

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 11 NOVEMBER 2021**

Held at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West
Bridgford

PRESENT:

Councillors R Upton (Chairman), Mrs M Stockwood (Vice-Chairman), B Gray, L Healy, R Jones, D Mason, F Purdue-Horan, C Thomas, R Butler, J Murray and A Phillips

ALSO IN ATTENDANCE:

Councillors A Edyvean (remotely), L Way and S Robinson

OFFICERS IN ATTENDANCE:

| | |
|------------|---------------------------------|
| A Ashcroft | Planning Services Consultant |
| E Dodd | Principal Area Planning Officer |
| P Taylor | Area Planning Officer |
| P Cook | Principal Planning Officer |
| R Sells | Solicitor |
| T Coop | Democratic Services Officer |
| L Webb | Democratic Services Officer |

APOLOGIES:

Councillors S Bailey, N Clarke and P Gowland

15 Declarations of Interest

As Nottinghamshire County Councillor's and members of Nottinghamshire County Council's planning committee, Councillor R Upton, Councillor R Butler and Councillor F Purdue-Horan declared a non-pecuniary interest on application 21/00804/CTY and would not take part in the discussion and vote.

Councillor C Thomas declared an interest as Ward Councillor on application 21/00804/CTY.

16 Minutes of the Meeting held on

The minutes of the meeting held on 14 October 2021 were approved as a true record and signed by the Chairman.

17 Planning Applications

The Committee considered the written report of the Director – Development and Economic Growth relating to the following applications, which had been circulated previously.

20/02670/FUL – Erection of 77 dwellings with landscaping, public open

space and associated infrastructure (revised scheme) – Land At Hillside Farm, Bunny Lane, Keyworth, Nottinghamshire.

Update

Additional representations were received after the agenda was published and were circulated to the Committee before the meeting.

In accordance with the Council's Public speaking Protocol for Planning Committee, Mr R Galij (Applicant), Ms M Butler (Objector) and Councillor A Edyvean (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed their concerns in respect of the proximity of the development to the neighbouring farm and sewage treatment plant and the likely odour, noise, dust and flies which would emanate from them. Although mitigation measures to eliminate odour and noise were proposed, members of the Committee did not consider that these were adequate and that the amenity of the future residents of the development would be affected.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. It has not been adequately demonstrated that there would be adequate mitigation for the odour/noise/dust and flies created by the neighbouring farm and sewage treatment plant. This would result in an unsatisfactory level of amenity for occupiers of the proposed new housing plots and would be contrary to Policy 4.4, part a) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which states;

‘the amenity of residents should not be significantly affected by noise, odour or dust resulting from the activities of the neighbouring farm;’

As Nottinghamshire County Councillors for the following item, Councillor R Upton, Councillor, R Butler and Councillor F Purdue-Horan removed themselves from the meeting and did not take part in the following discussion.

21/02694/CTY – Erection of 120 Place Temporary School Learning Village Accommodation with a temporary lit access road and permanent lit access path. Associated areas of soft play, canopies, car parking and surface water balancing pond – Land North of Rempstone Road, East Leake, Nottinghamshire

Updates

Additional representations were received after the agenda had been published and were circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol at Planning

Committee Councillor L Way (Ward Councillor) addressed the Committee.

Comments

Members requested a covering letter be sent to Nottinghamshire County Council outlining all of their concerns to be addressed.

DECISION

THE BOROUGH COUNCIL HAS NO OBJECTIONS TO THE PROPOSAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. All structures, including their foundations and hard surfacing associated with the temporary school buildings hereby permitted must be removed from the land on or before 31 December 2023. However, the vehicular access along with any items/chattels including (but not limited to) the access gates, the vehicular access lighting shall not be removed until the playing fields associated with the permanent school, granted outline permission under application ref 8/21/01029/CTY, have been completed. Thereafter all the land associated with this permission shall be restored to its former condition within 3 months of the permanent school opening.
2. The development hereby permitted must not proceed above foundation level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the structures hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.
3. The development hereby approved shall not commence until the recommendations listed in the Preliminary Ecological Assessment Report (PEAR) have been undertaken and the relevant reports containing any mitigation measures have been submitted to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the recommendations contained within the details and retained as such for the lifetime of the development.
4. The development hereby permitted shall not commence until a Landscaping Scheme (LS), has been submitted to and approved in writing by the Local Planning Authority. The LS must provide details of all hard and soft landscaping features to be used and include the following:
 - An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed, along with details for the restoration of any trees lost as a result of the proposal.
 - Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow.
 - A schedule of the new trees and shrubs (using their

botanical/Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees).

- Plans showing the proposed finished land levels/contours of landscaped areas.
- Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features.
- Details of the protection measures to be used of any existing landscape features to be retained.

The approved LS must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted, or it being first brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

The landscape protection measures shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

5. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:
 - a. The timing and phasing of any arboricultural works in relation to the approved development.
 - b. Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
 - c. Details of a Tree Protection Scheme in accordance with

BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order.

- d. Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme.
 - e. Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details.
 - f. Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - g. Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.
6. a) Notwithstanding the Preliminary Risk Assessment from VIA East Midlands (Job No: CN2050801 dated November 2020) submitted with the application, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of an exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority. The SI must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2021) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

b) Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority.

The submitted RS must include:

- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
- the proposed remediation objectives and criteria; and,
- a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

c) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing

by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

7. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.
8. The development hereby permitted shall not commence and no preparatory operations in connection with the development (including site clearance works, fens, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a site specific Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP must include details outlining:
 - Appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors.
 - Areas for loading and unloading plant and materials.
 - The location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting.
 - Measures to control the emission of dust and dirt during construction.
 - Measures for the storage/recycling/disposal of waste resulting from the construction works.
 - Any hoarding to be erected.
 - Details of the construction hours; and
 - Details of delivery hours to the site.

The approved CMP must be adhered at all times throughout the construction period for the development.

9. Prior to the construction of any of the temporary buildings being brought onto site, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The school building(s) shall not be brought into use until the EVCP's have been installed in accordance with the approved scheme. Thereafter EVCP's must be permanently retained in accordance with the approved scheme throughout the lifetime of the development.
10. Any aggregate (other than virgin quarry stone) that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning

authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

11. Details of all external lighting (including security lighting and floodlights) [together with a lux plot of the estimated illuminance] shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. All lighting will need to conform to the Institute of Lighting Engineers document 'Guidance Note 01/20 Guidance note for the reduction of obtrusive light'. Thereafter the approved lighting shall be installed in accordance with the approved details and be retained as such for the lifetime of the development.
12. Before the uses commenced, the noise levels for the air source heat pump that is to be installed shall be submitted to and approved by the Borough Council. If this information is inconclusive or not complete, then the applicant will be required to undertake a full noise assessment in accordance with BS 4142: 2014+A1: 2019 Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties.
13. Within six months of the commencement of development details of a School Zone incorporating of-site highway works (pedestrian guardrail, markings, associated signage and other measures as appropriate) within the vicinity of the school vehicular and pedestrian entrance within the Persimmon Homes site and the roundabout crossings on Kirk Lea Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the School Zone shall be implemented in accordance with the approved details.
14. Prior to the approved school first being into use details of measures to prevent errant parking in the vehicle turning head of Sheepwash Way shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures shall be implemented in accordance with the approved details and retained in perpetuity.

Informatives

- The technical input of the Highway Authority, the Lead Local Flood Authority, Public Rights of Way Team and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.
- The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in and around Sheepwash Way in the event that such controls are not secured through the democratic process.
- Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as an ecological enhancement scheme being secured as part of the development.

- Consideration should be given to a dedicated vehicular drop-off/pick-up zone outside of the school, including for buses/coaches.
- Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc. so as not to block the public footpath/pavements/ cycle paths for other users at school start and end times.
- If works have not commenced by July 2023 an update ecological survey is required.
- A 15m buffer (Ecologically Sensitive Area) should be maintained from brook and wet ditch during works and post works.
- If trees (T-T8) are to be impacted by the development further Ecological Assessment must be undertaken.
- A reptile mitigation plan should be supplied and approved by the local planning authority, based on the recommendations of the consultant ecologist. This plan should be implemented throughout the development and post construction.
- A demonstrated biodiversity net gain should be provided where possible as recommended by CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments, with the means to implement in the long term, supported by Ecological and Landscape Management Plan.
- A ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good practice points below and those supplied by the consultant ecologist (including pre commencement badger update survey and species of principle importance found on site during construction).
- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Permanent artificial bat boxes/bricks and wild bird nests should be installed within/on buildings. Features to support hedgehogs should be provided, including hedgehog corridors.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerows/trees should be retained and enhanced, any hedge/tree removed should be replaced. Any boundary habitats should be retained and enhanced.
- 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).
- Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.
- 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.

- Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken
- No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches)
- 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 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 animals 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, soil or rubble 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 to be carried out within these zones.
- Pollution prevention measures should be adopted.
- It is recommended that consideration should be given to climate change impacts, energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle and cycle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

21/02496/TPO – Trees: T1 & T2 (sycamore) – Fell – 31 Edwalton Lodge Close, Edwalton, Nottinghamshire

Updates

In accordance with the Council's Public Speaking Protocol for Planning Committee, Councillor S Robinson (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concerns that no evidence had been provided either relating to the health of the trees or the impact of the trees on the property or neighbouring properties. Member's considered that the trees contributed to the amenity of the area and therefore to remove the trees would be harmful to this amenity.

DECISION

CONSENT BE REFUSED FOR THE FOLLOWING REASON(S):

1. It is considered that the applicant has failed to provide sufficient and adequate evidence to justify the removal of the 2 Sycamore trees and has also failed to provide a detailed survey on the health status of the tree quantify the risk and failed to look into alternative works that can be done and preserve the trees subject to this application, contrary to policy 37 of the Rushcliffe Borough Council Local Plan Part 2, guidance given in the “Tree Preservation. A guide to the Law and Good Practice”, the “National Planning Policy Guidance” and the objectives of the National Planning Policy Guidance (2021).

2. It is considered that the trees subject of the application, make a significant contribution to the amenity of the area and their removal would have detrimental impact on the amenity of the wider area, contrary to guidance given in the “Tree Preservation. A guide to the Law and Good Practice”, the “National Planning Policy Guidance” and the objectives of the National Planning Policy Guidance (2021).

The meeting closed at 5.23 pm.

CHAIRMAN