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Constitutional Services
0115 914 8482
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Our reference:
Your reference:
Date:

9 August 2017

To all Members of the Council



Rushcliffe Community
Contact Centre
Rectory Road
West Bridgford
Nottingham
NG2 6BU

Dear Councillor

A meeting of the **Planning Committee** will be held on Thursday 17 August 2017 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to be 'N. B.', written over a light blue horizontal line.

Deputy Monitoring Officer

AGENDA

1. Apologies for absence and substitute Members
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Minutes of the Meeting held on Thursday 13 July 2017 (pages 1 - 8).
4. Planning Applications

The report of the Executive Manager - Communities is attached (pages 9 - 109).
5. Tree Preservation Order

The report of the Executive Manager - Communities is attached (pages 110 - 113).
6. Appeal Decisions

Planning Appeal Decisions are attached for information only (pages 114 - 125).

In person
Monday to Friday
8.30am - 5pm
First Saturday of
each month
9am - 1pm

By telephone
Monday to Friday
8.30am - 5pm

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Nottingham
NG2 7YG



Membership

Chairman: Councillor R L Butler

Vice-Chairman: Councillor J A Stockwood

Councillors B R Buschman, J N Clarke, M J Edwards, J E Greenwood,
R M Jones, Mrs M M Males, S E Mallender, Mrs J A Smith and J E Thurman

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

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Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY 13 JULY 2017**

Held at 6:30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

Councillor R L Butler (Chairman)
Councillor J A Stockwood (Vice-Chairman)

Councillors B R Buschman, J N Clarke M J Edwards, J E Greenwood,
R M Jones, Mrs M M Males, S E Mallender, Mrs J A Smith and J E Thurman

ALSO IN ATTENDANCE

Councillor R Inglis
Councillor R Upton
7 Members of the public

OFFICERS IN ATTENDANCE

M Elliott	Constitutional Services Team Leader
A Graham	Chief Executive
I Norman	Legal Services Manager
A Pegram	Service Manager – Communities

APOLOGIES FOR ABSENCE

There were no apologies for absence.

5. DECLARATIONS OF INTEREST

17/00694/FUL – 25 Cranford Gardens, West Bridgford – Councillor M J Edwards.

6. MINUTES

The Minutes of the Meeting held on Thursday 15 June 2017 were confirmed as a correct record and signed by the Chairman.

7. PLANNING APPLICATIONS

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

Item 1 - 17/00892/FUL - Construction of two detached dwellings and alterations to existing dwelling - 20 Thomas Avenue Radcliffe On Trent Nottinghamshire NG12 2HT.

Updates

There were none reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Alex Gillen (objector) and Councillor R Upton (ward councillor), addressed the meeting.

Councillors N Clarke and Mrs J A Smith, as ward councillors for Radcliffe-on-Trent withdrew from the Committee for the consideration of this item.

DECISION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: '17/06/001'; '17/06/002' received on the 05/06/2017; '17/06/004' received on the 04/05/2017, and '17/06/005' received on the 20/04/2017.

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

3. The materials specified in the application and further specified in the email dated the 23/05/2017 shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. No works shall commence on the two dwellings hereby approved until such time as the modifications to the existing property at 20 Thomas Avenue have been completed in accordance with the details contained in plan reference '17/06/006' received on 20/04/2017.

[The works must be completed first to protect the residential amenity of the neighbouring occupants, for the avoidance of doubt and to comply

with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. The two dwellings hereby approved shall not be occupied until the access driveways have been provided as shown for indicative purposes only on drawing number '17/06/004'. The driveways shall be surfaced in a suitably bound material (not loose gravel), be constructed with provision to prevent the discharge of surface water from the driveway to the public highway and fronted by a dropped kerb. These provisions shall be retained for the life of the development.

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

6. The development of the two dwellings shall not progress beyond foundation level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

7. The three south facing first floor velux windows in the 'plot 1' property shall be permanently obscure glazed to Grade 5 level of obscurity or equivalent and retained to this specification for the lifetime of the development.

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

NOTES TO APPLICANT

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

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

The development makes it necessary to extend an existing vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact the County Council's Highway Management Team on 0300 500 8080 to arrange for these works to be carried out.

Your attention is drawn to condition 6 which requires the submission of a landscaping scheme for the site. Where any trees are to be felled as a result of the proposals, the landscaping scheme should make provision for the planting of replacement trees at a ratio of at least one for one, in accordance with the Rushcliffe Nature Conservation Strategy 2016 – 2020.

It should be brought to the applicant's attention that there is a minor discrepancy between the floor plans and elevation plans for the Plot 2 property hereby approved. The discrepancy concerns the size of the first floor west facing rear elevation window with the floor plans showing a double panelled unit and the elevations showing a larger triple panelled unit. The application was assessed on the merits of the larger triple panelled unit and it is understood following a discussion with the applicant that this is the unit intended to be used. Therefore it is expected that the development will be completed in accordance with the elevation plans in that respect. If this should change please contact the Borough Council for further advice.

Councillor M J Edwards, who had declared an interest in the following application left the room for the consideration of the application.

Item 2 – 17/00694/FUL- Detached Garage (revised scheme) - 25 Cranford Gardens West Bridgford Nottinghamshire NG2 7SE.

Updates

Representations from the Applicant and Nottinghamshire County Council, as the local Highways Authority received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting. Furthermore, an additional condition relating to drainage was recommended by officers.

In accordance with the Council's Public Speaking Protocol Mr Adama Diop (the applicant) and Ms Christine Smith (objector), addressed the meeting.

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 plan: 16/660/06 (Proposed Plan and Elevations), received on 23 March 2017.

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

3. The detached garage hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The door to be installed in the front (western) elevation of the garage hereby approved shall be a roller shutter or sectional style door so as not to project forward of the front wall of the building when being opened and closed. This style of garage door shall be retained for the life of the development.

[To ensure that any car parked on the drive does not overhang the public highway, in the interests of highway safety, and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement local Plan]

5. Prior to the driveway being brought into use, the proposed drainage shall be installed as shown on drawing 16/660/06 (Proposed Plans and Elevations), received on 12 July 2017. Thereafter the drainage shall be retained to this specification.

[To prevent surface water run off onto the highway in the interests of public safety]

NOTES TO APPLICANT

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land

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

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

The crossing of the service strip requires works within the public highway on land outside your control. You are therefore advised to contact the Highways Area Office by telephoning 0300 500 8080 to arrange for these works.

Item 3 – 17/00891/FUL - Replacement of existing dwelling (reapplication) - Redroofs 4 Upper Holme Main Street Zouch Nottinghamshire.

Updates

There were none reported.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASON

1. The proposed replacement dwelling would represent a significant increase in scale and massing and in particular the height of the building. Together with its assertive contemporary design it is considered that this would result in an unduly imposing and prominent building that would be at odds with the rural riverside location. The proposal would therefore be contrary to:
 - i. the aims of Policy 10 of the Rushcliffe Core Strategy, which requires all development to be designed to make a positive contribution to the public realm; and,
 - ii. criterion d) of Policy GP2 of the Rushcliffe Borough Non Statutory Replacement Local Plan, which states that planning permission for new development will be granted provided that, “The scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area”.

Item 4 – 17/01035/FUL- Erect oak frame, three bay car garage/shelter - Birchwood Nicker Hill Keyworth Nottinghamshire NG12 5ED.

Updates

Representations from the Applicant and the Planning Officer received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol Mr Jeff Hooley (the applicant) and Councillor R Inglis (ward councillor), addressed the meeting.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The proposed development, by reason of its mass and scale and proposed positioning on the front corner of the site that adjoins two road frontages would have a cumulative dominant and oppressive harmful impact upon the street scene when read in conjunction with the existing dwelling.

The proposal would be contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy, whereby development should, amongst other things, make a positive contribution to the public realm and sense of place.

A decision to refuse permission would accord with paragraph 64 of the National Planning Policy Framework which states that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

The proposal would also be contrary to Rushcliffe Borough Non-Statutory Replacement Local Plan Policy GP2 d) which states that permission for new development, changes of use, conversion or extensions would normally be granted provided that, inter alia:

"The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They should not lead to an overintensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy."

5. **APPEAL DECISIONS**

The Service Manager – Communities provided a verbal report on the current position in respect of appeals which had been received.

The meeting closed at 8:18pm.

CHAIRMAN

Report of the Executive Manager – Communities

PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <http://www.rushcliffe.gov.uk/councilanddemocracy/meetingsandminutes/agendasandminutes/>. Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Executive Manager - Communities, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:

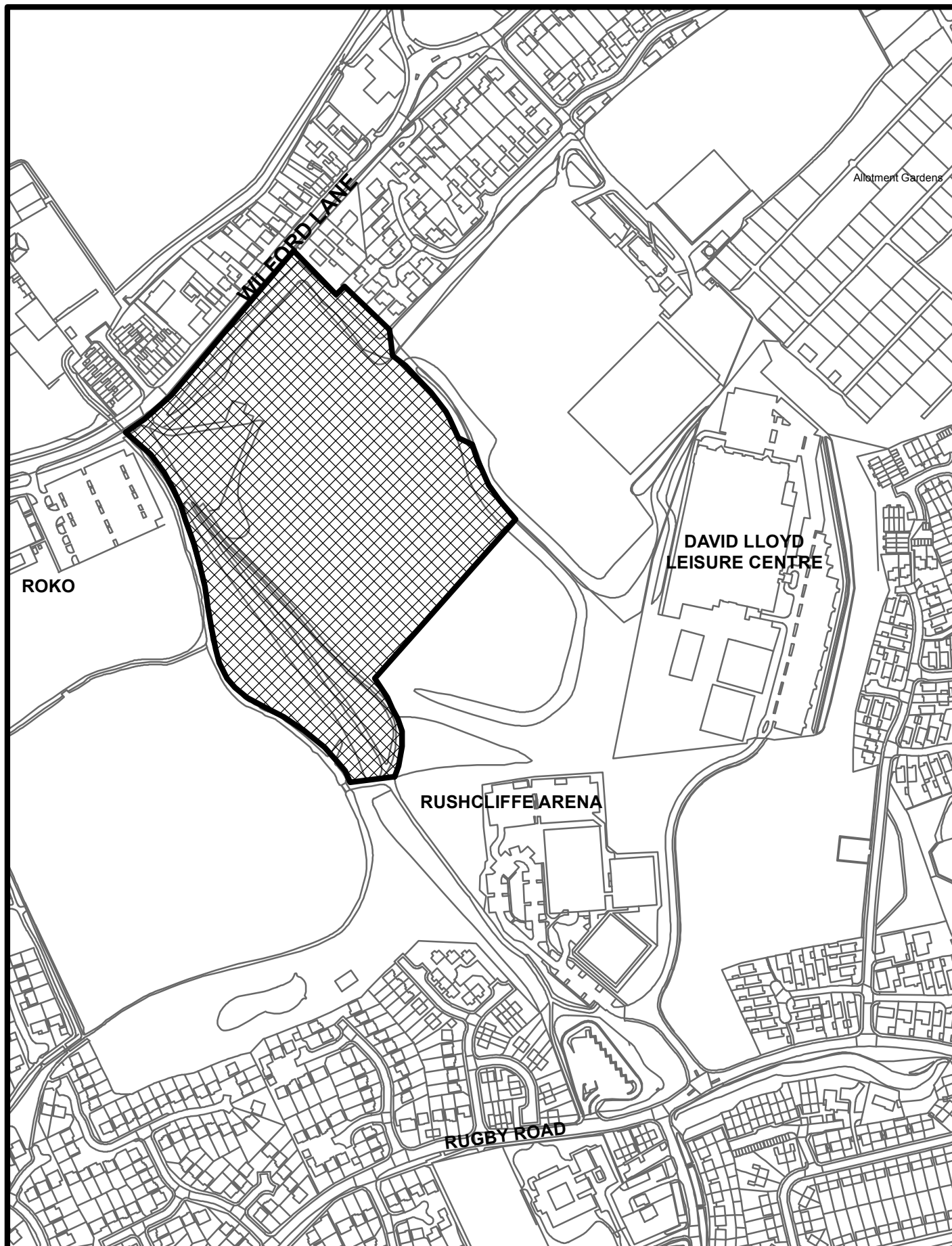
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary. If you

have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol/>

Application	Address	Page
17/00673/FUL	Land South of Wilford Lane, West Bridgford Residential development of 171 dwellings plus remediation of wider area	12 - 36
Ward	Compton Acres	
Recommendation	The Executive Manager – Communities be authorised to grant planning permission subject to the prior signing of a S106 agreement and conditions	
<hr/>		
17/00865/FUL	Reindeer Inn, Kneeton Road, East Bridgford Erection of two dwellings, conversion of barn/store to dwelling	37 - 47
Ward	East Bridgford	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
17/012114/FUL	70 Wilford Road, Ruddington Demolition of the existing building and the erection of two detached dwellings and associated landscape	48 - 60
Ward	Ruddington	
Recommendation	Planning permission be refused	
<hr/>		

Application	Address	Page
17/01472/VAR & 17/01473/VAR	11 West Avenue, West Bridgford (i) Vary of conditions 8 and 14 of planning permission 17/00221/FUL to require submission of details prior to occupation instead of prior to commencement (ref: 17/01472/VAR); and (ii) Variation of condition 14(e) of planning permission 17/00221/FUL to require boundary treatments to be at 1.8m from finished floor level instead of 2.5m, vary condition 16 to require fitting of obscure glazing only to rear of plots 6 and 7 (ref: 17/01473/VAR).	61 - 83
Ward	Lutterell	
Recommendation	Planning permission be granted subject to conditions	
17/01549/FUL	The Hall, Nottingham Road, Keyworth Change of use from restaurant; conversion to four residential apartments	84 - 99
Ward	Keyworth and Wolds	
Recommendation	Planning permission be granted subject to conditions	
17/00808/FUL	163 Melton Road, West Birdgford Two storey side and rear extensions, single storey front and side extensions, raise roof and provision of dormers (re-submission)	100 - 109
Ward	Abbey	
Recommendation	The Executive Manager – Communities is authorised to grant planning permission, subject to no further representations being received as a result of the further publicity, which raise substantially new issues, and conditions	



Application Number 17/00673/FUL
Land south of Wilford Lane, West Bridgford



scale 1:4000

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Rushcliffe Borough Council - 100019419

Applicant West Bridgford JV LLP

Location Land South Of Wilford Lane West Bridgford Nottinghamshire

Proposal Residential development of 171 dwellings plus remediation of wider area

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The site is located to the south of Wilford Lane, one of the main routes into West Bridgford and Nottingham from the A52 ring road and wider, area and is presently open with rough grass and trees with some areas of concrete pads. There is a steep slope up along the eastern boundary to the site and along the southern boundary of the wider area with Rushcliffe Arena. The rest of the site is relatively flat. There is woodland area within the site adjacent to the western boundary with a footpath running north to south alongside it providing a pedestrian link between Rugby Road and Wilford Lane. Along the northern edge of the site (along the boundary with Wilford Lane) is a dense belt of trees.
2. To the south of the site lies the Rushcliffe Arena and to the south east the David Lloyd facility. To the west of the site at the northern end is the ROKO sports/gym facility. The remainder of the western boundary is with open space owned by the Nottinghamshire County Council. Residential properties adjoin the north east corner of the site with the Nigel Doughty Football Academy land forming the remaining the remaining eastern boundary.

DETAILS OF THE PROPOSAL

3. The current proposal seeks full planning permission for the development of the site with 171 dwellings and remediation of the wider area.
4. The proposed dwellings would be a mix of two, three and four bedroomed homes, including affordable housing and some apartments. The dwellings would be predominantly two storey in height with some three storey buildings, including the proposed apartments toward the rear of the site. The site would be accessed from a single vehicular access from Wilford Lane with pedestrian access to the wider area through connections to the existing footpath network, including improvements/realignment of the existing footpath that runs through the site from north to south. The proposal includes the retention of some open spaces within the site and provision of surface water attenuation basins. The remediation refers to that which is required on the site itself to bring the site up to residential standards, but also the area to the south of the site (shown within the blue line).
5. The submitted plans show the widening of and improvements to Wilford Lane across the frontage of the site, to include the creation of a right hand turn lane and a pedestrian refuge.

SITE HISTORY

6. An outline planning application for a school was received at a similar time to the current application. This was proposed to be on the land outlined in blue to the south of the site with access through the new development. This application was subsequently withdrawn (ref: 17/00667/OUT).
7. An outline application for residential development of the site, open space and related infrastructure (covering a wider area) was submitted in 2007 (ref: 07/01870/OUT). This application was considered by the Development Control Committee and a resolution was made to delegate authority to the Head of Planning and Place Shaping (title at the time) to grant planning permission subject to the completion of an S106 legal agreement. The S106 was never completed and the application was, therefore, never determined. The application was recently withdrawn.
8. Historically the site has been used as Nottinghamshire County Council sports fields/pitches and some concrete pads where changing and storage facilities once stood can still be seen on the site. However, the site has not been used for this purpose for many years and is currently used informally as recreation space for people walking, running cycling and walking dogs.

REPRESENTATIONS

Ward Councillor(s)

9. Two Ward Councillors (Councillors Phillips and Wheeler) object to the application on the following grounds:
 - a. The FRA is inadequate.
 - b. An EIA is required to assess the impact on wildlife and loss of foliage/established trees.
 - c. Property design/roads/multiple parking spaces and turning for delivery/waste vehicles need to be considered.
 - d. Access to Wilford Lane, gridlock at junction to site and backing up of traffic, careful consideration needed as to junction design.
 - e. Priority for pedestrian/cyclists within site needs to be considered.
 - f. Contamination concerns.
 - g. Impact on existing neighbouring properties. Noise and dust during construction.
 - h. No church/community centre within Compton Acres, this site provides opportunity for this to be addressed.

Statutory and Other Consultees

10. The Nottinghamshire County Council as Highways Authority originally objected to the scheme on the basis that the Transport Assessment was inadequate and a travel plan had not been submitted. They also commented that a S106 contribution would be required for off-site improvements such as cycle ways and public transport.
11. Following receipt of an updated Transport Assessment and junction design for the site entrance from Wilford Lane, the Highway Authority has removed its objection and is satisfied with the proposals subject to conditions.
12. The Nottinghamshire County Council as Lead Local Flood Authority have no objection to the scheme. They note that the Greythorn Dyke is a main river and, therefore, Environment Agency advice is also required.
13. The Nottinghamshire County Council Planning Policy Officer has commented in regard to Education provision. There is no capacity at the Greythorn Primary school or Rushcliffe School and therefore financial contributions are requested to increase capacity at these two schools.
14. The Rushcliffe Clinical Commissioning Group has requested a financial contribution towards health provision off site at Castle Healthcare and Musters Medical Practice to provide additional clinical space.
15. The Borough Council's Landscape Officer has made comments that can be summarised as follows:
 - a. The vegetation along the Wilford Lane frontage is prominent but hasn't been managed and is very dense resulting in poor individual trees. A robust landscape scheme will be required to mitigate the loss.
 - b. *"It is difficult to determine how the work will affect the western boundary, a new path is shown, but I can't see the reason for this. It would be useful if the alignment of the path could be clarified as any relocation to the west would require tree removal. The same applies to the new pond, it is located within a dense woodland and we need a clear understanding of the extent of tree removal that is required to construct it, this will need to take into account access, the routes of drainage pipes and the wider impact changes in level will have on the roots of adjacent trees. It seems that what is a reasonably large belt of woodland could end up as 2 thin strips of trees".*
 - c. Plots 501 and 304 [3 and 9] are located within the existing belt of trees and no buffer space is given to retained trees, the retained trees will soon grow and immediately cause a perceived nuisance to the property owners. The plots are located in the north east corner of the site and at this point the predominantly flat site slopes down to the boundaries, this means the ground will either need to be raised or graded out, both will pose a risk of further root damage to nearby trees and as a result the belt of boundary trees will be substantially diminished. The belts of trees would benefit from thinning out and management, but their value will always be as groups and they have little potential to be thinned out to the point where they will make fine

individual specimens.

- d. The layout of the site looks very dense with little space within front gardens to offer substantial planting. An outline landscape plan is required.
 - e. The eastern boundary appears to be given over to large areas of hard surfacing and in places the layout seems to run right to the foot of the embankment which would allow little access. It appears that much of the embankment falls outside of the site, would be interested to know who will take responsibility for maintenance of the embankment in the future as there will be a risk of complaints and the area looking run down if it isn't maintained.
16. Following receipt of revised plans the Landscape Officer remains concerned regarding the trees adjacent to plots 3 and 9 as he considers a much wider area of trees will need to be removed which would be harmful to residents on Gresham Close. He remains concerned about the footpath realignment and loss of woodland along the western boundary.
17. The Borough Council's Community Development Manager has commented as follows:
- a. The Rushcliffe Borough Playing Pitch Assessment Report produced in February 2017 identifies that within the West Bridgford area there is currently insufficient pitches for football for adults, juniors (9 v 9 and 7 v 7) and artificial turf pitches. This means that the additional demand created by this proposed development cannot be accommodated without investment into other local provision. As such a commuted sum would be required.
 - b. The development would generate additional demand for children's play which does not appear to be addressed within the proposals currently provided. There may be an opportunity to incorporate some play features into public open space areas, however, depending on location, safety around the site drainage solution would need to be considered within the design. The alternative option is for a commuted sum towards enhancing local off-site provision.
 - c. The indoor leisure needs arising from this development can be met through existing provision at Rushcliffe Arena, Roko and David Lloyd.
 - d. A shared cycle/footpath link is the preferred option between the site and the Rushcliffe Arena.
18. The Borough Council's Environmental Health Officer agrees with the Phase I report but has raised additional questions on the Phase II report. These can be dealt with by way of a pre-commencement condition to require additional information relating to the Contaminated Land Phase II Exploratory Works Report. Other conditions are also requested in relation to air quality management, noise, light and construction noise and dust.

19. The Borough Council's Sustainability Officer has commented that the ecological surveys have been carried out to best practice and suggests conditions to ensure the recommendations are carried out.
20. The Borough Council's Strategic Housing Officer comments that 51 affordable units are required, which should be made up of 42% intermediate, 39% affordable rent and 19% social rent. The Officer has provided a breakdown of the specific type and tenure required.
21. The Borough Council's Waste and Recycling Officer comments as follows:
 - a. Where there are shared drives bin collection points are required to be provided.
 - b. A swept path analysis is required for reverse manoeuvres.
 - c. Where there is no direct access to the rear of a property bin storage should be provided to the front.
 - d. Block 47-67, recommend a brick bin store close to the highway or in a straight line to reverse towards the back of the parking area.
 - e. There is limited access between plot 202L and SA1.
 - f. Request that developers are provided with "Advice for developers – Waste Collection Scheme" and made aware of charges for first provision of refuse containers.
22. The Borough Council's Design and Conservation Officer has made comments (in relation to the original submission) that can be summarised as follows:
 - a. The "Character Evaluation - Local Vernacular" section of the Design and Access statement does provide a very good assessment of local character and does not seem to inform the design.
 - b. The "Design Evolution" section of the Design and Access Statement indicates that house type, mix and style has been dictated by the developer's market sales assessment.
 - c. The submitted streetscenes show a repetitive reuse of the same basic design. Material distribution appears to have been done "off plan" creating block of materials rather than by looking at the street scenes and materials in a targeted way.
 - d. There is a reasonable variety of building heights and forms in some areas and none in others.
 - e. The vast majority of the affordable housing has been grouped towards the southeast boundary of the site rather than spread across the site.
 - f. There is a significant amount of plot frontage parking provision, including opposite the proposed school drop off.

- g. The characterisation fundamentally misses what the character of West Bridgford is and fails to follow its own conclusions.
 - h. The scheme fails to enhance local identity and can hardly be said to achieve the qualities of “good design” championed within the NPPF.
23. The Environment Agency originally commented that the FRA was inadequate, in particular the submitted FRA failed to:
- a. Take the impacts of climate change into account.
 - b. Adequately assess the risk of flooding from a breach for the lifetime of the development.
 - c. Assess the risk of flooding from Greythorn Dyke.
 - d. Set appropriate finished floor levels.
 - e. Consider how people will be kept safe from flood hazards identified.
 - f. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.
24. They also comment that new data for the Greater Nottingham Area has been released since the FRA was written and this should be taken into account when carrying out breach flood modelling. It is also recommended that finished floor levels are set 300mm above the climate change or breach scenario, whichever is the greater. They also state that the Sequential Test will need to be applied to the application.
25. On receipt of a revised FRA the EA have no objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment, which should be secured by way of condition. These measures should be carried out prior to occupation. In addition, the EA has reviewed the Phase II Geo-Environmental Ground Investigation and do not consider there is any risk to controlled waters. However, a condition is recommended regarding any unexpected contamination found during development to protect the underlying aquifer.
26. Sport England does not wish to raise an objection to this application but would seek to ensure that the construction of the proposed housing does not prejudice the use of the adjoining site, which is used as a playing field. Sport England state that the Playing Pitch Strategy currently under development may identify the need for additional sports facilities, the Arena may be identified as a potential location for these facilities and the proposed development may have an impact on this growth. The development should meet any sports facility demand arising as a result of the development.
27. PEDALs has commented that the scheme should promote cycling by taking into account Nottinghamshire County Council plans to improve north-south cycle routes between Wilford Lane and Rugby Road, and that it should allow easy access to the route including the toucan crossing on Wilford Lane by Bede Ling.

28. Severn Trent has no objection to the scheme subject to a condition requiring the developer to submit details for foul and surface water drainage.

Local Residents and the General Public

29. Objections have been received from local residents of 12 properties, these can be summarised as follows:
- a. Proposed properties will be above neighbouring ground level resulting in loss of privacy and overlooking.
 - b. Surface water drainage.
 - c. Loss of light.
 - d. Damage to wildlife and environmental pollution.
 - e. Increase in traffic along Wilford Lane, danger to children along this busy road.
 - f. Concerns over sewer capacity.
 - g. Japanese Knotweed present on site.
 - h. Impact on Badgers. Disturbance of badger sett
 - i. Pile construction of foundations will cause noise and disturbance, particularly to those who work from home.
 - j. The end of the path from the site joining Wilford Lane does not follow a sensible route – people are likely to cut across the grass.
 - k. Plots 3 and 9 will be on an elevated position and able to look directly into rear windows of 11 Gresham Close.
 - l. Concerns that land behind numbers 9-17 Gresham close will be used as shortcut to top of bank adjacent Nottingham Forest football academy from 151 Wilford Lane. Request fence roughly in position of 7.9m arrow on planning layout drawing.
 - m. Impact on bird species that make their home on the land at present.
 - n. Already too many homes in West Bridgford without the infrastructure to support them (health centres oversubscribed, rubbish shops due to council).
 - o. Increasing parking charges.

- p. Do not need more schools.
 - q. Proposed houses are too small and too close together.
 - r. Area already overpopulated as evidenced by traffic in rush hour along Wilford Lane.
 - s. Loss of green leisure space. Field is well used by dog walkers and cyclists, used as green space by families for games and picnics. Would result in more dogs being walked on football pitches leading to mess being left on them – harmful to young people using the pitches.
 - t. Field is inaccessible to travelers.
 - u. Remediation not to be believed, ground around Rushcliffe Arena left barren, back of Arena extremely ugly.
 - v. Concerns regarding layout of junction.
 - w. Object to removal of Sycamore trees as it will reduce privacy to Gresham Close.
 - x. Concerns whether Greythorn Dyke pumping station can cope with the extra water capacity generated.
 - y. Insufficient publicity.
 - z. Air quality on Wilford Lane.
 - aa. Schools are oversubscribed, should develop at Keyworth where schools are undersubscribed.
30. A letter of objection has also been received on behalf of David Lloyd Leisure Ltd who operate from an adjacent site. They raise concerns regarding loss of recreational/open space and limited on site provision of open space. They also raise concerns regarding flood risk, transport and traffic impact. They also raise matters relating to the school application which are no longer relevant given that this has been withdrawn.

PLANNING POLICY

31. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF) and the Rushcliffe Borough Non Statutory Replacement Local Plan (2006).

32. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making where they are consistent with the aims and objectives of the Core Strategy and NPPF.

Relevant National Planning Policies and Guidance

33. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
34. The proposal should be considered under Policy 6 (Delivering a wide choice of high quality homes) of the NPPF, which states that *“Housing applications should be considered in the context of the presumption in favour of sustainable development”* It also states that *“where they [LPAs] have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified”*.
35. Policy 7 (Requiring Good Design) of the NPPF (particularly the criteria outlined in paragraph 58) is also relevant to determination of the application and this sets out that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with NPPF paragraph 64, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
36. Policy 10 (Meeting the challenge of climate change, flooding and coastal change) is relevant, in particular paragraph 100 which states that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”* Paragraphs 100-103 set out the approach that should be taken to the Sequential and Exception Test. Further advice on applying these is given in the National Planning Practice Guidance.

Relevant Local Planning Policies and Guidance

37. Under Policy 1 of The Rushcliffe Local Plan Part 1: Core Strategy, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy 2 (Climate Change) sets out that *“All development proposals will be expected to mitigate against and adapt to climate change...”*
38. Policy 3 (Spatial Strategy) sets out the settlement hierarchy for Rushcliffe to accommodate sustainable development, which identifies the areas immediately adjoining Nottingham at the top of the hierarchy.
39. Policy 8 (Housing Size, Mix and Choice) sets out the Borough Council general approach to market housing and the approach to affordable housing, specifying 30% affordable housing in the West Bridgford area.

40. The proposal should be considered under Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics.
41. Policy 12 (Local Services and Healthy Lifestyles) states that, *“Where appropriate, contributions will be sought to improve existing community facilities provision where the scale of residential development does not merit direct provision of community facilities”*.
42. Policy 14 (Managing Travel Demand).
43. Policy 17 (Biodiversity).
44. Policy 19 (Developer Contributions).
45. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria), HOU2 (Development on Unallocated Sites) and WET2 (Flooding) of the Rushcliffe Non-Statutory Replacement Local Plan.

APPRAISAL

46. The application seeks full planning permission for the residential development of the site and as such not only must the principle of development be established but it must also be considered as to whether the detailed/technical matters are also acceptable.

Principle of Development

47. The site lies within the Principal Urban Area of West Bridgford and, therefore, in principle residential development of the site would be an acceptable use, it has also previously been subject of a resolution to grant permission for residential development by the Development Control Committee.
48. The site is identified in the Strategic Housing Land Availability Assessment 2016, and was originally put forward as an allocation for the 2006 Replacement Local Plan but housing allocations were not ultimately included in the plan. The assessment in the SHLAA concludes *“All the initial issues in relation to flood risk and contamination are resolvable if suitable mitigation measures are put in place. Outline planning permission granted subject to S106. Discussions ongoing regarding revisions to the proposal. Site in the process of disposal through sale by Nottinghamshire County Council. No barriers to delivery, however, considered that initial mitigation on the site may lead to delivery commencing by Year 3 (2018-19).”*
49. Sport England has confirmed they have no objection to loss of the land for play pitches and it therefore falls to consider the specific issues associated with the application, namely Flood Risk (including risk from the River Trent and the Greythorn Dyke) and impact on surface water drainage and the Sequential Test, highways impacts, site layout, design and appearance, impact on amenity of neighbouring properties, contamination and wildlife/ecology.

Flood Risk

50. The site is in Flood Zone 3 on the Environment Agency's flood zone maps which has a medium to high probability of flooding. The site is within an area benefitting from flood defences along the south bank of the River Trent which the submitted FRA concludes puts the site in zone 3a. In view of this and the guidance in the NPPG, it is concluded that the site is equally comparable to other sites identified in the Strategic Housing Land Availability Assessment in West Bridgford, and the sequential test has been passed. Dwellings are classed as a "more vulnerable" type of development in the NPPG. Development of this type in Flood Zone 3a therefore requires the Exception Test to be undertaken. As the Environment Agency (EA) and the Lead Local Flood Authority do not object and the site is in a sustainable location close to local services/facilities, employment and public transport, it is considered that the Exception Test is also passed.
51. The Strategic Flood Risk Assessment shows the majority of the site as lying outside the 1:1000 year flood risk (with defences) which is equivalent to Flood Zone 1. The site frontage to Wilford Lane would, however, have a moderate risk of flooding. This is identified in the Flood Risk Assessment and a condition is requested by the Environment Agency to identify a route to a safe haven in the result of flooding.
52. Two balancing ponds are proposed on site to help manage surface water and the submitted FRA recommends a detailed drainage strategy for the site. This can be secured by way of a condition, should planning permission be granted.

Highway Matters

53. The proposed access arrangements to the site involve the widening of Wilford Lane across the frontage of the site to facilitate the provision of a right hand turn lane for vehicles travelling eastbound to access the site. In addition, the proposed road layout includes a pedestrian refuge to the east of the access into the site. The design and layout of the access arrangements, including alterations to the layout of Wilford Lane and the new junction layout have been considered by the Highway Authority and deemed to be acceptable.
54. In order to address the additional traffic movements associated with the site and their impact on the Wilford Lane/Loughborough Road/London Road/Melton Road junction it is proposed to alter the road lining on Loughborough Road on the approach in to Nottingham. The road is wide enough to accommodate an increase in the length of the two lanes of traffic from the traffic lights further back down Loughborough Road. This would allow the same amount of traffic through the junction in a shorter time period when the lights are on green, resulting in the lights on Wilford Lane being able to stay green for longer and allowing more traffic through. This can be dealt with by way of 'Grampian' condition given the works are not extensive, are on Highway land and have a strong chance of fulfilment.

Layout, Design and Appearance

55. The overall layout of the scheme is considered to be acceptable. Concurrent with the submission of this application, an application seeking outline planning permission for a school to the south of the site (to be accessed through the new development) was also submitted, however, this has subsequently been withdrawn. Therefore, although the Borough Council must give consideration to the future potential use of land to the south of the site and ensure it would not become sterilised by this current development, it is difficult to assess specific impacts without knowing exactly how the land would be used. The current proposal shows an area where access could be joined and it would fall to any future submission on this parcel of land to demonstrate whether or not the highway impact is acceptable.
56. In terms of specific design and house types it is acknowledged that these comprise a rather limited range of styles and materials palette. The NPPF requires good design, however, the immediate surrounding area is a mix of styles and ages of property, which are not considered to be of significant architectural merit and it is, therefore, considered that it is difficult for the developer to draw inspiration from this and there is not considered to be any dominant character or theme to inform the approach to the development of this site. They have instead used the wider area to inform their choice of materials. Revisions have been sought during the course of the application to vary the house styles and therefore break up the design choices and it is considered that these have helped to introduce more differentiation into the scheme.
57. The site frontage is currently occupied by a dense belt of trees and shrubs making it impossible to see into the site from Wilford Lane. The majority of these trees and shrubs would be lost meaning that a pleasant green interlude along this busy main road would be lost and replaced by built development. However, the trees are not of sufficient value as specimens or a group to warrant protection under a Tree Preservation Order and the proposed houses along the frontage have been designed to be set back from the road on private driveways giving a separation distance and ensuring the houses are not hard up against the highway. A condition is recommended to ensure a detailed landscaping scheme is submitted for the site which should also address these plots.
58. There would also be an area of trees lost to the western edge of the site to accommodate the proposed balancing pond and to realign the footpath. The Borough Council's Landscape Officer has raised concerns about this, however, there are some benefits to the proposed tree clearance, including the natural surveillance of the pond and opening up the outlook from the plots facing it. It is important to understand fully how this space will be landscaped and managed, not only to provide a visually pleasant space but also to ensure biodiversity and compensate for the loss of trees in this area. An outline landscape plan has been submitted but this gives only a vague outline of trees to be retained and trees to be removed. This matter can be addressed through the recommended condition requiring a detailed landscaping scheme for the development.
59. In terms of potential impact of light from the floodlights on the neighbouring football academy site, it is not considered it would be reasonable to include a

condition, as originally suggested by the Environmental Health Officer, requiring lux levels to be measured. The floodlights are at a higher level than the existing site and some distance from the proposed houses. They are an existing feature which future occupiers would be aware of when moving to the site and planning permission for these lights restricts their operation to hours between 8am and 10pm.

60. A swept path analysis for waste vehicles, fire appliances and private vehicles has been submitted and demonstrates that the road layout is able to accommodate these vehicles.

Impact on Amenity

61. The site is the immediate neighbour to a small number of houses on Gresham Close, adjacent to the north-east corner of the site, and residents of these properties have raised several concerns, which are addressed in this report. Plots 3 and 9 are the nearest to these properties and these have been designed to be side-on to the boundary to limit overlooking. The house on Plot 3 is sited 10.8m from the boundary and the single storey garage would be 7.9m from the boundary, the distance from the boundary to the rear elevation of 17 Gresham Close is approximately 19m. There would therefore be a total distance of 29.8m between the dwellings. Plot 9 would be 11.3m from the boundary with 9 Gresham Close and approximately a further 9m to that property's rear elevation. There would therefore be a total distance of 20.3m between the dwellings. This would be a 'side to back' relationship and there would be no habitable room windows in the side elevation of the dwellings on plots 3 and 9. Therefore it is not considered that the proposal would give rise to unacceptable overlooking and loss of privacy to the existing dwellings on Gresham Close.
62. The topographical survey suggests that the land is around 2m higher on the application site than the existing properties on Gresham Close, the balancing pond shown in the corner of the site should help to mitigate any potential surface water run-off and the distances between the properties is sufficient to ensure they would not be unduly overbearing on the existing occupiers. Although the Landscape Officer has expressed concern over the loss of trees in this area and the pressure on any retained trees to be later removed it must be acknowledged that, were the site free from trees in this area the distances between the proposed new houses and the existing properties on Gresham Close would still be acceptable.

Contamination, Air Quality and Noise

63. It is acknowledged that there is contamination on the site from several different sources, including gasses and Japanese knotweed. Comprehensive Phase I and Phase II reports have already been carried out and these contain recommendations for further surveys to be carried out prior to development commencing. The remediation of the site in line with the recommendations of these reports will have a positive impact on the site and surrounding area. The submitted Preliminary Outline Remediation Strategy suggests (amongst other things) a remedial capping layer of soil placed in areas destined to be residential gardens, removal/treatment of localised domestic waste, ground gas precautions and a "virtual curtain" across the site's southern boundary to prevent contamination from gas. This Virtual

Curtain system comprises a series of vertical vent nodes which are inserted into the ground and connected to form a “Virtual Curtain”. This intercepts the migration of gas and, it travels vertically into a high-level collection duct where, once mixed with fresh it is diluted sufficiently prior to being vented to the atmosphere. It is not considered that the Greythorn Dyke is at any significant risk of contamination from Boron at the site.

64. The air quality at the site itself has not been previously recorded as it did not contain any sensitive receptor (i.e. it was not occupied) but as a proposed site for human habitation it is now recommended that some survey work is carried out so that, if necessary, measures can be incorporated into the scheme. This is similarly the case with the potential impact of noise on the site.

Sewer Capacity

65. Despite concerns from local residents Severn Trent has raised no objection to the scheme. A condition is recommended regarding plans for disposing of surface water and foul water from the site. Severn Trent state that *“If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected”*. These works cannot be dealt with by way of condition or S106 agreement as it is understood they would fall under Severn Trent’s Capital works programme, funded by water rates from the new development.

Wildlife/Ecology

66. As set out in the Ecology Report, *“the main potential ecological constraints associated with the proposed development are (i) damage/disturbance to Greythorne Dyke LWS, (ii) loss/disturbance to habitats, (iii) spreading Japanese knotweed (iv) harm to great crested newt and loss of breeding and terrestrial habitats (v) harm to badger and loss of badger foraging habitat (vi) harm to roosting bats and loss of bat roosting and foraging habitat, (vii) harm to nesting birds and loss of nesting habitat, (viii) loss of terrestrial and aquatic invertebrate habitat, (ix) disturbance to otter, (x) harm to reptiles and (xi) harm to water vole. There are ecological opportunities through habitat creation, native planting, habitat management and enhancements for faunal species. Further species survey work is recommended.”* The mitigation and enhancement measures recommended by this report have been considered by the Borough Council’s Environmental Sustainability Officer and found to be satisfactory. Accordingly a condition is recommended to ensure these works are carried out.

Section 106 Obligations

67. Negotiations have taken place and are at an advanced stage regarding the proposed contributions to be secured through a section 106 agreement. The developers are proposing a policy compliant scheme that provides 30% affordable housing and contributions to health, education, libraries, equipped play space and outdoor sports pitches. This is set out in the attached table and at the date of this report, the figures had been agreed to be paid by the developers and only the triggers for payment of monies remain to be agreed.

No viability issues have been identified by the developers in fulfilling the requests for S106 contributions.

68. The proposed affordable housing is not the exact mix that was requested by the Borough Council's Strategic Housing Officer, the main and notable differences being no bungalows provided on the scheme and instead ground floor flats are proposed. In addition, there would be slightly more 2 bedroom houses (17 in total) and 5 fewer 3 bedroom houses (13 in total). However, the Borough Council has received a statement from Metropolitan Housing who would acquire and manage the affordable housing and they have confirmed the mix is what they desire to meet their housing need. The Borough Council's request is based on a model, and as Metropolitan have confirmed actual need, it is considered that this is an acceptable deviation from the model and likely to in fact better fulfil the current housing need of the Borough.

Conclusion

69. Overall, it is considered that the proposed development complies with local and national policy and is an acceptable form of development, subject to the relevant conditions and Section 106 obligations.
70. Formal pre-application advice was not sought on the development, and as a result of comments from technical consultees and officers revisions have been sought during the course of the application. These revisions have resulted in an acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities be authorised to grant planning permission subject to the prior signing of a S106 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 carried out in accordance with the following approved plan(s): Layout plan A690-1 Revision C, Materials plan A690-2 Revision C, House Types Brochure 690-10 Revision B, Apartment Block A690-11 Revision A and Means of Enclosure plan A690-03 Rev C.

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

3. No building shall proceed above damp proof course level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The scheme shall broadly accord with the submitted indicative scheme (A690-24). The approved scheme shall be

carried out in the first tree planting season following the substantial completion of the development (or in the event that the site is developed in phases, the substantial completion of the respective phase). Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. The development hereby approved shall not be occupied until a scheme, to include timescales for implementation, to widen the footway along the frontage of the site has been submitted to and approved in writing by the Borough Council. The footway widening shall be implemented in accordance with the timescales embodied within the approved scheme.

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

5. Development shall not commence until details of the finished ground and floor levels for the site have been submitted to and agreed in writing by the Borough Council. The development shall be carried out in accordance with these details.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This information is required to be submitted and approved prior to development commencing as it will impact on the accurate setting out of the site and construction]

6. Prior to the development being occupied, a scheme to upgrade the existing cycle path running north to south through the site shall be submitted to and agreed in writing. The scheme shall specify a 3m wide sealed and lit shared use facility which shall be implemented prior to occupation of the development.

[To encourage the use of bicycles as an alternative to the car; and to comply with policy MOV6 (Facilities in New Development) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

7. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 15097/FRA Rev.B written by BSP consulting and dated June 2017 and the following mitigation measures detailed within the FRA:
 1. Occupants of the site sign- up to flood warnings.
 2. A flood evacuation plan is produced and followed by occupants of the site.
 3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 4. Finished floor levels (FFL) are set at 25.48m AOD where building regulations allow and no lower than 25.32 m above Ordnance Datum (AOD).
 5. Flood resilience measures are incorporated up to at least 25.48m AOD when FFLs are unachievable at this level due to building restrictions.

6. The development drainage discharge will be restricted to a green field rate.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

[To enable safe evacuation in the event of a flood, and to reduce the risk of flooding to the proposed development and future occupants. And ensure no downstream flooding will be caused as a result of this development. In accordance with Policy WET2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 2 (Climate Change) of the Rushcliffe Core Strategy]

8. Before development is commenced, a Contaminated Land Phase II Exploratory Works Report shall be submitted to and approved in writing by the Borough Council. Where the report confirms that contamination exists, a remediation report will be required to be submitted and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details. Prior to occupation a validation statement relating to the works undertaken in accordance with the above shall be submitted to and approved in writing by the Borough Council.

[To protect the underlying secondary aquifer and adjacent Greythorne Dyke from contamination and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework. The requirements of this condition in so far as it relates to the submission of a Contaminated Land Phase II Exploratory Works Report and remediation report needs to be discharged before work commences on site to ensure any contamination is dealt with prior to construction of buildings]

9. In accordance with the recommendations set out in the Flood Risk Assessment, a detailed surface water drainage strategy for the site shall be submitted to and approved in writing by the Borough Council prior to development commencing. The strategy shall be implemented in accordance with the approved details.

[To ensure the site is adequately drained and does not increase flood risk elsewhere, in accordance with Policy WET2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 2 (Climate Change) of the Rushcliffe Core Strategy. This condition is required to be discharged prior to development commencing as it may require groundworks which could not be carried out after construction had begun.]

10. Prior to the houses being constructed above damp proof course level, an air quality assessment shall be submitted to and approved in writing by the Borough Council. Should the report identify any measures required to mitigate the impact of air quality on future occupiers of the site or the impact the development would have on the air quality of the surrounding area, a scheme shall be submitted to and approved in writing by the Borough Council and the development shall be carried out in accordance with these measures which shall be maintained for the lifetime of the development.

[The site is in close proximity to the existing AQMA1 2005 and impact on new receptors (i.e. future occupiers) should be reviewed, in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

11. Prior to the houses being constructed above damp proof course level development, an Environmental Noise Assessment shall be submitted to and approved by Borough Council. This assessment shall be undertaken in accordance with BS8233:2014 Guidance on sound insulation and noise reduction for buildings and BS4142:2014 Methods for rating and assessing industrial and commercial sound. It shall include representative monitoring positions and measurement parameters, as agreed with the Borough Council.

Where noise mitigation measures are identified and required a sound mitigation scheme to effectively reduce the transmission of noise from the site/external sources shall be submitted to and approved in writing by the Borough Council. Thereafter, the development shall be carried out in accordance with the approved details.

[To safeguard the amenities of future occupiers of the site, in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

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

[To protect the amenities of nearby residents during construction in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Non-Statutory Replacement Local Plan. This condition is required to be discharged prior to development commencing as it related to the construction phase of the development]

13. Prior to development commencing, a scheme to identify the timescales for submission of additional information relating to the enhancement, compensation and mitigation measures listed on pages 3-4 of the submitted Ecological Assessment (January 2015) shall be submitted to and approved in writing by the Borough Council. Additional surveys shall be carried out and any recommended mitigation measures implemented in accordance with these recommendations.

[To protect the biodiversity of the site and ensure that relevant ecological assets are protected during development In accordance with policy 17 (Biodiversity) of the Core Strategy. This condition is required to be discharged prior to development commencing as some of the measures are required to be put in place at construction stage]

14. The measures detailed in the Badger Survey Report (November 2015) shall be implemented in accordance with these recommendations, this shall include, where necessary, gaining a License from Natural England.

[To protect the biodiversity of the site and ensure that relevant ecological assets are protected during development In accordance with policy 17 (Biodiversity) of the Core Strategy.

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

[To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Policy WET2 of the Rushcliffe Non-Statutory Replacement Local Plan 2006]

16. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound, permeable material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such 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 in the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

17. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated 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 GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

18. No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition is required to be discharged prior to development commencing as the wheel washing is required during the construction phase].

19. The development hereby permitted shall not be occupied until such time as plans have been submitted to and approved in writing by the Borough Council detailing the proposed bin collection points/stores for any properties located on drives over 25m long and the apartment blocks. The bin collection points/stores shall be constructed prior to occupation and shall be maintained

for the lifetime of the development.

[To enable the adequate storage/collection of waste and in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan

20. No operations shall commence on site until a plan identifying the trees and hedges to be retained on site has been submitted to and approved by the Borough Council. The existing trees and/or hedges which are to be retained shall be protected in accordance with details to be approved in writing by the Borough Council and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition is required to be discharged prior to development commencing to ensure the trees are protected during the construction phase.]

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows, doors or openings of any kind shall be formed in the north-east elevation(s) of plots 3 and 9 without the prior written approval of the Borough Council.

[To safeguard the reasonable residential amenities of the properties on Gresham Close and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

Notes to Applicant

The application is subject to a Section 106 Agreement under the Town and Country Planning Act, 1990

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

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees

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

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. Approval from the Highway Authority of the detailed design of the roads etc will impact on the information required to discharge condition 15 of this permission and lack of approval from the Highway Authority may prevent favourable consideration of an application to discharge this condition.

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 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.

This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.

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

Best practice should be followed during building work to ensure trenches dug during works activities are left open over night, they should be left with a sloping end or ramp to allow animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Tree root protection zones should be established around trees. Storage of materials and equipment should be outside of sensitive areas and care should be made to prevent pollution events.

In relation to condition 22, a comprehensive drainage strategy must be produced for the site. This strategy must include how surface water is to be dealt with. In particular showing how no s urface water will be al lowed to enter the foul or combined system through any means. Surface water should be drained using sustainable techniques. Where a sustainable drainage scheme is to be provided,

the submitted details shall:

i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) Include a timetable for its implementation; and

iii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The strategy will also demonstrate how any land drainage issues will be resolved. The developer may have to commission a hydraulic modelling study to determine if the proposed flows can be accommodated within the existing system. And if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.

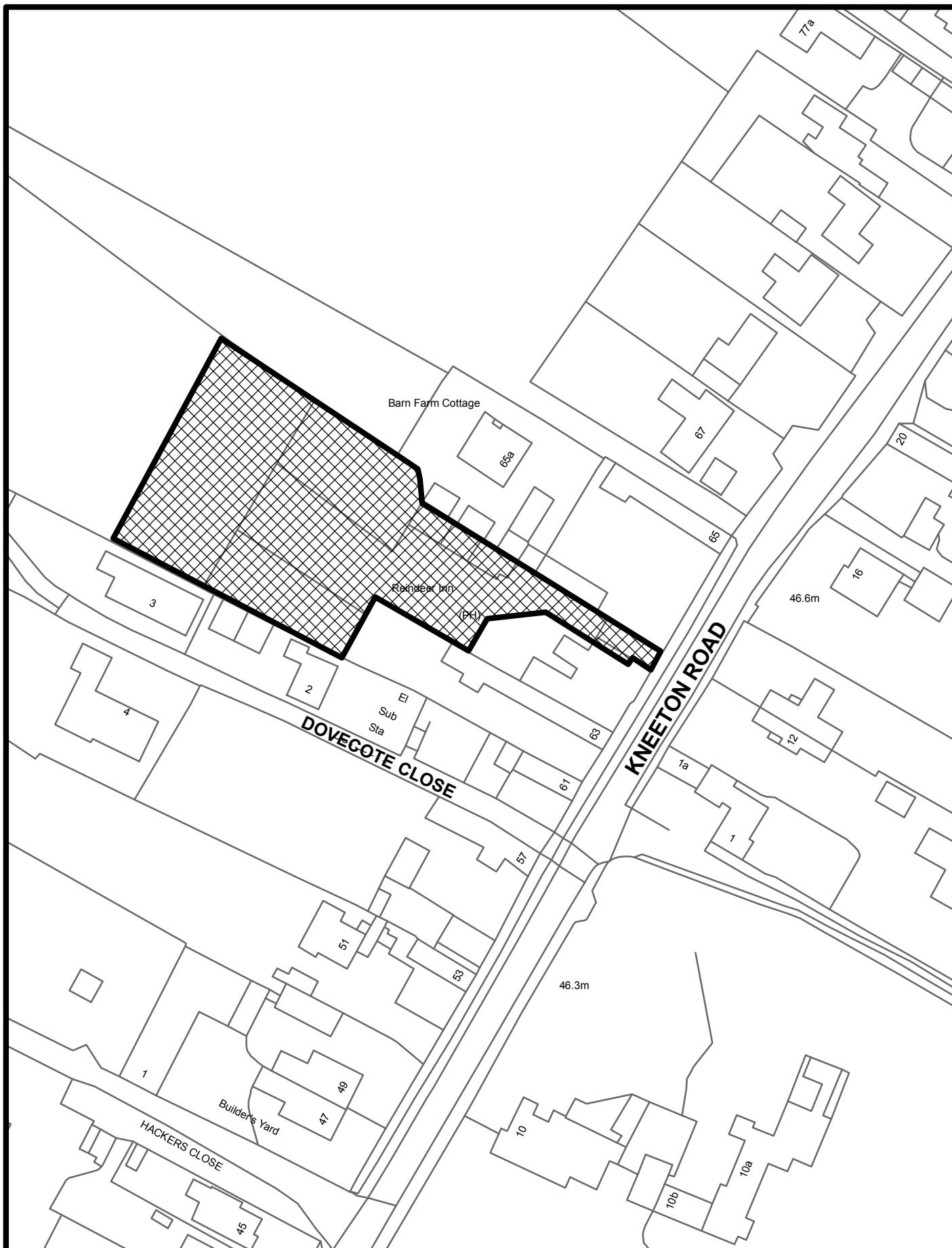
Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.

If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

Item	Detail/requirement	Developer Proposes	RBC proposes	Trigger
Public Open Space	Layout, provision and maintenance (including ponds) - would need details of management company, RBC would not take on		Maintenance to be provided by management company – funded through service charge on properties	Not yet agreed
Equipped play space	On site provision or commuted sum of £95,589	Developer proposes commuted sum prior to occupation of final dwelling	Commuted sum prior to first occupation	Not yet agreed
Education	Primary: 36 school places required at a cost of £11,455 per place = £412,380	Half Prior to occupation of 10 th dwelling Remainder prior to occupation of final dwelling	Half on commencement on site, half on completion of 25 th dwelling (Notts LEA requirement)	Not yet agreed
	Secondary: 27 school places required at a cost of £17,260	Half Prior to occupation of 10th dwelling Remainder prior to occupation of final dwelling	Half on commencement on site, half on completion of 25th dwelling (Notts LEA requirement)	Not yet agreed
Affordable Housing	30% of total number of dwellings – tenure as follows: 42% should be intermediate, 39% should be affordable rent and 19% should be social rent.			Commence construction of affordable units before occupation of 40% market housing and complete construction of affordable housing before occupation of 60% market housing
Health	£157,320 to extend clinical space for GPs and nurses at Castle Healthcare and Musters Medical Practice		Prior to first occupation	Not yet agreed

Leisure	Indoor leisure – no requirement			None required
	Outdoor Sports (sports pitches) commuted sum of £82,593 (£483 per dwelling)	Prior to occupation of final dwelling		Not yet agreed
Library	Estimated 410 population that would be occupying the new dwellings. This is costed at 410 (population) x 1.532 (items per head of population) x £12.50 (cost per item) = £7,851			Prior to first occupation
Highways	Not requested			
Integrated Transport Contribution	Not requested			
Monitoring Fee	TBC			Commencement of development
Legal Costs	TBC			Commencement of development



Application Number 17/00865/FUL
Reindeer Inn, Kneeton Road, East Bridgford

scale 1:1000



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Rushcliffe Borough Council - 100019419

Applicant Mr & Mrs Perkins

Location Reindeer Inn Kneeton Road East Bridgford Nottinghamshire NG13 8PH

Proposal Erection of two dwellings, conversion of barn/store to dwelling

Ward East Bridgford

THE SITE AND SURROUNDINGS

1. The application relates to former car park and garden area of the Reindeer Public House, the site extends to approximately 0.17 ha.
2. The site lies within the East Bridgford Conservation Area and part of the rear section lies within the Green Belt.
3. The site is adjoined on its south-east side by the former public house, to the north-west by a paddock and open fields and to the north-east and south-west by residential properties.

DETAILS OF THE PROPOSAL

4. It is proposed to construct two detached two storey dwellings and convert a single storey outbuilding to the former public house into a third dwelling, with a parking/servicing area.
5. Access to the site would be via the existing vehicular access from Kneeton Road.
6. Plot 1 would have maximum ridge height of 7.9m and plot 2 a height of 7.2m.

SITE HISTORY

7. In January, 2016, planning permission was granted for the change of use of the public house to a dwelling (ref: 15/02912/FUL).
8. In May 2016, planning permission was granted for the erection of three detached dwellings on the site, one of which incorporated the outbuilding, which is now proposed to be converted in to a separate dwelling (ref: 16/00630/FUL).

REPRESENTATIONS

Ward Councillor

9. The Ward Councillor (Cllr Lawrence) objects on the following grounds:
 - a. The dwellings are larger than on the approved plans.

- b. The development would be visible from the Trent Valley.
- c. Loss of light to north facing window of 2 Dovecote Close.
- d. Loss of trees and hedges on north-east boundary.
- e. Overbearing impact on 65a Kneeton Road.

Parish Meeting and Adjacent Parish Councils/Meetings

- 10. The Parish Council objects, commenting that the proposal is of excessive size, of excessive height, it overlooks neighbours and is of unsuitable design in the Conservation Area. There is no sense of country setting. Too much for the size of plot.

Statutory and Other Consultees

- 11. Historic England has offered no comment.
- 12. The Nottinghamshire County Council as Highway Authority has no objection on highway grounds subject to the provision of a bin collection point.
- 13. The Environmental Health Officer raises no objection but recommends that appropriate conditions be included to require the submission of a contaminated land survey and method statement to control demolition.
- 14. The Borough Council's Recycling Officer has raised no objection but drawn attention to the Borough Council's bin charging policy.
- 15. The Borough Council's Conservation and Design Officer raises no objection. His comments are summarised below:
 - a. The new-build units, though possibly larger in scale than some properties in the vicinity, are set back from Kneeton Road and would make little impact on the Conservation Area.
 - b. From a design point of view, the only issue is the provision of cat-slide roofs to the dormers, which do not fit with the traditional design approach.
 - c. The conversion would include restoring previous openings and there is no objection, though it is important that appropriate means of enclosure are provided.
 - d. Materials should be reserved for future approval.
 - e. Overall he is of the view that, subject to a review of the proposed boundary treatments for the converted outbuildings, the proposal would not harm the special architectural and historic character of the conservation area.
- 16. In response to the submission of revised plans showing a change in the means of enclosure to the garden of the converted barn from a fence to a brick wall and an increase in the height of the boundary treatment across the

front of the building from 1.2 metres to 1.8 metres, the Conservation and Design Officer commented that a higher quality boundary treatment such as a masonry wall could be increased in height across the front of the building without having any further or additional adverse effect upon the character of the site, there would then be no timber fence visible through the narrow site access from Kneeton Road, the taller wall would hide some part of the proposed barn conversion, however, the gable end form would still be visible over that boundary from the Kneeton Road access, the majority of the increased screening arising from a taller wall would affect vantage points within the site which would not be adopted highway.

17. He is satisfied that the justification for a taller boundary would be to provide a greater extent of private residential amenity space which would be desirable and that a 1.8 metre high wall would be significantly better in design terms, and more typical of the character of boundaries within the conservation area than a 1.8 metre high fence. He suggests that permission should be subject to a condition requiring details of material and construction of the wall, most specifically the detailing of the head of the wall and any copings which might be proposed. Subject to such a condition he would take the view that the revised proposal would 'preserve' the special architectural and historic character and appearance and achieve the 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Local Residents and the General Public

18. Letters of objection have been received from six local residents. The grounds of objection can be summarised as follows:
- a. Loss of light, amenity and view.
 - b. Detrimental to setting of listed building, which would have had land to rear.
 - c. Overlooking / loss of privacy.
 - d. Would aggravate existing traffic dangers and difficulties on Kneeton Road.
 - e. Inadequate parking resulting on parking on Kneeton Road.
 - f. Width of access inadequate.
 - g. Detrimental to character of Conservation Area.
 - h. Scale out of keeping.
 - i. Loss of trees and hedging.
 - j. Obtrusive when viewed from Trent Valley.

PLANNING POLICY

19. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
20. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
21. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

22. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It states that Local Planning Authorities should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
23. Paragraph 49 of the National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development.
24. Paragraph 55 advocates support for residential development on sustainable sites in rural areas and advises that isolated dwellings should be avoided unless there are exceptional circumstances. Paragraph 58 requires new development to respond to local character and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
25. Paragraph 60 states that, "Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."
26. Para.64 of the NPPF states, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."
27. Paragraph 89 states that new buildings should be considered as inappropriate in the Green Belt except, for example, agriculture, outdoor sport, outdoor recreation, etc. It also considers as acceptable limited infilling in villages or redevelopment of brownfield land which would not have a greater impact on the openness of the Green Belt.
28. As the site lies within the East Bridgford Conservation Area, paragraph 128 of the NPPF is relevant. It requires consideration to be given to the effect of any

development on a conservation area's setting, whilst paragraph 132 points out that the significance of a heritage asset can be harmed by development in its setting. Paragraph 133 advises that where a development would lead to substantial harm or total loss of the asset, permission should be refused. Paragraph 134 advises that where the proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

29. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering proposals for development within or affecting a conservation area “...*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.

Relevant Local Planning Policies and Guidance

30. None of the saved policies of the Rushcliffe Borough Local Plan are relevant to the present proposals.
31. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
32. Policy 10 requires that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development shall be assessed in terms of the criteria listed under section 2 of Policy 10 and, of particular relevance to this application, are 2(b) whereby the proposal shall be assessed in terms of its impacts on neighbouring amenity, 2(f) in terms of its massing, scale and proportion and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
33. In the context of the Rushcliffe Borough-Non Statutory Replacement Local Plan, the relevant policies are GP2 (Amenity and Design), HOU2 (Development on Unallocated Sites), EN2 (Conservation Areas) and EN14 (Green Belt).
34. Policy GP2 requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.
35. Policy HOU2 states that planning permission will be granted for development on unallocated sites so long as a number of criteria can be satisfied, including that the development would not extend the built-up area of the settlement, would not result in the loss of a site which makes a significant contribution to the amenity of the area by virtue of its character or open nature, etc.
36. Policy EN2 requires that any development in a conservation area or outside of but affecting its setting, including views into or from the conservation area, should enhance its character and appearance.

37. Policy EN14 states that within the Green Belt planning permission will only be granted for certain forms of development, including agriculture, forestry, certain outdoor sports facilities, alteration and limited extension or replacement of existing dwellings and limited infilling in existing settlements. The policy goes on to say that permission will not be granted for other forms of development unless very special circumstances can be demonstrated.

APPRAISAL

38. East Bridgford possesses a number of services and facilities including a school, pub, shops, sports facilities, an employment site and bus service. In view of the location of the site in relation to these local services and facilities, it is considered that it comprises a sustainable location, as advocated by the National Planning Policy Framework and Core Strategy. In view of this and the extant permission on the site, it is considered that the development is acceptable in principle.
39. Paragraph 89 of the NPPF provides that new buildings in the Green Belt should be regarded as inappropriate and sets out the exceptions to this general rule. These include limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt. Plots 1 and 2 would straddle the boundary of the Green Belt, both as existing and as proposed through the Borough Council's Draft Green Belt Review. However, the built form of the proposed dwellings would be entirely outside of the Green Belt with the majority of the gardens within the Green Belt. The car park and gardens of the former public house can be regarded as previously developed land, although the garden areas to the dwellings on plots 1 and 2 would occupy part of the paddock to the rear of the site. The gardens would not extend beyond the north western most wall of 3 Dovecote Close and, subject to controls over the type of boundary treatment to be erected to enclose these gardens and removal of permitted development rights for outbuildings, it is not considered that the use of part of the paddock as garden areas would represent an unacceptable encroachment into the countryside or would detract from the openness of the Green Belt at this location.
40. Whilst Kneeton Road is characterised by frontage development, there is development in depth, including Dovecote Close to the south-west of the site and number 65A Kneeton Road to the north-east. In addition, the extant permission authorises development to the rear of the former public house. In view of these factors, it is not considered that the development of the site would be unsympathetic to the pattern of development in the area or result in the expansion of the built-up area, nor would its development result in the loss of a site which makes a significant contribution to the amenity of the surrounding area by virtue of its character or open nature. Furthermore its development would not detrimentally affect the character or pattern of the surrounding area and, as stated above, it is accessible to a range of services other than by use of the private car.
41. In terms of the design of the proposed dwellings and their impact on the character of the Conservation Area, the development would be partly screened from the public realm, though in any event there is a mix of styles ages and scales of dwellings in the vicinity to the extent that the proposed

dwelling would not be out of keeping. For example no. 3 Dovecote Close is a bungalow, no. 2 a 1970's dwelling and 65A Kneeton Road dates from the 1980's. The conversion of the outbuilding would result in the removal of masonry infill to restore previous openings and would result in an improvement to the appearance of the building.

42. In view of the above, it is considered that the proposed dwellings would be in keeping with their surroundings and there would be little or no material impact and none which would constitute harm to the Conservation Area. Accordingly, the development would comply with policy ENV 2 of the RBNSRLP and would achieve the objective described as desirable within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, there would be no harmful impact on the setting of the listed building at 63 Kneeton Road.
43. In terms of impact on neighbours, the ones most closely affected would be 2 and 3 Dovecote Close and 63 and 65a Kneeton Road. No. 3 Dovecote Close has windows in its north-east elevation, however, they mainly face the field to the rear where the gardens are proposed. No.2 Dovecote Close has main windows in the rear elevation which would have an oblique view of plot 1, however, the impact on that dwelling is mitigated by the inclusion of a lower ridge and single storey element on plot 1. One kitchen window in the north-east elevation of No.2 Dovecote Close would look onto an area between the garage of plot 1 and the boundary with 63 Kneeton Road and there is a second window which gives light to the kitchen.
44. Discussions have taken place with regard to the scale of the dwellings and possible overlooking of neighbouring properties. As a result, revised plans were received which showed the ridge height of plot 2 reduced from 8.2m to 7.2m and obscure glazing included to the south west (side) facing windows at first floor level of plot 1 and the north east (side) facing windows at first floor level of plot 2. In view of this, it is considered that the scale is in keeping with the surrounding area and should have no undue impact in terms of overbearing/overshadowing/overlooking.
45. No. 65A Kneeton Road has windows facing its garden, which adjoins plot 2, however, the proposed design incorporates a single storey lean-to on the north-east side with the two storey element some 14 metres from the rear wall of no. 65A. It is not, therefore, considered that this would have an undue impact in terms of overbearing or overshadowing. Also it has been confirmed that vegetation on the boundary with 65A Kneeton Road would be retained.
46. Whilst concern has been expressed over traffic generation on Kneeton Road and the substandard nature of the access, it will be noted that the County Council has not objected in principle. Furthermore, the previous permission for three dwellings on this site remains extant and it is not considered that the traffic generation/movements arising from the latest proposals would be significantly different, and potentially lower than that which might have been generated by the former use of the public house.
47. Although the County Council has requested bin storage facilities, it is unlikely this could be provided within the site and it will be necessary for bins to be brought to the front of the site, as has happened in the past with the pub. This

is standard practice in the Borough and a refusal of planning permission on these grounds would not be justified.

48. In view of the above, it is considered that the proposed development is acceptable in the context of the National Planning Policy Framework, the Core Strategy and the Rushcliffe Borough Non-Statutory Replacement Local Plan.
49. The issue of views from the Trent Valley has also been raised. Due to the topography and tree cover, views from the north-west are limited, though the development would possibly be visible from Gunthorpe. As the development would be over a kilometre away and would be viewed against the backdrop of the village, it is not considered that the proposal would be detrimental when viewed from this location.
50. With regard to other issues which have been raised, loss of view is not a material consideration and it is not considered that a construction environment management plan is required for a development of this scale. Furthermore, most of the demolition associated with the conversion of the pub has already taken place.
51. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, which have resulted in an acceptable scheme and a recommendation that planning permission be granted.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to 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 not be commenced until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. The condition needs to be discharged before work commences on site as the information was not included in the application and it is important to agree these details to ensure that the appearance of the development is acceptable]
3. The development shall not be brought into use until the proposed access, turning area and parking facilities have been constructed in accordance with

the submitted details. These facilities shall be retained for the lifetime of the development.

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

4. Neither of the dwellings on Plot 1 and 2 shall be occupied until the windows shown as obscure glazed on the submitted plans have been fitted with glass which has been permanently obscured to group 5 level of privacy. Thereafter, these windows shall be retained to this specification for the lifetime of the development.

[To protect the privacy of neighbours and comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

5. Prior to occupation of any of the dwellings hereby approved, a detailed landscaping scheme for the shall be submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. The development shall only be carried out in accordance with details of finished ground and floor levels, details of which shall be first submitted to and approved in writing by the Borough Council.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. It is considered that these details need to be agreed before development commences as the development will then need to be carried out in accordance with the approved details].

7. The development shall be carried out in accordance with the submitted plans 001 REV G, 002 REV D, 004 REV F, 005 REV F, 006 Rev A, 007 REV I and SLP REV D.

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

8. Prior to occupation of the dwellings within the site, screen fencing/walling and other means of enclosure shall be to enclose the curtilage of the respective dwelling, in accordance with details to be first submitted to and approved in writing by the Borough Council. In the case of the boundary treatment to enclose the garden area to the converted barn, the submitted details shall include particulars of the design and appearance of the wall, the bricks to be used in its construction and details of the planting in front of the wall, as

shown on the approved site layout plan. Thereafter, the screen fencing/walling and means of enclosure shall be retained in accordance with the approved details.

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

9. 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.

[To clarify the extent of the permission and to comply with policy GP1 (Sustainable Development) and GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

10. This planning permission, insofar as it relates to plot 3, relates to the conversion of the outbuilding and does not authorise any demolition or rebuilding thereof other than any shown on the approved plans, unless otherwise previously agreed in writing by the Borough Council.

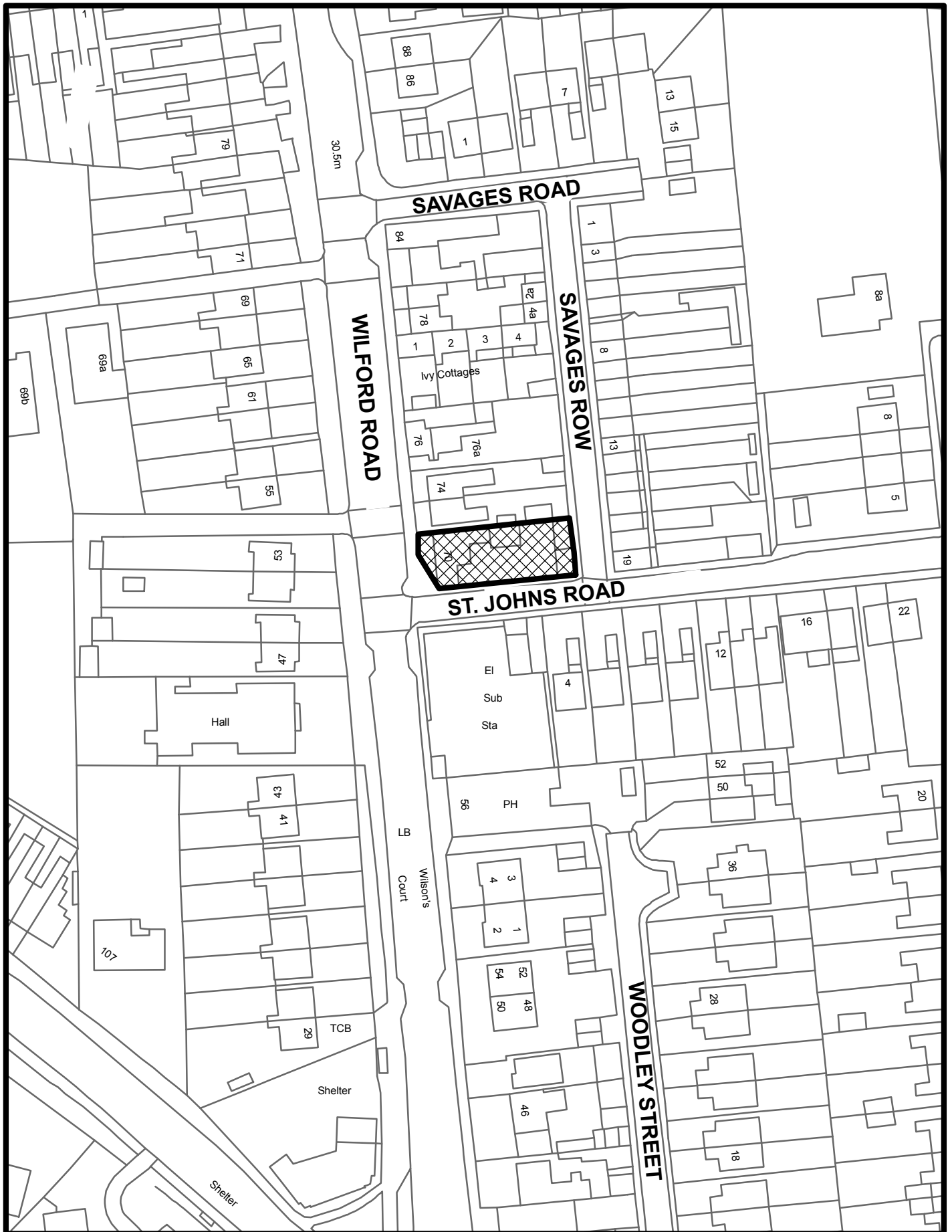
[To clarify the extent of the permission and to comply with policy GP1 (Sustainable Development) and GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes for Applicant

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

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

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.



Application Number 17/01214/FUL
70 Wilford Road, Ruddington

scale 1:1000



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Rushcliffe Borough Council - 100019419

Applicant Mascari Design Solutions LTD

Location 70 Wilford Road Ruddington Nottinghamshire NG11 6EY

Proposal Demolition of the existing building and the erection of two detached dwellings and associated landscape.

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached building situated on a corner plot that formerly comprised a hardware store with a ground floor shop frontage. The building is faced in grey render with a slate pitched roof. The property has a back yard approximately 20 metres deep that backs on to Savages Row to the rear, comprising of an area of hardstanding enclosed by a breezeblock wall approximately 1.8 metres high. There is a single storey rear extension that runs along the northern boundary with 72 Wilford Road for approximately half the length of the yard. This is a breezeblock structure with a monopitch fibre cement roof. There are also two outbuildings to the rear of the site immediately abutting Savages Row. The outbuilding on the corner of the junction of Savages Row and St John's Road comprises of a single storey blockwork structure clad in timber with a pantile pitched roof. The adjacent outbuilding is a blockwork structure with a monopitch corrugated roof.
2. The neighbouring property to the north is a two storey semi-detached residential property. The street scene along Wilford Road comprises of residential properties of a mix of ages and styles. Savages Row to the rear is characterised by a long continuous row of Victorian terraced properties with narrow frontages. There is a public house car park to the south on the opposite side of St Johns Road.

DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the demolition of the existing buildings, the subdivision of the site into two residential curtilages, and the erection of a three bedroom dwelling to the front of the site (plot 1) and a separated two bedroom dwelling to the rear of the site (plot 2).
4. The dwelling on plot 1 would be a contemporary three storey detached building with a basement. This would have a broadly 'L' shaped footprint measuring 10.8 metres in width and a maximum of 10.4 metres in depth. Each floor would be stepped with a first floor terrace and second floor balcony. The top floor would have a roof on a shallow incline with a maximum height of 8.1 metres. The building would be clad in larch with render at ground floor level and areas of metal cladding, principally at second floor level. There would be a private garden area and two parking spaces to the rear of the dwelling. The first floor terrace would be enclosed by a privacy screen, this would be accessed from the central landing providing additional

outdoor amenity space. The second floor balcony would be accessible only through a bedroom.

5. The dwelling on plot 2 would be a contemporary two storey detached brick and larch clad building situated on the boundary with Savages Row to the rear and St John's Road to the south side. This would have a footprint of 10.5 metres in width and a maximum of 8.1 metres in depth. The roof would have a shallow pitch sloping up away from Savages Row, with an eaves height of 5.2 metres where it adjoins the road rising to a maximum height of 5.7 metres. There would be a parking space for a single vehicle and a private outdoor amenity space to the front of the dwelling.
6. Both dwellings would have vehicular access off St John's Road. The boundary treatment with this road would consist of a 2 metre high wall.

SITE HISTORY

7. Outline planning permission for the demolition of the existing dwelling and the construction of two 4 bedroom semi-detached dwellings with off-street parking was granted in November 2014 under planning reference 14/02078/OUT.
8. An application seeking full planning permission for the demolition of the existing building and the erection of two detached dwellings and associated landscaping was refused in November 2016 under planning reference 16/02080/FUL. Permission was refused on grounds that the development would be over-intensive, resulting in inadequate outdoor amenity space to serve the dwellings, insufficient off-road parking likely to increase on street parking to the detriment of highway safety and that the two bedroom dwelling would adversely impact on the amenities of properties along Savages Row through overbearing and overshadowing. A subsequent appeal to the Planning Inspectorate was dismissed in July 2017. The Inspector agreed with the first reason for refusal but did not consider that the proposal would have a detrimental impact on highway safety or the amenities of properties on Savages Row
9. A subsequent application seeking full planning permission for the demolition of the existing building and the erection of two detached dwellings was refused in February 2017 under planning reference 16/03097/FUL. Permission was refused on grounds that the development would be over-intensive, resulting in inadequate outdoor amenity space to serve the dwellings. The revised scheme overcame the other two reasons for refusal of the previous application. A subsequent appeal to the planning inspectorate was dismissed in July 2017.

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr Greenwood) does not object, commenting that two previous plans have been refused and gone to appeal. She would have preferred to have waited for the Planning Inspectorate decision before discussing this revised plan. The current plan has, however, tried to address the issues that were previously refused.

11. One Ward Councillor (Cllr Buckle) does not object.

Town/Parish Council

12. Ruddington Parish Council supports the application, commenting: *"Ruddington Parish Council supports this application and cannot understand the Borough's attitude in this case, we believe that they are lacking consistency in its application of planning policy."*

Statutory and Other Consultees

13. Nottinghamshire County Council as Highway Authority do not object to the proposal, commenting that there have been no material changes from the last proposal. Previous comments under 16/02080/FUL requested alterations to the parking arrangement to provide two spaces for each dwelling. Conversations with the applicant have since taken place which have confirmed that the request cannot be accommodated. Whilst the preference would be for each dwelling to have two spaces, when considering the size of the smaller property and its location, it would be difficult to recommend refusal on safety grounds. Any on-street parking arising is likely to be an amenity issue for residents. Conditions are recommended requesting that the dwellings are not occupied until the respective parking areas are provided; the driveways shall be surfaced in a bound material for at least 5 metres from the highway with drainage to prevent discharge onto the highway; and a dropped kerb shall be provided for the respective drives with the reinstatement of any redundant dropped kerbs.
14. The Trent Valley Internal Drainage Board commented that the site is outside of the Board's district but within their catchment, with no Board maintained watercourses in close proximity to the site. Surface water run-off rates must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
15. The Conservation and Design Officer commented that whilst both of the previous refusals have been appealed, neither appeal (at the time of commenting) had been determined and as such the outcome could not be taken into account in considering the latest proposal. The application is broadly similar to the previous with no significant changes. The submission includes a document seeking to demonstrate how previous reasons for refusal have been addressed. Some effort has been made to improve on the issues but none of these matters can be considered to be fully addressed or resolved.
16. The design, particularly in relation to the plot 2 dwelling, appears to be a retrograde step from the second application, moving back towards a more contrived design that has emerged artificially in order to avoid various site constraints, rather than demonstrating good design in its own right. There has not been any significant move towards addressing the issues raised in the earlier scheme. Many of the changes such as to the cladding are cosmetic, timber cladding is not locally distinctive, appearing at odds with Core Strategy Policy 10. It is not considered that the design is so innovative/exceptional that

the use of non-locally distinctive materials can be justified as necessary on the basis of the design.

Local Residents and the General Public

17. Fifteen representations have been received from local residents and the general public in support of the application with the comments summarised as follows:
- a. It is an opportunity for the council to be forward thinking, cannot understand why it has taken so long to go through.
 - b. An improvement on the existing dilapidated building which is an eyesore, security risk.
 - c. A move forward for the village.
 - d. Improvement to the area.
 - e. Appears to have broad support from residents and councillors.
 - f. A welcome addition to an area that has a wide variety of architectural styles, not at odds with the area which is a mix of styles and eras. Appears to be a good design
 - g. Unnecessary fuss about parking.
 - h. Cannot understand how other developments were approved such as Bella Court on Clifton Road and a bright blue/white property on Musters Road, yet contemporary family homes are being objected to.
 - i. Parking is an issue village-wide and parking issues will still exist on St John's Road whether the application is approved or not, something which needs to be addressed independently.
 - j. The property will be occupied by a family not put up for sale at an extortionate price.
 - k. Previously objected to the basement but reassured by the additional surveys that would be required before the basement is constructed.
 - l. The proposal would be an innovated and original design rather than the 'off the shelf' developments occurring everywhere, many of RIBA's houses of the year nominations were on restricted plots but this didn't stop the clever design of available space winning awards.
 - m. Would rather see a family home than a commercial development fitting in as many flats as possible.
 - n. The proposal would not result in a tunnel effect with the houses opposite.

- o. Rear building has been cleverly designed so that the maximum height is below the suggested level, there would not be a detrimental impact on the properties on Savages Row, monopitch roof stops the building being imposing.
 - p. The development will add architectural interest to the street, would not detract from Savages Row.
 - q. Innovative whilst maintaining links to surroundings i.e. use of reclaimed brick.
18. One representation has been received neither supporting nor objecting to the proposal with the comments summarised as follows:
- a. The original proposal was for a semi-detached pair of properties which were sympathetic in design to the neighbours, it appeared to be affordable housing which is much needed.
 - b. Feel the current proposal would completely overshadow the immediate neighbours due to its size and density.
 - c. The revised smaller building would result in the neighbouring garden being hemmed in.
 - d. The proposal would result in increased overlooking of the neighbouring garden.
 - e. The change to separate car entrances will reduce parking spaces locally, which is already a real issue, given that the road is well used with parents taking children to and from the school.
 - f. The large basement is a concern for the neighbouring property which is over 200 years old and single brick construction with minimal footings, concern over damage during construction, piling may compromise the building.
 - g. The latest plans appear to be worse not better, the design is too big, invasive and excessive for the size of the plot and surroundings.
19. Three representations have been received from local residents and the general public objecting to the proposal with the comments summarised as follows:
- a. The application as viewed from Wilford Road is exactly the same as the previous application.
 - b. Out of character with the surrounding area, in complete contrast to any other properties.
 - c. The plot is not suitable for a chalet style contemporary house, would not harmonise with the existing street scene.
 - d. Access/exit onto St John's Road from both properties will cause road safety issues due to the close proximity to the junctions of Wilford

Road and Savages Road. Area is busy in mornings and evenings due to access to local school and overspill parking for the pub and village hall. On a narrow busy link through the village.

- e. Existing building needs to be demolished but it should not be replaced with a building so out of character.
- f. The proposed roof terraces would result in overlooking, giving a direct line of sight into the front bedroom, lounge and front garden of 51 Wilford Road. Slatted screening provides privacy for those close to the screen but not those further away.
- g. The site is not appropriate for 2 detached dwellings on a small compact site.
- h. Impact on neighbouring older properties.

PLANNING POLICY

- 20. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'Core Strategy') and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF) and the Rushcliffe Borough Non Statutory Replacement Local Plan (2006).

Relevant National Planning Policies and Guidance

- 21. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal should be considered under section 7 of the NPPF in terms of promoting good design, particularly the criteria outlined in paragraph 58 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with NPPF paragraph 64, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Relevant Local Planning Policies and Guidance

- 22. Policy 1 of the Core Strategy sets out the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal should be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development shall be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.

23. None of the five saved policies from the 1996 Local Plan apply to this application.
24. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2(a), whereby there should be no adverse impact upon amenity or highway safety by reasons of the activities on site or traffic generated; GP2(b) whereby a suitable means of access shall be provided without detriment to highway safety; and GP2(d), whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.
25. The proposal also falls to be considered under policy HOU2 as an unallocated site. The size and location of the site should not detrimentally affect the character or pattern of the surrounding area, and the site should not make a contribution to the amenity of the surrounding area by virtue of its character or open nature. The site should be accessible by a range of services other than by private car

APPRAISAL

26. The current proposal follows two previous schemes, refused planning permission and dismissed at appeal, for the demolition of the existing building and the construction of two detached dwellings on a 340 square metre corner plot at the junction of Wilford Road and St John's Road, bounded to the rear by Savages Row. The previous applications were refused for the reasons detailed in the planning history of the site.
27. Both of the previous applications were refused on the basis that the proposals represented an over-intensive development of the site that would have resulted in inadequate outdoor amenity space for both dwellings. In considering both of the previous appeals, the inspector considered whether or not the proposals would provide adequate living conditions for future occupiers, particularly with regard to outdoor space. In respect of the appeal against refusal of the first application (ref: 16/02080/FUL) she considered the level and layout of the outdoor spaces being provided and, in respect of the proposed dwelling on plot 1 commented that the positioning of a paved area between one of the parking spaces and the house would reduce the attractiveness and usability of this space. She also acknowledged that the proposal included outdoor space in the form of roof terraces, however, on this issue she commented, *"Whilst the property would also have two roof terraces these would be accessed via bedrooms, which could potentially restrict access and the usability of these spaces at certain times of the day. Moreover, as the outdoor space would be fragmented and each one limited in size, it would not be as suitable as one larger area would be for the many different activities that usually take place in domestic outdoor space."* Overall, she was not satisfied that the amount of space to be provided would be commensurate with the size of the dwelling.

28. In relation to the second property to the rear of the site, she commented that, *"The 2 bedroom dwelling would have a small garden area adjacent to the main living area for the property, and an area under the overhang adjacent to the entrance to the property. Although both these areas would be private, as the latter would be in the shade for the majority of the day and located between the parking space and the front door, the usability of this space would be limited."* In assessing the amount of outdoor space for both dwellings, she acknowledged that the site was within a short walk of the edge of the village and open countryside, as well as to a park and recreation ground, but was not persuaded that the other open space nearby compensated for the limited space provided on the site. She also acknowledged that the properties were to be occupied by the applicants, however, it is important to provide satisfactory living conditions for all future occupiers of the properties. Overall, she was not satisfied that the properties would be provided with adequate levels of useable outdoor space.
29. The second application included revisions to the scheme in an attempt to overcome the reasons for refusal of the previous application, including reducing the property on the front of the site from a four bedroom to three bedroom dwelling. In addition, the second dwelling to the rear of the site was reduced to single storey, still providing two bedroom accommodation. In determining the appeal against the refusal of this application the Inspector made similar comments to those made in relation to the previous appeal, including in relation to the usability, level and fragmented nature of the outdoor space to be provided for the three bedroom dwelling. In relation to the second dwelling on the site, she commented that *"The other property would have a garden area to the front of the dwelling as well as a narrow terrace around the house, but the size of the latter is such that it would mainly just provided access rather than any useable space. As such the amount of the useable outdoor space is limited in size."*
30. The 'Project Visuals' document submitted with the most recent application sets out that the three storey dwelling on plot 1 would be served by 94.2 square metres of external amenity space, excluding the parking area and that the two storey building to the rear on plot 2 would be served by 47.7 square metres of external amenity space, again excluding the parking area.
31. Having examined the above figures, calculations were carried out on the amount of 'private' outdoor amenity space that would actually be usable. The calculations show that plot 1 would have a rear garden area of 54.4 square metres plus a 17.3 square metre first floor terrace accessed from the first floor landing, resulting in a total of 74.8 square metres of usable private outdoor amenity space. For the avoidance of doubt, the calculations include the strip of land between the rear of the kitchen and the parking area. The second floor balcony (which measures 10.5 square metres) has been excluded from this total as it would only be accessible from bedroom accommodation and, as the inspector observed, this could potentially restrict access and the usability of this space and may not, therefore, be readily accessible to the whole family or visitors to the property. Even if this area was included in the total, the outdoor areas would amount to 85.3 square metres. The area to the front of the building has not been included as this is clearly not private amenity space.

32. Calculations show that plot 2 would have a total private outdoor amenity area of 37.7 square metres. For the avoidance of doubt, this figure excludes the narrow strip of hard surfacing between the parking bay and the dwelling which is not considered to be usable amenity space. It would appear that the applicant's agent may have included this area in their calculations but, as the Inspector commented in relation to a similar space in the original proposals for the dwelling to the front of the site, the positioning of this paved area between the parking space and the house would reduce the attractiveness and usability of this space.
33. The calculations for outdoor amenity space set out in the 'Project Visuals' for the current application are, therefore, considered to be an exaggerated figure that includes areas that would not be considered attractive or usable. As with the previous two applications, the outdoor amenity provision for both dwellings would not be commensurate to the size of the dwellings, particularly in relation to the three bedroom dwelling, and would continue to fall substantially short of the guidelines set out on page 36 of the Rushcliffe Residential Design. This recommends the provision of 110 square metres of outdoor amenity space for detached dwellings and 55 square metres for 1 and 2 bed properties. Furthermore, the fragmented nature of the outdoor amenity space for plot 1 (shared between the garden, first floor terrace and potentially the second floor terrace), would fail to satisfy the aims of the Design Guide to ensure that the property has sufficient amenity space to meet the requirements of future occupants of the site.
34. The table below provides a comparison of the two previous submissions and the current application setting out the proposals for outdoor amenity space in each case, as calculated by the applicant's agent and by the case officer.

Application details	Calculations by applicant's agent for outdoor space	Officer Calculations for outdoor space
Plot 1 – application 16/028080/FUL	98 sqm (including 2 roof terraces) – excludes parking space * ¹	86.5 sqm (including 2 roof terraces) – excludes parking spaces
Plot 2 - application 16/028080/FUL	36 sqm – excluding parking space * ¹	27 sqm (includes 10 sqm under an overhang of the building)
Plot 1 – application 16/03097/FUL	83 sqm – (including two roof terraces) – excludes parking spaces * ¹	80 sqm (including two roof terraces) – excludes parking spaces
Plot 2 – application 16/03097/FUL	24 sqm – excluding parking space * ¹	24 sqm – excluding parking space
Plot 1 – current application	94.2 sqm (including two roof terraces) – excluding parking spaces * ²	85.3 sqm (including two roof terraces) – excluding parking spaces
Plot 2 – current application	47.7 sqm – excluding parking space * ²	37.7 sqm – excluding parking space

*1 Figures taken from appellant's appeal statement

*2 Figures taken from Project Visuals document submitted with application

35. The Inspector in considering the appeals acknowledged that the Council disputed the appellant's calculations for outdoor space and, therefore, determined the appeal on the basis of the plans before her and what she observed on her site visit. It can be seen from the figures provided in this

table and the submitted plans that the current proposal does not include outdoor areas that are significantly different to the previous applications.

36. In considering the amenity of future occupiers, the dwelling on plot 1 would have a first floor rear bedroom window facing directly onto the outdoor amenity space serving plot 2, as well as the roof terraces overlooking this area. Given that the window would be 5.5 metres from this amenity space, and the elevated nature of the roof terraces, the development would give rise to a significant loss of privacy for the dwelling on plot 2. This may also impact on the usability and attractiveness of the amenity area.
37. In terms of design, the proposed three-bed dwelling on plot 1 would be of a contemporary and contrasting design to the existing built form, although the street scene does not have a consistent character or architectural style. The submitted Project Visuals show consideration of the scale and massing of the building and how this would sit with the neighbouring properties. The windows and parapet to the second floor would be aligned with those at 72 Wilford Road, whilst the roof height would be below that of this neighbour. It is considered that this element of the scheme would be sympathetic to the surroundings and would not have a harmful overbearing or overshadowing impact on the neighbouring property. The dwelling on plot 1 would be an improvement on the existing dilapidated structure and the overall design of this dwelling is considered to be acceptable.
38. In terms of the dwelling on plot 2, the first of the two previously refused applications (ref: 16/02080/FUL) proposed a two storey dwelling. Refusal reason 3 set out that the two storey dwelling by virtue of its height, mass, scale and position would result in a cramped appearance and an overbearing and overshadowing development to the detriment of the amenities of dwellings along Savages Row. Subsequent application 16/03097/FUL proposed a reduction in the height of this building to single storey, acting to address this reason for refusal.
39. In terms of the design of the second dwelling, the current application appears to be a retrograde step from application ref: 16/03097/FUL through the reintroduction of the two storey building on plot 2. This would be situated immediately on the boundary of Savages Row and St John's Road, possibly appearing as a dominant feature on the corner of this junction. The dwelling has the potential to appear as a cramped and contrived design in order to avoid various site constraints. When considered in isolation as a dwelling within its own right, the building does not represent good design nor does it relate well to the street scene.
40. In terms of residential amenity, the previously refused application ref: 16/02080/FUL proposed a two storey building on plot 2 with a maximum height of 5.34 metres, designed with an angled monopitch roof sloping down to an eaves height of 2.37 metres in an attempt to reduce the prominence of the building from the Savages Row/St John's Road junction. The current application is a departure from this design consideration, instead proposing a very shallow sloping roof with an eaves height of 5.2 metres at the rear and a maximum height of 5.7 metres to the front of the dwelling. As a result, the overall bulk and massing of the building as viewed from Savages Row would be greater than in either of the previously refused applications.

41. Under application ref: 16/02080/FUL it was considered that the proposal to replace a single storey outbuilding with a two storey dwelling would have resulted in an overbearing impact on the opposite dwellings on Savages Row given the narrow nature of the road. It is considered that the current proposal has the potential to have an even greater impact due to the roof form. However, in considering the design and mass of the building proposed in the original submission (ref: 16/02080/FUL), the Inspector concluded that a two storey building of the scale and mass proposed, whilst greater than the existing outbuildings, would not be out of keeping with the surroundings which comprises mainly two storey dwellings.
42. In relation to the potential impact on the dwellings on Savages Row, the Inspector acknowledged that the front elevation of the houses would be about 7.4 metres from the rear elevation of the proposed building, but that the design of the dwelling incorporated a low eaves and roof sloping away from the dwellings to the rear. In addition, she acknowledged that the proposal would not infringe the 25 degree angle measured from 2 metres above ground level on the adjacent houses, as advocated by the Residential Design Guide. Whilst the current proposal involves a different design for the dwelling on plot 2 compared to the first application, which may have a greater dominance on this corner site, it continues to satisfy the 25 degree test and, having regard to the comments of the Inspector it is considered that, on balance, refusal on grounds of the scale of this building and impact on the amenities of properties on Savages Row would not be justified.
43. Highways reiterated the comments made on the previous application that they would prefer two spaces per dwelling but would be willing to accept one for the dwelling to the rear. They note that any displaced parking would likely be an amenity issue for residents.
44. There is no off-road parking provision along Savages Row, which comprises of narrow terraced properties. St John's Road is a thoroughfare from Wilford Road and already constrained by on-street parking. The provision of one parking space for the rear property could lead to the future displacement of vehicles onto the highway, to the detriment of the residential amenity of neighbouring properties particularly along Savages Row.
45. It is considered that the constrained parking provision is another indicator of the overintensive nature of the proposed development, in addition to the inadequate outdoor amenity space provision. The current application continues to fail to address the issue regarding a lack of outdoor amenity space. It is considered that the proposal would result in an overintensive development of the site to the detriment of the amenity of future occupiers. It is therefore recommended that the application is refused.
46. The application was not the subject of pre-application consultation and there is a fundamental objection to the level of development proposed and the consequential inadequacies in the provision of amenity space, to the detriment of future occupiers of the dwellings. Negotiations have not been initiated with the agent in this instance in order to allow the decision to be issued in a timely manner.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reasons:

1. The proposal would represent an over-intensive development of the site resulting in inadequate private outdoor amenity space for both dwellings, to the detriment of the living conditions of the future occupiers of the dwellings. The proposal would therefore be contrary to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy, whereby development will be assessed in terms of its impact on the amenity of occupiers or nearby residents.

The proposal would be contrary to Rushcliffe Non-Statutory Replacement Local Plan Policy GP2 which states that permission for new development, changes of use, conversion or extensions would normally be granted provided that, inter alia;

"c) Sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space", and;

"d) The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They should not lead to an over-intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy".

A decision to refuse permission would accord with paragraph 64 of the National Planning Policy Framework which states that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

17/01472/VAR & 17/01473/VAR

Applicant Mr & Mrs R Chapman

Location 11 West Avenue West Bridgford Nottinghamshire NG2 7NL

- Proposal**
- (i) Vary of conditions 8 and 14 of planning permission 17/00221/FUL to require submission of details prior to occupation instead of prior to commencement (ref: 17/01472/VAR); and
 - (ii) Variation of condition 14(e) of planning permission 17/00221/FUL to require boundary treatments to be at 1.8m from finished floor level instead of 2.5m, vary condition 16 to require fitting of obscure glazing only to rear of plots 6 and 7 (ref: 17/01473/VAR).

Ward Lutterell

THE SITE AND SURROUNDINGS

1. The site is a former builder's yard, broadly triangular in shape, tapering in width from its widest part closest to West Avenue and narrowing moving south-westerly through the site. The site, at the time of the previous application, was occupied by primarily commercial buildings, a mix of single and two storey buildings arranged around the perimeter of the site with a central service yard accessed via West Avenue. The rear walls of the buildings form the boundary walls to the gardens of adjoining houses on Carlyle Road and North Road which surround the site.
2. The buildings comprise of a mix of traditional brick and pitched roof construction, render and corrugated steel industrial units. The majority of the units are single storey, the more substantial of which have pitched roofs to the southeast and northwest edges of the site. Until November 2016 the site was occupied by Midland Filtration Ltd who used the buildings for a mix of storage and office space. The site is currently unoccupied and a number of the buildings have been demolished following the grant of the planning permission under reference 17/00221/FUL.
3. The site is situated within a predominantly residential area comprising primarily terraced properties along Carlyle Road and West Avenue and a mix of two storey detached and semi-detached properties along North Road. The primary material used within the area is red brick with the occasional use of render. The site is within Flood Zone 3, at high risk of flooding, on the Environment Agency Flood Map.

DETAILS OF THE PROPOSAL

4. The applications seek permission to vary conditions attached to the recent grant of permission (ref: 17/00221/FUL) to redevelop the site with two bungalows and six semi-detached houses arranged in a row across the

middle of the site, with off street parking provision in a car park close to the West Avenue frontage.

5. The conditions of the original permission to which variations are sought are as follows:

- Condition 8 relates to the details of any existing soils and soil or forming materials to be brought to the site being tested for contamination and suitability for use on site. The applications seek a variation to allow this information to be provided prior to the first occupation of the dwellings on site rather than prior to commencement of development.
- Condition 14 relates to the landscaping scheme, setting out details to be provided prior to the development commencing on site. Again the application seeks to vary this condition to allow the information to be provided prior to the first occupation of the dwellings.
- Condition 14(e) specifically relates to the heights of the boundary walls around the exterior of the site requiring them to be 2.5m high above the height of the finished floor levels (FFL) of the approved dwellings. The application seeks to vary this condition to allow the boundary walls to be 1.8m high above the FFL of the approved dwellings.
- Condition 16 requires the first floor windows on the north-west (front) elevations of the properties to be obscure glazed and fixed shut. The condition also requires the first floor rear (south-east) facing windows to be obscure glazed to a height of 1.5m, measured from the internal floor of the rooms they serve. The application seeks to vary the condition so that only the first floor, rear (south-east) facing windows of plots 6 and 7 are obscure glazed (as originally required) and that the rear facing windows of plots 2-5 are not obscure glazed. The proposal does not seek to alter the obscure glazing requirement of the windows in the front (north-west) facing elevations.

SITE HISTORY

6. Application ref: 04/00166/FUL was granted planning permission in June 2004 to demolish an existing timber shed and erect an extension to an existing warehouse and to re-clad an existing building with metal profile cladding.
7. Application 17/00221/FUL was granted planning permission in May 2017 to demolish the existing buildings and erect two bungalows and six semi-detached houses.

REPRESENTATIONS

Ward Councillor(s)

8. One Ward Councillor (Cllr Edwards) states that he has no comments for or against application 17/01472/VAR. He objects to application 17/01473/VAR stating that the application was only determined by the Planning Committee in May this year. The Planning Committee were particularly concerned about the privacy of the residents on North Road and suggested the conditions

requiring the boundary wall to be 2.5m above FFL and the part obscure glazing of the rear windows that are now sought to be varied. Whilst residents recognise some negotiation of the proposed height of 2.5m might be sought, this should not be as low as 1.8m. The application as it stands is not acceptable and the Committee's decision continues to be valid and should be upheld.

9. One Ward councillor (Cllr Donoghue) objects stating the conditions were applied to respect the privacy of the existing residents on North Road after careful consideration by the Planning Committee. If the privacy cannot be protected Cllr Donoghue is minded to suggest a single storey dwelling. The application was an over intensive development and these conditions were applied as a generous compromise.

Statutory and Other Consultees

10. The Borough Council's Environmental Health Officer notes that condition 14 relates to Landscaping and that Condition 8 to soil and other materials being brought to the site. Therefore, they only comment on Condition 8 and initially stated that they could not support the variation of this condition. Following further consultation the environmental Health Officer accepts that there is a degree of overlap between condition 6 and condition 8 on permission 17/00221/FUL in that they both seek site assessment, testing and validation of the existing soils on site. Therefore provided that the assessment and validation of existing soils are still covered by conditions 6 and 7 of permission 17/00221/FUL they do not object to condition 8 being varied.

Local Residents and the General Public

11. No letters of representation have been received in relation to application 17/01472/VAR.
12. Written representations have been received from 7 local residents in respect of application ref: 17/01473/VAR objecting on grounds which can be summarised as follows:
 - a. The wall needs to be at least 2.5m in order to provide some privacy. Any reduction is not acceptable and would expose existing residents to possible burglaries through a reduction in security.
 - b. These proposed variations would largely nullify the positive steps that the committee took to ensure privacy would be protected.
 - c. Obscure glazing to the lower parts of the upstairs windows of plots 2-7 is essential to preserve privacy of neighbours.
 - d. Raising the boundaries to 2.5m above FFL is perhaps excessive, but considered that a boundary higher than 1.8m above FFL is required. Perhaps a compromise position of 2.0-2.2m above FFL would be reasonable.
 - e. As a lay person it is not possible to understand just how high the boundary wall might be, as such it is difficult to be certain what is being proposed.

- f. The plans appear to suggest a boundary wall height of 2.5m at the boundary with Carlyle Road but this is not clear and should be clarified. A height of 1.8m at the boundary would not be sufficient, as anyone at or above a height of 1.8m (5 feet 11 inches) would be able to look into resident's gardens/properties.
 - g. No one spoke to residents about the demolition of the outbuildings.
 - h. Removal of the obscure glazing to the windows facing Carlyle Road would reduce privacy of existing residents.
 - i. The use of obscure glass should be consistent across all of the plots, not just those closest to the boundary.
13. One letter of support received stating that since the previous comment (see bullet point e. above) that the developer has confirmed that the height of the wall at the bottom of their garden would not be reduced. They also comment that *"I know that my neighbours on Carlyle Road would also find the wall height reasonable if it remains as high as it is currently but have objected after reading the submitted details and thinking that the wall height would be lower"*.

PLANNING POLICY

- 14. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
- 15. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
- 16. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

- 17. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It states that Local Planning Authorities should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 18. Paragraph 7 of the NPPF confirms that there are three dimensions to sustainable development; economic, social and environmental. Para.8 of the NPPF goes on to clarify that these three dimensions should not be undertaken in isolation, because they are mutually dependent and that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

19. The NPPF, at Para.17 states the overarching roles that the planning system ought to play, setting out 12 principles of planning. One of these is to *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."*
20. In terms of housing, paragraph 47 of the NPPF requires local planning authorities to identify a five year housing supply with an additional 5% buffer to ensure choice and competition. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
21. Para.58 of the NPPF states, *"...Planning policies and decisions should aim to ensure that developments... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;..."*
22. Paragraph 60 states that, *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."*
23. Para.64 of the NPPF states, *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*

Relevant Local Planning Policies and Guidance

24. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 deals with The Presumption in Favour of Sustainable Development, Policy 2 deal s with Climate Change, Policy 3 deals with Spatial Strategy and Policy 10 with Design and Enhancing Local Identity.
25. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2007 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application. The following policies of the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) are relevant to the consideration of this application.
26. Policy GP1 (Delivering Sustainable Development), Policy GP2 (Design and Amenity Criteria), Policy EN12 (Habitat Protection), Policy EN13 (Landscaping Schemes), Policy EN23 (Land in a Potentially Contaminated State), Policy HOU2 (Development on Unallocated Sites), MOV9 (Car Parking Standards); and Policy WET3 (Groundwater Resources).

APPRAISAL

27. The applicants state that, with regard to application 17/01472/VAR, the conditions (conditions 8 and 14) require submission of details prior to commencement of the development and they wish to vary them to allow submission of details prior to occupation of any dwelling.

28. Condition 8 relates to the testing of any imported soils or forming materials. The application form confirms that the only material to be brought onto to site would be top soil which would take place after the dwellings have been completed (constructed). Therefore, the information requested would not be available until after the development has commenced. The applicants go on to state that Condition 14 relates to the submission of a planting scheme, including full details of all boundary treatments. Details to comply with condition 14a-d and 14f have been submitted (to be discharge under application 17/01471/DSCON) but the applicant is seeking to vary condition 14e relating to perimeter boundary heights (under a separate application 14/01473/VAR) and is, therefore, unable to discharge this part of the condition prior to commencement.
29. The Environmental Health Officer initially objected to the variation of Condition 8 as the reports submitted with the original planning application indicate that there are concerns about the potential land contamination and that further investigation is required prior to construction commencing. If contamination is found then remediation reports and validation statements are required. The Environmental Health Officer, therefore, states that the condition cannot be discharged as it is required to be discharged in two phases; a Phase II assessment of the site is required to fully assess the presence of any contamination followed by mitigation works as required and details of the soils to be brought to the site.
30. Officers sought clarification over the Environmental Health Officers comments as the way the conditions have been framed, there are three separate conditions attached to permission reference 17/00221/FUL. The first, Condition 6, requires the submission of the Phase II Contaminated Land Report and the development to be carried out in accordance with any mitigation measures. This would in effect check the safety of all the existing soil and materials on the site. The second, Condition 7, requires the Validation Report to be submitted clarifying that all the remedial works have been completed and validated. The third, Condition 8, relates to new materials being brought to the site being tested prior to their importation.
31. Following further discussions with the Environmental Health Officer they accepted that there is a degree of overlap between the conditions attached to the permission seeking to control contamination. Therefore, agreement has been reached regarding the applicant's position that, on the basis any soil or other forming materials being brought to the site are only top soil for use in the gardens, then it is not necessary for the information to be provided prior to the commencement of development as the importation is likely to take place after the dwellings have been constructed, but prior to their occupation. It is, therefore, suggested that the condition be varied to allow the testing details to be submitted prior to occupation of the dwellings, but be worded to require the submission of the appropriate testing certificates prior to any materials being brought to the site.
32. Condition 14 relates primarily to the landscaping scheme for the approved dwellings. The applicants correctly state that they have sought to vary the element of Condition 14 (14e) relating to the height of the boundary walls on the perimeter of the site under application 14/01473/VAR. The other elements of Condition 14, a-d and f, relate to matters that could be dealt with

prior to the occupation of the dwellings as the specific details are not imperative to be agreed prior to the commencement of any works on the site. 14a relates to surfacing of all ground areas, 14b to details of tree planting, 14c planting schedules, 14d finished levels and contours and 14f relates to boundary treatment within the site (excluding the perimeter boundary treatment). It is noteworthy that Condition 12 controls the minimum finished floor levels of the dwellings as they are in the flood zone and has an influence on the details to be agreed under 14d. Therefore, it is considered that all of those matters could be provided prior to the first occupation of the dwellings approved on the site, rather than prior to commencement of development.

33. Condition 14e, requires the details of the boundary wall on the perimeter of the site, including the time scale for the implementation of the boundary walls, the colour, materials and finishes, and specifies that where it adjoins the rear gardens of certain (specified) properties, it should be a minimum height of 2.5m above the finished floor levels of the dwellings. These details were required to be submitted prior to development commencing. However, the reason for the condition is to protect the amenity of the adjoining residents. Therefore, provided that the details are provided and implemented in accordance with the approved details, there is no reason why this information cannot be provided prior to the first occupation of any of the dwellings on the site. It is, therefore, recommended that the wording of Condition 14 be varied (under application ref: 17/01472/VAR) to allow the submission of all the details required, a-f inclusive, prior to the first occupation of the dwellings. It should be noted that the second application under consideration (ref: 17/01473/VAR) seeks further variations to this condition, as discussed below.
34. The applicants state that, with regard to application 17/01473/VAR, condition 14e requires the height of the perimeter boundary treatment to be 2.5m, measured from the FFL of the new dwellings and it is considered to result in boundary walls which would be excessively high and overly dominant on the occupants of the new dwellings. Therefore, they seek to vary the wording of Condition 14e to refer to a height of 1.8 metres above finished floor level and have provided additional information, including cross section drawings, detailing the heights of the boundary walls as now proposed.
35. The information provided comprises a number of plans showing the proposed heights of the walls in various locations and a section through two parts of the site from North Road, through the site and onto Carlyle Road. This drawing (2284(08)S02) shows the heights of the boundary walls from both within the application site and from within the gardens of properties on North Road and Carlyle Road accounting for the changes in levels. It is important to understand that the current condition requires the wall to be 2.5m above the Finished Floor Levels (FFL) of the new dwellings, and that the FFL would need to be raised to account for the fact that the site is within Flood Zone 3. Condition 12 of application 17/00221/FUL requires the FFL to be 25.12m above AOD. The existing ground level where the dwellings are proposed is currently 24.32 AOD meaning that the levels would be raised by between 0.75 and 0.8m above the ground level of the properties on Carlyle Road and between 0.55m and 0.58m above the ground levels of the gardens on North Road. The gardens serving the new properties would not be raised to the same height as the FFL of the new properties and, therefore, if built in accordance with the approved plans the boundary walls would be between

3.25m and 3.3m high above ground level within the gardens of properties on Carlyle Road and between 3m and 3.08m above ground level of the gardens of the properties on North Road.

36. The application proposes reducing the height of the walls on the boundaries by 0.7m from 2.5m above FFL to 1.8m high above FFL, not to be confused with ground level. This would result in the boundary walls being between 2.55m high and 2.6m high when measured from the rear gardens on Carlyle Road and when the same wall is measured from within the site it would be 1.95m high due to the difference in levels between the site and its neighbouring land. As currently proposed the boundary wall would measure approximately 2.38m in height from the rear gardens along North Road and the same boundary wall would measure between 2.35m and 2.8m high from the gardens within the site. At a height of 1.8m above FFL residents of both the gardens adjoining the site and those within the adjoining sites would have a boundary wall circa 2m in height and therefore it is considered that the privacy of all residents, of the existing and proposed dwellings, would be protected. It is, therefore, recommended that this condition be varied in light of this additional information that was not provided at the time of the previous determination.
37. Condition 16 requires that all first floor rear windows shall be obscure glazed to a height of 1.5m, measured from the internal floor of the rooms. The applicant considers that this can only be justified for Plots 6 and 7 which have a rear garden of less than 7 metres in depth. The houses on plots 2 - 5 have rear gardens ranging in length from 9.53m to 13.34m and the distance between facing rear elevations is between 25 metres and 29.73 metres which would, in the applicant's view, provide adequate privacy without the need for obscure glazing. The applicants also seek permission for the wording of Condition 16 wording to be varied to refer to the first floor windows on the south east facing (rear) elevations of the dwellings on plots 6 and 7 only.
38. The proposed variation to Condition 16 seeks to remove the requirement relating to obscure glazing to a height of 1.5m above the internal floor level for the first floor windows in the rear (south-east) facing elevation of plots 2-7 that look towards North Road. The proposed variation is to remove that requirement for plots 2-5 and to retain this for plots 6 and 7. The application does not seek to vary the requirement for the obscure glazing in the front (north-west) facing elevations that look towards Carlyle Road. The applicants state that due to the garden depths and the separation distances involved to the properties on North Road they feel that the condition in relation to plots 2-5 is unjustified as the properties would not impact on the privacy of the properties they back onto on North Road.
39. The application form states that the houses on plots 2 - 5 have rear gardens ranging in length from 9.53m to 13.34m and the distance between facing rear elevations is between 25 metres and 29.73 metres. These measurements have been checked on the approved plans and found to be slightly different, with the rear gardens of plots 2 - 5 ranging in length from 8.2m to 13.3m, however, due to the rear elevation of the proposed dwellings stepping in at first floor level by a distance of 1.2m, the first floor rear windows would be between 9.4m and 14.5m from the rear boundary. The separation distances between the proposed dwellings and properties on North Road would be between 24m and 31m, but again factoring the first floor set back of the

windows in the approved dwellings, those separation distances increase to between 25.2m and 32.2m. Even with the boundary wall proposed to be reduced in height to 1.8m the separation distances are considered to accord with the guidance and objectives of the Rushcliffe Design Guide.

40. It should be noted that the Design Guide does not specifically prescribe separation distances, merely referring to a previously accepted standard and the Design Guide recognises that privacy can be achieved in a number of ways and specifically stating that “...*generally there is less concern where first floor or even second floor bedroom windows overlook private spaces.*” Whilst the properties on North Road currently have no windows facing them, this is not a consideration as the application should be assessed against the proposed relationship, not the current one. Officers are mindful that Members resolved to grant permission with the inclusion of the two conditions that application 14/01473/VAR seeks to vary, however, when discussed at the Planning Committee meeting in May officers expressed their professional opinion that they did not feel the conditions were required. Whilst this did not prevent the Committee arriving at a different view, your officers opinion remains that, with the exceptions of plots 6-7, the degree of separation and therefore the privacy of both the residents on North Road and the future occupants of the site would not be significantly harmed if the proposed variation to Condition 16 were approved. The application to discharge the landscaping condition (ref 17/01471/DISCON) has been submitted for consideration, and whilst not determined at this time it should be noted it includes a single tree in the rear gardens of plots 1-5 inclusive that would facilitate an additional degree of privacy between the site and the existing residents on North Road. The proposal to vary condition 16 is, therefore, recommended for approval.
41. The proposals were subject to pre-application discussions with the agent and advice was offered on the measures that could be adopted and incorporate to improve the scheme and aid understanding of the proposal. As a result of this process, modifications were made to the proposal and additional information provided, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a favourable recommendation.

RECOMMENDATION

- (i) It is RECOMMENDED that planning permission be granted 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):

2284(08)001 Rev A;
2284(08)003 Rev B;
2284(08)E01 Rev B;

2284(08)E02 Rev B;
2284(08)E03 Rev C;
2284(08)E04 Rev B;
2284(08)E05;
2284(08)H01 Rev B
2284(08)H02 Rev B
2284(08)H03 Rev F;
2284(08)H04 Rev B;
2284(08)H05;
2284(08)G01 Rev E;
2284(08)S01 Rev B; and
The Boundary wall Method Statement.

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

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

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. Prior to the construction of any of the dwellings hereby approved an Environmental Noise Assessment shall be submitted to and approved by the Borough Council. This assessment shall be carried out during the day and night time on the site where the residential homes are proposed and shall monitor noise from the retail premise's mechanical plant / equipment, especially close to the proposed residential homes. It shall include representative monitoring positions and measurement parameters to be first agreed with the Borough Council. Where noise mitigation measures are identified by the Environmental Noise Assessment a sound mitigation scheme to effectively reduce the transmission of noise from external sources shall be submitted to and approved by the Borough Council prior to development commencing. Thereafter the dwellings shall be constructed incorporating those noise mitigation measures which shall be maintained for the lifetime of the development.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The noise assessment is considered to be required prior to commencement as it may impact on the design of the dwellings and/or the implementation of noise mitigation measures that could prove costly and avoidable if required to be fitted retrospectively]

5. The development shall be undertaken in accordance with the approved method statement detailing techniques for the control of noise, dust and vibration during demolition and construction as discharged under condition 5 of application 17/00221/FUL.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

6. Before development is commenced, a Phase II Contaminated Land Report as detailed in Report Delta-Simons Project No. 16-0897.01 shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with any approved mitigation measures.

To ensure that the site is free from contamination and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. A Contaminated Land Report is required prior to development commencing because it may be necessary to carry out remediation measures which could not be carried out once development has commenced.

7. Following completion of the works undertaken in respect of condition 6, a written Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details shall be submitted to and approved in writing by the Borough Council prior to the occupation of the development

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. **Prior to any soil or forming materials being brought to site for use in garden areas, soft landscaping, filling and level raising** it shall be tested for contamination and suitability for use on site. Contamination testing should take place within UKAS and MCERTS accredited laboratories, unless otherwise agreed in writing with the Borough Council, and shall include details of the source and type of the imported materials and the estimated amount to be used on the site. Laboratory certificates and the other information shall be submitted to and approved in writing by the Borough Council prior to any soil or soil forming material being imported onto the site.

[To ensure that the site is free from contamination and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

9. No part of the development hereby permitted shall be brought into use until the parking/turning areas as shown on drawing number 2284(08)003 Revision B have been provided. The parking/turning areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain available for such use throughout the lifetime of the development.

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. No part of the development hereby permitted shall be brought into use until the access driveway has been 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 be retained for the life of the development.

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

11. The mitigation/compensatory measures referred to in the protected species survey shall be completed prior to the occupation of the first dwelling and the Borough Council shall be notified when these measures have been carried out and there shall be no alteration to the measures taken without the prior written approval of the Borough Council. Any mitigation measures required shall be implemented in accordance with the survey to the satisfaction of the Borough Council.

[To ensure that adequate compensatory measures are undertaken and to comply with policies GP2 (Design & Amenity Criteria) and E N12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

12. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Residential Development 11 & 11A West Avenue, West Bridgford, Nottingham reference MA10463 - R01A by Millward and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 25.12m above Ordnance Datum (AOD).
- Flood proofing/resilience measures are included in the scheme

The mitigation measures shall be fully implemented prior to the first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

[To ensure that adequate drainage facilities are provided in connection with the development; to reduce the risk of flooding to the proposed development and future occupants; to reduce the impact of flooding when it occurs and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

13. All future owners and occupants of the dwellings hereby approved shall be provided with details of the flood evacuation plan including the details of the safe exit route (in accordance with the approved flood evacuation plan) upon their first occupation of the dwellings. The flood evacuation plan must not adversely affect the flood regime and the safe exit route must be in place before any occupancy of the buildings.

[To provide safe access and egress during flood events in accordance with the Government's PPS25 and to reduce reliance on emergency services]

14. **Prior to the first occupation of any of the dwellings hereby approved a**

landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Borough Council:

- a. the treatment proposed for all ground surfaces, including hard areas;
- b. full details of any tree planting;
- c. planting schedules, noting the species, sizes, numbers and densities of plants;
- d. finished levels or contours;
- e. full details of all boundary treatments for the perimeter of the site, including the timescale for implementation, colour, materials, and finish(es), and where that the perimeter boundary adjoins the rear gardens of 33 to 57 Carlyle Road and 24 to 32 North Road shall be finished to a height of at least 2.5m above the finished floor level of the properties they serve within the development; and
- f. full details of all other boundary treatments, including those subdividing the domestic gardens of the approved properties within the site detailing the timescale for implementation, colour, materials, finish(es) and heights measurable from a fixed datum point.

The boundary treatment(s) required by 14.e shall be carried out in accordance with the approved details and timescales for implementation or prior to the first occupation of the dwellings hereby approved (whichever is the soonest). The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of the development and 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. Thereafter the boundary treatments and landscaping shall be maintained in accordance with the approved details for the life of the development.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

15. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - 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) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or rooflights other than those shown on the approved plans and no sheds, buildings or structures shall be erected on the site without first obtaining planning permission to do so.

[The development is of a nature whereby future development of this type should be closely controlled to protect neighbouring amenity and the risk of flooding to comply with policies GP2 (Design & Amenity Criteria) and WET3 (Flooding) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

16. The windows in the first floor, north-west facing (front) elevations of the dwellings hereby approved shall be obscure glazed and fixed shut. The first floor windows on the south-east facing (rear) elevations of the dwellings

hereby approved shall be obscure glazed to a height of 1.5m measured from the internal floor of the rooms they serve. Details of the method and specification of the obscure glazing specification shall be submitted to and approved in writing by the Borough Council prior to the occupation of the first dwelling. Thereafter the windows shall be installed in accordance with the approved details and retained as such with no changes made to the windows without first obtaining planning permission to do so from the Borough Council.

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

Notes to Applicant

Although the submitted protected species survey found no evidence of bats, it points out that there is the possibility that they may be found behind pantiles etc. You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report.

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

If any unexpected, visibly contaminated or odorous materials 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 areas, and works shall proceed only in accordance with the agreed remediation proposals.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

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

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday - Friday 07:00 - 19:00 hours

Saturday 08:00 - 17:00 hours

Sunday and Public / Bank Holidays No work activity

Due to the close proximity of neighbouring residents, there shall be no burning of waste / wood on the site.

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

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

The buildings on the site may contain asbestos materials and these should be removed by an appropriate licensed contractor prior to demolition in order to prevent contamination and risk to human health.

It is an offence under S.148 and S.151 of the Highways Act 1980 to deposit mud on the highway and as such you should undertake every effort to prevent it occurring.

The demolition works adjacent to the public highway may need to be controlled. Please contact our Highway Management Team on 0300 500 8080 to determine whether any temporary traffic management / licenses are necessary.

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website www.nottinghamshire.gov.uk

Best practice should be followed during building work to ensure trenches dug during works activities are left open over night, they should be left with a sloping end or ramp to allow exit for any animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

All workers / contractors should be made aware of the (low) potential of protected species (bats) being found on site and care should be taken during works to avoid harm. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

All work impacting on 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.

The use of external lighting should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice.

Measure to provide habitat enhancements are recommended and could include installing bat and bird boxes (which can be incorporated within walls through appropriate boxes).

Ecological enhancements should be considered including planting native shrubs and trees and native wildflower grassland within any landscaping and the use of soakaway / rain gardens incorporating native species.

Consideration should be given to creating highly energy efficient properties, renewable generation, space for recycling bins and bicycle storage.

With respect to Condition 3, of this planning permission, please contact the Case Officer on 0115 9148 252, to arrange for samples to be viewed on site, giving at least 5 days' notice. The application for discharging condition 3, of this permission, relating to materials, should be submitted prior to this.

And

(ii) It is RECOMMENDED that planning permission be granted 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):

2284(08)001 Rev A;
2284(08)003 Rev B;
2284(08)E01 Rev B;
2284(08)E02 Rev B;
2284(08)E03 Rev C;
2284(08)E04 Rev B;
2284(08)E05;
2284(08)H01 Rev B
2284(08)H02 Rev B
2284(08)H03 Rev F;
2284(08)H04 Rev B;
2284(08)H05;
2284(08)G01 Rev E;
2284(08)S01 Rev B; and
The Boundary wall Method Statement.

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

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

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-

Statutory Replacement Local Plan].

4. Prior to the construction of any of the dwellings hereby approved an Environmental Noise Assessment shall be submitted to and approved by the Borough Council. This assessment shall be carried out during the day and night time on the site where the residential homes are proposed and shall monitor noise from the retail premise's mechanical plant / equipment, especially close to the proposed residential homes. It shall include representative monitoring positions and measurement parameters to be first agreed with the Borough Council. Where noise mitigation measures are identified by the Environmental Noise Assessment a sound mitigation scheme to effectively reduce the transmission of noise from external sources shall be submitted to and approved by the Borough Council prior to development commencing. Thereafter the dwellings shall be constructed incorporating those noise mitigation measures which shall be maintained for the lifetime of the development.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The noise assessment is considered to be required prior to commencement as it may impact on the design of the dwellings and/or the implementation of noise mitigation measures that could prove costly and avoidable if required to be fitted retrospectively]

5. The development shall be undertaken in accordance with the approved method statement detailing techniques for the control of noise, dust and vibration during demolition and construction as discharged under condition 5 of application 17/00221/FUL.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

6. Before development is commenced, a Phase II Contaminated Land Report as detailed in Report Delta-Simons Project No. 16-0897.01 shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with any approved mitigation measures.

To ensure that the site is free from contamination and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. A Contaminated Land Report is required prior to development commencing because it may be necessary to carry out remediation measures which could not be carried out once development has commenced.

7. Following completion of the works undertaken in respect of condition 6, a written Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details shall be submitted to and approved in writing by the Borough Council prior to the occupation of the development

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2

(Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. Prior to any development commencing on site the existing soils and any soil or forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Contamination testing should take place within UKAS and MCERTS accredited laboratories, unless otherwise agreed in writing with the Borough Council, and shall include details of the source and type of the imported materials and the estimated amount to be used on the site. Laboratory certificates and the other information shall be submitted to and approved in writing by the Borough Council prior to any soil or soil forming material being imported onto the site.

To ensure that the site is free from contamination and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. Soil testing is required prior to development commencing because it may be necessary to carry out remediation measures which could not be carried out once development has commenced.

9. No part of the development hereby permitted shall be brought into use until the parking/turning areas as shown on drawing number 2284(08)003 Revision B have been provided. The parking/turning areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain available for such use throughout the lifetime of the development.

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. No part of the development hereby permitted shall be brought into use until the access driveway has been 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 be retained for the life of the development.

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

11. The mitigation/compensatory measures referred to in the protected species survey shall be completed prior to the occupation of the first dwelling and the Borough Council shall be notified when these measures have been carried out and there shall be no alteration to the measures taken without the prior written approval of the Borough Council. Any mitigation measures required shall be implemented in accordance with the survey to the satisfaction of the Borough Council.

[To ensure that adequate compensatory measures are undertaken and to comply with policies GP2 (Design & Amenity Criteria) and E N12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

12. The development permitted by this planning permission shall be carried out in

accordance with the approved Flood Risk Assessment (FRA) Residential Development 11 & 11A West Avenue, West Bridgford, Nottingham reference MA10463 - R01A by Millward and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 25.12m above Ordnance Datum (AOD).
- Flood proofing/resilience measures are included in the scheme

The mitigation measures shall be fully implemented prior to the first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

[To ensure that adequate drainage facilities are provided in connection with the development; to reduce the risk of flooding to the proposed development and future occupants; to reduce the impact of flooding when it occurs and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

13. All future owners and occupants of the dwellings hereby approved shall be provided with details of the flood evacuation plan including the details of the safe exit route (in accordance with the approved flood evacuation plan) upon their first occupation of the dwellings. The flood evacuation plan must not adversely affect the flood regime and the safe exit route must be in place before any occupancy of the buildings.

[To provide safe access and egress during flood events in accordance with the Government's PPS25 and to reduce reliance on emergency services]

14. **Prior to the first occupation of any of the dwellings hereby approved** a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Borough Council:

- a. the treatment proposed for all ground surfaces, including hard areas;
- b. full details of any tree planting;
- c. planting schedules, noting the species, sizes, numbers and densities of plants;
- d. finished levels or contours;
- e. full details of all boundary treatments for the perimeter of the site, including the timescale for implementation, colour, materials, and finish(es), and where that the perimeter boundary adjoins the rear gardens of 33 to 57 Carlyle Road and 24 to 32 North Road shall be finished to a height of at least **1.8m** above the finished floor level of the properties they serve within the development; and
- f. full details of all other boundary treatments, including those subdividing the domestic gardens of the approved properties within the site detailing the timescale for implementation, colour, materials, finish(es) and heights measurable from a fixed datum point.

The boundary treatment(s) required by 14.e shall be carried out in accordance with the approved details and timescales for implementation or prior to the first occupation of the dwellings hereby approved (whichever is

the soonest). The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of the development and 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. Thereafter the boundary treatments and landscaping shall be maintained in accordance with the approved details for the life of the development.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

15. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - 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) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or rooflights other than those shown on the approved plans and no sheds, buildings or structures shall be erected on the site without first obtaining planning permission to do so.

[The development is of a nature whereby future development of this type should be closely controlled to protect neighbouring amenity and the risk of flooding to comply with policies GP2 (Design & Amenity Criteria) and WET3 (Flooding) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

16. The windows in the first floor, north-west facing (front) elevations of the dwellings hereby approved shall be obscure glazed and fixed shut. The first floor windows on the south-east facing (rear) elevations **of plots 6 and 7** hereby approved shall be obscure glazed to a height of 1.5m measured from the internal floor of the rooms they serve. Details of the method and specification of the obscure glazing shall be submitted to and approved in writing by the Borough Council prior to the first occupation of the first dwelling. Thereafter the windows shall be installed in accordance with the approved details and retained as such with no changes made to the windows without first obtaining planning permission to do so from the Borough Council.

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

Notes to Applicant

Although the submitted protected species survey found no evidence of bats, it points out that there is the possibility that they may be found behind pantiles etc. You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report.

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

If any unexpected, visibly contaminated or odorous materials 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 areas, and works shall proceed only in accordance with the agreed remediation proposals.

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

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

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday - Friday 07:00 - 19:00 hours

Saturday 08:00 - 17:00 hours

Sunday and Public / Bank Holidays No work activity

Due to the close proximity of neighbouring residents, there shall be no burning of waste / wood on the site.

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

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

The buildings on the site may contain asbestos materials and these should be removed by an appropriate licensed contractor prior to demolition in order to prevent contamination and risk to human health.

It is an offence under S.148 and S.151 of the Highways Act 1980 to deposit mud on the highway and as such you should undertake every effort to prevent it occurring.

The demolition works adjacent to the public highway may need to be controlled. Please contact our Highway Management Team on 0300 500 8080 to determine whether any temporary traffic management / licenses are necessary.

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website www.nottinghamshire.gov.uk

Best practice should be followed during building work to ensure trenches dug during works activities are left open over night, they should be left with a sloping end or ramp to allow exit for any animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

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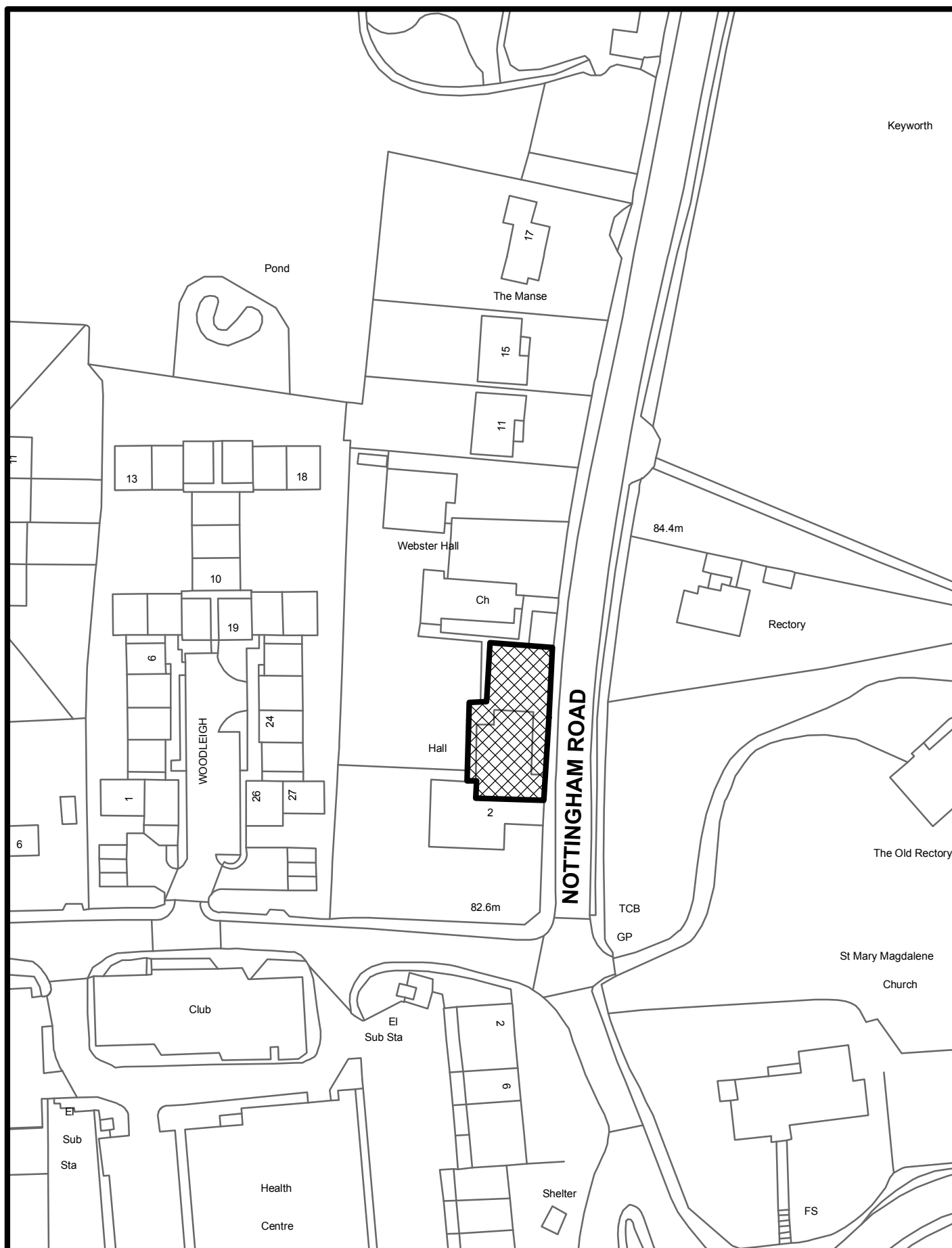
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Application Number 17/01549/FUL
The Hall, Nottingham Road, Keyworth

scale 1:1000



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Rushcliffe Borough Council - 100019419

Applicant Mr Cameron Ross

Location The Hall Nottingham Road Keyworth Nottinghamshire NG12 5FD

Proposal Change of use from restaurant; conversion to four residential apartments

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The Hall is a two storey rendered building that is located on Nottingham Road. It has a site area of 383 sq.m with a frontage of around 29m. It sits within the Conservation Area and is identified as a key unlisted building on the Townscape Appraisal that is contained within the Keyworth Appraisal and Management Plan. The ridge to the main roof runs parallel to the road with a projecting gable feature abutting the pavement of Nottingham Road.
2. To the north of the site is Webster Hall and the United Reform Church, their grounds extend to the west of the application site, beyond which approximately 17m from the site boundary, is a small development of bungalows which are located around 1m lower than the application site. To the south is the former British Legion (which is also in the applicants ownership and has the benefit of outline planning permission for redevelopment for residential purposes ref: 15/02727/OUT) and to the east, across Nottingham Road, is the Old Rectory and beyond this and to the south east is the Church of St Mary Magdalene (a Grade I Listed Building).
3. The premises are currently used for purposes falling within Class A3, restaurant, with 8 parking spaces to the north of the building. These are arranged as two rows of four in tandem.

DETAILS OF THE PROPOSAL

4. The proposal seeks full planning permission for the change of use of the premises from a restaurant and conversion of the building into 4 apartments. As part of the proposal a front single storey extension, external fire escape staircases and a rear dormer structure are proposed to be removed. The proposal would introduce a wall (approximately 900mm high) topped with railings with overall height of approximately 1.9 metres enclosing the area between the back edge of the pavement and the front of the building to create outdoor spaces/terraces and first floor balconies to the rear elevation. 4 parking spaces would be retained in the area to the north of the building.
5. The planning application was accompanied by a Design and Access Statement.

SITE HISTORY

6. Relevant planning history in respect of The Hall includes:

- Application ref: 99/01035/COU - Change of use from beauty parlour to restaurant/function rooms – approved October 1999.
 - Application ref: 98/00242/FUL - Construct canopy roof to front and side elevations – approved May 1998.
 - Application ref: 95/00652/FUL - Single storey rear extension – approved August 1995.
 - Application ref: 92/00897/H1P - Change of use of ground floor from restaurant to beauty parlour – approved November 1992.
7. In respect of the adjacent site, the Former British Legion, the following planning history is considered to be relevant:
- Application ref: 16/00546/FUL - Relevant Demolition of existing part-single part-two-storey building in connection with redevelopment of site for residential use – approved October 2016.
 - Application ref: 15/02727/OUT - Demolition of 2 Bunny Lane and redevelop site for residential purposes - approved February 2017 subject to a section106 Agreement regarding affordable housing.
 - Application ref: 10/00986/EXT - Application to extend the time limit for implementation of planning permission 07/00784/FUL for a two storey and single storey extension to building to form restaurant and offices with associated car parking; memorial and alter boundary treatment – approved August 2010.
 - Application ref: 07/00784/FUL - Two storey and single storey extensions to building to form restaurant and offices with associated car parking; erect memorial and alter boundary treatments – approved July 2007.
 - Application ref: 06/02098/FUL - Two storey and single storey extensions to form restaurant (A3) at ground floor and office (B1) at first floor – withdrawn.

REPRESENTATIONS

Ward Councillor(s)

8. One Ward Councillor (Cllr Inglis) has declared an interest in regards to this planning application.
9. One Ward Councillor (Cllr Edyvean) has commented that *“I am perplexed by the applicants description of the current occupant of the Hall as being a bad neighbour, I have seen no evidence to substantiate this claim. I find it odd that the applicant is claiming that change of use would be a positive enhancement to the village centre. This property as currently used is a popular and I imagine, profitable business. I object to the change of use based on the detrimental economic effect a forced closure of this restaurant would have to the community. The restaurant is well established and has a large customer base both within the village of Keyworth and in the*

surrounding area. We should not be discouraging good businesses from thriving.”

Town/Parish Council

10. The Parish Council objects - damaging to a vibrant business.

Statutory and Other Consultees

11. The Borough Council's Conservation and Design Officer commented that *“the site sits to the south of the Methodist Church and I understand that it was supposedly the building built in 1768 as the first non-conformist (Independents) chapel in the village. There is little about its architecture or design that suggests a religious foundation, although the earliest non-conformist chapels deliberately avoided a church-like appearance to reinforce their differences to the established Anglican church. That being said the intervening changes of use and alterations to the building, particularly at the rear, mean that the building does not have the character or appearance of a 250 year-old building. It is identified as being a key unlisted building within the conservation area, although this is likely due to its historic interest rather than any strong architectural contribution.*
12. *The proposal does involve some physical alterations including the removal of a projecting external canopy around 2 sides of the building, removal of an entrance porch and removal of external paraphernalia associated with the business use (signage, kitchen extraction equipment etc.). Much of this would involve removing modern additions and would arguably improve the external appearance of the building or be neutral in that respect. The biggest physical changes would be the alterations to the frontage to create an enclosure with walls and railings to form small outdoor amenity areas for 2 of the 4 proposed apartments and this would be a change from what is currently an open frontage except where the building directly abuts the pavement edge. The loss of this element of openness would constitute a clear and obvious change to the appearance of the building and the way in which it relates to the roadside, although many buildings, including this property (in part), abut directly up to the pavement edge. The small walled area would not be out of keeping with the character and appearance of the conservation area and as such it would be difficult to argue that the change would be harmful to the character and appearance of the village.*
13. *The materials section of the application form is incomplete, addressing only the proposed wall and railings - it makes no mention of the materials for the small number of new windows proposed within the buildings serving bathrooms etc or the two windows which replace the ground floor bow window at the northern end of the building, I would have hoped that a systematic renovation of the building would see potential to improve building components such as the existing uPVC windows which are relatively basic components which actively detract from both the character of the building and the contribution which it makes to the character and appearance of the conservation area.”*
14. *The officer concludes that the “...proposals would have no harmful impact upon nearby listed buildings such as the Grade I listed Parish Church which is well separated from the site by distance and intervening vegetation in the*

grounds of The Old Vicarage. I would not be of the opinion that the change of use and limited physical changes would be harmful to the special architectural and historic character and appearance of the wider conservation area either. As such the proposal would achieve the 'desirable' objectives described in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of 'preserving' both the special significance of nearby listed buildings and their settings and the special architectural and historic character and appearance of the conservation area."

15. The Principal Policy Planning Officer confirms the status of the development plan for Rushcliffe and advises that the emerging Keyworth Neighbourhood Plan and Local Plan Part 2, Issues and Options, are at a draft stage and, therefore, should be afforded significantly less weight than the Core Strategy, NPPF and the non-statutory replacement local plan.
16. He advises that, in terms of the Rushcliffe Core Strategy, there are no policies that preclude the change of use of an A3 retail unit to residential. At national level there are also no policies to preclude such a change. Indeed the change of use of some other types of retail to residential development (A1 and A2 uses) are permitted development and do not even require planning permission.
17. In terms of the location of the application site, Local Plan Part 2 - Issues and Options places the unit within the defined local centre, but outside of the primary shopping area and not identified as within a primary or secondary shopping frontage. Subject to the consideration of amenity and design issues and other material planning considerations, he considers that there are no planning policies that would preclude the principle of such a change of use. In addition, windfall proposals for housing make up a vital element of the Borough Council's housing trajectory, as identified within the Core Strategy.
18. The Environmental Health Officer has considered the information provided but has requested details on the current use of the former British Legion club commenting *"This club will be close to the proposed residential dwellings therefore I would like some reassurance that there will be no noise from the adjoining premises."*
19. On receiving additional information regarding the planning approvals of the site the officer commented *"It is unlikely that these uses will cause any noise disturbance to future occupants of the proposed dwellings. In addition I have considered the proposed layout of the flats and I am satisfied that the layout will not cause any disturbance due to the similar uses above and below within the flats. Therefore I can confirm that I have no objections to this application and no conditions to recommend."*
20. The Borough Council's Economic Growth Manager commented that *"This planning application means the loss of a well-established local business and of the jobs at that business. It is obviously a popular restaurant that attracts visitors from outside the area, this will benefit other businesses in the area with an increase in footfall in the town centre. The loss of it will potentially have an impact on other businesses in the area. There is a limited offer in Keyworth town centre currently and so retaining existing successful*

businesses is important for current and future residents. For these reasons we would object to this application."

21. The Recycle Officer provided information on the requirements for refuse bins. This would amount to 1 residual & 1 recycling 240L bin per apartment. The layout would need to ensure that residents can access their own bins without having to 'clamber over' or move other bins. There should also be a collection point at the kerbside on collection days so bins are not placed obstructing the footpath.
22. Nottinghamshire County Council as Highway Authority has raised no objection on the basis that there are currently 8 parking spaces on the frontage and that this be made available on an unallocated basis.
23. The Keyworth Conservation Area Advisory Group has raised concerns on a number of issues.
24. *"Origins of the Hall - Non-conformity became a growing force which by the mid-C19th had captured the allegiance of the majority of the population [Methodist Chapel built 1881]; in 1704 a farmer was granted a licence to hold services for Independents in his house and the first Independent Chapel (later the Congregational Church) was built in 1768 on Mill Lane, now called Nottingham Road. The Hall must have been the original Independent Chapel, now in the conservation area, where it makes a positive contribution as a heritage and commercial asset in the village centre and is a popular meeting place.*
25. *Change of use from restaurant to residential on this site is not needed to meet Keyworth's general housing need or to provide 'retirement homes'. These will be considered by policy in the Rushcliffe Local Plan and the emerging Keyworth Neighbourhood Development Plan. Page 17 Policy ED2 of the Neighbourhood Plan states "Where a building is used for existing employment use, its conversion to a non-employment use or, where relevant, its redevelopment, will be resisted unless it can be demonstrated every attempt has been made to secure an employment use."*
26. *The Hall in the street scene and visual impact in the Conservation Area - Alterations for the residential proposal would be inappropriate, with patio doors onto narrow amenity spaces adjacent to the public footway on Nottingham Rd and with high boundary treatment of brick wall with wrought iron above, fronting the property. The proposed changes do not enhance the site and are not in keeping with the street scene.*
27. *The mature fir tree within the site contributes to the street scene in this part of the conservation area and should be retained. Safeguarding of the adjacent burial ground (also in the conservation area and directly behind the proposed building) is important. There should be no disturbance in the burial ground or to existing graves.*
28. *The Hall as an asset in the village commercial centre (Indian Nights Restaurant) Indian Nights offers a significant economic and social contribution to Keyworth. It is a major provider. Change of use to residential would result in a loss of a successful commercial enterprise in Keyworth's village centre and loss of employment. Well regarded as an important core*

business in Keyworth, it is patronised by local residents and, importantly, it also attracts regular visitors from beyond Keyworth, offering a positive knock-on effect for the sustainability of other businesses within the village.

29. *Without this thriving business, significant vibrancy and vitality in the village centre would be lost and Keyworth's economy would suffer. The restaurant is a flourishing community amenity and social hub. The 'bad neighbour' claim by the applicant is inaccurate.'*

Local Residents and the General Public

30. 124 representations have been received. 1 in support, lack of small affordable housing in the village and traffic caused by the restaurant. The remainder objected, raising the following issues:
- a. The current restaurant is a significant amenity to the community. The loss of the restaurant would prove detrimental to the Keyworth community and its economy as a whole. It keeps the centre of the village "alive" in the evenings! This restaurant needs to be expanded not removed from the village.
 - b. Describing the existing tenants as a "bad neighbour" is wholly unjustified.
 - c. The owner of the site has failed to keep the adjacent site which he owns in a decent state, leaving the site almost derelict for many years. It is an embarrassment to the village. Understand any frustration that the applicant may feel in respect of his inability to develop his adjacent site including the former British Legion building.
 - d. The existing restaurant is busy outside the times of peak times for traffic on both Bunny Lane and Nottingham Road and if this development proceeds it is more likely that there will be additional traffic hazardous movement on and off the site close to a busy junction.
 - e. The existing site is almost contiguous with the commercial activities in The Square, and as such by many is considered part of the commercial centre of the village.
 - f. As the population of Keyworth expands there will be more rather than less demand for such a high quality restaurant.
 - g. The existing tenants maintain the exterior of the building to a high standard with sympathetic signage and regular re-decoration.
 - h. The existing restaurant tenants are supportive members of the local community, sponsoring events and providing prizes etc. to charitable causes. They have a long term relationship with many folk and organisations in the community which would be a significant loss.
 - i. It is a significant asset to Keyworth, and its loss would be a detriment to the community. It is the only "eat-in" restaurant in the old centre of the village. It is popular, and being open in the evenings it gives a sense of life to the Square which it would not have otherwise. Many

people/family's go to the restaurant then possibly to the local pubs and brings trade to other businesses in the village.

- j. The use of this building as a restaurant does not lead to any difficulties in the surrounding area. Considered to be a positive asset in the local community, the loss of which would be considerable for the whole village.
- k. This property falls between the commercial centre of the village and the United Reformed Church with its hall. It was not previously a residential property and the change of use would seem inappropriate in this setting.
- l. In addition to the restaurant, Indian Nights provide a take away service and deliver to buffets and Parties for local community groups for celebrations, quiz nights and the like.
- m. It is one of the very few draws to Keyworth from the surrounding areas, and upstanding, popular members of the community. The best thing about Keyworth!
- n. The quality of the documentation leaves a lot to be desired in particular the note about good access to the train service!
- o. Parking and access would be an issue.
- p. Not believed that the current infrastructure would support more houses. The sewers along that particular part of the village back up already.
- q. This restaurant is hugely popular and can be walked to without getting the car out. Needed also as a great place where the community meet and eat together.
- r. With all the other housing plans currently on the table for Keyworth it is hard to support the removal of a thriving business to replace with yet more housing. This would destroy a business that's been there for nearly 2 decades all for the housing market.
- s. Given the plans to expand Keyworth, there is a genuine need to develop more local amenities and a robust local economy to meet the needs of an increased population. The proposed change of use of the building does not support this strategy and would be another example of diminishing numbers of business premises as in the case of a recent approved planning application (ref: 15/02737) that has seen good quality offices and workshops demolished and converted into 3 houses.
- t. Indian Nights is considered a significant asset to Keyworth as the ONLY dedicated restaurant that is hugely popular and at the heart of the community. It helps bring additional people into Keyworth that has seen a significant drop in footfall since the recent loss of the last bank from the village.

- u. The need for more housing cannot be disputed - especially housing the young can afford - and the unwillingness of many diners to walk even short distances means that there is often parking congestion when the restaurant is busy, but neither of these, in my judgement, justifies the loss of a village asset currently run to a high standard.
- v. A fabulous restaurant that generates return visits to the village even though people have moved out.
- w. Question why the Conservation Area extend to include the British Legion? Why, if it is in the Conservation Area, was a house allowed to be built in the Old Rectory garden directly opposite? Isn't that just as much in the Conservation Area?
- x. It seems that there has been an unnecessary block placed on the development of the British Legion building by past Parish Councils and, as the building is at the gateway to the village it's surely time that this block was lifted. There needs to be a development on that corner and if the Parish Council is unable to agree amongst themselves they should ask the residents of the village for their opinion on that plot. It's in no-one's interest for the site to remain in its current state.
- y. Traffic impact with schools nearby with children going to and from schools. Impact on older residents of Woodleigh with the noise from the build and dust also which could cause health problems. Also noise from the people who will be buying these apartments and which age group.
- z. This proposal is outweighed by the impact of losing an excellent Keyworth and Rushcliffe business that would struggle to find a suitable alternative site within the village.
- aa. This site is in the Keyworth conservation area and is a historic building of note in the village. The Hall is nearly 250 years old. Concerned that a historical building will be changed in such a way that the original design is no longer recognisable.
- bb. Concerned that the application from the landlord is a cynical attempt to cause fear and distress to enable him to develop the adjacent building in a way he wishes to.
- cc. The property next door is an eyesore and in need of development. It's been empty for years. Why close a thriving and popular local business when there is an opportunity next door?
- dd. The application will lead to over development of the site and a loss of an amenity for the village and should be refused.
- ee. The future plans for housing are already well set out in Keyworth's emerging Neighbourhood Plan, which will form the basis for planning decisions concerning housing, and there is no reason to depart from this Plan by proposing housing at sites outside the Plan.

- ff. Have now lost all of the banks & one of the Post Offices all of which brought people into the village from outside, many of whom would then shop at other premises while they were here.

PLANNING POLICY

31. The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
32. Other material considerations include the National Planning Policy Framework (NPPF), the recently published National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006). Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of Development Control and this is considered to be a material planning consideration in the determination of planning applications where still in compliance with the NPPF.

Relevant National Planning Policies and Guidance

33. The National Planning Policy Framework (NPPF) carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.
34. The following sections of the National Planning Policy Framework are relevant:
- Paragraph 14, which sets out the presumption in favour of sustainable development;
 - Paragraph 17 sets out 12 core planning principles;
 - Chapter 2 - Ensuring the vitality of town centres;
 - Chapter 6. Delivering a wide choice of high quality homes, paragraph 50 seeks the delivery of a wide choice of high quality homes;
 - Chapter 7 - Requiring good design, paragraph 56 - Government attaches great importance to the design of the built environment and paragraph 58 - Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area; and
 - Chapter 11. Conserving and enhancing the natural environment.
35. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering proposals for development within or affecting a conservation area "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." In respect of the potential impact of development on listed buildings, Section 66 of the Act also imposes a similar duty in regard to *"...the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Relevant Local Planning Policies and Guidance

36. None of the saved policies from the Rushcliffe Borough Local Plan are relevant.
37. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies are considered relevant:
- Policy 1 Presumption in Favour of Sustainable Development;
 - Policy 2 Climate Change;
 - Policy 3 which is the Council's Spatial Strategy;
 - Policy 6 Role of Town and Local Centres;
 - Policy 8 Housing Size, Mix and Choice;
 - Policy 10 Design and Enhancing Local Identity; and
 - Policy 11 Historic Environment.
38. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been adopted its policies are still a material consideration in the determination of any planning application providing they have not been superseded by the NPPF or the policies contained within Core Strategy. The following policies are relevant:
- GP1 (Delivering Sustainable Development);
 - Policy GP2 (Design and Amenity Criteria), this states that planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, certain criteria are met. The key criteria in determining this application will be d) the scale, density, height, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and surrounding area. They should not lead to an overintensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy;
 - EN2 (Conservation Areas);
 - EN3 (Demolition in Conservation Areas);
 - EN4 (Listed Buildings);
 - EN7 (Sites of Archaeological Importance);
 - EN17 (alteration or extension of existing buildings);
 - EMP4 (Loss of Employment Uses); and
 - Policy HOU3 (Conversion of Existing Buildings to Dwellings).
39. The Keyworth Neighbourhood Plan is emerging but at this stage carries limited weight.
40. The Council's Residential Design Guide, March 2009, provides guidance in respect of scale, massing, height (page 29), privacy (page 34) and amenity space (page 36).

APPRAISAL

41. The key issues in the determination of this application are the principle of conversion of the building to residential including loss of the current use of the premises as a restaurant, layout and amenity for occupiers, impact upon surrounding buildings; the effect on the character and appearance of the conservation area and nearby listed building and car parking provision.

Principle of conversion

42. The existing building is currently leased for use as a restaurant. The application has been made by the owner of the freehold of the premises. It is suggested that the development would be suitable as retirement homes, or other small households.
43. The site is not within a designated employment area or within a designated shopping area. The boundaries of centres, primary shopping areas and the identification of sites for main town centre uses to meet identified need are to be defined in the Local Plan Part 2 (Land and Planning Policies). Therefore, there are no policies regarding the loss of the restaurant or retaining such uses.
44. The settlement of Keyworth is identified in Policy 3 of the Core Strategy as a strategic settlement for growth for a minimum of 450 dwellings. It is, therefore considered, to be a sustainable settlement capable in principle of accommodating further residential development. In respect of the site itself, it is located within the built up part of the settlement surrounded by development of varying styles and it is considered that the conversion would not have a negative impact on the character of the area and on the living conditions of the immediate neighbours.
45. The National Planning Practice Guidance states that *'Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. An emerging neighbourhood plan may be a material consideration.'* Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst emerging neighbourhood plans may be a material consideration, the Keyworth Neighbourhood Plan has not been examined and found to meet the basic standards and, therefore, carries limited weight.
46. Policy 8 of the Core Strategy states that residential development should maintain, provide and contribute to a mix of housing types and tenures in order to create balanced and mixed communities. It has to be borne in mind that the Council cannot currently demonstrate that it has a 5 year supply housing land. Consequently, in accordance with paragraph 49 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, paragraph 14 NPPF and the 'tilted' balance is engaged. Paragraph 14 states that, where relevant policies in the development plan are out of date, permission should be granted unless:

- any adverse impacts would significantly or demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate that development should be restricted.
47. The proposed development would make some contribution, albeit small, to addressing the Borough Council's lack of a 5 year housing land supply, and housing applications should be considered in the context of sustainable development. There would be a temporary economic benefit during construction and future residents using local services/facilities in Keyworth would contribute to the local economy.
48. The level of representations received during the course of the application give an indication that the existing occupiers are well respected locally and the restaurant attracts customers from outside the settlement, who also use other facilities in the village. There are, however, no planning policy objections to its loss. Notwithstanding any planning decision, the occupiers lease the premises and the freeholder could, subject to the terms of the lease, terminate the agreement at any time.

Layout and amenity for future occupiers

49. The residential Design Guide advises that *"Private or communal garden/ outdoor amenity space for apartments is desirable and should be provided where practicable. However, much will depend on the nature of the scheme and the character of the surrounding area and every case will be treated on its merits."* The proposal would provide small outdoor amenity space/terraces to the front of the building for the ground floor units and small balconies on the rear for the first floor units. Given that there are areas of open space and parks within close proximity to the application site, it is considered that the on-site amenity space is acceptable. In particular, whilst proposals for houses would be expected to provide sufficient amenity space to serve the needs of future occupants, the Guide describes the provision of outside amenity space for flats as 'desirable' and it is not, therefore, considered that the current proposal conflicts with the guidance within this document.

Impact upon surrounding buildings

50. In view of the neighbouring uses of land and the distance to the nearest residential property, it is not considered that there would be any adverse impact upon residential amenity or use of other buildings adjacent to or near the application site as a result of this change of use.

Conservation Area

51. The site lies within the Conservation Area and within close proximity of the grade 1 listed 14th century Church of St Mary Magdalene. The proposal involves physical changes to the application building to facilitate the conversion to flats and it is considered that the removal of the external fire escapes; the front porch/canopy (which are not original features) and creation of small front amenity areas would not have a detrimental impact on the character and appearance of the area or setting of the listed building. As such, the Conservation Officer has concluded that the proposal would achieve the objectives described as 'desirable' in sections 66 and 72 of the

Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of 'preserving' both the special significance of nearby listed buildings and their settings and the special architectural and historic character and appearance of the conservation area. It is considered that the proposal would comply with National Guidance and Local planning policy in this respect.

Car parking provision

52. There is currently eight car parking spaces provided on site. These would be maintained and the Highways Authority raises no objection to this subject to them being unallocated.

Waste and recycling

53. Whilst the existing building occupies a large proportion of the site, there are some areas to the side and rear which could accommodate a bin store whilst not harming the visual amenity of the locality, for example, the exiting bins used in connection with the restaurant are stored to the rear of the building. It is, therefore, considered that a suitable bin store could be provided within the site, although consideration would need to be given to the impact of such a facility on future occupants of the site. A condition is recommended requiring the provision of a bin store, in accordance with details to be agreed with the Borough Council

Other matters

54. Reference has been made to the use of the words 'Bad Neighbour' in the reports accompanying the application. It is not uncommon to use such phrases when referring to certain commercial uses that are adjacent to residential properties, as there can be potential conflicts with noise, odours, traffic etc. In this regard there have been no complaints raised with Environmental Health about the current operation of the restaurant.
55. The Council have responsibilities as the local authority in relation to European Protected Species and must consider whether the development, if permitted, would be likely to cause disturbance to a protected species and must also consider the likelihood of a licence being granted. In considering the likelihood of a licence being granted consideration is given to the three tests set out in the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations). Whilst the proposal is for a change of use/conversion, it does not relate to works within the roof space. It is therefore considered that a note to the applicant regarding the possibility of bats in the roof space would be sufficient in this instance.
56. The development on its own does not trigger the requirement for the provision of affordable housing. The outline planning approval on the adjacent site, the Former British Legion site, was subject to a section 106 Agreement requiring 20% affordable housing. The outline application indicated 12 units. The current proposal could implemented as a standalone development. In any event, it is considered that a further 4 dwellings as a result of this application would not trigger any further affordable units if it had been considered as part of a whole development. Therefore, no further s.106 agreement is being sought as a result of this development.

57. The application was not the subject of pre-application discussions. The principle of redevelopment/conversion of the building and removal of later additions is, however, considered acceptable. Discussions have taken place with the applicant's agent during the consideration of the application to seek clarification on a number of issues and the application is subject to a favourable recommendation.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to 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 not be commenced until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

3. None of the residential flats hereby permitted, shall be occupied until the existing A3 restaurant has permanently ceased in operation.

[To clarify the extent of the permission and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. All demolition and construction work, including deliveries, shall be restricted to the following times:

Monday Friday 0800 1700 hours

Saturday 0800 1300 hours

Sunday/Bank Holidays No work activity

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

5. 8 car parking spaces shall be made available within the site prior to the occupation of the development hereby approved and remain available at all times on an unallocated basis.

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. Prior to occupation of any of the flats hereby approved, a refuse/bin store shall be provided in accordance with a scheme to be submitted to and approved by the Borough Council. Thereafter, the bin store shall be retained and maintained in accordance with the approved details.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

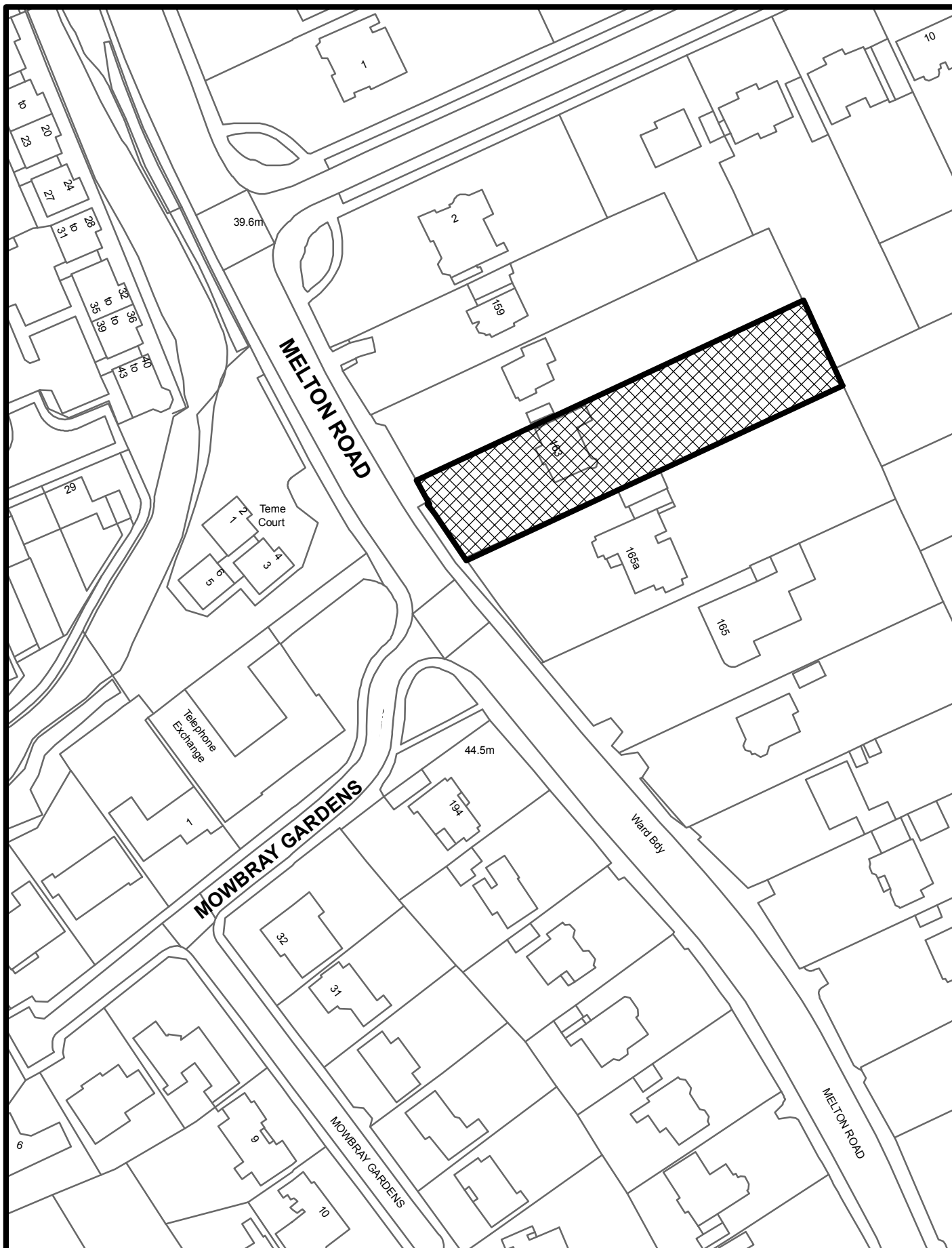
This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

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

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0845 600 3078.

The Borough Council is charging for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.



Application Number 17/00808/FUL
163 Melton Road, West Bridgford

scale 1:1000



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Rushcliffe Borough Council - 100019419

Applicant Mr Mark Davis

Location 163 Melton Road West Bridgford Nottinghamshire NG2 6JL

Proposal Two storey side and rear extensions, single storey front and side extensions, raise roof and provision of dormers (re-submission)

Ward Abbey

THE SITE AND SURROUNDINGS

1. The site accommodates a large two storey detached dwelling, of brick, render and tile construction on the eastern side of Melton Road, in West Bridgford. It is set well into the site with mature landscaping reducing the visual impact of the building on the street scene. Sharing boundaries to the north and south are further detached properties, whilst to the west properties are separated by the highway. To the east are the rear gardens serving properties on Dovedale Road.
2. The site is located within the Edwalton Conservation Area. The Townscape Appraisal supporting the Conservation Area has identified No 163 Melton Road as a Positive Building.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for two storey side and rear extensions, single storey front and side extensions, the raising of the roof and the provision of dormers, to include the provision of accommodation within the roof space. The two storey side extension would have a width of 3.3 metres and would extend the full depth of the existing dwelling. This extension would also project beyond the existing rear elevation by 3.9 metres and would extend 7.6 metres across the rear of the building. This extension would have an eaves height of 5.5 metres and a ridge height of 9.24 metres. This would provide a garage and an enlarged kitchen/diner on the ground floor and a dressing room/study, bathroom and two bedrooms above with a bedroom, dressing room and en-suite within the resultant roof space.
4. The single storey rear extension would have a footprint of 5.7 metres by 3.9 metres and height to the flat roof 3 metres, and would provide a living room.

SITE HISTORY

5. The site history includes application reference number 16/01698/FUL which related to a two storey side and rear extension, raising the roof and the insertion of dormers to front and rear, a new porch, associated works and a detached double garage. This application was withdrawn.
6. Planning application 16/02571/FUL for two storey side and rear extensions, single storey front and side extension, raising of the roof and provision of front and rear dormers (re-submission) was refused planning permission in

December 2016 on the grounds that the proposed development would result in extensions and alterations of excessive and disproportionate scale and massing, including the provision of a large elevated rear glazing feature, that would have an overbearing, oppressive impact, and would cause a loss of privacy and light to neighbouring occupiers.

REPRESENTATIONS

Ward Councillor

7. One Ward Councillor (Cllr. Dickinson) objects to the application on the grounds that the proposed two storey extension to the southern elevation is overbearing on its neighbouring property, i.e. 165A Melton Road. The removal of two mature trees is detrimental to the street scene of this area, which falls within the Edwalton Conservation Area.
8. One Ward Councillor (Cllr. Buschman) raised no objection.

Statutory and Other Consultees

9. The Borough Council's Conservation and Design Officer comments that the proposed extensions continue to not be legible as extensions and will in no way appear subservient to the host property. The changes to the front façade retain the proportions of the existing front gable and retain this element as a key feature within the front elevation of the property. This also means that the forward gable continues to relate to the 1940's style bay beneath.
10. Whilst this feature currently provides vertical emphasis the enlargement of the roof slope means that this feature is now weakened against a substantial backdrop of roof pitch. That being said the street is also significantly lower than the ground level of the where the building is situated, such that the angles of view available from the public realm will help soften this affect. This latest submission has reduced the ridge height from earlier proposals such that this issue will be reduced further.
11. The retention of chimneys also helps protect the character of the building and retain a degree of vertical emphasis within the overall design. The amended scheme avoids the awkward clash of traditional and contemporary which hampered the previous scheme, and the integration of the garage into the building avoids the free-standing structure previously proposed which lessened the visibility of the dwelling and also breached a reasonably consistent building line along this side of Melton Road.
12. The property is within the Edwalton Conservation Area and at present is identified as making a positive contribution towards the overall special character of that area. It would be my view that the alterations would change the appearance of the building but would leave it still making a positive contribution to the special character of the area, especially in so far as it is visible within the public realm, thus achieving the desirable aim described within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Local Residents and the General Public

13. Two neighbours have objected to the proposed development on the following grounds:
 - a. Any permitted rooflights on the third floor should have a minimum cill-floor distance of 1.7 metre, from the north-west side elevation plan it appears that two rooflights are lower than that.
 - b. The neighbour seeks confirmation that the triangular roof window is specified as non-opening and inclines to match the roof incline, the plan for the north-east elevation is shown as obscure glazing to bathroom window, seeks confirmation this relates to both windows i.e. laundry and first floor bathroom.
 - c. The second objection is on the grounds that although this application addresses some concerns in respect of being overlooked, the overall size of the extension continues to dwarf the existing dwelling, the development would be oppressive, overbearing and would impact on the amenities of the neighbouring property. The side extension would bring the dwelling 9 feet closer to the boundary with an increase in height of 6 feet and would have a substantial overbearing impact, natural light into the living room would be affected as would light into the bedroom and bathroom, two windows will directly overlook the living room and compromise privacy.
 - d. The rear extension will be much closer and will extend further into the garden, the new window at second floor level would overlook 60% of the neighbouring garden and patio, overlooking from the triangular window, the height, mass and siting would reduce light and cast shadows.

PLANNING POLICY

14. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014). None of the saved policies are of relevance in this case.
15. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
16. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, NPPF and NPPG, policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

17. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits. It states that Local Planning Authorities should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF, at paragraph 17 provides the overarching roles that the planning system ought to play setting out 12 principles of planning. One of these is to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.

18. Paragraph 58 requires new development to respond to local character and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.
19. Paragraph 60 states that, *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*
20. Paragraph 64 of the NPPF states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
21. Paragraphs 128 to 134 seek to conserve and enhance the historic environment.
22. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering proposals for development within or affecting a conservation area *“...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Relevant Local Planning Policies and Guidance

23. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 deals with The Presumption in Favour of Sustainable Development and Policy 10 with Design and Enhancing Local Identity.
24. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework
25. Policy 10 (Design and Enhancing Local Identity) requires that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development shall be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby the proposal shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.

26. Policy 11 (Historic Environment) requires planning decisions to take account of the impact on heritage assets and states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
27. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application.
28. Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan is relevant to the consideration of this application. Policy GP2 states that planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, certain criteria are met. Criterion a) refers to the impact of development on amenity, particularly residential amenity. Criterion b) requires a suitable means of access without detriment to the amenity of adjacent properties or highway safety and the provision of parking. Criterion c) requires the provision of sufficient space within the site to accommodate the proposal and ancillary amenity and circulation space. Criterion (d) is concerned with the scale, density, height, massing, design, layout and materials of proposals and states, inter-alia, that these should be sympathetic to the character and appearance of neighbourhood buildings and the surrounding areas. They should not lead to an over-intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy. Policy EN2 (Conservation Areas) requires proposals to preserve or enhance the character or appearance of Conservation Areas.

APPRAISAL

29. The main issues to consider in this application are the principle of development, the visual amenity of the proposal, including impact upon heritage assets (Edwalton Conservation Area), residential amenity and highway safety.
30. The previous application (ref: 16/02571/FUL) to extend the building was considered large and not subservient to the existing dwelling. It incorporated a large elevated rear glazing area that was also considered to affect the residential amenities of neighbouring occupiers, as well as being overbearing.
31. This revised scheme seeks to address the concerns raised under the previous application with the following amendments:
 - Reduction of the garage width from 5.5 metres to 4.747 metres thus increasing the space between the outer wall and the shared boundary with 165A Melton Road from 0.5 metres to 1.275 metres;
 - Reduction in the overall depth of the two storey element adjacent to 165A Melton Road from 13.10 metres to 12.95 metres;

- Substitution of the glazed gable feature at second floor level on the rear elevation with a hipped roof design incorporating a smaller widow/glazed feature;
 - The omission of the first floor element adjacent to the north west boundary, reducing the extension in this area to a single storey addition; and
 - Reduction in the height of the eaves from 5.782 metres to 5.525 metres and of the ridge from 9.796 metres to 9.24 metres.
32. The proposed side extension would result in the side elevation of the building being closer to the boundary with 165A, maintaining a gap of 2.74 metres between the boundary and two storey element, with a small single storey element, forming part of the garage, projecting closer to the boundary and maintaining a gap of 1.27 metres. The front elevation of the proposed garage would project forward slightly of the current façade of the dwelling. The two storey element would project approximately 3.9 metres beyond the existing rear elevation of the property, wrapping round the corner with an overall width for this part of the extension of 13.3 metres across the rear of the dwelling. This element would project 3.9 metres behind the existing rear wall.
33. Three small windows are proposed in the elevation facing 165A, they would be obscure glazed and would serve a dressing room, en-suite and dressing room/study. There would be two first floor windows in the rear elevation, both serving bedrooms, and a feature rooflight following the slope of the roof. There would be an additional half dormer window (punctuating the eaves) in the front of the extension. A first floor extension is also proposed in the north west corner of the property, above the former garage, squaring off the property at first floor level with a similar half dormer window in the front elevation.
34. The second floor (within the roof space) would accommodate a bedroom, ensuite and dressing room and would incorporate two rooflights on the front elevation (with cill heights of 2.04m above floor level), a row of three rooflights on the rear elevation (with cill heights of 1.96m above floor level), two rooflights in the plane facing in a north west direction, and set in from the boundary, facing towards 161 Melton Road (with cill heights of 1.65m above floor level) and a large feature rooflight on the rearmost plane of the roof. A single rooflight is proposed on the roof slope facing 165A Melton Road with a cill height of 1.5m above floor level.
35. It is considered that the amended scheme has addressed the concerns previously raised with regard to the overall scale and massing of the proposal. The dwelling is set back into the site with mature landscaping providing a degree of screening from the streetscene. Whilst it is acknowledged that the proposal involves the addition of substantial extensions and alterations to this dwelling, the locality contains a variety of dwelling sizes and designs, with some of these houses being previously extended. This mixture of dwelling sizes is therefore part of the character and appearance of the locality. While the site lies within the Edwalton Conservation Area, it is again noted that within the Conservation Area as a whole, there are some dwellings of considerable size and scale and it is considered on balance that the proposal would not result in significant impact

to, or cause harm to the particular special architectural and historic character of the Conservation Area. Therefore, the proposal would achieve the objective described as desirable within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

36. The submitted plans indicated that it was proposed to remove two trees within the front garden area of the property, close to the boundary with 165A Melton Road. One of these trees sits close to the south western corner of the dwelling, and the site of the proposed extension, whilst the second is further forward in the plot, closer to the roadside boundary of the site. There does not appear to be any justification for the removal of this second tree as a direct result of the proposed extension. Following consideration of the comments submitted in respect of the proposal and the concerns about the removal of the two trees, the applicant's agent has confirmed that the tree closest to the front boundary of the site, a hawthorn tree, is to be retained. As the site is within the conservation area, the trees benefit from degree of protection and notification would need to be given to the Borough Council prior to any work or tree removal being carried out.
37. In terms of the impact of the proposal upon the living conditions of the occupants of neighbouring dwellings, and in particular those dwellings situated to the north and south of the site, the revised scheme has sought to address these by reducing the depth of the two storey element of the proposal, setting the proposed garage further off the neighbouring boundary, omitting a first floor element to the north eastern corner of the dwelling and reducing the proposed eaves and ridge heights.
38. The proposed two storey side extension would be set off the south east boundary by 2.74 metres, with the garage element projecting 1.4 metres closer to the boundary. The neighbouring dwelling at 165A Melton Road is set in from the shared boundary by the width of its driveway, a distance of approximately 7 metres, with a garage set back toward the rear of the dwelling immediately adjacent to the boundary with the application site. The side facing window on No. 165A is secondary and although the extension would have some impact, it is not considered it would be unduly overbearing or overshadowing, particularly given that the application site is on the northern side of the neighbouring property. The three first floor windows would be obscure glazed (which can be secured by way of condition) and the existing side facing bedroom window would be removed, thereby resulting in less overlooking than the present arrangement.
39. The two storey extension would not project beyond the rear elevation of No. 165A. Two bedroom windows are proposed to the rear elevation of the two storey extension, however, it is considered their impact would not be dissimilar to that of the existing bedroom windows with oblique views over the neighbouring rear garden, and not an uncommon relationship to that which exists in neighbouring properties.
40. The proposed single storey extension would be set off the boundary with 161 Melton Road by approximately 1.99m and the first floor extension above the existing garage would be adjacent to the side elevation of the neighbouring property. As such, the impact on that property would not be excessive or unacceptable.

41. Regarding the potential impact of the rooflights to the second floor accommodation, the Agent for the application has provided additional plans and information regarding the cill heights of the rooflights, as set out in paragraph 30 of this report. The lowest of these would have an internal cill height of 1.65m, however, given the construction and thickness of the roof, this would result in an effective cill level/line of sight over 1.7 metres from floor level. He has also confirmed that the feature triangular window would be non-opening and flush with the roof plane and the windows serving the proposed laundry and en-suite are to be obscurely glazed. A condition is recommended to secure the obscure glazing.
42. Notwithstanding the objections received it is considered, on balance, that these revisions have satisfactorily addressed the reasons for refusal of the previous application ref: 16/02571/FUL such that a refusal on these grounds could no longer be sustained.
43. The dwelling would continue to be served by the existing access and there is adequate hardstanding to provide parking within the site. The existing garage would be converted but a replacement garage would be provided. There are, therefore, no highway implications associated with this proposal.
44. In conclusion, the principle of development is considered to be acceptable. It is not considered that the proposal would have an excessive or unacceptable impact on the amenities of neighbouring properties, subject to the imposition of appropriate conditions and would be of an acceptable appearance, causing no harm to the special character or appearance of the locality or Edwalton Conservation Area. The proposal would not be detrimental to highway safety. The proposal complies with local and national policies and guidance and approval is recommended.

Procedural Matter

45. The site is located within a Conservation Area and, in accordance with the requirements of The Planning (Listed Buildings and Conservation Areas) (Amendment)(England) Regulations 2004, an application for planning permission for development affecting the character or appearance of a conservation area must be publicised by way of a notice in a newspaper circulating in the locality in which the land is situated and by the display of a notice on or near the land. It would appear that this requirement was overlooked when the publicity/consultation process was undertaken following validation of the application. This situation has now been rectified and the publicity period will run until 31 August 2017. It is not considered that this should delay consideration of the application by the Planning Committee and it is, therefore, recommended that the Executive Manager – Communities is authorised to grant planning permission, subject to no further representations being received as a result of the further publicity, which raise substantially new issues.
46. The application was the subject of pre-application consultation and the scheme reflects the discussions that took place. As such, this has resulted in an acceptable scheme and a favourable recommendation.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities is authorised to grant planning permission, subject to no further representations being received as a result of the further publicity, which raise substantially new issues, 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 permission hereby granted relates to the following plans:

7326 200 Location Plan

7326205 Rev P2

7326-204-REV P3 - as amended in part by the revised 1:200 Proposed Site Plan submitted on 4 August 2017 showing the retention of the Hawthorn Tree (previously shown to be removed).

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

3. The development hereby approved shall be carried out using the materials for the walls and roof as specified in the application unless otherwise agreed in writing by the Borough Council.

[To ensure a satisfactory appearance of the development and to comply with Policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. The windows in the side (south-east) elevation of the proposed development at first floor level and the windows in the rear elevation serving an en-suite and laundry room shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent and shall be fixed shut with the exception of the top light opening. T hereafter, the windows shall be retained to this specification. No additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Report of the Executive Manager - Communities

Edwalton No.1 Tree Preservation Order 2017

Location 19 Valley Road, West Bridgford

Ward Edwalton

THE SITE AND SURROUNDINGS

1. The Eucalyptus tree, the subject of this report, is located in the front garden of 19 Valley Road on its eastern boundary, it overhangs the driveway of 21 Valley Road and an adjacent turning circle/parking area which accesses a double garage located at the front of the garden. The tree is set back from the road by approximately 10m and has a large amount of space as there are few other mature trees in close proximity to it. There are some young trees which have recently been planted at the front of 19 Valley Road, but due to their immature canopies they do not have the stature to make a significant contribution to the amenity of the area at the current time.
2. Valley Road falls within Edwalton conservation area. It contains a range of large properties of different architectural styles and ages, those on the north side of the road are set back with large front gardens, the properties on the south side tend to be located much closer to the road. Despite this both sides of the road are lined with mature trees, many are native, but there are other non-native species as well. The mature trees are a key characteristic of the conservation area.

DETAILS OF THE TREE PRESERVATION ORDER

3. The Tree Preservation Order was made following a conservation area tree notice from the owner of 19 Valley Road; it explained that tree is leaning over the neighbouring property, the owner of which was concerned that it might topple over onto his garage in heavy wind. Furthermore the birds in the tree have been fouling on the neighbour's driveway and debris from the tree lands on his vehicles. The owner of the tree had been informed that if the tree was not removed the neighbour intended to remove all the overhanging branches which would destroy the appearance of the tree.
4. It was considered that the removal of the Eucalyptus would further open up a gap in the tree line on the north side of Valley Road and that the reasons given for its removal did not outweigh the amenity value of the tree and that it should be protected by a Tree Preservation Order.

5. The Tree Preservation Order was made on 29 March 2017. Under the Town and Country Planning (Tree Preservation)(England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made.

Representations

6. An objection to the Tree Preservation Order has been received from the owner of the adjacent property, 21 Valley Road. The grounds for objection are as follows:
 - a. The tree significantly overhangs the property so that the upper two thirds of the canopy are within the property and overhangs the garage and car parking area.
 - b. Birds nest in the tree causing a significant amount of bird mess on the drive which is walked into the house or cars.
 - c. The tree is 'messy', constantly shedding leaves and seed buds, such that they clog the air filter and water dispersal routes on the car which necessitate constant cleaning.
 - d. The tree is top heavy, the timber of Eucalyptus is heavy and they are well known for being shallow rooted and comparatively unstable.
 - e. Given the size, weight and lean of the tree should it fail in high winds it will in all likelihood fall onto the garage, parked vehicles or onto Valley Road and could cause death or injury.
 - f. Should the tree fail both the owner of the tree and the objector would hold the Council liable for all consequences having insisted on the retention of the tree.
 - g. The tree is not native.

APPRAISAL

7. The tree does lean slightly towards the neighbour's garden, but the angle of lean is not excessive and the canopy is not unbalanced. Trees which overhang into a neighbour's land can be considered a legal nuisance and the neighbour can prune back the overhang to the boundary without the need to seek the owner's permission. Such work to a protected tree would generally require an application to be made, unless the tree was causing an actionable nuisance, where it is causing, or there is an imminent risk of it causing, actual damage. When considering such work the Council would want to ensure the natural appearance and balance of the tree was retained.
8. Trees are a natural feature along with birds nesting in them. Bird mess, leaf litter and other debris can be tiresome, but they are a part of normal life and would not be sufficient reasons to prevent the confirmation of the Tree Preservation Order unless there were exceptional circumstances.

9. The tree has had some lower branches removed, but the tree canopy is well proportioned and is not significantly top heavy. There is nothing to suggest the tree poses a risk of failure due to its structure, size or weight of limbs.
10. When first planted Eucalyptus trees can establish very quickly and it is possible for the canopy to grow faster than the roots, which can lead to instability in young trees, also if the roots become pot bound they can continue to spiral rather than spreading out. Given the age and size of the tree at 19 Valley Road, there is nothing to suggest that it has not established well or poses a foreseeable risk of failure. Eucalyptus are known to be shallow rooted, as many other tree species are, but this general assumption does not mean that the Tree Preservation Order should not be confirmed.
11. If the Tree Preservation Order is confirmed the owner will remain responsible for maintaining it, the liability for the tree does not pass to the Council. However, there are certain circumstances where the Council could be liable to pay compensation for loss or damage suffered as a result of either refusing consent or imposing conditions following an application to work on a protected tree. In such circumstances the authority's liability is limited. No claim can be made before an application for consent to undertake work on a protected tree and a claim would need to be made within 12 months of the authority's decision or an appeal decision. No claim is payable in relation to any item that was not reasonably foreseeable within the documentation submitted as part of an application. Finally no compensation is due to a person who failed to take reasonable steps to avert or mitigate loss or damage which was reasonably foreseeable. In short this means tree owners still need to take responsibility for trees, applications need to specify the risk and this needs to be readily foreseeable rather than being a far off or general concern.
12. At present it is considered that the general concerns relating to the tree are not sufficient to prevent the Tree Preservation Order being confirmed. Once confirmed applications could be made to prune or fell the tree, but if the reason for the work is due to concern over the tree's safety it should be backed up with competent advice from a tree surgeon.
13. The tree is not native and in a rural conservation area this would diminish the appropriateness of a Tree Preservation Order, but Valley Road is a suburban location and has a range of trees many of which are not native and have ornamental characteristics. The removal of the tree would have resulted in an existing break in the tree line being opened up further and this would be detrimental to the character of the area. As the tree is in a reasonably prominent roadside location it is considered that it warrants continued protection.

RECOMMENDATION

It is RECOMMENDED that the Edwalton No.1 Tree Preservation Order 2017 be confirmed without modification.



Report of the Executive Manager - Communities

LOCATION Land To North Of Cliffhill Lane Aslockton Nottinghamshire

APPLICATION REFERENCE 16/00733/OUT

APPEAL REFERENCE APP/P3040/W/16/3162739

PROPOSAL Outline application for the erection of up to 50 dwellings including the creation of a new access and together with the provision of new open space and landscaping, sustainable drainage and associated infrastructure.

APPEAL DECISION Appeal Dismissed **DATE** 6th July 2017

PLANNING OFFICERS OBSERVATIONS

Permission was refused under delegated powers on the following grounds:

- Contrary to Policy 3 of the Rushcliffe Local Plan Part 1: Core Strategy as it was considered that the proposal would not constitute small scale infill development for local needs, and would harmfully undermine the spatial strategy for the Borough, with a risk of distorting the spatial strategy with respect to the distribution of housing across the Borough over the plan period, which would be inconsistent with the fundamental objectives of sustainable development.
- Failure to respect the character and built form the village and would appear as a substantial incursion into the rural setting of this part of the village, extending the settlement and significantly changing its form and character to its detriment.

An informal hearing was held on 21 June 2017. The main issues considered were:

- whether the site represents an appropriate location for housing with particular regard to accessibility;
- the effect of the proposal on the character and appearance of the area; and

- whether the appeal site represents an appropriate location for residential development, with particular reference to flood risk.

Whether the site represents an appropriate location for housing with particular regard to accessibility

The inspector noted that, in the Local Plan Part 2: Land and Planning Policies Further Options consultation document 2017, the Council considers that Aslockton is not able to accommodate further dwellings based on existing services and infrastructure provision, given that planning permission has been granted on the Abbey Lane south site for 75 dwellings which are currently under construction.

The inspector also noted that in Aslockton there is a small shop with a post office, café, hairdressers, public house, church, village hall and a primary school, but that the shop is very small, with limited stock. She also commented that there are no health facilities and only very limited employment opportunities in nearby Whatton. She concluded that it is, therefore, very likely that future residents would need to travel further afield to Bingham or Nottingham in order to meet their day to day needs in terms of services and facilities.

The inspector noted that there is a bus stop outside the site and that the appellant would provide a footpath from the main access into the site to the bus stop. As one of the two bus services is due to cease and there is no service after 7pm or on a Sunday, she concluded that the bus service is very limited and relatively infrequent. She also considered that, outside commuter hours, the train service is infrequent.

The appellant suggested that residents may wish to walk to Bingham 4 miles away where a wider range of facilities are available. However, the inspector noted that the obvious route would be partly along narrow unlit country lanes and partly alongside the busy A52. Although the route has a footway, she considered that it is unlikely to provide an attractive or realistic alternative for those with restricted mobility or accompanied by children, particularly in winter months or inclement weather.

The inspector noted the Council's view that the proposal, together with the approved scheme on land south of Abbey Lane, would increase the size of Aslockton by 30%, and the appellant's view that, given the close relationship between Aslockton and Whatton-in-the Vale, that the increase should be seen in the context of the two villages, which would be some 16%. The inspector commented that, irrespective of whether she considers the villages as separate or as one, the addition of 50 dwellings would still not constitute small scale infill development serving local needs.

The inspector concluded that, due to the limited range of facilities available in Aslockton, together with an infrequent train and bus service, it would not be a sustainable location to accommodate the number of houses proposed, and that it does not represent an appropriate location for housing with particular regard to accessibility.

She also commented that, although not determinative, her view on the sustainability of Aslockton in terms of its location was reinforced by the facilities and services available in the five villages that are potentially being considered by the Council for some allocations which all have access to health care facilities and a convenience store, and some also have access to library facilities.

The effect of the proposal on the character and appearance of the area

The inspector commented that Aslockton has mainly expanded to the south and west through the addition of housing estates. To the north and north east, development has been more limited to mainly ribbon development along Cliffhill Lane and Mill Lane. An exception is at Meadow Close, opposite the appeal site, a small estate extending back from Cliffhill Lane by about 4-5 houses. She also commented that the area around the appeal site has a strong rural character and appearance, and that the open undeveloped nature of the appeal site contributes positively to the rural character and appearance of Cliffhill Lane.

She considered that, while the houses along the frontage of the site could be set back in line with the adjacent ribbon development, and the impacts of the houses behind could be effectively mitigated in views from the wider landscape through the inclusion of woodland planting which would link to an existing orchard to the west and parkland landscape to the north east, the visual effects on the settlement pattern when viewed from Cliffhill Lane would be more difficult to avoid. She also commented that the residential development would extend a large distance into the rural landscape, far in excess of that at Meadow Close. She also considered that the presence of a large number of houses to the rear of those along the frontage would still be particularly intrusive in views from Cliffhill Lane, especially given the need to remove part of the existing hedge to facilitate the site access. Furthermore, the extent of the houses to the rear of the frontage properties would substantially encroach into the rural area reducing the openness and introducing an extent of development which is not seen elsewhere on the northern side of the village. As a result, she concluded that the rural character of the approach into and out of Aslockton would be materially harmed, and that there would be a significant erosion of the strong ribbon pattern of development on this side of the village.

Whether the appeal site represents an appropriate location for residential development with particular reference to flood risk

The National Planning Policy Framework (NPPF) requires decision makers to steer new development to areas at the lowest probability of flooding by applying a Sequential Test to those developments on sites in areas at risk of flooding and not already allocated within the development plan. Planning Practice Guidance indicates that the aim is to ensure that areas at little or no risk of flooding are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.

The appeal site is within Flood Zone 2 and, at the time the application was determined having considered 8 other sites in the Borough in Flood Zone 1, the Council considered that the sequential test was passed. However, at the hearing the Council (and Parish Council) raised an application under consideration at the time for up to 90 dwellings in Whatton in Flood Zone 1 (ref. 17/00969/OUT). The Council therefore considered at the hearing that the sequential test with respect to the appeal site was not now passed. The Council also suggested that the application at Whatton would not comply with policy 3 of the Core Strategy. As a result, the inspector considered that it would be premature to suggest that the site at Whatton is available for development and, therefore, capable of being considered within the sequential test, and she was satisfied that the sequential test had been passed.

As the Environment Agency did not object based on the appellant's flood risk assessment, the inspector concluded that the appeal site represents an appropriate location for residential development with respect to flood risk.

Conclusion

The inspector noted that there would be economic benefits both while the houses were being constructed and resulting from future residents using the limited local facilities contributing to the local economy. However, given that the economic benefits related to construction would be temporary and that it is likely that residents would be largely reliant on the car to access services outside the village, it is likely that many of the economic benefits would be received outside of Aslockton. Whilst there would be provision of open space, children's play space, community woodland, improved surface water management and biodiversity enhancement, the proposal would be harmful to the character and built form of the settlement. Given that there is a pressing need for affordable housing across the Borough as a whole, the provision of 30% affordable units would be a benefit of the scheme.

With respect to the 5 year housing land supply position, the inspector adopted the position of the appellant, who considered the supply to be in the region of 2.5 years, although she commented that this should not be interpreted as any indication that she necessarily agreed with that position. On this basis the relevant policies for the supply of housing land cannot be considered up-to-date. In these circumstances, and in relation to decision taking, paragraph 14 of the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. She therefore gave limited weight to Policy 3 of the Core Strategy. However, as she found that Aslockton would not be an accessible location to accommodate the proposed number of houses, and that there would be a significant harm in terms of impact on the character and appearance of the area, she considered that the totality of the harm that would be a consequence of the significant adverse impacts would significantly and demonstrably outweigh the modest benefits. Therefore, she concluded that the proposal did not constitute sustainable development for which the NPPF carries a presumption in favour.

LOCATION	OS Field 3963 Barnstone Lane Granby Nottinghamshire	
APPLICATION REFERENCE	16/00542/FUL	
APPEAL REFERENCE	APP/P3040/W/17/3168150	
PROPOSAL	Erection of rural workers dwelling and agricultural/food production building.	
APPEAL DECISION	Appeal Allowed	DATE 2nd August 2017

PLANNING OFFICERS OBSERVATIONS

The appeal was against non-determination of the application. At the meeting of the Development Control Committee on 17 March 2017, it was resolved that the Planning Inspectorate be informed that, should the Council have been in a position to determine the application, permission would have been refused on grounds that it had not been demonstrated that the business was financially viable and therefore did not pass the financial test in Policy HOU4 of the Non-Statutory Replacement Local Plan.

An informal hearing was held on 27 June and the main issue considered was whether or not there is an essential need for a rural worker to live permanently at the site.

The Inspector noted that a previous appeal decision (ref: 11/01896/FUL) on the site allowed the development of a log cabin for a three year temporary period. The Inspector in that case found both a functional need for a worker to live on or near the site which could not be met by alternative accommodation, and that the financial soundness of the business had been demonstrated. However, as the rabbit breeding business was not fully established, a temporary permission was considered appropriate to assess whether it would be sufficiently sustainable to justify a permanent dwelling. While the log cabin was not built, this appeal is still a significant material consideration as it established the principle of a dwelling in this location.

The Inspector considered that whilst Policy HOU4 broadly reflects the requirements of the National Planning Policy Framework (NPPF), it does not fully reflect paragraph 55 which states that local authorities should avoid isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. He also considered that the combination of its non-statutory status and inconsistency with the Framework, little weight could be given to Policy HOU4.

He commented that the rabbit business appears to have become established and grown steadily since it started trading and, at the time of the hearing, there were around 240 breeding does on the site along with followers and bucks, and this is broadly consistent with the expectations that were put to the previous Inspector. He saw significant signs of investment in the business including fencing, buildings for the storage of feed and processing the rabbits and other associated paraphernalia and machinery. There was nothing to suggest that this is not a real or flourishing business or that the conclusions

drawn by the previous Inspector do not remain valid. He was satisfied that there has been no material change in the functional need identified for the breeding business from the previous appeal.

The financial data provided by the appellant are not fully audited accounts and are marked draft. However, the inspector was satisfied that they were the same as those that were subsequently signed off and that they provide a satisfactory level of detail for him to make a decision in the context of paragraph 55 of the NPPF. He noted that the business has been established for over 3 years and its turnover increased from around £63,000 in 2014 to just under £100,000 in 2016. When costs are taken into account, this translates into a profit of £19,388 in 2014, £28,098 in 2015 and £43,474 in 2016. These returns appear better than what was put to the previous Inspector and suggest that the business is performing well. He commented that, while interested parties may question the validity of these returns, there was nothing substantive before him to suggest that he should not consider them as a truthful or accurate record of the rabbit breeding business over the last 3 years.

The inspector acknowledged that, over time, it is likely the number of rabbits on the site, the costs of feed, veterinary care and employment will fluctuate, as will the price of wholesale meat, the revenue from retail or other sales, the amount of meat achieved from each rabbit, the size of litters, the mortality rate of each litter and other costs associated with the enterprise. However, he commented that this is the normal nature of business and considered that it was not necessary to carry out a forensic analysis of each of these factors in order to determine whether the business is likely to endure in the long term. He also considered that there is clear evidence that the business has become established over a period of time and is profitable, and that it would be capable of accommodating fluctuations in employee needs and salaries. He also noted that no veterinary costs have been recorded thus far as there has been no need, and that precautions taken to ensure the rabbits do not contract or transmit disease appear sensible and include investments in such things as fencing.

He was equally satisfied that the appellant's explanations for the fluctuations in other costs are sensible, robust and would have no significant bearing on the long term survival of the business. It would be capable of accommodating fluctuating costs without any undue threat to its viability and, even taking a more pessimistic view of outgoings than has been the case thus far, there would still be significant levels of headroom within the figures to remain profitable. In coming to this conclusion, he was mindful that rabbit breeding for meat is not a common enterprise and is in its infancy in this country.

He also considered that there would be no issue in funding the dwelling, either in terms of getting an appropriate mortgage or using funding from within the wider business of the appellant.

He concluded that there is a functional need for a person to be present on the site and that, on the balance of reasonable probability, the business is of a scale and profitability that suggests it would continue to be a viable concern even with the development in place.

Costs decision

The appellant made an application for costs on the grounds that the Council failed to determine the application within a reasonable timescale, that based on the evidence

before it and the advice of expert witnesses it should have approved the application and that they have failed to substantiate their suggested reason for refusal in light of this.

The inspector referred to considerable evidence of lengthy and detailed correspondence between the Council, applicant and three agricultural experts over the course of the application's consideration. He noted that it was clear, however, that on certain issues there would be no agreement between the Council's original agricultural expert and the applicant. To seek to resolve this, a second opinion was provided to the Council in February 2017 which accepted the applicant's case and recommended approval. This opinion was produced after the appeal had been lodged.

He considered that, although the delays are unfortunate, they appear to be part of a continuing effort by the Council's officer to understand the financial aspects of the development and reach some form of consensus and agreement between the applicant and their expert. He also considered that the chronology of the correspondence would suggest that either the second opinion could have been sought earlier, or that the application could have been reported to Committee sooner. However, whilst it was not clear what the officer recommendation would have been prior to the receipt of the second opinion, when considering the evidence that was subsequently put to the Members, it would be reasonable to assume that the outcome would have been the same.

He considered that it is, therefore, unlikely that the decision having been made earlier would have avoided the need for the appeal. As such, he considered that the delays did not lead to any wasted or unnecessary expense and thus an award of costs would not be applicable to this element of the application.

In reporting to Members, the inspector considered that the officer report set out in detail the difference in view between the 3 parties and provided sufficient detail to allow them to make an informed decision. This included a summarised version of the evidence put forward on each of the key areas of dispute, and the frank conclusions of the second agricultural consultant over the merits of the application on financial matters. Members were, therefore, fully aware of the competing arguments but decided not to follow the officer's recommendation which they are entitled to do. However, the inspector commented that there was no detailed analysis of why the Council preferred one set of arguments over another, and he did not consider that it is satisfactory to simply conclude that one case was chosen over another with no explanation. As such, he did not consider that the Council had fully substantiated or explained their suggested reason for refusal, and this is evidence of unreasonable behaviour. However, in order to award costs, there must be both evidence of unreasonable behaviour *and* unnecessary or wasted expense. The application for an award of costs was therefore refused.

LOCATION	70 Wilford Road Ruddington Nottinghamshire NG11 6EY	
APPLICATION REFERENCE	16/02080/FUL and 16/03097/FUL	
APPEAL REFERENCE	APP/P3040/W/17/3172365 and APP/P3040/W/17/3172366	
PROPOSAL	Demolition of the existing building and the erection of two detached dwellings and associated landscape.	
APPEAL DECISION	Appeals Dismissed	DATE 28th July 2017

PLANNING OFFICERS OBSERVATIONS

This report concerns two appeals relating the refusal of two planning applications which sought full planning permission for the demolition of the existing building and the erection of two detached dwellings and associated landscaping. The refusals of planning permission were dealt with as separate appeals.

The overarching concern for both applications was that the proposals both represented an over-intensive development of the site that would have resulted in inadequate outdoor amenity space for both dwellings.

Application ref: 16/02080/FUL

With reference to application ref: 16/02080/FUL, the Inspector considered the main issues to be outdoor space provision in terms of the living conditions of future occupiers, the effect of the proposal on highway safety, and the effect of the proposed 2 bed dwelling on the living conditions of nearby residents.

Living Conditions for Future Occupiers Including Outdoor Space Provision

The Inspector noted that the Council disputed the appellant's figures regarding outdoor amenity space and therefore assessed the appeal on the basis of the submitted plans and observations on site, however, she commented that even if the appellant's figures were to be accepted, these would fall below the guideline in the Residential Design Guide. She noted that the outdoor space provided for the 2 bed dwelling would be significantly smaller than the footprint of the dwelling, and that the area under the overhang would have limited usability due to shadowing. In terms of the four bed dwelling, the Inspector considered that fragmented and limited nature of the outdoor space would not lend itself to activities that would normally take place in a domestic outdoor space. She considered that the positioning of the paved area between the dwelling and parking space would reduce the attractiveness and usability of this space. The roof terraces would be accessed via bedrooms which could potentially restrict their usage. Overall the Inspector was not satisfied that the amount of space provided would be commensurate with the size of the dwelling, or that any nearby open space would be sufficient to compensate for the limited space provided on site.

Effect of Proposal on Highway Safety

The Inspector considered that the proposal was unlikely to significantly increase demand for on-street parking and would not be detrimental to highway safety given the central location of the site which would be likely to attract those that are less car-dependent.

Impact on Nearby Properties

The Inspector considered the potential impact of the two-bed dwelling on Savages Road, concluding that, notwithstanding the limited distance of 7.4 metres across a road, there would not be an unacceptable loss of light to the front elevations of dwellings along this road. In assessing this matter, she acknowledged that the proposal would not infringe the 25 degree angle measured from 2m above ground level on these adjacent houses, as advocated in the Residential Design Guide. She also concluded that, given the surrounding area comprises mainly 2 storey dwellings, a building of the scale and mass proposed would not appear out of keeping with the wider area.

Other Issues

Consideration was given to the Council's position in respect of the five year housing supply and the benefits arising from the scheme but these were significantly outweighed by the adverse impact that would be caused by not providing adequate living conditions for future occupiers. The Inspector therefore concluded that the appeal should be dismissed.

Application ref: 16/03097/FUL

PLANNING OFFICER'S OBSERVATIONS

Following the refusal of application 16/02080/FUL, a revised application was submitted under 16/03097/FUL which was subsequently refused. Revisions were made to this second application in an attempt to overcome the reasons for refusal, including reducing the property to the front from four to three bedrooms, and a reduction in the height of the rear property to single storey, whilst still providing two bedrooms.

Living Conditions for Future Occupiers Including Outdoor Space Provision

The Inspector again considered the main issue to be the living conditions of future occupiers with particular regard to outdoor space provision. The Inspector made similar comments to those in the first application, namely that the outdoor space provision for both dwellings would fall below the guidelines in the Residential Design Guide, and that the fragmented and limited nature of the outdoor space serving the three bed dwelling would not provide a singular space large enough for normal domestic activities. Overall the Inspector concluded that she was not satisfied that the amount of space provided would be commensurate with the size of the dwellings.

Other Issues

As with the first appeal, consideration was given to the Council's position in respect of the five year housing supply and the benefits of the scheme but these were significantly

outweighed by the adverse impact that would be caused by not providing adequate living conditions for future occupiers. The Inspector therefore concluded that the appeal should be dismissed.

Costs Decision

The appellant submitted applications in respect of both appeals for an award of costs. In respect of the first appeal relating to the refusal of application ref 16/02080/FUL, the application was submitted on two grounds. Firstly the appellants claimed that the Council's decision was based on inaccurate assertions about the amount of amenity space that would be provided for each of the dwellings. They considered that as a result the application was not properly assessed, and if it had been the decision could have been different, and the appeal avoided. Secondly, it was argued that the Council have failed to substantiate the second reason for refusal relating to highway safety, and that the Council had not determined this application in a consistent manner to the subsequent application on the site.

In respect of the first issue, the Inspector commented that in determining the application the Council differentiated between the total outdoor space and what was considered would be usable garden space. To this end the Officer's report only identified what was considered would be the useable garden space that would be provided for each dwelling. She also commented on other statements contained in the committee report and the Council's appeal statement. She considered that both the Officer's report and the appeal statement set out substantive reasoning for what the Council considered to be the usable outdoor space provided in the development and commented that, whilst the appellant may not agree with this reasoning, or with the Council's conclusion in this respect, this does not mean that the Council acted unreasonably.

In respect of the second ground, the Inspector appreciated that when determining the application the Council were acting on advice from their technical consultee on highway matters. Nevertheless, as the second application was determined before the linked appeals were lodged, the Council could have indicated that, in light of the later application, they would no longer pursue this reason for refusal. Consequently, the Inspector considered that the Council had not determined these similar cases in a consistent manner, and acted unreasonably in pursuing this second reason for refusal through the appeal process. As a result, the appellant incurred unnecessary cost in having to address this reason for refusal in the appeal process.

The Inspector made a partial award of costs.

The application for an award of costs in respect of the refusal of the second application, ref: 16/03097/FUL was limited to reasons similar to the first ground in the first appeal, i.e. the decision was based on inaccurate assertions about the amount of outdoor space to be provided. She made similar comments to those made in respect of the first appeal and concluded that the Council met its obligation to give proper consideration to the planning application. Therefore she found that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated, and thus an award of costs was not justified.

LOCATION	Charnley Thelda Avenue Keyworth Nottinghamshire NG12 5HU		
APPLICATION REFERENCE	16/02889/FUL		
APPEAL REFERENCE	APP/P3040/W/17/3172000		
PROPOSAL	Erection of garden building to form granny annexe		
APPEAL DECISION	Appeal Allowed	DATE	3rd July 2017

PLANNING OFFICERS OBSERVATIONS

The appeal was concerned with the refusal of planning permission for the erection of a garden building to form a granny annexe, consisting of a detached single storey building within the rear garden of the host property. The Inspector considered the main issues to be the effect on the living conditions of neighbouring properties with particular regard to 17 Debdale Lane, and the impact on the character and appearance of the area with particular regard to a neighbouring tree.

The Inspector was satisfied that that the building would not constitute a separate dwelling as the relationship with Charnley does not lend itself to the building operating as an independent dwelling. He considered that sufficient rear garden space would be retained to serve the needs of Charnley overall. The building was considered to be modest in height and not disproportionate in size compared to the main dwelling, it would not be prominent from Manor Road. He considered the appearance to be akin to a large but subservient garden room that would be appropriately designed, preserving the character and appearance of the area.

With regards to the neighbouring Ash Tree, the Inspector noted that although it is not protected, it is in good health making a positive contribution to the character and appearance of the area. The roots may run beneath the footprint of the proposed building although it was observed that they lie at depth below the existing concrete slab and retaining wall. Given the root depth and the proposed construction of the annexe on a concrete raft, the Inspector was satisfied that there would not be an adverse impact on the health of the Ash tree. The method and location of excavations could be controlled by condition.

In terms of the impact on 17 Debdale Lane, the Inspector considered that the proposed annexe would be larger than the existing garage and, therefore, more noticeable. However, he considered this neighbouring rear garden to be of sufficient length that there would not be an overbearing or intrusive impact on the main property or lawn and patio areas. Intervening vegetation would provide some seasonal screening of the building and he considered that there would be a limited overbearing and overshadowing impact on the planted areas/greenhouse and would not have an undue impact on the living conditions of No. 17.

The Inspector concluded that he found no harm relating the development in terms of the character and appearance of the area or the living conditions of neighbouring properties. The Inspector therefore concluded that the appeal should be allowed subject to conditions.

Costs Decision

The appellant submitted an application for an award of costs. The application was refused for two reasons, the impact on the living conditions of the occupiers of 17 Debdale Lane and the impact of the proposal on the neighbouring Ash tree.

On the first issue, the Inspector commented that the assessment of the impact of the proposal on the living conditions of the neighbouring property was matter of judgement on a subjective issue and could not conclude that the Members of the Planning Committee behaved unreasonably in reaching a different view to his own. However, on the second issue, he concluded that the development would not have an adverse effect on the Ash tree and that, Members of the Planning Committee in making their decision and imposing the second reason for refusal failed to properly take into account the site specific circumstances in making an inaccurate assertion about the proposal's impact which is unsupported by any objective analysis. Consequently, the Council behaved unreasonably in refusing planning permission on a planning ground capable of being dealt with by conditions. As a result, the applicant had to defend the second reason for refusal, which involved extra work as part of the appeal submission and final comments, which constitutes wasted expense in the appeal process.

He concluded that the Council behaved unreasonably in refusing planning permission on a planning ground within the second reason for refusal relating to the health and wellbeing of a neighbouring tree that would be capable of being dealt with by condition and made a partial award of costs.