c. wheel washing facilities (including full details of its specification and siting);
 - d. measures to control the emission of dust and dirt during construction;
 - e. a scheme for recycling/disposing of waste resulting from and construction
 - f. works;
 - g. the days and times of construction activity and of materials delivery and disposal activity; and
 - h. A scheme for temporary signage and other traffic management measures, including routing and access arrangements.

If the use of a crusher is required, this should be sited as far as possible from nearby properties and be operated in accordance with its process permit.

[To protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. 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].

11. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material 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 an adequate form of development in the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. Prior to the occupation of any dwellings, a remediation report and validation statement shall be submitted to and approved by the Borough Council and the appropriate measures shall be carried out in accordance with the details as approved.

[To protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. Prior to occupation of any dwelling, a scheme for external lighting shall be submitted to and approved in writing by the Borough Council, the lighting shall be implemented prior to the occupation of the dwellings in accordance with the approved scheme and maintained for the lifetime of the development

[To protect the amenities of the area and to comply with and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted, a further protected species survey shall be carried out and submitted to the Borough Council. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Borough 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].

15. No removal of hedgerows, trees or shrubs shall take place between 1st March and 30st 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].

16. Prior to first occupation, a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning authority. The LEMP shall include:
 - Details of habitat creations and enhancement of hedgerows
 - Vegetation clearance shall not occur during the bird nesting season, which runs from March to September inclusive
 - Ongoing management of the SUDS for wildlife
 - 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
 - Details of connectivity to the neighbouring site at Land East of Loughborough Road.

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

[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 due to the need to ensure adequate mitigation and management is in place before any intrusive site works take place].

17. Prior to the occupation, 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].

18. Prior to the construction of any dwelling proceeding above foundation level, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme

shall provide details of 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. Thereafter, no dwelling shall be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

[To comply with and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

19. No part of the development shall be occupied until the footway improvements on Flawforth Lane have been completed as indicatively shown on the submitted plan Drawing title: ADC1658/002 Rev P5 (Access Junction Layout Option 2), received on 11 September 2019, design and layout of which shall be agreed by the Highway Authority subject to a Section 278 agreement.

[To ensure an adequate form of development in the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

20. Prior to the occupation of more than 50% of the dwellings, the equipped outdoor play area shall be completed in accordance with drawing 16462 Rev B (Playspace layout), received on 11 September 2019.

[To ensure the provision of the equipped play area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

21. Prior to construction of any dwelling proceeding above foundation level, a scheme for the boundary treatment between the site and the residential curtilage of Meadow Croft shall be submitted to and approved by the Borough Council. Thereafter, no dwellings shall be occupied until the boundary treatment has been implemented in accordance with the agreed scheme and this boundary treatment shall be retained for the lifetime of the development.

[In the interest of neighbouring amenity and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

22. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

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

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

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.

Section 38 Agreement (Highways Act 1980) - The applicant should note that notwithstanding any planning permission that 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.

Highway works to deliver the alterations to the speed limit requires a Traffic Regulation Order. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and requires public consultation. The Applicant should contact the Highway Authority as soon as possible to discuss how best this is achieved.

Severn Trent note that a sewer modelling assessment may be required. The foul connection to the public sewer would be subject to a formal S106 sewer connection approval under the Water Industry Act.

A Precautionary Method of Working (PMW) as recommended by the consultant ecologist should be followed for amphibians and reptiles.

A horsetail removal strategy is required to avoid the spread of this native, but invasive plant species.

A landscaping buffer should be implemented along the eastern and southern boundaries and this should include native species of local provenance

An ecology and landscape management plan should be produced and agreed with the means to implement this plan in perpetuity.

Permanent artificial wild bird nests and bat boxes should be installed within buildings and on retained trees (including Swallow/swift and sparrow cups / boxes) and amphibian and reptile refugia within any green infrastructure and hedgehog corridors.

New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland/ wet grassland / pond / wetland / native woodland and native hedgerows.

Any existing trees / hedgerows should be retained and enhanced, any hedge / trees removed should be replaced.

Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented.

Good practise 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 on or adjacent to sensitive habitats.
- 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.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- 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 these zones.
- Pollution prevention measures should be adopted.

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

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 Virgin: Daniel Murray 07813920812 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.

19/00478/FUL – Demolition of existing bungalows and erection of 4 no. detached dwellings, erection of boundary wall and associated parking – 49-55 Trent Boulevard, West Bridgford.

Update

Representations from a local resident and Councillor S Mallender objecting to the proposal were received after the agenda was published and were circulated to the Committee before the meeting, together with a consultation response from Severn Trent Water and an officer update recommending an additional condition.

In accordance with the Council's public speaking protocol Stuart Thompson (objector) and Councillor S Mallender (Ward Councillor) addressed the Committee.

Comments

The Committee expressed their concerns that the proposed development would result in unacceptable overshadowing to the neighbouring properties having an adverse impact on the amenities of the occupants of those properties and that the proposal would have an adverse impact in the street scene and would be detrimental to the character of the area.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS.

1. The scale and layout of the proposed dwellings would result a cramped appearance and would be unsympathetic to, and have an adverse impact on the street scene and character of the area. The proposed development would, therefore, be contrary to the objectives of chapter 12 (Achieving well-designed places) of the National Planning Policy Framework (NPPF). The proposed development would also be contrary to policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and the objectives of the Rushcliffe Residential Design Guide.
2. The scale and layout of the proposed dwellings would result in unacceptable overshadowing and loss of light which would be detrimental to the amenities of neighbouring properties, particularly 47 Trent Boulevard. The proposed development would, therefore, be contrary to paragraph 127 f) of the NPPF which states that planning decisions should ensure that developments have a high standard of amenity for existing and future users. The proposed development would also be contrary to policy 1 (Development requirements) of the

19/01565/FUL – Erection of a single, self-build dwelling with associated parking and access – Land off Old Grantham Road, Whatton.

Councillor M Stockwood who had declared an interest in this item withdrew from the meeting at this point.

Update

Comments from the applicant's agent, contained in a letter received after the agenda was published, were circulated to the committee before the meeting.

In accordance with the Council's public speaking protocol Tom Daws (Applicant), addressed the Committee.

In accordance with the Council's Constitution, the Chairman exercised discretion to extend the meeting beyond 10pm.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS.

1. Policy 3 of the Rushcliffe Borough Local Plan Part 1: Core Strategy sets out the spatial strategy for housing delivery in the Borough which seeks to ensure that sustainable development will be achieved through a strategy which promotes urban concentrations by directing the majority of development towards the built up areas of Nottingham and Key Settlements. In other settlements such as Whatton the Core Strategy at para 3.3.17 envisages that development should be for local needs only through small scale infill development or on exception sites. The proposed dwelling sits outside the built up part of Whatton and would not constitute infill development as envisaged in 3.3.17 of the Core Strategy, and further clarified in 3.10 of the Local Plan Part 2: Land and Planning Policies. The development would, therefore be contrary to policy 3 of the Core Strategy.

Furthermore, the development as proposed would not meet any of the appropriate forms identified for the open countryside under Policy 22 of the Local Plan Part 2. The development of this Self Build accommodation would also be contrary to policy 13 of the Local Plan Part 2, which seeks to support this type of development where it accords with all other policies of the development plan.

Councillor M Stockwood re-joined the meeting.

67 Adjournment

In accordance with the Council's Constitution, the Chairman closed the meeting at 10.25pm and all remaining items were adjourned to the next Planning Committee, to be held on Monday 16 December 2019.

The meeting closed at 10.25 pm.

CHAIRMAN