

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 9 JULY 2020**

Held virtually at 6.30pm and live streamed on the
Rushcliffe Borough Council YouTube channel

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,
J Stockwood and C Thomas

ALSO IN ATTENDANCE:

Councillors A Edyvean and R Inglis

OFFICERS IN ATTENDANCE:

D Mitchell	Executive Manager - Communities
A Pegram	Service Manager - Communities
S Sull	Monitoring Officer
H Tambini	Democratic Services Manager
L Webb	Democratic Services Officer

APOLOGIES:

Councillors D Virdi

1 Declarations of Interest

There were no declarations of interest.

2 Minutes of the Meeting held on 11 June 2020

The minutes of the Planning Committee on 11 June 2020 were declared a true record of the meeting.

3 Planning Applications

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

20/00747/FUL – Demolition of existing agricultural building and construction of detached dwelling – Holmefield Cottage, London Lane, Willoughby on the Wolds, Nottinghamshire NG2 6JL.

Councillor Murray joined the meeting after consideration of the application had commenced and did not take part in the discussion or voting on this application.

Updates

In accordance with the Council's public speaking protocol, Judy Carr (Applicant's Agent) and Councillor Andy Edyvean (Ward Councillor) addressed the Committee.

Comments

Members of the Committee considered that the proposed development was on the edge of the village and within the limits to development and if allowed, would constitute limited infilling and would not extend the line of the village and was sustainable. Furthermore, it was considered that the proposed development would not cause significant harm to the character and appearance of the local area as there was a building already on the site, and the proposed new building would be replacing that building on a similar footprint.

Members of the Committee asked that appropriate conditions be added to any permission related to water recycling and climate change mitigation measures.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT ABOVE AND 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 plan(s):

- Site Location Plan received 28 March
- Landscaping Plan 465.03 Rev A received 28 March
- Site Plan, Floor Plans and Elevations 456.02 Rev A received 28 March
- Topographical Survey Section showing existing and proposed levels plan 465.05 Rev B submitted 9 July 2020

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

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

4. The materials specified on the Landscaping Plan 405.03 Rev A dated March 2020 shall be used on the hard surfaced areas of the site and no alternative materials shall be used.

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

5. Occupation of the dwelling shall not take place until details of the size of trees and details of the hedgerow to be planted as shown on the Landscaping Plan 465.03 Rev A received 28 March 2020, has been submitted to and approved in writing by the Borough Council. The approved landscaping scheme shall include for the retention of the trees shown to be retained and the additional planting shall be carried out in the first planting season following first occupation of the dwelling 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 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].

6. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with BS5837 the details of which shall be submitted and approved in writing by the Borough Council. The approved details shall be implemented and retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. Notwithstanding the Topographical Survey Section showing existing and proposed levels plan 465.05 Rev B submitted 9 July 2020, no changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during construction of the development, and to comply with Policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that any tree/hedge protection is undertaken in advance of development commencing].

7. Before development is commenced, a Contaminated Land Report shall be submitted to and approved by the Borough Council. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these

respective elements of the report will need to be submitted to and approved by the Borough Council, prior to development commencing. In the event that any evidence of unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The development shall be undertaken in accordance with the approved reports and remediation scheme.

[To protect residential amenity and to ensure that the soil is free from contamination and to comply with 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 and contamination can be dealt with/removed from site before the construction of the dwelling commences].

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

[To protect the amenity of local residents and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition required to be agreed prior development to protect residential amenity].

9. Occupation of the dwelling shall not take place until the visibility splays as shown for indicative purposes on drawing 10587-001 included in a highway traffic survey ref. 10587/KS/001 made by Sanderson Associates dated 4 September 2018, and submitted as part of the planning application ref. 18/02020/FUL have been provided.

[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].

10. Occupation of the proposed dwellings shall not take place until the access driveway has 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.

[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].

11. 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 roof lights other than those shown on the approved plans.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy and to comply with Policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. Notwithstanding the provisions of Schedule 2, Part 1 Class E 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) no sheds, buildings or structures shall be erected on the site.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy and to comply with Policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification) no fence, wall, hedge or other means of enclosure other than shown on the approved plans Landscaping Plan 465.03 Rev A received 28 March 2020, shall be erected or planted on the site.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy and to comply with Policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. Prior to occupation of the dwelling, the window(s) serving the first floor accommodation on the north elevation of the proposed development shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent or be 1.7m to the eil when measures from the internal floor level. Thereafter, the windows shall be retained to this specification. No additional windows shall be inserted in this elevation.

[The development is of a nature whereby future development of this type should be closely controlled and to protect the amenity of local residents and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. The dwelling 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.

[In the interests of the reducing water consumption in an area of moderate water stress and to comply with Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning

Policies].

16. The dwelling hereby permitted shall not be occupied until an electric vehicle charging point(s) has been provided. Thereafter the charging point(s) shall be installed, maintained and operated for the lifetime of the development.

[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].

17. Prior to the erection/installation of any external security or floodlighting on the site, details of the position, design and levels of illumination shall be submitted to and approved in writing by the Borough Council and no external lighting shall be erected other than in accordance with the approved details.

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

18. Demolition works should be undertaken outside of the bird breeding (i.e. avoiding March to August inclusive) season unless a suitably qualified ecologist has surveyed for nesting birds immediately prior to works. If any active nests are found, demolition work should cease until all young have fledged.

[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].

19. The development hereby authorised shall not be occupied until details of bat boxes and/or access points to bat roosts and bird nesting boxes have been submitted to and approved by the Borough Council. The approved details shall be implemented prior to occupation of the dwelling and thereafter the bat boxes and/or access points and bird boxes shall be permanently retained.

[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].

20. Occupation of the proposed dwelling shall not take place until a refuse collection point (close to the point of access) has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to occupation and the bin collection point shall be retained for the life of the development

[In the interests of the amenity of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land

and Planning Policies].

20/00504/FUL – Erection of a two-storey detached house with parking – Lilacs, 28 Rose Grove, Keyworth, Nottinghamshire NG12 5HE.

Updates

In accordance with the Council's public speaking protocol, Leonard Newton (Objector) and Councillor Rob Inglis (Ward Councillor) addressed the Committee.

DECISION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (No date/ reference); Proposed Dwelling – Elevations (Ref. Drawing No. 2); Proposed Dwelling – Site Layout & Floor Plans (Ref. Drawing No.1).

[For the avoidance of doubt and to comply with Policy 10 of the Core Strategy and Policy 1 of the Local Plan Part 2: Land and Planning Policies].

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

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 of the Core Strategy and Policy 1 of the Local Plan Part 2: Land and Planning Policies].

4. The first floor window in the side (west) elevation shall be permanently obscured to Group 5 level of privacy or equivalent and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be retained to this specification.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

5. Notwithstanding the provisions of Schedule 2, Part 1 Class A 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 without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

6. Notwithstanding the provisions of Schedule 2, Part 1 Class E 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) no sheds, buildings or structures shall be erected on the site without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

7. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[In the interest of highway safety and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

8. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

[To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

9. No part of the development hereby permitted shall be brought into use until the driveway and parking areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced driveway and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

[To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

10. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 1 meters x 1 meters are provided on each side the vehicle access in accordance with details to first be approved in writing by the Borough Council. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6

meters above the carriageway level at all times.

[In the interest of pedestrian safety and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

11. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the submitted plans. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.

[To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

As Ward Councillors for Radcliffe on Trent, Councillor Brennan and Councillor Clarke withdrew from the meeting at this point and did not take part in the consideration of the item.

20/00910/OUT – Outline planning application for the erection of one dwelling (all matters reserved except for access) – Land between 110 and 112 Cropwell Road, Radcliffe on Trent, Nottinghamshire

Updates

In accordance with the Council's public speaking protocol, George Machin (Applicant's Agent) and Councillor Neil Clarke (Ward Councillor) addressed the Committee.

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS AS SET OUT IN THE REPORT.

1. The site is located in an area of ribbon development in the Green Belt outside the built up part of the settlement of Radcliffe on Trent, and it is considered that the proposed development would not represent limited infilling in a village. Consequently, the proposed development would represent inappropriate development in the Green Belt and would, therefore, by definition, be harmful to the Green Belt, and there are no very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and through harm to its openness and character. The development is, therefore, contrary to the objectives of Chapter 13 (Protecting Green Belt land) of the National Planning Policy Framework, the objectives of Policy 4: (Nottingham-Derby Green Belt) of the Rushcliffe Local Plan Part 1: Core Strategy, and contrary to Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 11 (Infill development) of the Radcliffe on Trent Neighbourhood Plan.
2. Due to its likely siting and scale, it is considered that the proposed development would consolidate an area of ribbon development which would materially harm the openness of the Green Belt and the rural character and appearance of the site and surroundings. The

development is, therefore, contrary to the objectives of Chapter 13: (Protecting Green Belt land) of the National Planning Policy Framework and Policy 4: (Nottingham-Derby Green Belt) of the Rushcliffe Local Plan Part 1: Core Strategy.

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

20/00944/FUL – Change of use of part of Tollerton Hall and grounds to sui generis with permanent retention of associated building – Tollerton Hall, Tollerton, Nottinghamshire NG12 4FW

Updates

A representation was received from the applicant, Ian Kershaw clarifying the description and nature of the development after the agenda had been published and was circulated to the Committee before the meeting.

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

Comments

Members of the Committee considered and recognised the harm that the development would have on the Green Belt and the Listed Building. Having considered those factors, including the location of the building on the car park to the rear of Tollerton Hall, members of the Committee concluded that there were special circumstances, as any harm would be outweighed by the economic and employment benefits and the contribution the business made to the maintenance of the Listed Building itself. Tollerton Hall had previously been used as an office, with many cars parked there on a regular basis. The development would not be visible from the public domain and provided that appropriate conditions were imposed, on balance the proposal was considered to be acceptable.

Members of the Committee requested that conditions be added to ensure that the planning permission would be personal to the applicant; the use should be limited to that which was applied for; if the business ceased to operate, the building should be removed; and it should operate as per the details in the Design and Access Statement.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT ABOVE AND SUBJECT TO THE FOLLOWING CONDITIONS.

1. This permission shall ensure for the benefit of Mr Ian Kershaw; and when he ceases to occupy the premises, the use shall cease.

[Permission is only granted in this case having regard to the specific requirements of the applicant and the justification for his operation on the site].

2. The freestanding building hereby approved shall only be used for the

storage of cars in connection with the sale of vehicles from the property and when the use of the premises for the sale of cars ceases, the building shall be dismantled, removed from the site and the site restored to its former condition or such other condition as may be agreed with the Borough Council.

[The building is located in the Green Belt and within the curtilage of a Grade II listed building and permission was granted on the basis that it supported a business, which provided very special circumstances and wider public benefits which justified the grant of permission. The requirement to remove the building in the event that the business ceases to operate from the premises would be consistent with paragraph 144 and 196 of the National Planning Policy Framework and Policy 21 (Green Belt) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. Visits to the premises in connection with the car sales business by customers/members public shall be by prior arrangement only, and only between the hours of 0830hrs and 1830hrs, as set out in the Design and Access Statement, which accompanied the application. A diary/log of appointments and visiting members of the public shall be kept and made available for inspection upon request by an officer of the Borough Council.

[In the interests of the amenities of the area and nearby residential properties, and to limit vehicle movements to the site in the interest of highway safety, and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4 **Planning Appeals**

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

The meeting closed at 9.30 pm.

CHAIRMAN