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Our reference:
Your reference:
Date: 6 September 2017

To all Members of the Council

Dear Councillor

A meeting of the **Planning Committee** will be held on Thursday 14 September 2017 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely



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 17 August 2017 (pages 1 - 32).
4. Planning Applications

The report of the Executive Manager - Communities is attached (pages 33 - 138).

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



Rushcliffe Community
Contact Centre
Rectory Road
West Bridgford
Nottingham
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In person
Monday to Friday
8.30am - 5pm
First Saturday of
each month
9am - 1pm

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Rushcliffe
Borough Council

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY 17 AUGUST 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, J E Greenwood, S J Hull, R M Jones,
A MacInnes (substitute for M J Edwards), Mrs M M Males, Mrs J A Smith and
J E Thurman

ALSO IN ATTENDANCE

Councillors A Dickinson, J Donoghue, A Edyvean, A Philips and R Upton
25 Members of the public

OFFICERS IN ATTENDANCE

P Cox	Senior Solicitor
E Dodd	Principal Area Planning Officer
M Elliott	Constitutional Services Team Leader
D Mitchell	Executive Manager - Communities
A Pegram	Service Manager – Communities

APOLOGIES FOR ABSENCE

Councillors M J Edwards

6. DECLARATIONS OF INTEREST

There were no declarations of interest

7. MINUTES

The Minutes of the Meeting held on Thursday 13 July 2017 were confirmed as
a correct record and signed by the Chairman.

8. 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 - 17/00673/FUL - Residential development of 171 dwellings plus remediation of wider area - Land South of Wilford Lane West Bridgford Nottinghamshire.

Updates

There were none reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr David Donovan (objector) and Councillor Alan Philips (ward councillor) addressed the meeting.

DECISION

THAT THE EXECUTIVE MANAGER – COMMUNITIES BE DELEGATED AUTHORITY TO GRANT PLANNING PERMISSION, SUBJECT TO THE PRIOR SIGNING OF A S106 AGREEMENT, AND 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): 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].

22. Notwithstanding the provisions of Schedule 2, Part 1 Class A, D and 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 enlargement or alteration of the proposed dwelling(s), no porches added and no sheds, buildings or structures shall be erected on the site without the prior written approval of the Borough Council.

[The site is contaminated and remediation measures are required as part of this permission. The approval of the Borough Council is therefore required for any further works outside the scope of this permission that may involve digging down into remediated soils to ensure the capping layer is not disturbed. To protect the amenity of future occupiers of the site and in accordance with Policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

23. The development shall be carried out in accordance with the approved remediation strategy for the site, including the recommendations in the Contaminated Land Phase II Report and the additional information submitted pursuant to condition 8. No dwelling shall be occupied until such time as confirmation has been received by the Borough Council that the approved mitigation measures have been undertaken at the site.

[The Borough Council requires assurance that the relevant mitigation measures have been put in place to ensure the health and amenity of future occupiers of the site, in accordance with policy GP2 (Design and Amenity) 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 surface water will be allowed to enter the foul or combined system through any means. Surface water should be drained using sustainable techniques. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- 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 2 - 17/00865/FUL - Erection of two dwellings, conversion of barn/store to dwelling - Reindeer Inn Kneeton, Road East Bridgford, Nottinghamshire NG13 8PH

UPDATES

Representations from East Bridgford Parish Council, Councillor Lawrence, as ward Councillor and from the resident of 65a Kneeton Road, received after the agenda had been finalised, had been circulated to members of the Committee prior to 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 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.

Item 3 - 17/01214/FUL - Demolition of the existing building and the erection of two detached dwellings and associated landscape - 70 Wilford Road Ruddington Nottinghamshire NG11 6EY

UPDATES

There were none reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr George Ellison (on behalf of the applicant) and Councillor Jean Greenwood (ward councillor) addressed the meeting.

COMMENTS

Councillors noted that the applicants were intending to build the properties for their own occupation and that the garden areas were sufficient to meet their needs, and that future occupants would be aware of the amenity provision available when they

purchased the property. They did not, therefore, consider that refusal would be justified on grounds that the amenity areas were insufficient or did not satisfy the guidelines in the Rushcliffe Residential Design Guide.

DECISION

GRANT PLANNING PERMISSION 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: A2.1-017 Drawing No. 6 (Proposed Site Plan), A2.1-017 Drawing No. 7 (Proposed Basement Plan), A2.1-017 Drawing No. 8 (Proposed Ground Floor Plan), A2.1-017 Drawing No. 9 (First Floor Plan), A2.1-017 Drawing No. 10 (Second Floor Plan), A2.1-017 Drawing No. 11 (Proposed Roof Plan), A2.1-017 Drawing No. 12 (Plot 1 Proposed West Elevation), A2.1-017 Drawing No. 13 (Plot 2 Proposed West Elevation), A2.1-017 Drawing No. 14 (Plot 2 Proposed East Elevation), A2.1-017 Drawing No. 15 (Plot 1 Proposed East Elevation), A2.1-017 Drawing No. 16 (Plot 1 and 2 Proposed South Elevation), A2.1-017 Drawing No. 17 (Plot 1 and 2 Proposed South Elevation (no boundary wall), and Plot 1 and 2 Proposed South Elevation Drawing No. 18 (Proposed North Elevation), received on 24 May 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. Development hereby permitted shall not proceed 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 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. Occupation of the dwellings shall not take place until their respective parking areas have been provided as shown on Project Visuals Drawing No. 8 received on 24 May 2017 and have been provided with a dropped kerb vehicular crossing. Any crossings made redundant as a consequence of this consent shall be reinstated to footway.

[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].

5. Occupation of the dwellings shall not take place until their respective driveways have been surfaced in a suitably bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

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

6. Prior to the development being brought into use, a privacy screen measuring a minimum of 1.7 metres in height, above the level of the floor of the balcony/terrace, shall be fitted to the east end of the second floor balcony serving the dwelling on Plot 1 in accordance with details to be submitted to and approved by the Borough Council and the development shall not be brought into use until the approved screening has been completed. Thereafter the screen shall be retained to the approved specification.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (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 east elevation of the dwelling on Plot 1.

[In the interest of amenity to ensure the privacy of the dwelling on Plot 2 and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

8. Notwithstanding the provisions of Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings.

[The development is of a nature whereby future development of this type should be closely controlled 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.

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

- 10 The development hereby permitted shall not proceed beyond foundation level until a landscaping scheme has been submitted to and approved in writing by the Borough Council. The landscaping scheme should cover both the soft and hard landscaped areas of the site, and should include details of the materials to be used on the hard surfaced areas. The hard landscaping shall be carried out prior to the development being brought into use with the soft landscaping completed during the first planting season following the substantial completion of the development. The site shall thereafter be retained to the agreed specification.

[In the interest of amenity 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.

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

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.

The existing outbuildings contain asbestos. You are advised that the demolition and disposal of asbestos requires special measures under the Control of Asbestos Regulations 2012. More information on the removal and disposal of asbestos can be found at: <http://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/how-to-recycle-or-dispose-of-common-waste-items/asbestos>

Item 4 - 17/01472/VAR & 17/01473/VAR - (i) Variation 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) - 11 West Avenue West Bridgford Nottinghamshire NG2 7NL

UPDATES

A representation from a local resident, 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 for Planning Committee Mr Julien McGuinness of Rainer Davies Architects (architect for the applicant), Mr David Jones (objector) and Cllr Julie Donoghue (ward councillor), addressed the meeting.

COMMENTS

Councillors, whilst resolving to grant planning permission for both applications, did not consider that the proposed height of the perimeter wall at 1.8 metres above the finished floor level of the proposed dwellings would be sufficient to protect the amenities of neighbouring properties and, therefore, resolved to approve application ref: 17/01473/VAR with an amendment to condition 14 specifying that the height of the walls should be 2.2 metres above finished floor level.

DECISION

17/01472/VAR

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(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 EN12 (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 2.2m 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 Councils 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

DECISION

17/01473/VAR

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(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 EN12 (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 2.2m 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 Councils 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.

Item 5 - Change of use from restaurant; conversion to four residential apartments - The Hall Nottingham Road Keyworth, Nottinghamshire NG12 5FD

UPDATES

A Representation from a local resident, 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 for Planning Committee Mr Sam Boote (objector), and Cllr Andy Edyvean (ward councillor), addressed the meeting.

COMMENTS

Councillors considered that the restaurant contributed to the vibrancy and wellbeing of the community and that the proposal would result in the loss of a community facility which would have an adverse impact on the vitality of the area and vibrancy and wellbeing of the community.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASON

The restaurant facility is considered to contribute towards the vitality of the area and in meeting the varied needs of local people to interact with other members of the community. It is considered that the proposal would result in the loss of a community facility which would adversely impact on the vibrancy and economic wellbeing of the community and local area contrary to the golden thread of sustainability that runs through the National Planning Policy Framework (NPPF) and in particular paragraphs 7, 14, 17 and 23. It is also contrary to Policy 12 (Local Services and Healthy Lifestyles) of the Rushcliffe Local Plan Part 1: Core Strategy and policy COM3 (Loss of a Community Facility) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

Item 6 - 17/00808/FUL - Two storey side and rear extensions, single storey front and side extensions, raise roof and provision of dormers (re-submission) - 163 Melton Road West Bridgford Nottinghamshire NG2 6JL

UPDATES

A Representation from Councillor Buschman, as ward Councillor, 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 for Planning Committee Cllr Angela Dickinson (ward councillor), addressed the meeting.

Councillor Brian Buschman, as ward councillor for Abbey Ward withdrew from the Committee for the consideration of this item.

DECISION

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 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 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. Thereafter, 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]

9. EDWALTON NO.1 TREE PRESERVATION ORDER 2017

The Executive Manager - Communities submitted a report to inform the Committee of objections which had been received to the above Order.

DECISION

THAT THE EDWALTON NO.1 TREE PRESERVATION ORDER 2017 BE CONFIRMED WITHOUT MODIFICATION.

10. **APPEAL DECISIONS**

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

The meeting closed at 9:53pm.

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

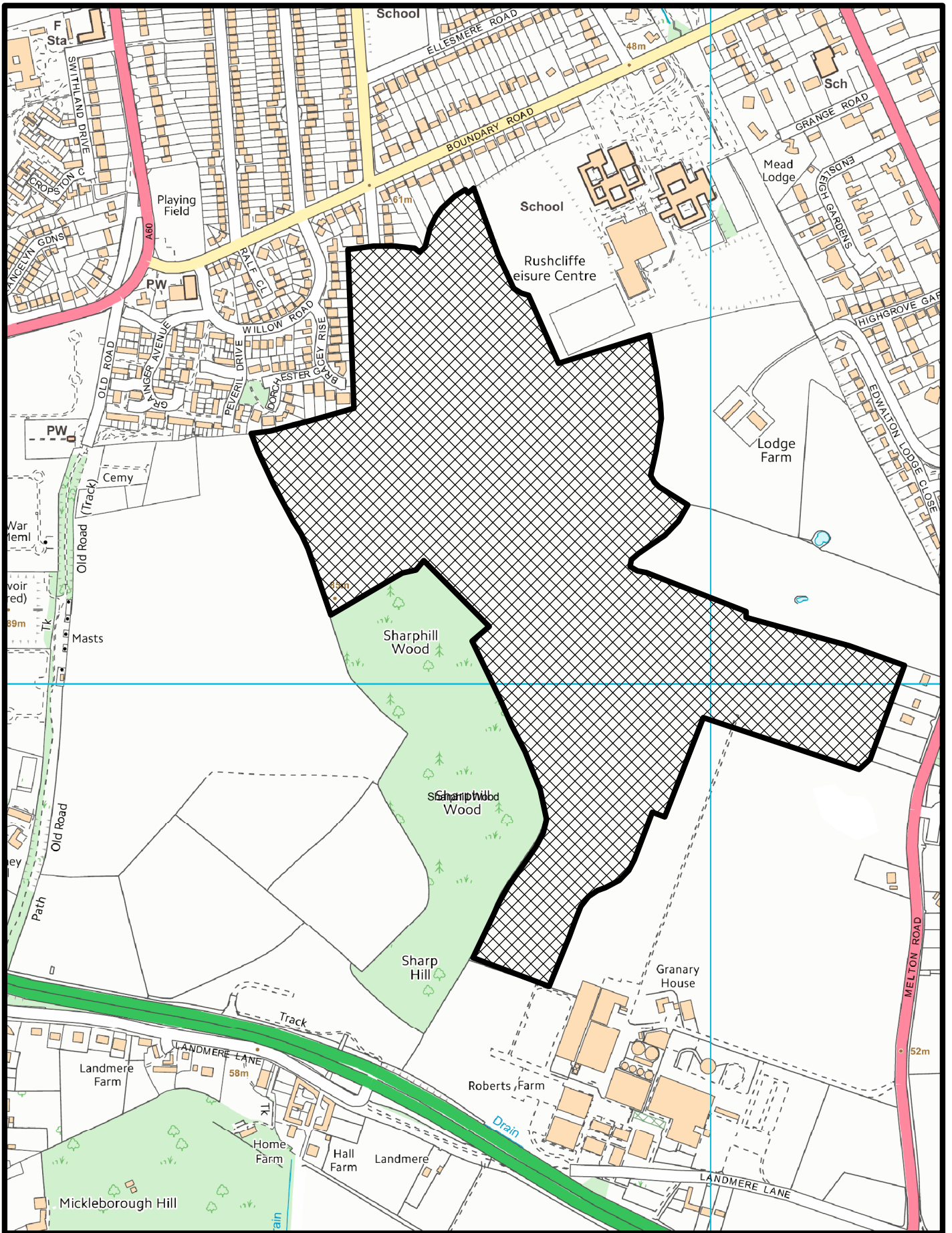
have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
17/00941/OUT	Land at Sharp Hill Wood Melton Road Edwalton Nottinghamshire	37 - 65
	The development of the Site for up to 600 new dwellings, construction of a primary school and the creation of a community park, together with associated access, drainage, landscaping and other infrastructure works	
Ward	Edwalton	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
17/01803/GDOTEL	Playing Field East of Leisure Centre (Madison Park) Cotgrave Leisure Centre Woodview Cotgrave	66 - 76
	Erection of a 15m monopole to support 3no. telecommunications antennae for shared use by Vodafone and Telefonica, 2no. dishes and 2no. ground based equipment cabinets.	
Ward	Cotgrave	
Recommendation	Prior approval be granted under Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016, subject to conditions.	
<hr/>		
17/01692/FUL	53 Park Lane Sutton Bonington Nottinghamshire LE12 5NQ	77 - 87
	Development of 1 detached dwelling house on land between 53 and 55 Park Lane, Sutton Bonington, presently the garden of 53 Park Ln.	
Ward	Sutton Bonington	
Recommendation	Planning permission be granted subject to conditions.	

Application	Address	Page
17/01619/FUL	15-17 Derry Lane Bingham Nottinghamshire NG13 8DG	88 - 95
	Proposed new cottage and alterations to existing cottage	
Ward	Bingham East	
Recommendation	Planning permission be granted subject to conditions	
17/01420/FUL	York House Chapel Lane Aslockton Nottinghamshire NG13 9AR	96 - 108
	Construction of new dwelling including landscape and means of enclosure	
Ward	Cranmer	
Recommendation	Planning permission be granted subject to conditions	
17/01577/FUL	Manor House Main Street Hickling Nottinghamshire LE14 3AQ	109 - 118
	Garage and storage building	
Ward	Nevile and Langar	
Recommendation	Planning permission be granted subject to conditions	
17/00911/VAR	Land South of Sulney Fields Colonels Lane Upper Broughton Nottinghamshire	119 - 127
	Vary condition 2 of 15/02394/FUL relating to new brick wall and Hawthorn hedge, and two sections of replacement hedgerow (Yew) to south east boundary	
Ward	Nevile and Langar	
Recommendation	Planning permission be granted subject to conditions	

Application	Address	Page
17/01725/FUL	Colliers Business Park Colliers Way Cotgrave Nottinghamshire	128 - 131
	Amendment to the ground levels within this area to reduce the gradient of the slope. The ground will then be planted with a low maintenance seed mix.	
Ward	Cotgrave	
Recommendation	Planning permission be granted subject to conditions	
17/01416/FUL	1 Church Court Plumtree Road Cotgrave Nottinghamshire NG12 3QW	132 - 138
	Dropped kerb and vehicular access.	
Ward	Cotgrave	
Recommendation	Planning permission be granted subject to conditions	



Application Number 17/00941/OUT
Sharp Hill, Edwalton

scale 1:7000



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Rushcliffe Borough Council - 100019419

17/00941/OUT

Applicant John A Wells Ltd And Bovis Homes

Location OS Field 7525 Land At Sharp Hill Wood Melton Road Edwalton Nottinghamshire

Proposal The development of the Site for up to 600 new dwellings, construction of a primary school and the creation of a community park, together with associated access, drainage, landscaping and other infrastructure works

Ward Edwalton

THE SITE AND SURROUNDINGS

1. The application relates to 34.8ha of land on the west side of Melton Road Edwalton, extending from an area north of the Wheatcroft Garden Centre and Business Park to the south and up to Musters Road and the existing residential development on Boundary Road, Willow Road etc to the north. Sharphill Wood is on higher ground to the west. To the east the site borders a development site currently under construction by Bovis Homes, 3 existing dwellings (270-274 Melton Road) a site with full planning permission for residential development by Taylor Wimpey and the Rushcliffe School. The land is largely intensively farmed arable farmland and has only limited landscape features and a small number of trees.
2. The site falls within part of the wider Melton Road, Edwalton sustainable urban extension site, allocated for development in the Council's Core Strategy.

DETAILS OF THE PROPOSAL

3. The application is submitted in outline, with all matters reserved for subsequent approval. It provides around 17.5ha for the erection of up to 600 dwellings and a primary school on a site of 2ha, the creation of a community park of about 10.5ha, together with associated access, drainage and other infrastructure works, including a continuation of the spine road through the site between the northern edge of the development on Zone 1 to its junction with Musters Road to the north. A broad mix of housing would be provided, ranging from 1-5 bedroom units and 30% affordable housing. In addition to the Park there would be around 3.5ha of open space and landscaping.
4. The application is supported by a Design and Access Statement, Transport Assessment, Landscape and Visual Impact Assessment (including an assessment of lighting), Ecological Appraisal, Flood Risk and Drainage Report, Arboriculture Report, Noise Assessment and by resubmitted/updated reports from the previous Environmental Assessment, namely a Geotechnical and Contamination Assessment, Air Quality Assessment, Archaeology and Cultural Heritage, and an Agricultural Land and Soil Resources report.

5. During the course of the application a revised indicative site layout drawing and covering letter have been submitted to clarify that the applicants are prepared to accept a condition restricting vehicular access between the site and Musters Road to buses and emergency vehicles only.
6. Prior to submission of the application the applicants submitted a request for a screening opinion under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as to whether the Council considered that the development was EIA development and required the submission of an Environmental Impact Assessment. The Council's opinion was that the development was not EIA development.

SITE HISTORY

7. The site forms part of a wider area of land on which outline planning permission was granted on appeal for a mixed use development of up to 1200 dwellings in 2009 (ref: 08/00664/OUT). That permission, whilst technically commenced, has not been implemented.
8. Planning permission has been granted on land to the south east for the erection of a local centre comprising a foodstore and 4 smaller retail units with associated infrastructure works, including provision of an at grade junction into the land on the western side of Melton Road (ref: 14/00001/FUL). The highway and infrastructure elements of this development have been completed.
9. Full planning permission has been granted for 386 dwellings on land directly to the south east of the current site (ref: 14/01238/FUL) and development is under construction. This site is known as Zone 1.
10. Full planning permission has been granted for 280 dwellings on a site to the northwest, alongside Edwalton Lodge Close and the Rushcliffe School (ref: 14/02715/FUL). This site is Zone 2.
11. Full planning permission has been granted for 261 dwellings on land to the north of Gamston Lings Bar Road and East Of Melton Road (ref: 15/00339/FUL) and development is under construction. This site is Zone 3.
12. Permission has also been granted pursuant to a hybrid application seeking outline planning permission for 52 dwellings and full planning permission for the conversion barns to two dwellings, together with formation of access, provision of open space and infrastructure on land at 235 Melton Road (ref: 16/00385/HYBRID). This site is Zone 5.

REPRESENTATIONS

Ward Councillor(s)

13. In response to initial consultation one Ward Councillor (Councillor Robinson) commented that whilst he accepted that the land was designated for housing in the Local Plan he had two major concerns: *"1) The entrance to the site via Musters Road, was always designated for public and emergency vehicles only with a bus gate proposed. It is not acceptable to open this entrance to through traffic. The entrance area is not suitable to carry substantial traffic*

and the potential through traffic would be very detrimental to residents living near or on the spine road. 2) I am very concerned at the lack of clarity on the Community facilities for the site. It was envisaged there would be shared facility at the school. This is not clear. It is vital to the success of this development to provide extensive Community facilities for all ages. In summary, until the above points are addressed, I cannot support this application in its current form”.

14. One adjacent Ward Councillor (Councillor Jones) objects to the application. He welcomes the provision of a school but considers that the development would comprise a large estate with few community facilities and no significant local centre. He considers there to be a lack of information to assess the impact on the skyline and that the Transport Statement is factually incorrect, contradictory and totally unacceptable. In particular, he questions the statements and arguments presented in the Transport Report that the applicant uses to support the use of Musters Road by private cars instead of just buses and emergency vehicles.
15. He considers that the drainage reports are misleading and lead to uncertainty. He states that the report is based on the phase of development for 386 dwellings already under construction and thus does not adequately consider the impact of the additional 600 dwellings. He considers the drainage strategy to be unclear in respect of surface water disposal because it seeks to reserve details of additional storage capacity to a later application and points out that the Brookbanks 2008 report identifies that the public surface water sewers in the vicinity were working at or above capacity.
16. He requests that a commitment be made to plant additional hedgerow between Sharphill and Spinney Road/Old Road to provide a wildlife corridor.
17. He also says that there is no plan to provide any open access playing field or suitable play area for young people and says that without a place for teenagers to kick a ball around or play basketball does this meet the objectives of the NPPF?
18. In relation to the revised information in respect of access, Councillor Jones is happy to note that the layout of the development appears to accord with the Development Framework and that access to Musters Road is to be restricted. However, he does not support the application on the basis of a lack of playing field provision. Whilst he welcomes the Neighbourhood Equipped Area for Play (NEAP) he says it is unclear whether this would provide play facilities for teenagers. He says there is no community centre or heart to the estate and nothing in the application which ties the School Hall premises to use by the Community.
19. He considers it unacceptable to approve an application with insufficient detail to assess the impact on the skyline, which is an important factor. In respect of the Wood he considers that the broad extra wedge of housing to the southern end of this site layout diminishes the planting and wildlife breathing space along that side of the Woodland Nature Reserve. He would want to know that this gap has at least preserved the 40 metres previously stated as the minimum distance between the edge of properties and the Wood. He seeks assurances about the nature and size of the planted buffer strip between the site and existing properties. He seeks more information about

parking and security arrangements for the allotments. Finally he reiterates his concerns in respect of drainage.

Town/Parish Council

20. None

Other Bodies

21. One County Councillor (Councillor J Wheeler) strongly objected to the initial submission on the grounds of access through Musters Road to the new site and agreed with the statement from the Highway Authority. He considers that any access should be limited to emergency services and buses.
22. The Rushcliffe School reserves its main observations for the detailed planning stage. They are concerned about surface water flooding and ask that the solution is robust and sustainable and adequate long term maintenance measures are put in place. They are concerned that the safety and security of the school is properly considered in terms of boundary treatment. They note concerns raised about reports being out of date. They share concerns about the unrestricted vehicular use of Musters Road in terms of potential pupil safety and they support the provision of safe cycle routes.

Statutory and Other Consultees

23. The Nottinghamshire County Council as Highway Authority initially commented that they would not normally expect to comment on an access where it is a matter reserved for subsequent approval. However, they say that the Transport Statement proposes a form of access not previously agreed. They quote from Policy 20 of the Core Strategy and the supporting Edwalton Development Framework SPD, which state that the primary vehicular access to the site should be via the A606 Melton Road, with a limited amount of local traffic provided through Musters Road. They say that the Transport Statement appears to advocate that Musters Road could be fully opened to all traffic.
24. In their opinion the opening of the Musters Road junction in such a way would conflict with the Local Plan and SPD and make it an attractive cut through route intensifying the use of Musters Road and roads around it, raising concerns about congestion, delay and safety. It also raises sustainability issues as it would promote car use over public transport. They therefore strongly recommended refusal.
25. In respect of the revised Transport Statement and Framework Plan restricting vehicular access to Musters Road to buses and emergency vehicles only they have withdrawn their objection, subject to delivery of transport mitigation measures and imposition of a number of suggested conditions.
26. Highways England have no objections subject to the imposition of a condition on any planning permission requiring the applicant to enter into a S278 Agreement under the Highways Act to facilitate improvements to the A52 junctions in accordance with the provisions of the A52/A606 Improvement

27. The Rushcliffe Planning Policy Manager has no objections in principle and notes that the site is allocated in Policy 20 of the Core Strategy and highlights that the specific requirements of this Policy need to be considered in the determination of this application. He also draws attention to the 'framework' in which individual planning applications should be submitted, which is set out in the Supplementary Planning Document (SPD). This identifies seven separate housing zones and areas for strategic infrastructure items, including the Community Park and Primary School. He says, *"This planning application covers and proposes residential development on zone 4 and also provides for provision of the community park (area A) and primary school in those locations identified by the framework. In this respect the application accords in principle with the provisions of the framework."*
28. In respect of housing numbers he notes that this application seeks outline permission for up to 600 dwellings, with the precise number being established at Reserved Matters stage. The extant planning permissions for zones 1, 2 & 3 and 5 are set to deliver 981 dwellings and if zone 4 were to deliver the maximum of 600 this would result in up to 1581 dwellings. In addition there are 2 further potential development zones capable of delivering an estimated 60 dwellings. If developed this could mean a total of 1650.
29. The Policy Manager explains, *"The reason that the Core Strategy did not specify an exact number of homes, either in total or as an upper limit, and instead allows for 'around 1,500 dwellings', was in order to provide greater flexibility so that the final dwelling figure would most appropriately be determined at the detailed design stage. In drafting the Core Strategy, there was insufficient detail at that stage to be more specific in respect of dwelling numbers. A final total of close to 1,650 dwellings would be 10% higher than 1,500, which is a reasonably high addition but not, I believe, in itself so high as to render the scheme contrary to Policies 3 and 20. More importantly, in my view, is whether the site can acceptably accommodate this number of dwellings based on detailed design and layout, infrastructure capacity (e.g. local schools capacity) and transport assessment considerations. Provided it can, then there is no reason in principle to refuse development. In fact, given the Borough's very high housing target (13,150 new homes between 2011 and 2028) and current concerns in respect of meeting this target because of delays to the delivery of strategic allocations elsewhere in Rushcliffe, the provision of more dwellings on this site than was perhaps previously expected would only be beneficial in terms of increasing the chances of meeting what is an ambitious housing target."* He also points out that, as the site-wide infrastructure costs are being levied on the basis of £13,709 per dwelling constructed, should zones 6 and/or 7 fail to come forward any additional dwellings would provide a 'buffer' of funding which would reduce the risks to infrastructure delivery of potential underfunding.
30. He also highlights that the originally proposed open access to Musters Road would have been a potential conflict with Policy 20, criterion 7, which proposed that, for the strategic site as a whole, primary vehicular access should be provided off the A606/Melton Road, with public transport, emergency vehicle and a limited amount of local traffic movement provided

through Musters Road. In respect of the revised proposal he sees no conflict with Policy 20.

31. The Nottinghamshire County Council Rights of Way Officer states that the application correctly identifies the public rights of way in the vicinity and notes that a number of new footpaths are identified as part of the community park. They welcome these and the provision of cycleways, subject to consideration of suitable design and maintenance arrangements.
32. The Borough Council's Conservation and Design Officer has considered the heritage implications of the proposal and does not consider that there would be any prospect of impact on nearby Listed Buildings. He also accepts the findings of the archaeological reports, that there is limited potential for buried archaeology. As the Design and Access Statement borrows from the wider Masterplan for the allocated site and demonstrates the overall design intention rather than specific detail he has no objections or issues to raise.
33. The Environment Agency has no comment, deferring to the Lead Local Flood Authority.
34. The Nottinghamshire County Council Flood Risk Management Officer (LLFA) has no objection and comments, *"Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA are satisfied that the information provided in the Zone 4 Drainage Strategy is satisfactory."*
35. The Borough Council's Environmental Sustainability Officer has considered the Ecological Survey and Assessment and advises that it appears to have been completed in accordance with best practice. He notes that bats, wild birds and badgers are present within and adjacent to the site and that habitats within the site are largely degraded. He notes the applicant's intention to comply with the Edwalton SPD. He notes the recreational and landscape benefits of the green infrastructure proposals.
36. He suggests a number of recommendations be followed as detailed in the submitted reports and with some additions. These include mitigation and best practice measures in respect of protected species, the protection of trees and new tree planting as appropriate. He also asks that the open spaces and green infrastructure be secured and maintained by means of an appropriate management plan. He suggests that allotments, a community orchard and an off-road cycling facility are provided. He suggests that a Travel Plan should be developed and implemented and energy efficiency and sustainability measures should be built into the new dwellings.
37. The Nottinghamshire County Council as Strategic Planning Authority note that the health indicators for Rushcliffe are similar to the English average. They highlight how the NPPF seeks to promote healthy communities and recommend that the application is discussed with the South Nottinghamshire Local Estates Forum and that consultation is carried out with the local CCG to consider any additional healthcare requirements.
38. They say that the development should be designed to minimise the generation of waste, maximise the use of recycled materials and for any subsequent application to be supported by a waste audit.

39. They highlight that the Edwalton SPD includes a £1.54m public transport contribution and envisage that Transport and Travel Services would negotiate regarding provision of bus services to serve the site. Bus stop infrastructure is required to be installed in the vicinity of the site and should be secured by an appropriate condition.
40. They recognise that the site has limited nature conservation value but that it borders Sharphill Wood. They ask for clarification as to the trees to be retained and for controls on the removal of any trees and hedges during the bird nesting season. They ask for conditions to protect protected species during construction.
41. In terms of the assessment of landscape effects they generally concur with the applicant's assessment but say that construction of housing and associated infrastructure across the slopes of Sharp Hill will suppress the distinctive nature of the topography and it is considered that the impact should be recorded as a moderate adverse impact on landscape character, which may reduce to minor adverse/neutral as the green infrastructure matures.
42. In terms of visual impacts they suggest that several additional viewpoints should have been considered and comment that it should not be assumed that schemes already benefitting from planning permission will proceed. They suggest there is a need to consider additional planting along the boundary with houses on Musters Road.
43. In conclusion they state, "*Given the principle of the development of the Melton Road SUE has been established and the DFSPD has been adopted, the Environmental Management and Design Team do not object to the proposed development providing the comments above are noted.*"
44. Nottingham City Transport expressed disappointment, in respect of the initial submission, at the proposed traffic management arrangements, considering that the Boundary Road/Musters Road junction would become very busy and create delays to services 8 & 9. They highlight that a 'bus-gate' arrangement would give the bus service a unique advantage over private motoring and ask for this to be retained.
45. The Environmental Health Officer queried why potential noise from the Primary School and Community Park and increases in traffic levels since 2014 had not been included in the Noise Assessment. They also request additional Air Quality Assessment work to ensure that development does not negatively affect air quality in the area.
46. Pedals objects to the application. They comment that it is very important that the road layout is designed to promote lower vehicle speeds and encourage walking and cycling. They also highlight the importance of connections to the local cycle network and point out errors and omissions in the Transport Statement in this regard.
47. They welcome all of the proposed footway/cycle routes shown in the Statement but with qualifications. They say that the Musters Road connection

to the site should be for buses and cyclists only and not for other traffic to encourage cycling and reduce accident risks.

48. They ask for consideration of improvements to the A52 underpass to make it more attractive and brighter and wider improvements to the routes to Ruddington, Edwalton and Gamston.

Local Residents and the General Public

49. The application was advertised in the local press and several site notices displayed in addition to notification of individual properties in the vicinity of the site. In response, 508 letters of objection were received and 4 letters in support.

50. The objections cited the following reasons:

- a. Unrestricted use of Musters Road by cars would be a 'rat-run' and result in congestion at the junction with Boundary Road and junctions of Boundary Road with Melton Road and Loughborough Road.
- b. Additional traffic volumes on Boundary Road and Musters Road would lead to highway safety issues, particularly in proximity to Jesse Grey Primary School.
- c. Transport Statement is inaccurate and makes false assumptions in respect of traffic flows.
- d. Increased pollution.
- e. Development of high ground to west of access road will ruin views.
- f. Harmful impacts on wildlife, particularly badgers.
- g. Development will have an adverse effect on drainage and increase flooding.
- h. Concern about overlooking from allotments.
- i. Concerns about impacts on state funded infrastructure.
- j. Loss of beautiful environment/green belt.
- k. Contradicts information from previous applications.

51. In response to the revised information 3 letters of objection have been received raising the following issues:

- a. Concern that proposed barrier to traffic will not be adequately designed or specified and there is no turning area shown.
- b. Insufficient gap is shown between the development and new properties.
- c. Levels mean houses will overlook existing properties.

- d. No information about size of proposed houses.
- e. Want reassurance that construction traffic will not use Musters Road.
- f. Sharphill is an isolated bit of nature and development will lose this.

PLANNING POLICY

- 52. 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 (2014).
- 53. 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). In addition, the Council has adopted the Melton Road Edwalton Development Framework Supplementary Planning Document (SPD) specifically to provide guidance for the development and delivery of site wide infrastructure for the Edwalton sustainable urban extension.
- 54. Any decision should therefore be taken in accordance with the Core Strategy, the 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 NPPF, together with any other material planning considerations.

Relevant National Planning Policies and Guidance

- 55. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It carries a presumption in favour of sustainable development and makes clear that applications must be determined in accordance with the development plan unless material considerations indicate otherwise (Paragraph 11). Paragraph 12 states, *"Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."* Paragraph 14 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 NPPF taken as a whole.
- 56. Paragraph 17 sets out 12 core planning principles that it says should underpin plan making and decision taking. These include that planning should; be genuinely plan-led, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs, to seek to secure high quality design and a good standard of amenity, support the transition to a low carbon future in a changing climate, taking full account of flood risk, contribute to conserving and enhancing the natural environment, promote mixed use developments and to actively manage patterns of growth.
- 57. The sections of the NPPF that have relevance to the determination of this application include, 4. Promoting sustainable transport, 6. Delivering a wide choice of high quality homes, 7. Requiring good design, 8. Promoting healthy

communities, 10. Meeting the challenge of climate change, flooding and coastal change and 11. Conserving and enhancing the natural environment.

Relevant Local Planning Policies and Guidance

58. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 20, the Strategic Allocation at Melton Road Edwalton, is of particular relevance. This allocates an area of land which includes the application site as one of the Council's strategic sites for housing for around 1,500 dwellings, up to 4 hectares of employment generating development, a neighbourhood centre and other community facilities as appropriate for the plan period up to 2028.
59. In respect of housing the Policy says; *"1. A mix of housing will be provided on the site, including seeking through negotiation to secure up to 30% affordable housing. The affordable housing should be phased through the development; 2. The development should make efficient use of land. New residential development should seek to achieve an average net density of at least 30 dwellings to the hectare. Higher densities should be achieved close to the neighbourhood centre and along the strategic bus corridor;"*
60. The Policy also outlines a number of infrastructure enhancements and requirements, including; improvements to road infrastructure, walking and cycling facilities, a financial contribution towards improvements to the A52, sewage and sustainable drainage provision, green infrastructure and community park provision, provision of a primary school and contributions towards secondary school, health and indoor leisure facilities; contributions to be secured through planning obligations and/or a Community Infrastructure Levy.
61. Also of relevance in this case are; Policy 1: Presumption in favour of Sustainable Development, Policy 2: Climate Change, Policy 8: Housing Size, Mix and Choice, Policy 10: Design and Enhancing Local Identity, Policy 12: Local Services and Healthy Lifestyles, Policy 14: Managing Travel Demand, Policy 16: Green Infrastructure, Landscape, Parks and Open Spaces, Policy 17: Biodiversity, Policy 18: Infrastructure and Policy 19: Developer Contributions.
62. Following the adoption of the Core Strategy the Council adopted a Supplementary Planning Document (SPD), the 'Melton Road Edwalton Development Framework'. The purpose of the SPD is to provide guidance for the preparation and determination of planning applications on the land at Melton Road, Edwalton. One of its key roles is to identify detailed infrastructure requirements in order to ensure that new facilities are provided in a co-ordinated manner.
63. 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 where they are in accordance with national guidance and have not been superseded by national guidance or the Core Strategy. The policies of the Rushcliffe Borough Non- Statutory Replacement Local Plan (NSRLP) outlined below are relevant to the consideration of this application.

64. Policy GP1 (Delivering Sustainable Development); Policy GP2 (Design and Amenity Criteria); Policy GP3 (Development Requirements); Policy EN12 (Habitat Protection); Policy EN13 (Landscaping Schemes); Policy EN19 (Impact on the Green Belt and the Open Countryside); Policy EN21 (Loss of Agricultural Land); Policy EN22 (Pollution); Policy HOU2 (Development on Unallocated Sites); Policy HOU7 (Affordable Housing); Policy MOV5 (Contributions to Public Transport Infrastructure); Policy MOV7 (Footpath and Cycle Links in New Developments); MOV9 (Car Parking Standards); COM2 (New Residential Development and Community Facilities); COM5 (Provision of Open Space on New Development); and Policy WET3 (Groundwater Resources).

APPRAISAL

Planning Policy

65. Policy 3: Spatial Strategy of the adopted Core Strategy proposes that a minimum of 13,150 houses will be delivered in the Plan period to 2028 and that of these 7,650 will be provided in or adjoining the main built up area via 3 strategic allocations. This application falls within one of those 3 sites and is identified in Policy 20 for a mixed use development, including around 1500 houses. Following the adoption of the Core Strategy in December 2014 the Green Belt boundary has been revised to exclude this and the other allocated sites in order to accommodate the delivery of the strategic housing allocations.
66. This is an application seeking outline planning permission for up to 600 houses, the construction of a Primary School and the creation of a Community Park to serve the whole site, together with associated highway, drainage and other infrastructure. The housing parcel is the land identified as Zone 4 in the Edwalton SPD. Given the policy context, the proposal is acceptable in principle and will contribute to delivering the Council's housing strategy and needs for the current plan period. As such it is in accordance with the development plan and, as set out in national planning guidance, it should therefore be approved unless there are material considerations that indicate otherwise.
67. To date planning permission has been granted for 981 dwellings and there are two small parcels (Zones 6 and 7) yet to be subject of an application. Whilst the approval of this application would mean that there would be the potential for the total number of dwellings to exceed 1500, (subject to the design and layout proving acceptable) this is not a maximum and Policy 20 is framed so as to allow some flexibility. It is not, therefore, considered that this would render the scheme contrary to the Policy. Infrastructure contributions are secured via a 'roof tax' type arrangement and so if more dwellings were to be built a greater financial contribution towards infrastructure provision would be secured.
68. With the development being brought forward in the form of separate applications there is a need to ensure that this is done so in a consistent and co-ordinated manner. To assist in this process the Council has produced a Development Framework SPD to provide guidance in determining such

planning applications. The layout of the application and the on-site infrastructure within it is in accordance with the Development Framework.

S106 contributions/infrastructure provision

69. Given the absence of a whole site planning permission it is critical that there is a mechanism in place to secure the delivery of those items of infrastructure required as a consequence of the development of the Council's allocation, as set out in Policy 20 of the Core Strategy. Accordingly an approach has been adopted, using S106 Agreements, which ensures that each development zone contributes, in proportion to the scale and impact of the proposed development, towards the provision of whole site infrastructure, but also allowing future flexibility for the Council where this might be required to accommodate any changing delivery priorities. This will be achieved through a mixture of physical works and financial contributions, calculated on a proportionate basis for each application based on the number of dwellings to be constructed. Each development zone would be responsible for the delivery of the necessary on site infrastructure appropriate to that zone.
70. Contributions towards the whole-site infrastructure elements, such as provision of a Primary School/community hall, Community Park, and the various off-site contributions towards leisure facilities and sports pitches, secondary school improvements, highway and public transport, healthcare and Sharphill Wood maintenance are to be secured via a S106 Agreement for each application. The contributions have been subject of a great deal of discussion and have been calculated through consultation with the key infrastructure providers, such as Highways England, the NHS Clinical Commissioning Group and the Education Authority. This has identified total contributions to be secured through S106 Agreements for the 1500 houses amounting to £20,564,500, which equates to a 'net contribution' of approximately £13,709 per dwelling, as detailed in the Framework SPD.
71. In this case the landowners for Zone 4 have already entered into a S106 Agreement to provide the necessary financial contributions and to deliver the Community Park as 'works in kind'. This was under the same Agreement that was completed for Zone 1, in association with planning permission granted under reference 14/01238/FUL. Zone 1 is required to deliver the land for the Primary School/community hall.
72. The completed S106 Agreement for Zone 4 requires that no dwelling on Zone 4 can be occupied until such time as a 'Community Park Scheme' has been submitted to and approved in writing by the Borough Council. This scheme will include full details of the boundaries, specifications and laying out of the Park and will, therefore, be the mechanism by which the details of the Park will be finalised.
73. All of the completed S106 Agreements include an obligation to agree a Site Wide Management Plan for all of the open spaces throughout the wider development, including the Community Park. This has been submitted for approval and essentially proposes the establishment of a management company to which all residents will be required to pay an annual service charge to fund the ongoing management and maintenance costs. Similarly a scheme of 'Community Park Advanced Works' has been submitted to detail the measures for protecting Sharphill Wood from uncontrolled access (i.e.

fencing and gates/stiles) and to establish details of buffer planting around the eastern and southern edges of the Wood that will be carried out in advance of the formation of the main Park.

74. Whilst the development does not include provision for a free standing Community Hall, the S106 Agreement requires the Primary School to include provision for a Community Hall use and this is considered an appropriate provision given the need to deliver a viable development and provide a means of constructing and managing such a facility in an efficient and cost effective manner.
75. In addition the developers would be required to make a contribution to Highways England towards improvement works to the A52 at Silverdale, Nottingham Knight, Wheatcroft Island and Gamston junctions and to the A606 Tollerton Lane/Main Road junction. This is in accordance with an agreed A52 Developer Contributions Strategy and Memorandum of Understanding and would be secured through a S278 Agreement under the Highways Act 1980. These contributions would amount to an additional £2,500,000 or £1,666 per dwelling.
76. The signed S106 Agreement for the development provides for 30% of the housing on site to be affordable and as such complies with the Policy requirement.
77. The development would, therefore, make an appropriate provision for the delivery of necessary infrastructure as set out in Policies 18 and 19 of the Core Strategy and specifically identified in Policy 20 of the Core Strategy and as detailed in the Development Framework SPD.

Highway matters

78. The application is submitted in outline form with all matters, including access, reserved for subsequent approval. Whilst access is not submitted for detailed approval at this stage the submitted Transport Statement suggested that there is no technical or capacity reason why the Musters Road access should not be open to all vehicular traffic without restriction.
79. Policy 20 of the Core Strategy states that *“Primary vehicular access should be provided off A606 Melton Road, with bus, emergency and a limited amount of local traffic movement provided through Musters Road.”* Access is also dealt with in the SPD document, which states, *“The potential Musters Road access may provide for some local access, subject to detailed design approval and being demonstrated to be technically feasible, which could be controlled by a barrier and smart card system”*.
80. It is clear from these policy statements that the Melton Road junction is intended to be the principal junction serving the bulk of the development on the west side of Melton Road, with the option to serve a limited amount of local traffic having the potential to use Musters Road if technically feasible. The rationale for limiting potential access to Musters Road is explained in the responses from the County Highways Officer and City Transport Manager. The former highlights that opening the route up would allow all traffic to use the spine road as a convenient cut through for vehicles travelling between the A52, A606 and A60. They say that this would result in an intensification of

use of the roads adjacent to and leading to the Musters Road end of the site, which raises concerns in respect of congestion and highway safety as well as removing any advantage for public transport operators.

81. Following discussions with the applicant where these issues were raised the agent has confirmed the following, *“Within this context I can confirm that the applicant is prepared to accept a condition which requires the access to be designed in a way to appropriately control its use and that such use will be restricted to buses and emergency vehicles only, alongside pedestrian and cycle facilities. To help illustrate how the control of the use of the access may influence the layout of the site, an update to the illustrative masterplan has been prepared and is attached. This Plan shows an arrangement with the use of the access controlled by a barrier system, but this is for illustrative purposes only and the detailed arrangement will be a matter for the detailed design stage.”*
82. It is considered that these revised details and clarification means that the access would accord with the principles set out in Policy 20 of the Core Strategy and, in proposing no use of the secondary access by private cars, would eliminate concerns about congestion and safety and result in a more sustainable form of development giving an advantage to public transport.

Drainage

83. A site wide drainage strategy has already been approved for the site under consideration of the planning application for Zone 1 (ref: 14/01238/FUL). Following discussions with the Lead Local Flood Authority (LLFA) at that time, an acceptable surface water discharge location and peak discharge rates were agreed. The Drainage Strategy for this application identifies that the majority of the surface water discharge from Zone 4 would be attenuated using the existing balancing pond constructed as part of Zone 1 and using a series of flow control chambers. However, additional storage capacity will be required in zone 4 and this would need to be subject of a condition requiring details of its design and location to be approved as part of a future reserved matters application. This storage could comprise impermeable surfacing, swales and open channels and a balancing pond.
84. The LLFA have confirmed that they are happy with the submitted surface water drainage strategy.
85. Foul water would be disposed of via the foul water sewerage network constructed as part of the Zone 1 development and, due to the topography of the area a new pumping station would be required and an indicative location is shown on the Masterplan. Severn Trent as the statutory undertaker for foul sewage disposal has a duty to allow a connection to their system and to provide adequate capacity.

Layout and Design

86. The development is in outline with the layout and design of the site and dwellings reserved for subsequent approval. Nevertheless, the Design and Access Statement and indicative Masterplan illustrate a layout of roads, open spaces, a Primary School site and residential parcels that accord with the provisions of the SPD. Policy 20 A.2 requires that development should make

efficient use of land and achieve an average net density of at least 30 dwellings to the hectare. The residential element would achieve this and would be constructed at a density of about 35/ha if 600 dwellings were built.

87. The residential parcels include fingers of green infrastructure and the application provides for the layout of the Edwalton Community Park, with a buffer of open space around the eastern edge of Sharphill Wood. The buffer varies in width but would be a minimum of 40 metres, which accords with the requirements of the SPD. The green infrastructure would link appropriately with adjacent parcels of land and provide pleasant breaks in the built development, footpath and cycleway corridors and wildlife corridors that link habitats and providing foraging opportunities.
88. The Community Park amounts to some 10.5ha and includes areas of grassland and pathways/cycleways for informal recreation and linkages to the wider area, a community orchard and a potential site for allotments. A Scheme of 'Advanced Works', to bring elements of the park forward, namely to provide buffer planting in the area around the eastern side of the wood and for protective fencing to control access points into the wood, has already been submitted under the provisions of the S106 Agreement. A Neighbourhood Equipped Area of Play (NEAP) would be provided in the vicinity of the Primary School site with play equipment designed for children up to the age of 12-14. Local Equipped Areas of Play (LEAP's) have been approved in Zones 2 and 3.
89. In addition to the formal on-site play areas and significant informal recreational space provided by the Community Park and Sharphill Wood, the development site is well located for access to recreational and leisure facilities nearby, including the Rushcliffe Arena, outdoor all-weather facilities at Rushcliffe School and Gresham Playing Fields and the Ruddington Country Park. The application provides new footpath and cycle routes through the Park and to link to existing routes to the north and south, including proposals to upgrade the existing public right of way along the former railway line and allow for cycling to the Rushcliffe School and Boundary Road. The wider development will provide for a new all-weather sports pitch within the Rushcliffe School site and financial contributions of £610,000 towards the enhanced leisure facilities provided at Rushcliffe Arena and £640,500 towards enhanced sports facilities at Gresham Sports Park. The Community Hall element of the Primary School would be available for hire for meetings or clubs and societies of all age groups. It is therefore considered that the development provides or makes a proportionate contribution towards new and improved formal and informal sports and recreational facilities for all ages that would appropriately support the health and well-being of its residents.
90. The indicative layout plan shows that there would be an open space buffer between the development and existing housing. At this stage the scale and form of this provision is illustrative and would be a matter reserved for subsequent approval at reserved matters stage.

Ecology

91. Paragraph 109 of the NPPF says that the planning system should contribute to and enhance the natural environment by, "*minimising impacts on*

biodiversity and providing net gains in biodiversity where possible". Much of the site has historically been subject to intensive arable farming and as such is relatively poor in ecological interest, as are many of the hedgerows at the periphery. However, Sharphill Wood to the west is a Local Nature Reserve and there are 35 mature or semi-mature trees, including seven prominent trees within the arable land. An Ecological Report accompanying the application noted that one tree had potential to provide bat roosts, although recorded bat activity in the site was relatively low. No active Badger Setts were recorded within the site, although a number lie close by and the site has some foraging potential. The Ecological report recommends that existing trees and hedgerows are retained and protected, including the Ash tree with potential as a bat roost. It proposes that any lighting in the vicinity of this tree and the Wood will be kept to a minimum. The only trees identified at this stage to be removed are a single tree group comprising a patch of outgrown unmaintained hedgerow at the end of Musters Road, required to be removed to provide access onto the end of Musters Road.

92. The Report states that the Community Park and Sharphill Wood margins will be subject to significant new planting of trees and species rich grassland and that, whilst smaller in area following development, this would be an enhanced foraging habitat. The Wood itself would be unaffected and whilst there would be increased recreational use, this would be managed through new fencing and managed access points and through a financial contribution towards management of the Wood. New planting in the Park and Community Orchard would be of native species where practicable.
93. Subject to conditions requiring suitable protected species re-survey work closer to development commencing, suitable mitigation measures during construction, to control lighting and to protect existing trees and hedgerows where possible and to secure appropriate new planting, the development has the potential to bring about biodiversity enhancements. Having considered the impacts of the application on protected species in accordance with the legal requirements of the Conservation of Habitats and Species Regulations 2010 we are satisfied that appropriate mitigation can be provided to protect and conserve their habitats.

Landscape and Visual Impact

94. A Landscape and visual impact assessment (LVIA) has been carried out and this identifies a 'minor adverse' impact on the landscape initially arising from a high magnitude of change from the arable landscape to one of built development. It states that the green infrastructure proposals would include new hedgerow and tree planting in keeping with the Greater Nottingham Landscape Character Assessment's strategy for the area. These landscape effects would, in the longer term become 'minor beneficial'.
95. Clearly the greatest effects would be on properties to the peripheries of the site. The report says that these effects would be filtered by existing garden vegetation, boundary screening and topography as well as a proposed landscape buffer. The report identifies these impacts to be 'moderate' or 'minor adverse' during construction, falling to 'minor adverse' or 'negligible' as planting establishes.

96. In respect of Sharphill Wood, the report concludes that views of Sharphill Wood and the ridgeline would remain from wider locations within West Bridgford and that there would be no significant adverse impacts upon views from the wider urban area. Closer views from Melton Road, the A52, the Wheatcroft Garden Centre and Business Park are identified as being of substantial or moderate impact during construction, falling to minor or negligible following establishment of buffer planting.
97. The report concludes that overall the proposed development would not result in any significant adverse effect upon wider views. It is considered that this assessment is a fair acknowledgement of the impacts and that the proposed planting strategy is appropriate to mitigate the adverse effects to an acceptable degree.

Noise/Air Quality

98. The Noise Assessment report identifies several potential noise sources, including traffic noise from the A52, grain dryers and fans at the Granary House site and noise from the all-weather play facilities at the Rushcliffe School. It states that as the grain business is to cease operations in 2018, prior to occupation of any of the dwellings on this phase, noise from this source has been discounted. In respect of traffic noise the report identifies that the distances involved mean that noise levels would be such that ventilation could be provided for most dwellings by partially opening windows. The exceptions would be the outer rows of houses facing towards the A52 and A606, where standard double glazing and acoustic trickle vents would provide adequate ventilation. With regard to the boundary with the all-weather play facility, it is proposed to construct an acoustic quality close-boarded fence of about 2.5m high on the boundary.
99. Whilst the Council's Environmental Health Officer has also recommended that the report should consider the potential noise from the proposed Community Park and School, it is considered that these are integral facilities to be provided as part of the development and built at the same time in order to deliver the requirements of the Council's Policy and in accordance with the Framework SPD. It is considered to be unreasonable for the developer to attempt to model the impacts of such noise, as yet non-existent, sources.
100. In respect of air quality, the submitted report updates that produced for the original outline planning permission for the erection of 1200 dwellings. The report points out that the site forms part of the wider allocation within the Core Strategy, which provides for the construction of around 1500 dwellings and associated development and therefore the development is in accordance with this Policy requirement. Contrary to what is stated by the Council's Environmental Health Officer, it is stated that traffic levels have not increased since the initial work and in fact may have fallen slightly. The report concludes that the project as a whole would not lead to any significant adverse effects on air quality. It characterises these effects as 'minor adverse'. Modelling also shows that pollutant concentrations within the site are expected to comply with the Air Quality Strategy objectives and that the site is suitable for residential use. Given that the scheme is Policy compliant and that there has been no material change in circumstances since the report was previously assessed, it is not considered that there would be undue adverse impacts on air quality.

Archaeology and Heritage Assets

101. The Archaeological and Cultural Heritage Report states that there would be a programme of archaeological investigation and recording ahead of construction or enabling works. There are no identified ancient monuments on or near the site and no other relevant statutory designations affecting the site. Initial investigation identified no significant archaeological resources within the site.
102. Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a duty to preserve or enhance the character and appearance of a Conservation Area and under S66 should have special regard to the desirability of preserving the setting of a Listed Building. There are no Listed Buildings on or near the site, the nearest being the Edwalton Hall Hotel, some 110m away and the nearest corner of Edwalton Conservation Area is over 50m away, with existing and proposed development intervening. There is not considered to be any harm to these heritage assets as a result of the proposed development.

Soil Resources

103. The application is supported by an Agricultural Land and Soil Resources Assessment report taken from the original Environmental Statement for the outline planning application for 1200 houses on the wider site. The preface to the report states that circumstances have not changed since that date and the conclusions remain valid. The application site would mean the loss of Grade 2 and 3 agricultural land but the farm business that currently farms the site has substantial land holdings elsewhere in the locality and its use for development is unlikely to have a large impact on an agricultural business. There are good quality top soils that should be carefully managed for use within domestic gardens and open spaces and any surplus put to good use off site, in accordance with the Code of Practice for Sustainable Use of Soils on Construction Sites.

Sustainability

104. By definition the site is a Sustainable Urban Extension and has good links to facilities and services within West Bridgford. Public transport connections exist on Melton Road and Boundary Road in close proximity to the site and will be facilitated through the site by provision of bus stop infrastructure, a priority bus link to Musters Road and the financial contribution towards enhances bus services. Pedestrian and cycle links through the site will encourage travel by non-car modes and promote health and well-being. The provision of a large parkland area, including a community orchard and potential allotments will also enhance the sustainability of this development.
105. In respect of the buildings, the applicant states that their houses adhere to the fabric first approach to achieve permanent reductions in energy consumption and CO₂ emissions by around 10%. Energy efficient condensing boilers and lighting will be used throughout. This exceeds the Building Regulations requirements and is in line with the government's 2016 zero carbon homes Policy and the NPPF.

Conclusion

106. The application seeks outline planning permission for the development up to 600 houses within Zone 4 as identified in the Edwalton Development Framework SPD. It also seeks permission for a Community Park and a Primary School, which are key elements required to serve the wider site as identified in Policy 20 of the Core Strategy and the SPD. As such the development is in accordance with the development plan.
107. As originally submitted the Transport Statement accompanying the application sought to assert that the spine road could connect to the end of Musters Road without restrictions as it identified no capacity or technical impediment. However, Policy 20 and the SPD allowed only for the possibility of limited local traffic through this route and the Highway Authority objected based on potential use of the route by through traffic onto local roads, with potential for congestion and safety issues. Subsequently the applicant has confirmed that this route will be restricted by some form of barrier or control system to use by emergency services and buses only. This arrangement accords with Policy 20 and provides for a more sustainable access favouring public transport.
108. In other respects the development would be acceptable and meet the requirements of the Policy and SPD. Zone 4 is already subject of a S106 legal agreement to secure contributions to the delivery of site-wide infrastructure, affordable housing and development in kind, including delivery of the School site and Community Park.
109. Discussions have taken place with the developer during the course of the application in order to resolve issues arising from the access arrangements and this has resulted in additional information and clarification leading to a recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[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 only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council.

A detailed layout plan of the whole site;

The siting, design and external appearance of the proposed buildings;

The means of access;

The finishes for the hard surfaced areas of the site;

Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;

The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land;

The means of enclosure to be erected on the site;

Details of the proposed landscaping for the site including any trees or shrubs to be removed from the site.

[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 in the interests of visual and residential amenity, and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. The development shall be carried out in accordance with the following drawings and documents; Indicative Site Layout drawing 30713 SK01 A, Site Location Plan 7524-L-03, Planning Statement, Design and Access Statement, Landscape and Visual Impact Assessment, Ecological Appraisal, Arboricultural Report, Transport Statement (As amended by agent letter dated 17 July 2017), Flood Risk and Drainage Report, Noise Assessment, Air Quality Assessment, Agricultural land and Soil Resources Report, Archaeology and cultural Heritage Report, Geotechnical and Contamination Report.

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

4. Vehicular use of the access junction onto Musters Road shall be limited to Buses and Emergency vehicles only. Prior to the commencement of construction of the spine road details of the design and layout and means of restricting access shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the road connection being made to Musters Road and shall be maintained for the life of the development.

[To promote sustainable travel and prevent the Site Access Road, / Boundary Road being used as a through route, in accordance with Policy 20 of the Rushcliffe Local Plan Part 1: Core Strategy.]

5. Development shall not begin until a phasing programme for the whole of the development and for the highways works has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme.

[To ensure that a satisfactory means of access is provided, in the interests of road safety, and to comply with Policy GP2 (Design and amenity criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure the development can be provided with a satisfactory and safe access throughout the construction phase.]

6. Each phase of the development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council.
- a) A detailed layout plan of the phase in context with the whole site;
 - b) The siting of the proposed buildings;
 - c) The means of access;
 - d) Hard surfacing materials;
 - e) Plans, sections, longitudinal gradients and cross sections of any roads or access/ service roads or pedestrian routes within the application site, and this shall include details of drainage, sewerage and lighting;
 - f) The layout and marking of car parking, serving and manoeuvring areas;
 - g) The means of enclosure to be erected on site;
 - h) The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land;
 - i) Plant and equipment and other structures;
 - j) Cycle and bin storage facilities;
 - k) The provision of bus stops and other bus infrastructure;
 - l) Details of the means of foul and surface water drainage and flood storage replacement areas together with a programme of implementation;
 - m) The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
 - n) The location of proposed haul routes;
 - o) A scheme for signage and other measures.

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

7. No part of the development of any phase shall begin until details of the proposed landscaping of highway verges have been submitted and approved in writing by the Borough Council. Details shall include location, species, size, a written specification including, grass seed mix, cultivation and grass establishment as well as measures to prevent ingress of roots into the adjacent highway construction. Any trees shall be located such that they do not obscure visibility to vehicles accessing or using the adjacent highway.

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

8. No development, including any demolition and site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the means of access for demolition and construction traffic;
- b) parking provision for site operatives and visitors;
- c) the loading and unloading of plant and materials;
- d) the storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities (including full details of its specification and siting)
- g) measures to control the emission of dust and dirt during construction; and
- h) a scheme for recycling/disposing of waste resulting from and construction works.
- i) the location and layout of the site compound and cabins; and
- j. the days and times of construction activity and of materials delivery and disposal activity.
- k. The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
- i. A scheme for temporary signage and other traffic management measures, including routing and access arrangements.

[In the interests of highway safety and to protect the amenities of the area and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 of the Rushcliffe Core Strategy. This is a pre-commencement condition due to the need to establish acceptable construction methods and working arrangements before such works commence]

9. No development shall take place until a traffic management plan including lorry routeing, access and signage for the construction period has been submitted to and approved in writing by the Borough Council. The agreed access shall be provided before the development commences on land to which the reserved matter relates and no other access points for construction traffic shall be provided and or used. The development shall be carried out in complete accordance with that plan unless otherwise agreed in writing by the Borough Council.

[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 is a pre-commencement condition because of the need to ensure construction is carried out in a safe manner which minimises any harm to the amenities of nearby residents and the area in general].

10. No dwelling shall be occupied until the associated parking and maneuvering areas have been provided, drained and surfaced in accordance with the details that have been previously submitted to and approved in writing by the

Borough Council. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and maneuvering of vehicles, unless otherwise agreed in writing by the Borough Council.

[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. No part of the development shall commence until a bus infrastructure delivery plan has been submitted and approved in writing by the Borough Council. No buildings shall be occupied until the required infrastructure has been provided in accordance the above plan.

[In the interest of sustainable Travel and to comply with Policy MOV2 of the Rushcliffe Non Statutory Replacement Local Plan]

12. No development shall take place until the owner or the occupier of the site has appointed and thereafter continues to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Interim Travel Plan to be approved prior to development taking place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel and to comply with Policy MOV1 of the Rushcliffe Non Statutory Replacement Local Plan].

13. The travel plan coordinator employed as required under the provisions of condition 12 shall within 6 months of occupation produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel and to comply with Policy MOV1 of the Rushcliffe Non Statutory Replacement Local Plan].

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

[To promote sustainable travel and to comply with Policy MOV1 of the Rushcliffe Non Statutory Replacement Local Plan].

15. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:
- (a) the treatment proposed for all ground surfaces, including hard areas;
 - (b) full details of tree planting;
 - (c) planting schedules, noting the species, sizes, numbers and densities of plants;
 - (d) finished levels or contours;
 - (e) any structures to be erected or constructed;
 - (f) functional services above and below ground;
 - (g) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
 - (h) a landscape management plan and schedule of maintenance.

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.

[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].

16. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been 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]

17. Prior to the commencement of development a lighting scheme for the residential streets, Community Park and open spaces shall be submitted to and approved in writing by the Borough Council. This shall include, where appropriate, details of a lux plot of the estimated luminance. The scheme shall be designed to minimise skyglow and lighting in areas bordering Sharphill Wood and sensitive to wildlife. The lighting scheme shall be implemented in accordance with the approved details and maintained thereafter.

[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].

18. No dwelling shall be occupied until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions identified in the Memorandum of Understanding September 2015 (A52/A606 Improvement Package Developer Contribution Strategy).

[To secure a proportionate contribution to improvements to the A52 and A606 in order to address the impacts of the development on the capacity of the Trunk Road network in the vicinity of the application site and to comply with Policy 20 of the Rushcliffe Core Strategy].

19. Prior to the commencement of development details of the design, layout and specifications for the surface water drainage system shall be submitted to and approved in writing by the Borough Council.

The submitted details shall include detailed evidence in the form of fully referenced plans and calculations to demonstrate the following;

- a. All surface water outflows from the site to be restricted to the greenfield discharge rates for the mean annual flood flow from a rural catchment in m³/s with the excess flows attenuated on the sites in suitable holding ponds, tanks or similar. The drainage design standard is 100years + 30% allowance in peak flow rates to allow for climate change effects.
- b. The developer is to assess the performance of the drainage system using intense storm events ranging in length from 15 minutes to 24 hours for the 100year +30% event. This will identify where the plot drainage and highway drainage may flood in extreme events. Once identified in calculations and on a plan, the developer is to identify how these flows are to be directed overland towards the surface water attenuation system. The site layout, levels, highway and drainage design should enable pluvial overland flows to be intercepted and directed away from dwellings, sensitive infrastructure and 3rd parties. The flows should be directed passively towards the surface water attenuation system and should not flow across the site boundary.
- c. The developer should demonstrate that they have intercepted pluvial flows that could enter the site from 3rd party land and directed these away from properties.

No part of the development shall be occupied until facilities for the disposal of surface water drainage have been provided, in accordance with the approved details and the development shall be constructed in accordance with the approved drainage details, levels and layout.

[To prevent the increased risk of flooding and to comply with policies WET2 (Flooding) and WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition because it is necessary to establish construction details, including levels prior to the setting out of the site and associated highways].

20. The development shall not be brought into use until facilities for the disposal of foul water drainage, including details of the location and design of any pumping station, have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

21. Prior to the commencement of residential development an Employment and Skills Strategy for the site shall be submitted to the Borough Council for approval. This shall provide for the recruitment of people in the locality and apprenticeships for young persons for the construction phase of the development and shall include the date by which the Employment and Skills Strategy is to be implemented by the developer. The development shall thereafter be implemented in accordance with the terms of this Strategy.

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

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

[To make sure 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].

23. Prior to any works of site clearance or preparation for development a further survey shall be carried out to establish whether there are any protected species within the site and the ecological impact of the development on any such species. The results of the survey and any proposed mitigation action arising from its findings shall be submitted to and approved in writing by the Borough Council before any work is undertaken on site. The work shall be carried out in accordance with any approved mitigation measures.

[To ensure the survey reflects the situation pertaining at the time and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

24. The development hereby authorised shall not be occupied until bat boxes and/or access points to bat roosts have been installed in accordance with details previously submitted to and approved in writing by the Borough Council. Thereafter the bat boxes and/or access points shall be permanently retained.

[To ensure that adequate compensatory measures are carried out and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

25. The development hereby authorised shall not be occupied until bird nesting boxes have been installed in accordance with details previously submitted to and approved by the Borough Council. Thereafter, the nesting boxes shall be permanently retained.

[To ensure that adequate compensatory measures are carried out and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

26. The dwellings facing the A52 and A606 Melton Road shall be constructed in accordance with the mitigation measures to control noise set out in sections 6 and 7 of the Noise Assessment report accompanying this application and none of the affected dwellings shall be occupied until the measures are in place.

[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]

27. Prior to the occupation of dwellings with habitable room windows facing the Rushcliffe Academy Multi-Use Games Area a 2.5m high acoustic fence shall be constructed in accordance with the location and specifications set out in sections 6 and 7 and Figure 1 of the Assessment and with details of its design and appearance that have first been submitted to and approved in writing by the Borough Council. Thereafter, the acoustic fence shall be retained 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]

28. The Primary school site shall comprise a serviced site of 2ha in area as required under the provisions of the S106 Agreement associated with this land. Prior to commencement of construction works details of the design, appearance and layout of the building(s) and associated site, including a scheme for the provision, location and management of the associated community use element shall have been submitted to and approved in writing by the Borough Council. The School shall be constructed and operated in accordance with the approved details and scheme.

[For the avoidance of doubt, to comply with Policy GP2 (Design and Amenity Criteria) and to ensure the delivery of an appropriate community use in accordance with Policy 20 of the Rushcliffe Core Strategy]

Notes to Applicant

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

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

In order to satisfy the requirements of condition 2 the Highway Authority will need to undertake a full technical design check of the your detailed design drawings. Discharge of any reserved matters conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted. We therefore strongly recommend technical approval for your drawings is obtained from the Highway Authority prior to any formal reserved matters submission.

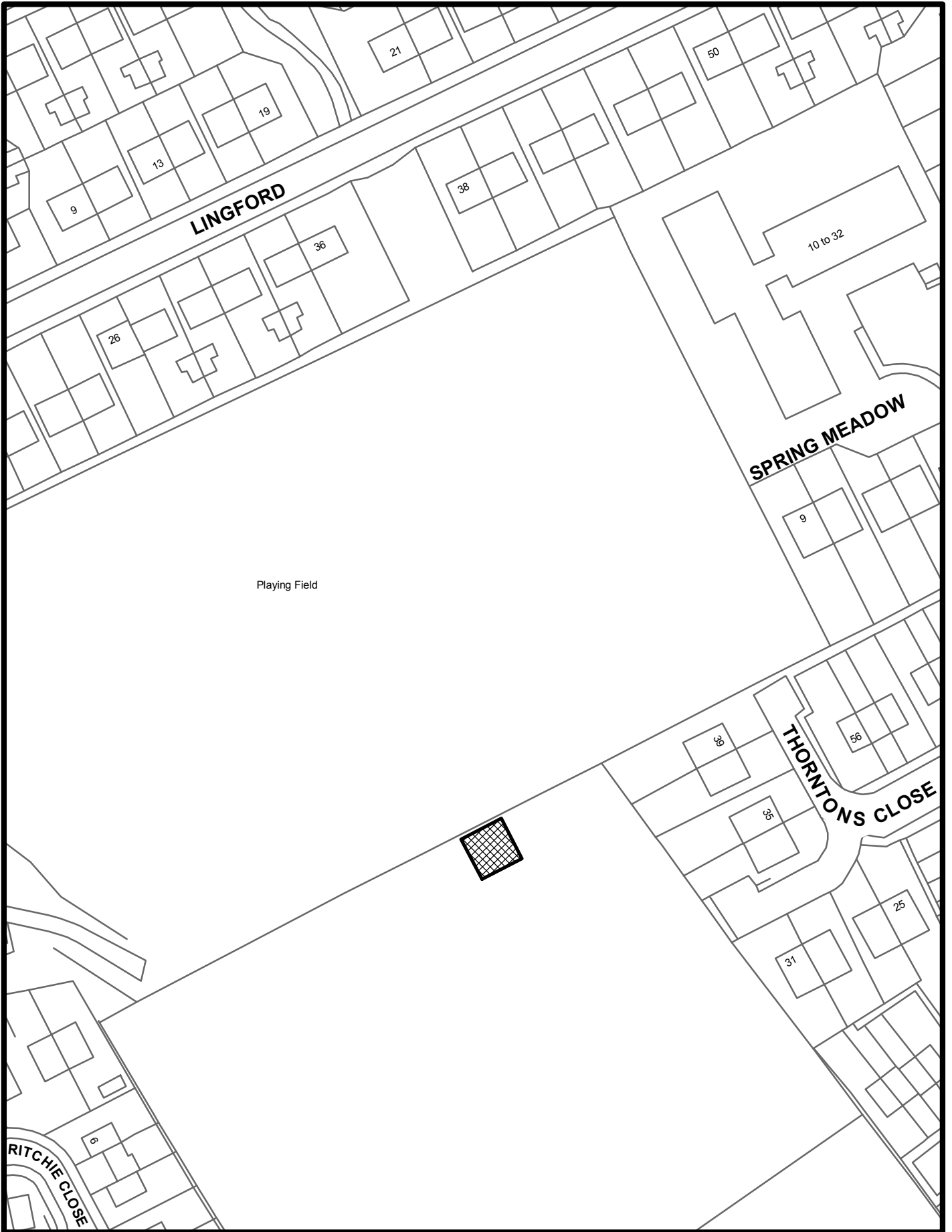
The applicant should manage soils on site in accordance with the Agricultural Land and Soil Resources Assessment Report accompanying the application and with the Code of Practice for Sustainable Use of Soils on Construction Sites.

The proposed vehicle restriction referred to condition 4 will require a Traffic Regulation Order (TRO) to limit use of the highway to particular types of vehicles.

An application for a TRO can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the County Highway Authority for details.

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority for details.



**Application Number 17/01803/GDOTEL
Madison Park, Woodview, Cotgrave**



scale 1:1000

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Rushcliffe Borough Council - 100019419

17/01803/GDOTEL

Applicant Shared Access Limited

Location Playing Field East Of Leisure Centre (Madison Park) Cotgrave
Leisure Centre Woodview Cotgrave

Proposal Erection of a 15m monopole to support 3no. telecommunications antennae for shared use by Vodafone and Telefonica, 2no. dishes and 2no. ground based equipment cabinets.

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The application site is a small area of land within Madison Park, which is located within the town of Cotgrave. The wider park extends over two interlinked fields that are publically accessible and form part of the recreational space for the town's leisure centre. The two fields are separated by a mature hedgerow between 6m and 7m high that is further secured by green, plastic coated security mesh fencing about 2.3m high. The proposal site is located against the hedgerow between the interlinked fields. The application site measures approximately 5m² and would be located about 5.5 from the edge of the football pitch that is marked out within the field.
2. Access to the site (the field containing the football pitch) is gained via an existing break in the hedge that is gated. Access to the wider fields is gained via Lingford, a residential street to the north of the fields, through a wide gap between residential properties (36 and 38 Lingford) or via Cotgrave Leisure Centre which is accessed off Woodview. All accesses to Madison Park are gated. The southern most of the two playing fields, in which the installation is proposed to be sited, is bound by fencing and mature hedgerow. To the east and west of the application site are residential properties, to the north is the other playing field that forms Madison Park and to the south of the site is the football pitch, beyond which are allotment gardens. The application site is, therefore, broadly central within the Madison Park playing field's site, which are surrounded by residential development.

DETAILS OF THE PROPOSAL

3. The proposal seeks prior approval for a 15m high monopole telecoms mast with 3 antennas and 2 dishes attached to it. The 3 antennas would be 2.6m high and are proposed to be located at the top of the mast. For clarity, the top of the antennae would measure 15m above ground level with the underside of the 3 antennae at a height of 12.4m above ground level. The 2 proposed dishes would be centred at a height of 11m above ground level. 2 equipment cabinets are proposed at the base of the telecoms mast.
4. The application was accompanied by a Planning Statement which includes information about the proposal, the site selection process, details of existing and predicted signal coverage in the area and confirmation that the installation would meet the International Commission on Non-Ionising

Radiation Protection (ICNIRP) guidelines for public exposure to non-ionising radiation.

SITE HISTORY

5. Ref: 03/009223/FUL – Erect 2.4m high palisade fencing around site perimeters – Withdrawn 23 July 2003.
6. Ref: 03/01285/REG3 – Erection of 2.4m high security fence and gates around site – Approved 14 October 2003.

REPRESENTATIONS

Ward Councillor(s)

7. One Ward Councillor (Councillor Cherwings) supports the application but comments, *“It would be good if the monopole and the ground base equipment cabinets could be disguised to look like a tree to blend in with the surroundings. It would be better if the phone mast could cover all phone network providers and not just the few stated within the report.”*
8. Two Ward Councillor (Councillor Butler and Councillor Jeffereys) have declared a personal interest as they are also members of Cotgrave Town Council who are owners of the proposal site.

Town/Parish Council

9. Cotgrave Town Council has replied stating, *“Cotgrave Town Council will not make a comment on this application, because we are declaring an interest in this planning application.”*

Statutory and Other Consultees

10. Nottinghamshire County Council as Highway Authority has confirmed that they have no observations to make on the application.
11. Sport England submitted a holding objection and requested additional information be submitted primarily relating to the construction phase of any approval to secure the use of the playing fields during those works and for any financial benefit to the Town Council to be secured to benefit sport on the playing field site. The applicant has responded and their comments were forwarded to Sport England who subsequently removed their holding objection as *“...the location of the antenna is unlikely to impact upon usable playing field area given the specific site circumstances and the existing pitch arrangements.”*

Local Residents and the General Public

12. 43 written representations of support from 42 individuals have been received raising the following issues:
 - a. Can't happen soon enough.
 - b. Cotgrave is a 4G black-hole.

- c. Resident has no health concerns given the quantity of research into masts.
 - d. Sick of contract fees to get poor service.
 - e. Phone signal in Hollygate Park is very poor, can't wait.
 - f. Very much needed.
 - g. Resident lives right next to where the mast would be built and I support building it and agree it's a good location to build the mast.
 - h. To the best of resident's knowledge, they can see no negatives to having a new mast.
 - i. There is one individual going round scaremongering people and trying to get them to sign a petition against this mast. She went to a resident who told her they were all for it but then somehow she persuaded them to sign saying all for but not in Madison field...resident does not care where it is, they would prefer to retract their name from her petition.
 - j. Bring on the mast.
 - k. It's progress, Cotgrave has suffered poor signals for decades.
 - l. Scaremongers have been perpetuating a lot of misinformation.
 - m. Based on available research and on the Cancer Research site there are no worries for mast being connected with cancer. Also it is not going to stop us using the green space at Madison Park!
 - n. The mast foot print on Madison Park is minimal and does not remove any of the facilities for the community.
13. 38 written representations of objection have been received from 34 individuals with comments which can be summarised as follows:
- a. Object "*with every fibre of my being.*"
 - b. Objections regarding Cotgrave Town Council's conduct and notification of public meetings.
 - c. The mast could fall and hit the nearest property.
 - d. The area is geologically unstable and nearby properties have suffered subsidence.
 - e. Harassment and hate generated towards objectors to the proposal on social media.
 - f. Radio-interference of pacemakers and wider health concerns.

- g. There is no long-term research or evidence which proves that the level of radiation given off by these masts is safe for people who live within close proximity to them.
- h. Mast would overshadow residential gardens.
- i. Impact on efficiency of solar panels.
- j. Loss of privacy if CCTV were installed on the mast.
- k. Cotgrave has two masts and adequate mobile coverage except for O2 customers.
- l. Interference of Freeview TV signal.
- m. Erosion of valuable green space in the town.
- n. Concerns that Cotgrave Town Council does not own the site and, therefore, the correct planning process has not been followed.
- o. There are better locations in and around Cotgrave.
- p. Other Countries have differing guidance on distances people can live from such masts.
- q. I do not want the financial burden of decommissioning a radiated telecoms mast on our Council taxes.
- r. Do not want a mast 20-25m tall at the rear of our houses.
- s. We should keep Madison Park for the kids to play.
- t. There is very limited access to the site for LGVs either off Woodview and/or Lingford which always has residents parking both sides of the road.
- u. Concerns regarding the credibility of the companies employed to provide the ICNIRP certificate.
- v. It is too industrial looking and too high.
- w. There has not been enough information given about the mast in this short time.
- x. Resident is on O2 and has no problems with connection.
- y. Questions if anyone has been to Madison Park to inspect the ground and to see how close the mast would be to the residents that live close to the field?
- z. Would you have this mast at the bottom of your garden?
- aa. It'll stand out like a sore thumb.

- bb. Resident is on EE so the mast would not give a better signal.
 - cc. Impact on view.
 - dd. Accuracy of information provided – specifically the plans.
 - ee. Loss of habitats in hedgerow
 - ff. Disturbance during construction process
14. A petition of 144 signatures has also been received stating that the signatories did not want a mast on Madison Park. A number of those who signed the petition have also sent in separate letters of objection and one of the signatories has written stating they wish their signature to be removed from the petition. This means the petition contains a total of 143 signatures.
 15. A further petition of 10 signatures has also been received from residents in Spring Meadow stating that the signatories did not want a mast on Madison Park; that there are better locations for a mast; concerns about CCTV and the potential impact on the health.

PLANNING POLICY

16. 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.
17. 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).
18. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the Neighbourhood Plan, 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

19. 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.
20. Chapter 5 (paragraphs 42 to 46) of the NPPF deals with 'Supporting high quality communications infrastructure' and highlights that this is essential for sustainable economic growth. Paragraph 46 of the NPPF states "*Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.*"

Relevant Local Planning Policies and Guidance

21. 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 10 with Design and Enhancing Local Identity and Policy 13 with Culture, Tourism and Sport.
22. 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. Policy WET4 (Telecommunications) of the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) is relevant to the consideration of this application.

APPRAISAL

23. The Town and Country Planning (General Permitted Development) Order 2015 grants planning permission for a wide range of development. Development which complies with the criteria set out in the order is referred to as 'permitted development' and may be carried out without the need to apply for planning permission to the Local Planning Authority. Part 16 of the Order deals with Communications development, including that associated with mobile phone services. Development classified as permitted development includes the erection of new free standing base stations up to a height of 15 metres (excluding the antenna), subject to a condition that, prior to carrying out the development, the operator must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development. In this instance, the applicant has been advised that the prior approval of the Borough Council will be required and the matters for consideration are, therefore, the siting and appearance of the installation.
24. The majority of the objections received to the proposal include grounds relating to the potential and/or unknown health impacts of the proposal and on the need for the mast. The NPPF is clear in its guidance to those determining applications for telecommunications equipment stating at paragraph 43 "*...local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. They should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.*"
25. Paragraph 44 of the NPPF further clarifies that "*Local planning authorities should not impose a ban on new telecommunications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of telecommunications development or insist on minimum distances between new telecommunications development and existing development...*"
26. Finally paragraph 46 of the NPPF confirms that "*Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the*

telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.”

27. The proposed new telecoms mast and equipment cabinet also falls to be considered against Policy WET4 (Telecommunications) of the Rushcliffe Borough Non-Statutory Replacement Local Plan, which sets out three criterion (a - c) that proposals will be expected to satisfy.
28. Criterion a) requires that site sharing/use of existing structures is explored. The information submitted with the application includes a site selection exercise that discounts 8 other sites in and around the town of Cotgrave. The proposed mast is to be operated by Cornerstone Telecommunications Infrastructure Limited (CTIL), a joint venture company owned equally by O2 and Vodafone Limited who have entered into a new agreement in which the two companies plan to jointly operate and manage a single network grid across the UK. The proposed mast would, therefore, provide network coverage for two separate companies from a single mast. Therefore the proposal is to share a mast, albeit in a new location.
29. Criterion b) requires proposals to minimise impact subject to technical and operational requirements. The site is not within a sensitive or protected part of the Borough and, furthermore, the proposed design of the mast allows for two providers to operate from the same mast structure. There is currently a “black spot” in terms of coverage within the town as evidenced by the information submitted in the application and backed by the letters of support from the local residents. The proposed design (a solid monopole) is acceptable as the alternative is either to have a lattice style tower, or for two separate structures both at the same heights (circa 15m) as the proposal in close proximity to one another.
30. Criterion c) requires it to be demonstrated that if the site is within the Green Belt that no other suitable sites outside of the Green Belt are available. The application site is not in the Green Belt and, therefore, criterion c) does not apply, however, some of the other sites considered by the applicant are in the Green Belt and it is for that reason, and the availability of a site outside of the designation, that they were discounted.
31. A total of 8 sites were discounted, either through landowners not responding to requests to discuss the proposal with the applicants, limited improvements to the coverage required facilitating the need for taller masts than the one currently proposed, prominent locations within the Green Belt or other locations on the periphery of the mast cell location. Whilst the town itself is not within the Green Belt, all of the surrounding land is, therefore, unless a site can be found in the town of Cotgrave then the site would be in the Green Belt which is discouraged by the NPPF. Having reviewed the site selection process it is accepted by officers that, in order to maintain coverage on a site outside of the Green Belt and maintain the coverage of either of the two networks the mast would support, this site would need to be used.
32. The proposed mast would be galvanised steel with the cabinets located along side it painted green. The objector's comments regarding the design of the mast are noted and are considered to be addressed insofar as the operators desire to comply with the requirement to share a site would be achieved through the current design. The height of the mast, at 15m is noted as is the

height of the hedgerow it would be build alongside (circa 7m in height). Even if the mast were to be painted it is not considered that this would help mask or camouflage it. A mast of a different design, such as a tree, is not considered to be a viable design solution as the need for the three antennae, and signal propagation requirements, would most likely result in a structure which does not successfully mimic a tree. Furthermore, even if a 'look alike' tree were a possible design solution, a solitary tree of 15m in height in this location is considered to potentially attract as much attention as the current design solution.

33. Therefore, rather than seek, and undoubtedly fail to blend in with the backdrop, the raw galvanised colour is considered appropriate. The cabinets are proposed to be coloured green, as they are low level structures, at eye level when passing through the site, and would be seen against the backdrop of the planting along the boundary. It is, therefore, considered that having regard to the technical and operational requirements of the operators, the proposed design minimises the visual impact on the surroundings and is a positive example of mast sharing.
34. The neighbour's concern that the mast might fall and hit their property is not shared by the Borough Council. The submitted plans show that the mast is 15m high and would be located over 35m from the boundary with the nearest neighbouring property. Given the distance involved, it is also considered that the mast would not result in unacceptable overshadowing of any solar panels fitted to residential properties or residential gardens. For clarity, whilst concern has been raised that the mast would be fitted with cameras resulting in loss of privacy to neighbouring properties, the submitted documents confirm that no CCTV cameras form part of the current proposal, and the application submitted is considered to be a valid submission including the ICNIRP Certificate and clear, scaled drawings to facilitate its determination.
35. Applications for new masts often attract concerns regarding the health implications on nearby residents, and that is certainly the case in this instance. Mobile phone and TETRA (A nationwide communications network for the emergency services, excluding Northern Ireland and Channel Islands) masts are required to comply with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines which are designed to ensure the avoidance of known adverse effects on health from exposure to non-ionising radiation, which arise in relation to heating of body tissues due to absorption of the energy carried by radio frequency electromagnetic fields. Mobile operators when applying for planning consent are required to confirm that the structure being proposed fully complies with this requirement. The current application was accompanied by a valid ICNIRP Certificate.
36. Concern is sometimes voiced about the transmission and exposure to radio waves from mobile phone masts. Public exposure from the transmitting sites used to providing mobile radio services, whether for TETRA or mobile phones, is explored in the 2000 "Stewart" report from the Independent Expert Group on Mobile Phones. Their conclusion is that "*...the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of guidelines*".

37. The Health Protection Agency's independent Advisory Group on Non-Ionising Radiation in its 2003 review concluded that "...*exposure levels from living near to mobile phone base stations are extremely low, and the overall evidence indicates that they are unlikely to pose a risk to health.*" The Department of Health keeps the best available scientific advice under review since these reports were published and more recent studies, as reviewed by Advisory Group on Non-Ionising Radiation in 2012, their advice remains unchanged. The guidance contained at paragraph 46 of the NPPF is also explicitly clear in relation to consideration of health matters in relation to applications for telecommunication development.
38. Overall, it is considered that the proposal would not demonstrably harm the surrounding area and that the proposed mast is an acceptable form of development in this location. The proposal is considered to be justified as it complies with both the national and local guidance in relation to such development.
39. The positioning of the mast and cabinets are not considered to be visually intrusive in its surrounding environment when taking into account the development plan. Furthermore, the proposed mast and cabinets are not considered to result in unacceptable impacts or harm to the character and appearance of the surrounding area. The application is, therefore, recommended for conditional approval.
40. The proposal was subject to pre-application discussions with the agent and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation that prior approval be granted.

RECOMMENDATION

It is RECOMMENDED that prior approval be granted under Part 16, Class A of the Town and Country Planning (General Permitted Development)(England) (Amendment) Order 2016, subject to the following condition(s)

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

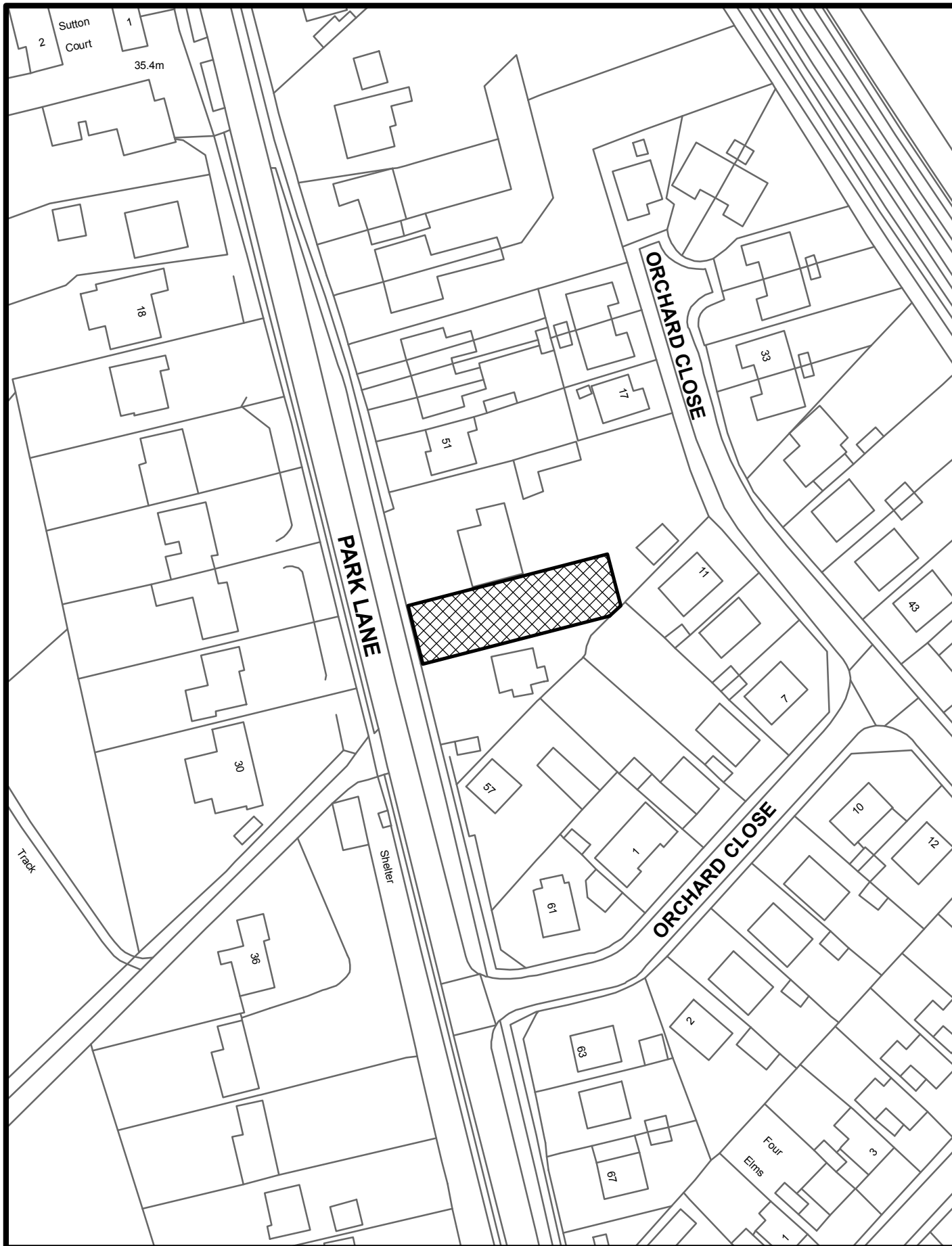
[To comply with Part 16, Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015].

2. The pole and antenna shroud shall have a galvanised finish and the cabinet(s) finished in a dark green colour for the lifetime of the development.

[In the interests of the amenities of the area and to comply with policy WET4 (Telecommunications) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to Applicant

In addition to the conditions set out in this decision notice, the development will also need to comply with the relevant conditions contained in Part 16, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.



Application Number 17/01692/FUL
53 Park Lane, Sutton Bonington

scale 1:1000



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Rushcliffe Borough Council - 100019419

17/01692/FUL

Applicant Mr S Mellors

Location 53 Park Lane Sutton Bonington Nottinghamshire LE12 5NQ

Proposal Development of one detached dwelling house on land between 53 and 55 Park Lane, Sutton Bonington which is presently the garden of 53 Park Lane.

Ward Sutton Bonington

THE SITE AND SURROUNDINGS

1. The application site comprises part of the garden of 53 Park Lane located to the side (south) of the property, a large detached dwelling set in a large garden that fronts onto Park Lane. The site is rectangular in shape and is surrounded by residential development on all sides, to the rear of the site are new dwellings currently under construction in the former grounds of 53 Park Lane and to the south of the site is a small bungalow. The surrounding properties are predominantly of two storeys, interspersed with chalet bungalows and a single bungalow to the south. The site is flat and there are a number of protected trees to the front of number 53. The site is surrounded by a mixture of boundary treatments, a new brick wall to the rear (east) boundary and a mature (predominantly) privet hedge to the southern boundary and along the highway frontage.
2. As a result of the piecemeal, long term development of Park Lane, a wide variety of building materials and forms are evident in the street, most of the existing dwellings are detached or semi-detached, although there are also some short runs of terraced housing to the north.

DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the erection of a single, three bedroomed detached dwelling to the side (south) of 53 Park Lane. The proposed dwelling would be of traditional design with a front projecting hipped roofed feature incorporating a double height bay window and would have a single storey centrally located projection to the rear. The proposal would have a hipped roof design, 8.79m high to the ridge (5.05m to eaves) and would be set 14.24m back into the plot, thus providing a parking and turning area to the frontage of the site. To the rear a private garden of approximately 150m² would be provided with a depth of 12.9m from the aforementioned rear projection and 16.3m from the two storey element. A new boundary between the proposed dwelling and 53 Park Lane is also proposed to sub-divide the plot and revisions to the side elevation of the host property are also proposed. Along the sites frontage, a Birch tree is proposed to be felled to facilitate the proposed new access onto Park Lane, and a new Silver Birch is proposed to the sites frontage

SITE HISTORY

4. There is a detailed history on the site including the site to the rear of 53 Park Lane which is now under construction.
5. Application ref: 05/00924/OUT for the construction of two detached bungalows (outline application) to the rear of 53 Pak Lane was approved, together with the subsequent reserved matters application under ref: 07/02210/REM. Application ref: 10/01230/EXT granted an extension of time for implementation of application ref: 05/00924/OUT.
6. Application ref: 13/00770/FUL for the construction of two detached bungalows and associated parking spaces was approved and permission for a non-material amendment was approved under ref: 13/01272/NMA. Subsequently application 15/01274/FUL for the erection of three dwellings was approved in November 2015 and are now under construction.
7. Application 17/01126/FUL for the development of one detached dwelling house on land between 53 and 55 Park Lane, Sutton Bonington was submitted in May 2017 and withdrawn in June 2017.

REPRESENTATIONS

Ward Councillor(s)

8. The Ward Councillor (Councillor Brown) objects to the size of the proposal compared to the neighbours, expressing concerns for privacy and that the proposal is too big for the site.

Town/Parish Council

9. Sutton Bonington Parish Council object to the proposal stating *“Consider that the property is too big for the site and that it dominates the neighbouring properties (overintensive development).”*

Statutory and Other Consultees

10. The Borough Council’s Design and Landscape Officer does not object to the proposal subject to conditions being attached to any grant of permission.

Local Residents and the General Public

11. Six written representations have been received objecting to the proposal and citing the following:
 - a. The proposal is too big for the plot and will dominate the neighbouring bungalow.
 - b. Does not respect the privacy or amenity of the adjoining property.
 - c. Visual impact on the streetscene – squeezed into the plot.

- d. Overshadowing of the neighbouring bungalow.
- e. Highway safety concerns due to increased traffic movements.
- f. Loss of trees.
- g. Nuisance during construction.
- h. A site if approved would contain 5 houses where it used to contain 1.
- i. Loss of a view.

PLANNING POLICY

- 12. 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: Rushcliffe Core Strategy (December 2014).
- 13. 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).
- 14. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, 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 Framework together with other material planning considerations.

Relevant National Planning Policies and Guidance

- 15. 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.
- 16. 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*”.
- 17. Chapter 7 (paragraphs 56 to 68) of the NPPF deals with issues of design. 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. Paragraph 60 states, “*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*”. Paragraph 64 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.*”

Relevant Local Planning Policies and Guidance

18. None of the saved policies are relevant to this application.
19. 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 3 with the Spatial Strategy and Policy 10 with Design and Enhancing Local Identity.
20. The Rushcliffe Non-Statutory Replacement Local Policy 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.
21. Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan is relevant to the consideration of this application and states planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, certain criteria are met. Criterion (a) is concerned with the impact on the amenity of neighbouring properties and the surrounding area. Criterion (b) states a suitable means of access should be provided, the provision of parking is in accordance with the guidance of adopted parking standards and the design of the proposal accords with guidance produced by the Highway Authority. Criterion (d) is concerned with the scale, density, height, massing, design, layout and materials of the proposals and states, inter alia, that these should be sympathetic to the character and appearance of 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.
22. Policy HOU2 (Development on Unallocated Sites) states that planning permission for new unallocated development within settlements will be granted provided that the size and location of the site would not detrimentally affect the character or pattern of the surrounding area or the settlement as a whole; the site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature; the development would not extend the built-up area of the settlement; the development would not have an adverse visual impact or be prominent from locations outside the settlement; the proposal would not result in the loss of any existing buildings on the site which are worthy and capable of conversion by virtue of architectural and historic qualities; the proposal does not fall within an area of sporadic or ribbon development outside a settlement, nor is situated in the countryside, and the site is accessible to a range of services other than by use of the private car.

APPRAISAL

23. The site is located within the built up part of the village and comprises a small scale infill development. The site is surrounded by residential properties of a mixture of ages and styles, but predominantly detached dwellings. Given the location of the site and the character of the area, the proposal for a dwelling is considered to be acceptable in principle.

24. The plot size is comparable to others on Park Lane, particularly on the north-eastern side, and is considered to be sufficient to accommodate the proposed dwelling, without appearing cramped or compromising the character of the area. A large rear garden would remain to serve 53 Park Lane with a drive, off street parking and out building and adequate space is available to accommodate the proposed dwelling, amenity space and off street parking provision on the application site.
25. The proposed dwelling would have accommodation over two floors but is designed to “bridge” the gap between the existing property at 53 Park Lane and the bungalow at number 55. The eave height of the proposed dwelling would be comparable to the ridge height of the bungalow at number 55, and the ridge heights step up from 7.4m on the projecting feature of the proposed dwelling up to 8.7m in height for the main body of the dwelling that is recessed 3m back from the front projection. The existing property at 53 Park Lane has a ridge height of 8.5m, its feature gable has a ridge height of 8.2m and the eaves are at 5.6m above ground level. Whilst it is noted that the ridge height of the proposed dwelling is marginally taller than that of 53 Park Lane, it is also acknowledged that this higher ridge is set deeper in the plot than the ridge of the host property. Furthermore, the design and appearance of the existing property is such that it appears to have a greater scale/mass than the proposed dwelling.
26. The dwelling has also been designed to reduce its massing and scale, incorporating low eaves, hipped roofs and a reduction in both the depth and width of the property compared to the previously withdrawn application (17/01126/FUL). Notwithstanding the objections received, it is considered the design, scale, size and siting results in an acceptable visual appearance with the proposed dwelling being sympathetic to the character and appearance of the site and street scene.
27. The dwelling would be sited approximately in line with 53 and 55 Park Lane but would project further rearwards than the properties that would flank it. The application proposes alterations to the fenestration in the side elevation of 53 Park Lane, including removal of a bay window, and a new common boundary to be built between the sites. The proposed dwelling would be sited 0.75m from this new common boundary and the total gap between the existing property and the proposed dwelling would be 2.6m at its closest point, widening to 5.6m to the front projection. Furthermore, due to the hipped roof design, an increasing gap at roof level would be maintained. The boundary with the neighbouring bungalow (55 Park Lane) comprises a mature, mostly privet hedge about 3m high and the proposed dwelling would be located between 1.7m and 2m from this boundary due to its slightly tapering nature. The bungalow itself is also located at a slight angle to the common boundary and therefore the gap between the proposed dwelling and the bungalow would be between 3.6m and 4.1m. There is one small window in the side elevation of the bungalow facing the proposal site, however, this is on the front corner of the building and is a secondary opening serving the front room. The bungalow also has a rear extension that serves as a dining area with a side door that faces towards the site. Due to the height and dense nature of the boundary hedge the proposed site is not considered to result in any loss of privacy towards the neighbour’s bungalow or their small, private rear garden.

28. Space would remain between the existing and proposed buildings and the impact on these properties in terms of overbearing impact, overshadowing and loss of daylight/sunlight would be limited. In particular, whilst the two storey element of the proposed dwelling would project approximately 4 metres to the rear of the neighbouring bungalow, it should be noted that, whilst concern has been expressed about potential overshadowing of the bungalow, the new dwelling would be located to the north of this property and it is not considered that the proposal would result in loss of sunlight or overshadowing.
29. Openings on the side elevation of the proposed dwelling looking towards 55 Park Lane would be limited to a ground floor secondary lounge window and the ground floor utility room and side door. At first floor openings serving the family bathroom and an ensuite are proposed. The positioning of all these openings is such that they face towards the side elevation of the bungalow that is blank save for the aforementioned front corner window. None of the proposed openings would have a direct line of sight towards that small secondary opening. As such the relationship between the proposed dwellings and the neighbouring dwelling is considered to be acceptable.
30. Openings on the side elevation of the proposal, looking towards 53 Park Lane, would be limited to a window serving the stair well, which is annotated on the proposal drawing to be obscure glazed. As such the impact on the host property would be limited.
31. It is not considered the amenity of any other dwelling would be unduly affected. Dwellings to the west are separated by the highway and the new dwellings under construction to the north-west are set a significant distance away with the large rear garden intervening. The proposed dwelling would introduce a built form onto the site with rear garden depths of between 12m and 16m and an area of approximately 150m². Although the properties beyond the 2m boundary wall to the rear have comparatively short gardens, circa 8m deep, those dwellings have been designed to reduce the impact to the rear through the absence of first floor windows, the use of rooflights and lower eaves and ridge heights. Furthermore, the approved properties to the rear have garden sizes which compare favourably with the prevailing plot sizes on that side of Orchard Close. It is considered the proposed dwelling would have an acceptable relationship with 53 Park Lane and other neighbouring properties and would possess adequate outdoor amenity space.
32. The dwelling would be served by accesses onto Park Lane with three off street parking spaces and turning to the frontage of the property. It is considered the access is satisfactory and the off street parking provision would adequately accommodate the parking requirements of the proposed property. The proposed felling of the existing Birch is not objected to by the Landscape and Design Officer who advises that the Silver Birch at 53 Park Lane are covered by a Tree Preservation Order, which covers numerous sites across Sutton Bonington. He comments that, *"The proposed hard surfacing is located outside of the root protection area for the nearest tree and the proposal should not be harmful to the protected Birch. That said, they will still need to be protected during the construction period along with the boundary hedges and if we grant permission a tree protection condition*

should be used.” In conclusion, the Design and Landscape Officer does not object to the removal of the Laurel and states that the layout allows for a new semi mature Silver Birch tree to be planted on the frontage, which should be conditioned to ensure a suitable sized tree is planted. On this basis the proposed alterations to the landscaped frontage of the site is not objected to.

33. Whilst representations have been made on parking grounds and congestion these are generally linked to the potential traffic movements during school drop off and pick up times. Although the current application would increase the number of dwellings proposed the additional traffic generated by the extra dwelling would be relatively limited and adequate off street parking can be provided to minimise the potential for additional on street parking from the development. Notwithstanding the objections received, it is not considered there are reasonable grounds to resist the proposed development on the grounds of highway safety.
34. It is, therefore, recommended the application is approved. Conditions are recommended to restrict the insertion of any additional windows and to remove permitted development rights to extend the dwelling without first obtaining planning permission to do so.
35. The proposal was subject to pre-application discussions with the architect and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation to grant planning permission.

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 be carried out in accordance with the following approved plans: M90(90)01 Rev B and M90(PL)01 Rev E.

[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 proceed beyond laying of the foundations until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

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

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

[To make sure 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].

5. The hedge located on the southern boundary of the application site (the boundary to 55 Park Lane) shall be retained at a minimum height of 2 metres and any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

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

6. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with 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. Commencement of development in advance of the implementation of tree protection measures could result in loss of or damage to trees and/or hedges which it is considered should be retained.]

7. A replacement tree of a species, details of which have been submitted to and approved in writing by the Borough Council shall be planted, in position(s) previously agreed in writing by the Borough Council, no later than the first planting season after the first occupation of the new dwelling. If within a period of 5 years from the completion of the planting the tree were to die, be removed or become seriously damaged or diseased it shall be replaced in the next planting season with others of a similar size and species.

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

8. The development shall not be brought into use until the screen fencing/walling and means of enclosure have been completed, in accordance with details that have previously been submitted to and approved in writing by the Borough Council. Thereafter, they 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 A - C 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), including no alteration to or insertion of windows other than those shown on the plans, without the prior written approval of the Borough Council.

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

10. The window in the north (side) elevation serving the stairwell and the windows in the south (side) elevation serving the bathroom and en-suite to bedroom 1 shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. The development hereby permitted shall not proceed beyond laying of the foundations until details of the obscure glazing specifications and window opening details have been submitted to and approved in writing by the Borough Council. Thereafter the windows shall be installed and maintained in accordance with the approved specifications 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]

11. The development shall not be brought into use until the proposed access and parking/turning area, including measures to prevent the unregulated discharge of surface water to the highway, have been constructed in accordance with details to be first approved by the Borough Council and 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]

Notes to Applicant

The provision of a vehicular footway crossing requires works within the public highway on land outside your control. You are therefore advised to contact the Highways Area Office by telephoning 08449 808080 to arrange for these works.

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.

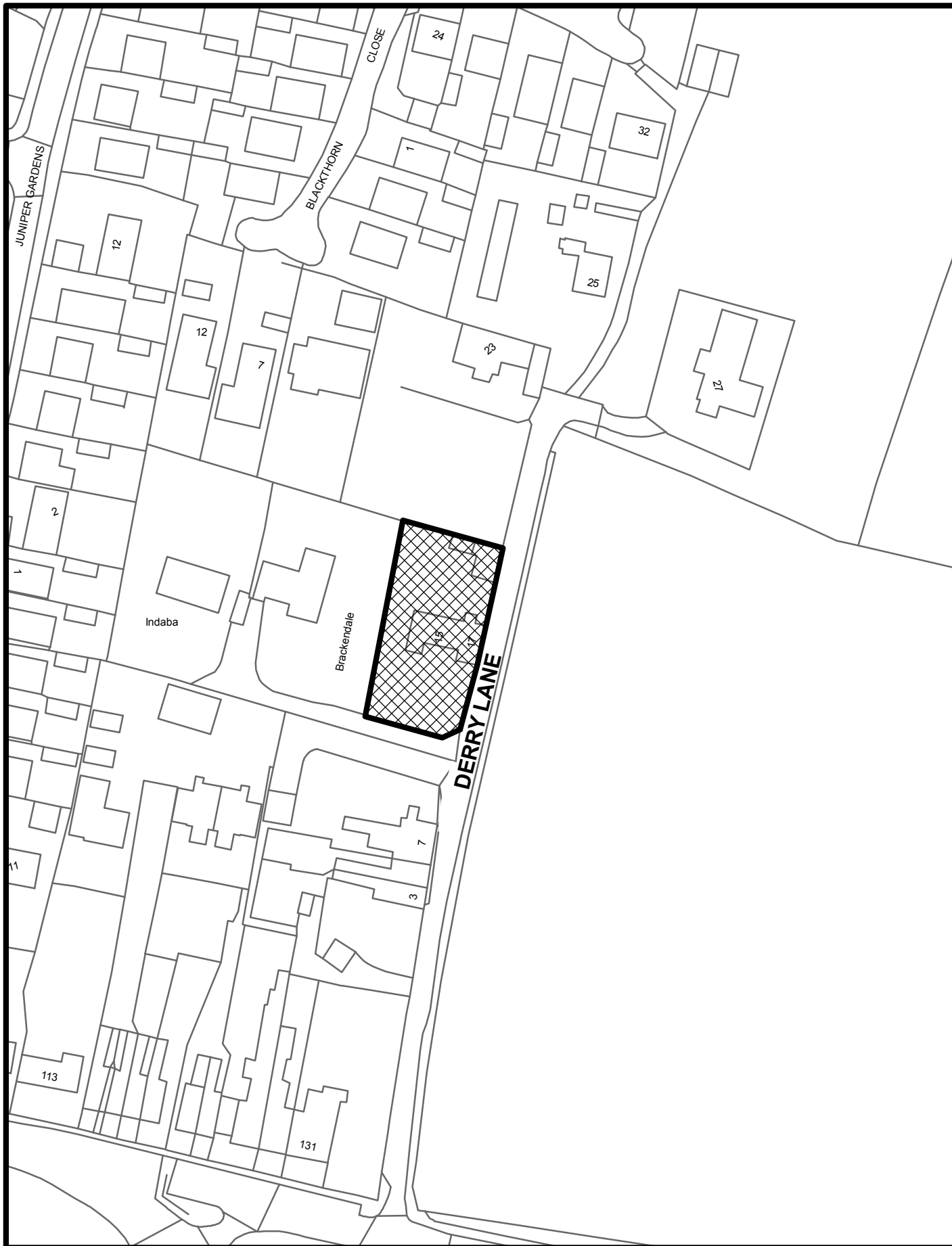
The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

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.

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.

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 existing Silver Birch trees on the site are the subject of a Tree Preservation Order and consent is needed for any works to uproot, cut down, top or lop the protected trees. Unauthorised works to a protected tree is a criminal offence.



Application Number 17/01619/FUL
15-17 Derry Lane, Bingham



scale 1:1000

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Rushcliffe Borough Council - 100019419

17/01619/FUL

Applicant Ms Wale

Location 15-17 Derry Lane Bingham Nottinghamshire NG13 8DG

Proposal Proposed new cottage and alterations to existing cottage

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The application site extends to approximately 240 square metres and forms part of the side garden of Piglets Cottage (formerly 15/17 Derry Lane). The plot has a maximum width of 12.7m and maximum depth of 20.3m. The garage to the existing property currently sits within the plot of land which would accommodate the new dwelling.
2. Immediately to the north of the site is a paddock which has an extant planning permission for two dwellings (ref: 15/02794/FUL). This development is in the course of construction. The site is adjoined on its western side by a bungalow known as Brackendale.

DETAILS OF THE PROPOSAL

3. It is proposed to erect a two bedroom dwelling on the site, having an eaves height of 4.3m and ridge height of 6.7m. Two parking spaces would be provided alongside the dwelling.
4. The dwelling would have a rear garden of approximately 115 sqm, with a minimum depth from the main rear wall (excluding a small single storey projection) of 9.5m.

SITE HISTORY

5. In October 2016 planning permission was refused for the erection of a dwelling on the site (ref: 16/01808/FUL). Permission was refused on grounds that the proposals would result in an overintensive form of development which would result in an overbearing impact, and overlooking and loss of privacy to the dwelling to the rear, Brackendale.

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Councillor Davidson) objects on the grounds of overintensive development and overbearing impact.
7. One Ward Councillor (Councillor Hull) declares an interest.

Town/Parish Council Meetings

8. Bingham Town Council has objected and commented, "*The Planning Committee discussed this application at its meeting on 25th July and it was agreed to object to the plans as the site would be overdeveloped, furthermore the proposed plans would exacerbate the already poor parking situation on Derry Lane. Also, the proposed windows overlooking the neighbouring property would be intrusive so should be opaque.*"

Statutory and Other Consultees

9. The Nottinghamshire County Council as Highway Authority has confirmed that no observations are required for this application. (They raised no objection to the previous application referred to above).

Local Residents and the General Public

10. Two letters of objection have been received. The grounds of objection relate to the following:
 - a. Overbearing impact, particularly in conjunction with the neighbouring development at 23 Derry Lane.
 - b. The dressing room could be converted to a bedroom, resulting in overlooking.
 - c. The development would be overintensive and out of keeping
 - d. There would be congestion due to construction traffic.
 - e. Inadequate access.
11. Two letters have been received neither objecting to nor supporting the application. The letters make the following points:
 - a. Concerned at access problems due to contractors vehicles.
 - b. Materials should match the surroundings.
 - c. Any fencing on Derry Lane should be low enough to allow safe access.
 - d. Eaves of proposed dwelling should be lower to be subordinate to host property.
 - e. A footpath should be provided on the north side of the site.
 - f. It would be preferable for any glazing on the north side to be obscure glazed
 - g. Preferable for chimney to be re-located and internal.
12. In response to the representations, the applicant has pointed out that the proposed dwelling is smaller than that previously refused, the roof pitch has been changed to increase the distance from the neighbour and break up the

roof line and the garden is larger. The rear windows are not only offset from the neighbour but they are non-habitable rooms. The front elevation has been re-designed to be more in keeping.

PLANNING POLICY

13. 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.
14. 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).
15. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the Neighbourhood Plan, 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

16. One of the core principles of the NPPF (paragraph 17) advocates high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
17. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.
18. 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.
19. Chapter 7 (paragraphs 56 to 68) of the NPPF deals with issues of design. 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. Paragraph 64 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.”*

Relevant Local Planning Policies and Guidance

20. None of the saved policies of the Rushcliffe Borough Local Plan are relevant to the current proposals.
21. 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.

22. 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 should 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.
23. In the context of the RBNSRLP, the relevant policies are GP2 (Amenity and Design) and HOU2 (Development on Unallocated Sites).
24. 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.
25. 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.
26. The Borough Council's Residential Design Guide advocates that rear gardens of 55 sqm be provided for two bedroom houses.

Appraisal

27. In view of the location of the site in relation to local services and facilities, it is considered that it comprises a sustainable location, as advocated by the National Planning Policy Framework and Core Strategy.
28. The development of the site would not 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.
29. In view of the above, there is no objection in principle to the development in the context of the National Planning Policy Framework, Core Strategy and Rushcliffe Borough Non Statutory Replacement Local Plan.
30. Notwithstanding the previous refusal, it is necessary to consider the present proposal on its own merits. However, a number of amendments have been made compared to the previous scheme, including the following:
 - i) The footprint of the building has been reduced from 91 sqm to 65 sqm
 - ii) The minimum depth of garden has been increased from around 6m to 9.5m from the main two storey rear wall.

- iii) The distance to the side wall of the host property (Piglet's Cottage) has been increased from to between 2.7m and 3.1m.
 - iv) There are no first floor habitable room windows in the rear elevation.
31. In view of the overall reduction in the size of the proposed dwelling, it is considered that previous concerns regarding overintensive development and overbearing impact have been overcome. Furthermore, it is not considered that the development would be out of character given the mix of properties on Derry Lane, including terraced cottages at 3, 5 and 7 and detached dwellings being built on the adjacent site to the north.
 32. Whilst the proposed dwelling would include two first floor windows in the rear elevation, they would serve a dressing room and en-suite rather than habitable rooms. Nevertheless, they would result in a degree of overlooking of the dwelling to the rear and it is considered that, given the nature of the rooms they serve, they could be obscure glazed and a condition is recommended accordingly.
 33. The existing property (Piglet's Cottage) has a number of windows facing the site but given the fact that these principally serve the hallway/first floor landing within the property or are secondary windows, and in view of the size of the proposed dwelling, it is not considered that there would be any undue loss of amenity. Two of the windows, one at ground floor level and one at first floor level are within an element of the building which would immediately abutt the new boundary with the plot. In order to protect the amenities of future occupiers of the proposed dwelling, a condition is included in the recommendation requiring that these windows are obscure glazed and fixed shut.
 34. The dwelling being constructed on the adjacent site to the north has no habitable room windows facing the proposed dwelling, which has only a landing window (first floor) and high level window (ground floor) on the north elevation
 35. Whilst the proposed front elevation incorporates two Juliet balconies, the dwelling is generally sympathetic to neighbouring properties in terms of scale and overall design. It is not, therefore, considered that a refusal based on the dwelling being out of keeping could be justified.
 36. Although reference has been made to traffic generation and highway safety issues, it will be noted that the County Council has raised no objection. It is, however, considered that the proposed dwelling should not be occupied until replacement parking for the host property has been provided.
 37. The proposal was subject to pre-application discussions with the agent and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in 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 proceed beyond foundation level until details of the facing and roofing materials, including the colour finish of any render and cladding, 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. Thereafter, the development shall be maintained in accordance with the approved details.

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

3. The development shall not be brought into use until the proposed access and parking/turning area have been constructed. 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. The development shall not be brought into use until car parking facilities for the existing property, Piglet's Cottage, have been provided in accordance with details to be first submitted to and approved in writing by the Borough Council. 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]

5. Prior to occupation of the dwelling hereby approved, the first floor windows in the west elevation of the proposed development shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, 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.

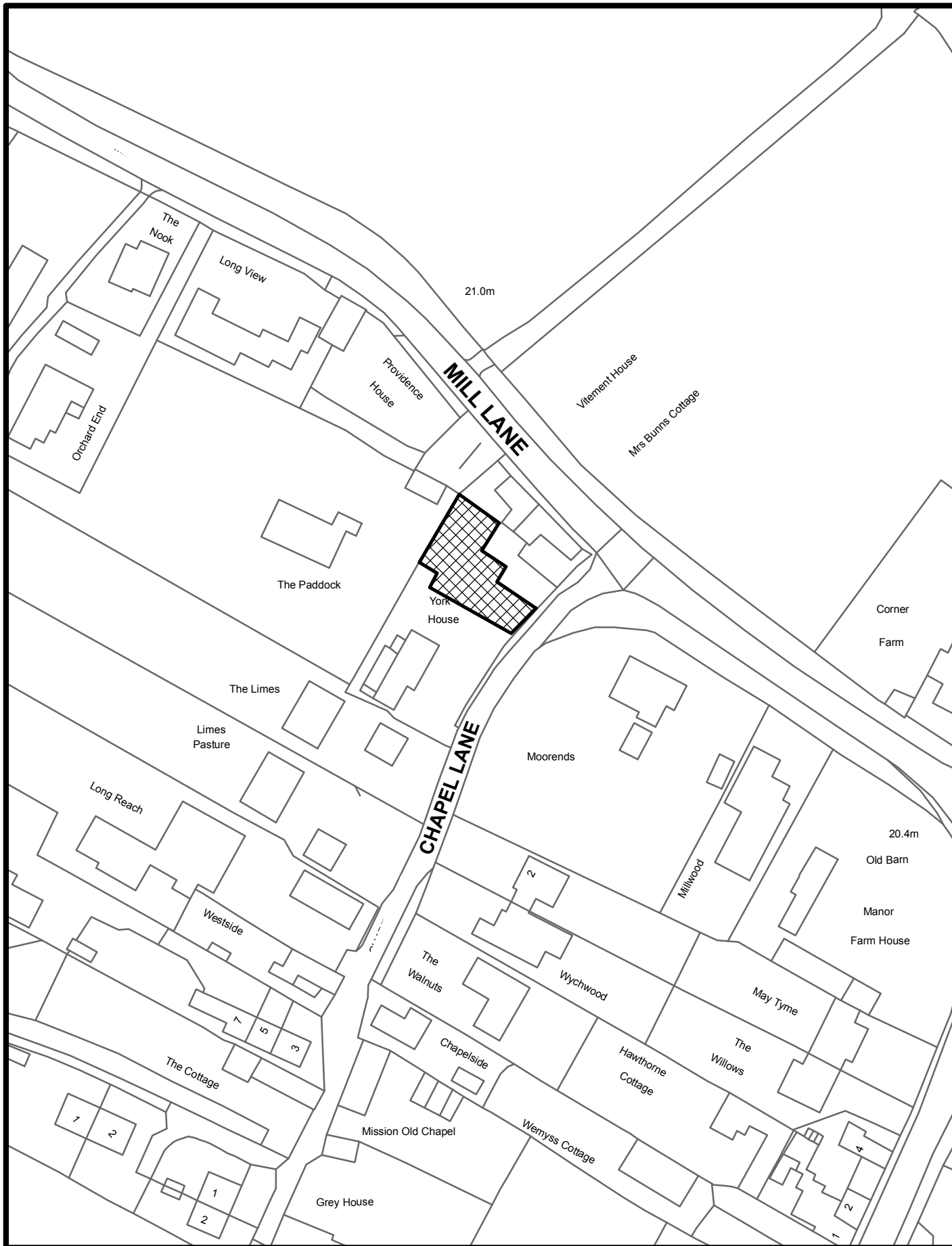
[To protect the privacy and amenity of neighbours and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

6. The development shall be carried out in accordance with the submitted plans ref. H239/4 and H239/5.

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

7. Prior to occupation of the dwelling hereby approved, the ground floor and first floor windows in the north elevation of the element of Piglet's Cottage which will abutt the boundary with the site of the new dwelling shall be fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, 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 protect the privacy and amenity of neighbours and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].



**Application Number 17/01420/FUL
York House, Chapel Lane, Aslockton**



scale 1:1000

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Rushcliffe Borough Council - 100019419

17/01420/FUL

Applicant Mr David Morton

Location York House Chapel Lane Aslockton Nottinghamshire NG13 9AR

Proposal Construction of new dwelling including landscape and means of enclosure

Ward Cranmer

THE SITE AND SURROUNDINGS

1. The application relates to a slightly staggered L-shaped site which currently forms part of the private garden of York House, a detached dwelling house. The site is located to the north east of York House. It is served by a separate vehicular access off Chapel Lane to the east of the site. The front boundary includes a 1.8m high brick wall, 2.2m gate piers and a 2m high solid timber gate. There is currently no boundary treatment between York House and the application site. The site is laid mainly to grass except for an area of hard standing used to store a caravan.
2. The western boundary adjoins the garden area of a detached dwelling, The Paddock. There is a large purple leaf Maple tree located along this boundary within the ownership of the neighbouring property, it is identified as a significant tree in the Aslockton Conservation Area Townscape Appraisal. The northern boundary is staggered and adjoins the boundary of two dwellings, Vitement House and Mrs Bunns Cottage. The side and rear elevations of a brick built detached garage, which serves Mrs Bunns Cottage, and the side elevation of Vitement House are built up to the northern boundary of the site as well as a section of close boarded fence approximately 1.8m high which is located between the site and the private amenity space serving Mrs Bunns Cottage.
3. The site is located within the Aslockton Conservation Area, in the Chapel Lane Character Area. This area is described as having a “...*rural character with a strong entrance boarded by important hedgerows and trees.*” York House which is located to the south west of the application site, and Vitement House and Mrs Bunns Cottage which are located to the north of the site are identified as positive buildings in the Aslockton Townscape Appraisal.

DETAILS OF THE PROPOSAL

4. The proposal is an amended scheme for the construction of a new dwelling including landscaping and means of enclosure. Subsequent to the submission of the current application, further amendments have been made, including reducing the projection of the building's front wing by 250mm to allow for the provision of an additional parking space within the site.
5. The landscaping involves the removal of one tree and the pruning and shaping of the retained trees located along the site boundaries. The means of enclosure would include repairing and reinforcing the existing hedges and

erecting a 1.85m high close boarded timber fence with concrete posts along the new boundary between the site and York House.

SITE HISTORY

6. There is extensive planning history for the site including the following:
7. Planning application for outline consent (ref: 80/06242/HIST) to erect a bungalow and construct a vehicle access was refused in May 1980.
8. Planning application (ref: 12/01944/FUL) to construct a detached garage with amenity room above with new vehicle access to Chapel Lane was withdrawn. The Local Highway Authority objected to this application on the grounds that the proposed vehicle access in its current state would be detrimental to highway and pedestrian safety.
9. Planning application (ref: 14/01865/FUL) for the construction of three brick pillars, a section of wall and gates at the entrance to the drive (part retrospective) was refused in October 2014 for two reasons including, that it would have an adverse impact upon the rural character and appearance of the surrounding area and fail to sustain or enhance the special character and appearance of Aslockton Conservation Area and that the proposal has resulted in the provision of inadequate vehicle and pedestrian visibility splays to the detriment of pedestrian and highway safety.
10. The above proposal was subsequently allowed at appeal and has now been implemented. The Planning Inspector considered that the very limited number of vehicular movements likely to be associated with the scheme would not significantly harm highway safety, and that a relatively short section of the property's frontage hedgerow had been removed and the walls and pillars have been constructed with reclaimed imperial bricks, and their height, colour and general appearance are broadly consistent with the adjacent boundary treatment at Mrs Bunns Cottage, therefore, they were satisfied that the proposal would preserve the character and appearance of the conservation area.
11. Planning application (ref: 15/01800/FUL) for the construction of a new dwelling including landscaping and means of enclosure was refused in August 2016 for three reasons including, that the proposal would result in an overintensive and cramped form of development to the detriment of the visual amenities and character of the area and would detract from the positive contribution made by the neighbouring 'positive' buildings to the character and appearance of the conservation area; the development would adversely impact upon the future retention of the adjacent Norway Maple which makes a positive contribution to the character of the area, the loss of amenity would result in harm to the character and appearance of the conservation area; and the use of the access to serve a separate dwelling house would result in an intensification of the use of the access which has been acknowledged has substandard visibility, therefore, the proposal would be a hazard to highway users.
12. The above proposal was dismissed at appeal. The only reason given by the Planning Inspector for dismissing the appeal related solely to the proposals impact on the adjacent tree. They noted that the crown spread of the

adjacent Norway Maple tree would extend extensively over the portion of the proposed rear garden area between the property and the boundary with The Paddock. As a result the tree would considerably diminish the availability of natural light throughout the day, and cause significant afternoon shading to the garden and dining and living room of the proposed property. It is highly probable that future occupiers of the proposed property would seek to undertake remedial measures to improve light levels to the property, and this would inevitably place pressure on the tree to be lopped. Although consent would be required for any works to the tree, they judged that the Council would be under pressure to allow such works in the interest of the living conditions of future occupiers. The Inspector concluded that continual lopping and reducing the crown spread of an identified important tree would undermine its character and that of the conservation area.

REPRESENTATIONS

Ward Councillor

13. The Ward Councillor (Cllr M.Stockwood) objects to the application on the grounds that there is only one space for a vehicle and it continues to be detrimental to the view of the conservation area in relation to the cottages to the side.

Town/Parish Council

14. The Parish Council objects to the application and makes the following comments, *“Although the Design and Access Statement states that the application is submitted in outline, our response is in respect of a full application as advised by Rushcliffe Borough Council.*
15. *With regard to drawing No. 12/015 P01 the elevations are incorrect. The side elevation is in fact the rear elevation and the rear elevation is the side elevation facing Mrs. Buns Cottage. Aslockton Parish Council wishes to object to the above application for the following reasons:*
16. *It will be contrary to various sections of the Rushcliffe Borough Non-Statutory Replacement Local Plan GP2 Design and Access:*
 - a) *As the dwelling has been brought forward by 3m it will have even more of an adverse impact upon the residential amenity of the residents of Mrs. Buns Cottage.*
 - b) *There is now only one parking space which we consider is insufficient for a detached 3 bedroomed property.*
 - c) *It will be an overintensive development for the size of the plot.*
 - d) *The scale and height will not be sympathetic to the character and appearance of the neighbouring properties and the surrounding area. It will lead to an overintensive form of development and be overbearing in relation to neighbouring properties and lead to overshadowing and loss of privacy.*
17. *It will also be contrary to EN2 Conservation Area (a and b) as it will not preserve or enhance the character or appearance of the Conservation Area of Aslockton and it will have an adverse impact upon the form of this open space (York House garden) within the Conservation Area.*

18. *With regard to the above material considerations it will also be contrary to the relevant sections of Policy 10 Core Strategy Local Plan Part 1. We also consider that there will still be harm to the maple tree (T9) between this proposed dwelling and the Paddocks.”*

Statutory and Other Consultees

19. The Nottinghamshire County Council as Highway Authority envisages that a three bedroom dwelling would generate off street parking demand for at least two vehicles. Providing only one vehicle parking space is likely to displace at least one vehicle onto Chapel Lane, which by virtue of its narrow width will restrict the free-flow of traffic. There is space available within the site to accommodate two vehicles clear of the highway. Until such provision is made, they request the application is refused.
20. Following the submission of revised plans showing the provision of parking for two vehicles within the site, the Highway Authority has confirmed that they do not wish to raise an objection, subject to a condition relating to the surfacing of, and drainage of surface water from the driveway
21. The Borough Council's Landscape and Design Officer does not object to the proposal. He considers that the proposed development poses no risk of root damage to the tree, but it would need to be protected during the construction period in accordance with BS3998. He notes the current land owner and future land owners have the same rights to prune back overhanging branches to the boundary line and as the tree is located in a conservation area the Borough Council has the opportunity to protect the tree if it was considered that any pruning was excessive as a conservation area tree notice would have to be made. Hopefully future occupiers will appreciate the tree, but if not, the tree could be pruned back a little without any harm to its public amenity value.
22. The Borough Council's Conservation and Design Officer does not object to the current proposal. He has raised the same concerns over the design of the proposed new dwelling that were raised in relation to the 2015 application. He was not convinced that the proposal would be well designed in respect to its setting and the character of the surrounding area, neither was he convinced that it would represent an asset or enhancement to the character of the conservation area. However, he accepts that the Planning Inspector disagreed with his view and chose to set these issues aside. He has suggested that it is important for the submission to include information clarifying how the revised scheme would improve the situation with regard to natural daylight within the proposed garden area.

Local Residents and the General Public

23. A total of six written representations have been received from local residents objecting to the proposal on grounds which can be summarised as follows:
 - a. Loss of privacy to neighbouring property from bedroom windows.

- b. The building is too large for the size of the plot, overintensive development and height of building would dominate the neighbouring buildings.
- c. Ruin the character of this part of the village, surrounded by three 19th century properties.
- d. The protection of Mill Lane's visual, historic and archaeological qualities is supported by para. 64 of the National Planning Policy Framework.
- e. The framework states permission should be refused for development of poor design that fails to take opportunities available for improving the quality of an area and how it functions.
- f. Dismayed and frustrated that the proposed dwelling has been moved forward in the plot which will be overbearing, greatly compromising neighbouring property, overshadowing and blocking light.
- g. The new driveway is ill considered due to the lack of a footpath and limited turning space.
- h. The shortened driveway will not accommodate adequate parking which would make on street parking necessary and potentially cause highway conflict.
- i. Every other property on Chapel Lane has a single bay garage and onsite parking for two vehicles.
- j. Boundary wall to neighbouring property may be at risk of collision.
- k. All the outdoor space is concentrated on boundary of neighbouring property.
- l. Bedroom windows in neighbouring bungalow facing the site would be overlooked.
- m. Concerned about damage caused to the Maple tree.
- n. Affect the desirability, marketability and market value of adjacent property and others in the immediate vicinity.
- o. The application materially alters the access which was originally described as a second access serving York House.
- p. The official speed limit is 30mph, residents have witnessed vehicles being forced to break violently and Chapel Lane has no speed control features.
- q. Cars cut the corner and when puddles of water which collect there are frozen it's extremely dangerous.

- r. If allowed there would be 23 dwellings on Chapel Lane with permission for 2 more, a new development of this size would require a 2 lane 4.8m wide road with a 1.8m wide footpath on each side.
- s. Fails to meet the tests of sustainable development; it will detract from the existing quality of the built environment through its overintensive form, fails to reflect the existing communities needs through its impact on their amenities and has failed to consider the special character of its location.
- t. Detrimental to the established built form and natural environment and would harm the character and appearance of Chapel Lane and its surroundings through overintensive use of the site and the removal of green space.
- u. The new dwelling would appear cramped within the plot and its design has been compromised.
- v. The windows and garden area of the new dwelling would be significantly overshadowed by the Norway Maple tree, leading to a requirement to substantially prune and lop this tree, to the detriment of the tree and the wider character of the area.
- w. The property would be overlooked by existing neighbouring properties creating an unsatisfactory living environment for future occupiers.

PLANNING POLICY

- 24. 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), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

Relevant National Planning Policies and Guidance

- 25. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 26. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

- *Specific policies in the Framework indicate development should be restricted”.*
27. Section 12 of the NPPF refers to conserving and enhancing the historic environment and states (amongst other things) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and also that local planning authorities should look for opportunities for new development within Conservation Areas to enhance and better reveal the significance of the area. In particular, paragraph 134 states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*
 28. In relation to residential amenity paragraph 9 of the NPPF states, *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people’s quality of life, including (but not limited to): improving conditions in which people live, work, travel and take leisure”*. Paragraph 60 of the NPPF relates to design and states, *“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”*. Paragraph 64 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

29. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
30. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 3 states that the settlement hierarchy for Rushcliffe consists of the main built-up area of Nottingham and key settlements identified for growth (these do not include Aslockton). In other settlements development will be for local needs only, to be delivered on small scale infill plots. Policy 10 states, inter-alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Policy 11 states that proposals and initiatives 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.
31. 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. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties. Policy EN2 states, inter-alia, that planning permission for development within a Conservation Area will only be granted

where the proposal would preserve or enhance the character or appearance of the Conservation Area by virtue of its use, design, scale, siting and materials and there would be no adverse impact upon the form of the Conservation Area, including open spaces (including gardens). Policy HOU2 sets out the circumstances in which planning permission will be granted for unallocated development within settlements.

32. Consideration should also be given to supplementary guidance provided in the 'Rushcliffe Residential Design Guide' and 'Aslockton Conservation Area Appraisal and Management Plan'.

APPRAISAL

33. The site is located within the main built up area of the settlement and is bounded by residential properties. The site is served by an existing vehicle access and the scheme has been amended to include an additional on-site parking space, two in total, to address the concerns raised by the Highway Authority. The principle of a new dwelling house on this site is considered acceptable, subject to it being demonstrated that the revised scheme overcomes the issue previously identified by the Planning Inspector, namely that the proposal would not unduly threaten the future amenity value of the adjacent Norway Maple.
34. The Norway Maple is located adjacent to the site's north west boundary within the garden area of The Paddock. According to the tree survey submitted, the tree has reached maturity and is not expected to grow significantly larger. As identified by the Landscape and Design Officer, whilst any future land owner would have the same rights as the existing one to prune back overhanging branches, the Borough Council has the power to protect the tree if it was considered that any pruning was excessive, as a conservation area tree notification procedure would have to be followed.
35. The proposed dwelling house would be located 8.6m from the north western boundary of the site, 3.15m further than the previous scheme. The additional space between the tree canopy and the rear elevation of the proposed dwelling house would provide more light to the habitable room windows in this elevation as well as the property's rear garden area. It is accepted that the tree would result in some overshadowing of the ground floor windows in the north west elevation of the property and its rear garden but the level of overshadowing would be limited by its orientation.
36. On balance it is considered that the proposal has overcome the issues previously identified by the Planning Inspector, it would not unduly threaten the future amenity value of the adjacent Norway Maple tree and the character and appearance of the conservation area would not be harmed. As such, the proposal achieves the aim described as desirable within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it would preserve the character and appearance of the Conservation Area.
37. The Landscape and Design Officer has highlighted the need for a condition to protect the root protection area of the adjacent tree during the construction period. Such a condition has been included in the recommendation.

38. Although this report has focussed on the impact of the proposal on the adjacent tree, consideration has also been given to the broader impact of the proposal on the character and appearance of Aslockton Conservation Area, highway safety and residential amenity, as well as the comments received from consultees and local residents.
39. The Planning Inspector when assessing the previous scheme determined that, although the site would be smaller than some surrounding properties, they did not find that the proposal would appear notably cramped and incongruous within the street or detract from the character of the group of properties that surround it. This assessment is not disputed and it is considered that the proposal would not be harmful to the character and appearance of the area.
40. The site would be accessed from Chapel Lane via an existing vehicle access. Although the Highway Authority originally objected to a vehicle access in this location as an acceptable level of visibility could not be achieved it was allowed at appeal. The Planning Inspector acknowledged that visibility at the access was sub-standard but they determined that it was unlikely to compromise highway safety due to low volumes of traffic along Chapel Lane. Whilst the proposal is likely to result in increased vehicle movements at this access, the Highway Authority has previously commented that the additional trips generated by a proposal for a single dwelling within the site will be negligible. Furthermore, following the submission of revised plans showing the provision of two parking spaces, the Highway Authority has confirmed that they have no objection to the current proposal.
41. With regard to residential amenity, the proposed building would be located further from the north western boundary of the site than the previous scheme, a total of 8.6m. The ground floor windows would be screened by the existing boundary fence. The first floor windows would face the side elevation of The Paddocks which contains habitable room windows including bedroom windows. The distance between these windows would measure 24m and the orientation would prevent direct or unacceptable overlooking.
42. The proposal would be located to the south of Vitement House and Mrs Bunns Cottage. The proposed building would be located 0.9m from the detached garage serving Mrs Bunns Cottage and a minimum of 7m from the boundary with Vitement House. The private garden area of Mrs Bunns Cottage would be predominantly screened from the proposed first floor windows in the north east elevation of the proposed dwelling by the detached garage to this property. Vitement House has a single storey projection located adjacent to the boundary of the site, it is considered that this would prevent undue overlooking of their private amenity space.
43. There is a first floor bedroom window located in the south west elevation of Mrs Bunns Cottage. This window would be located approximately 11m from the closest of the first floor bedroom windows in the north east elevation of the proposed building, taken at an oblique angle. The separation distance between these windows and first floor habitable room windows located in the south east elevation of Vitement House would measure a minimum of 10m. On balance it is considered that the proposal would not have an overbearing impact, lead to direct overlooking of neighbouring properties or an undue loss of privacy.

44. The proposal would be built up to the new shared site boundary with York House. It would be located about 6.8m from the side elevation of the adjacent conservatory and 10.75m from the two storey side elevation of the main house. Given the orientation of the proposed building it would not lead to undue overshadowing. A condition has been recommended to ensure a ground floor window proposed in the side elevation of the proposed dwelling is fitted with obscure glass and fixed shut to protect the privacy of York House.
45. The level of private amenity space provided, at approximately 134sqm, would exceed the 110 square metre minimum advocated by the guidance in the Rushcliffe Residential Design Guide for detached 3 bedroom properties. It is considered that sufficient private amenity and circulation space would be provided on site and the proposal would not represent over development of the plot.
46. The impact of the proposal on the marketability and property values/house prices of adjacent properties are not material planning considerations and cannot be afforded any weight in the consideration of this application.
47. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to respond to concerns raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

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 be carried out in accordance with the following amended plan(s): 12/015 - P01 Rev. F received 23 August 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. No work shall be carried out and no plant, equipment or materials shall be brought onto the site until the following have been submitted to and approved in writing by the Borough Council:
 - (a) a plan showing the location of and allocating a reference number to each existing tree and hedge on and adjacent to the site showing which trees and hedges are to be retained and the crown spread of

each retained tree;

- (b) details of any proposed topping or lopping of any retained tree; and
- (c) details of the specification and position of fencing (and of any other measures to be taken) for the protection of any retained tree or hedge from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above. The tree protection measures shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence. No changes of ground level shall be made within the protected area.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition as it is considered necessary to secure protected fencing prior to commencement of work to ensure the trees are adequately protected]

- 4. The development hereby permitted shall not proceed 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 only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

- 5. The development shall not be brought into use until the access driveway has been surfaced in a suitably bound material (not loose gravel) for a minimum distance of 5.0 meters behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

- 6. The ground floor window in the south west elevation of the proposed development shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the window shall be retained to this specification. No additional windows shall be inserted in this elevation.

[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]

7. Notwithstanding the provisions of Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s).

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

8. Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no sheds, buildings or structures shall be erected on the site.

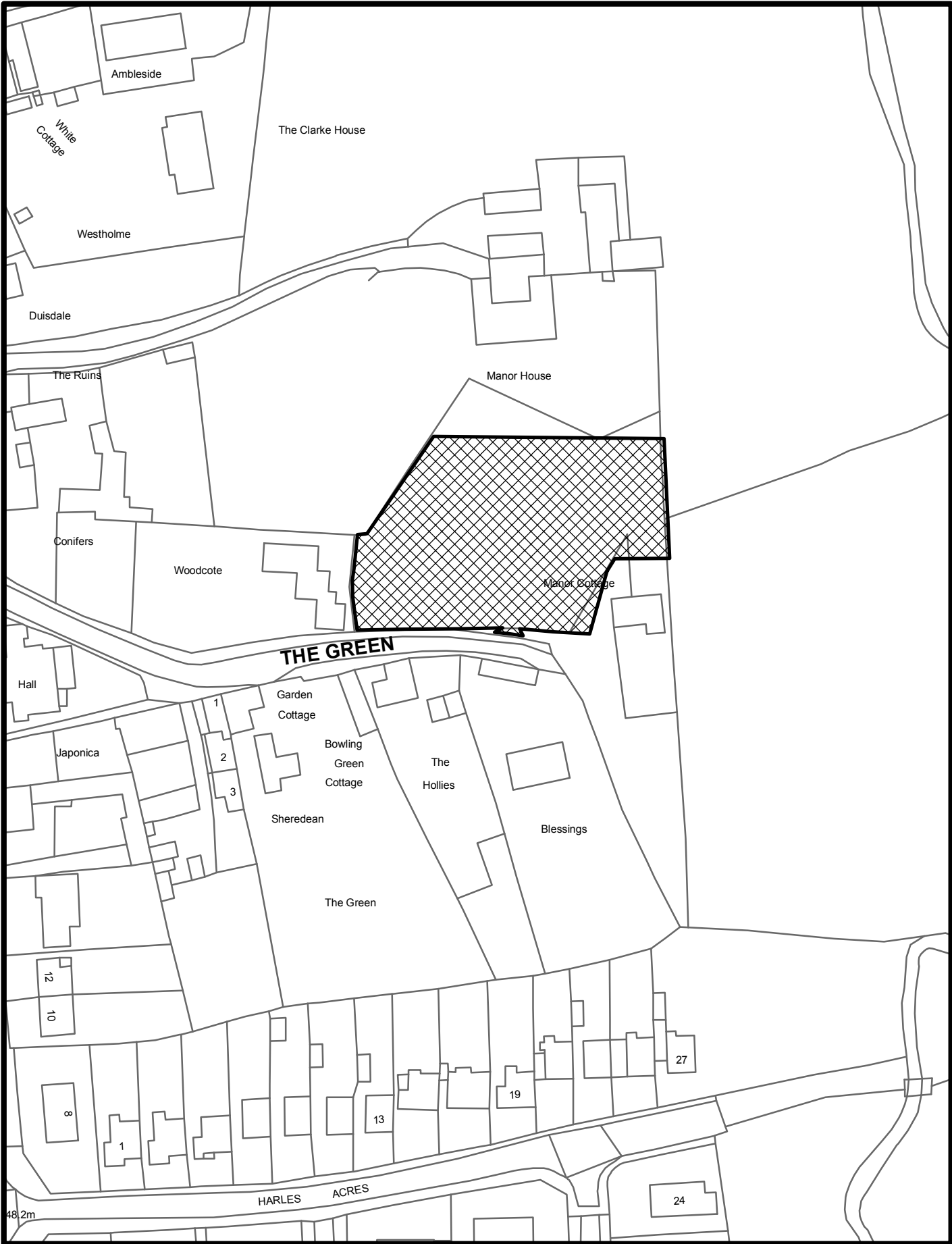
[The development is of a nature whereby future development of this type should be closely controlled and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

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.

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.

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.



**Application Number 17/01577/FUL
Manor House, Hickling**

scale 1:1000



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Rushcliffe Borough Council - 100019419

Applicant Mr & Mrs T. Thomas

Location Manor House Main Street Hickling Nottinghamshire LE14 3AQ

Proposal Garage and storage building

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application site is located to the south of Manor House, a large detached house situated within a spacious residential curtilage and accessed directly off Main Street via a private driveway. On the date of the officer site visit construction of the approved dwelling within the grounds of Manor House had begun on site. The walls had been constructed to the top of the ground floor windows.
2. It is proposed that access for the application site would be gained from The Green, a narrow lane, off which access is also gained to the village hall car park and a number of houses. There is presently no turning head on The Green.
3. The Green has a rural character, with important walls to the southern side which give a sense of enclosure, and a significant hedgerow to the north side. There are a mix of buildings including small cottages and more modern infill properties. There has been development along The Green over a period of time with the most recent developments including the construction of The Woodcote in the 1980s with extensions to it approved in 2009, extensions to Bowling Green Cottage and conversion of garage to office in the 90s/00s, the conversion to residential, extensions and detached garage with living accommodation above to Conifers between the 90s and the present and extensions to Garden Cottage within the last few years.
4. The eastern boundary of the application site is formed by a post and rail fence which separates the site from the Open Countryside and an area described as a positive open space in the Conservation Area appraisal. The western boundary with The Woodcote is formed by a relatively low brick wall. There is a length of close boarded fence between the application site and Manor Cottage.
5. To the north of the application site stands The Manor (the application site forms part of its garden) and to the west stands Woodcote which is separated from the application site by a low brick wall. To the south-east of the site is Manor Cottage, with the shared boundary with the application site defined by a 1.8 m high fence.
6. On the date of the officer site visit the hedgerow to the boundary with The Green was still in situ (no gap cut for driveway) and the site access during construction is being taken off Clawson Lane which is as per the previous approval.

DETAILS OF THE PROPOSAL

7. The proposal as originally submitted was to construct a garage and store building to the south-east corner of the site. The proposed building was shown to be roughly “L” shaped containing a three bay open fronted garage and a store area.
8. Following receipt of comments from the Conservation Officer, the scheme has been amended to a smaller linear (rectangular) form three bay garage with open front and a store of reduced size at the end.
9. The garage and store is proposed to be constructed in a similar location to the three bay garage, which was approved as part of the application for the house, and would involve a slight realignment of the boundary with Manor Cottage, which is in the same ownership as the application site.

SITE HISTORY

10. An application seeking outline planning permission for one dwelling was received early in 2014 and was later withdrawn prior to determination (ref: 14/00412/OUT).
11. A further application seeking outline planning permission for one dwelling was received in 2014 (ref: 14/01176/OUT), this was originally granted planning permission, subject to a number of conditions, following consideration of the application by the Development Control Committee at the meeting held on 11 September 2014. The decision to grant planning permission was challenged by way of judicial review by a neighbour and the decision was formally quashed by court order on 24 November 2014.
12. The challenge was made on a number of grounds, including whether it was lawful for the Council to accept an outline application in this case. However, the only point conceded by the Council, following advice from Counsel, was in relation to the duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, which is detailed more fully in paragraph 26 and in the appraisal below. On advice from Counsel, the Council accepted that the original Committee report did not explain that duty sufficiently clearly, particularly having regard to recent case law at that time. Subsequently, this issue was dealt with more comprehensively in a revised report, and the Development Control Committee reconsidered the application on 12 February 2015 when it again resolved to grant permission subject to conditions.
13. A application seeking full planning permission for a new dwelling house and detached garage and access on land to the South of the Manor House, Main Street, Hickling was received in early 2015 (ref: 15/00678/FUL). Planning permission was granted subject to a number of conditions, following consideration of the application by the Development Control Committee at the meeting held on 28 May 2015.
14. An application (ref: 15/02631/VAR) to vary condition 4 relating to materials attached to planning permission 15/00678/FUL was granted planning

permission under delegated powers in December 2015. The proposed changes to the materials schedule included:

- a. The walls of the house to be redbrick rather than painted render;
 - b. The roof of the house to be clay pantiles rather than slate; and
 - c. The walls of the garage would be brick rather than timber frames with Cedar shiplap boarding.
15. An application (ref: 16/00557/FUL) seeking full planning permission for a dwelling and detached garage was approved in May 2016. This application proposed an altered footprint, roof design and materials.

REPRESENTATIONS

Ward Councillor(s)

16. The Ward Councillor (Cllr. Combellack) objected to the proposal (as originally submitted) as she considered the proposed garage would be over-intensive in this part of the conservation village
17. Following receipt of the revised plans, Cllr Combellack remains concerned at the size of the proposed garage and the overbearing impact on Manor Cottage. Manor Cottage sits almost up to the boundary fence in the corner of its plot and it can ill afford to lose any land on this side of the property.

Town/Parish Council

18. Hickling Parish Council commented on the original scheme as follows, *"Members object to the proposals outlined in this application as they feel the development is too large and imposing for this area or the village which is already experiencing significant development. The parish council supports the observations made by the Conservation officer. Members would like to see a less overbearing structure instead."*
19. Following submission of revised plans the Parish Council support the application and comment *"Councillors are happy to accept the revised proposals."*

Statutory and Other Consultees

20. The Borough Council's Conservation Officer commented (on the proposal as originally submitted) that he was not convinced that the size of the proposal was justified in terms of crime prevention and that the proposed storage area was disproportionate. The garage would have a larger footprint than the Mano Cottage adjacent and this would not accord with the promotion of good design in the NPPF. Finally, he commented as follows:
21. *"The NPPF requires, within paragraph 132, that "any harm or loss" to any heritage asset "should require clear and convincing justification". The scale of the proposed outbuilding is such that it would be harmful to the general form and character of this part of the village and would also impact upon the*

special character of The Green, I am not of the view that the information provided supplies a clear or convincing justification. Whilst the test within paragraph 134 would allow planning permission to be granted if wider public benefits can be found which outweigh the harm to the conservation area it would be perverse to apply such a test for a proposal which is itself unjustified under paragraph 132 as it is hard to see how harm which is unjustified can ever be considered acceptable. The test under paragraph 134 must be applied in full knowledge of the statutory presumption against granting planning permission arising from section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is based in law whilst the provision in the NPPF is of comparatively lesser weight as a statement of government planning policy, as such any public benefits must be significant if they are to prove sufficient to justify a departure from that statutory presumption.”

22. Following submission of revised plans, further comments were received from the Conservation Officer which, in summary, advised that whilst the scheme is still large for a garage outbuilding the proposed difference to the scheme approved under the 2016 permission is not so great as to introduce harm to the special architectural and historic character of the Conservation Area. The character would therefore be preserved as is considered desirable within section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990. The revised proposal would not adversely affect the settings of any listed buildings, the nearest of which is Bowling Green Cottage (Grade II).
23. Historic England has commented on the original proposal and the revised plans as follows, “*On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*”

Local Residents and the General Public

24. Local residents from two neighbouring properties have commented on the original submission as follows:
 - a. Agree the proposed changes to the garage need to be dealt with by way of full planning application.
 - b. The Green View line does not appear on the submitted plans.
 - c. Agree with Conservation Officer comments.
 - d. Additional space created would change the nature and character of the whole development and adversely affect surrounding buildings.
 - e. The increased size might compete with the pre-eminence of The Manor.
 - f. Concern about impact on special character of The Green.
 - g. Hedge along The Green would not provide adequate screening, and no screening at all in winter.
 - h. Permanent brick built store of this size is not required.

- i. Proposal would dwarf Manor Cottage and Blessings.
- j. Concerned garage could be turned into a bungalow in future.
- k. Could create a “tunnel” effect opposite outbuilding belonging to Blessings.

PLANNING POLICY

- 25. 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), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

Relevant National Planning Policies and Guidance

- 26. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 27. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*.
- 28. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in the Framework indicate development should be restricted.”*
- 29. Section 12 of the NPPF refers to conserving and enhancing the historic environment and states (amongst other things) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and also that local planning authorities should look for opportunities for new development within Conservation Areas. In particular, paragraph 134 states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed*

against the public benefits of the proposal, including securing its optimum viable use.”

30. In relation to residential amenity paragraph 9 of the NPPF states, *"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to): improving conditions in which people live, work, travel and take leisure".* Paragraph 60 of the NPPF relates to design and states, *"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".* Paragraph 64 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."*

Relevant Local Planning Policies and Guidance

31. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
32. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 states, inter-alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Policy 11 states that proposals and initiatives 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.
33. 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. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties. Policy EN2 states, inter-alia, that planning permission for development within a Conservation Area will only be granted where the proposal would preserve or enhance the character or appearance of the Conservation Area by virtue of its use, design, scale, siting and materials and there would be no adverse impact upon the form of the Conservation Area, including open spaces (including gardens).
34. Consideration should also be given to supplementary guidance provided in the 'Rushcliffe Residential Design Guide' and 'Hickling Conservation Area Appraisal and Management Plan'.

APPRAISAL

35. The principle of a garage in this location has already been established through previous planning applications. The current, extant permission which is being implemented at the site for a detached dwelling and garage (16/00557/FUL) included a three bay garage with a width of 10m, a depth of

6m and height to eaves of 2.5m and to ridge of 4.6m. The garage was shown to be broadly in the same position as the current proposal.

36. The key issues to consider in this application are any impact on residential amenity resulting from the changes to the proposed garage, and the impact of the proposal on the character and appearance of Conservation Area.
37. The current application is a revised scheme for the garage only (excluding the house which is already under construction), extending the garage from a three bay garage to a three bay plus garden store. The garage would have a similar appearance to the approved structure, open fronted to the parking bays but with doors to the front of the store. Furthermore, the garage is proposed to be in a similar location to that previously approved, running parallel with the hedge along The Green that forms the site boundary. The western elevation would be in the same position as the approved garage but it would extend 3 metres further to the east. The width of the garage would be extended to 13m, an increase of 3 metres, but the depth and height would remain the same as the approved garage. In order to accommodate the increase in length of the garage, the boundary of the site with Manor Cottage would be slightly realigned, thereby incorporating a small triangular area of land, amounting to approximately 3.42sqm of the garden to Manor Cottage (which is also in the applicant's ownership) into the application site.
38. It is considered that the relationship with the adjacent Manor Cottage would be acceptable, with the side elevation of the garage a minimum of approximately 8.6m from the side elevation of Manor Cottage, with an eaves height of 2.5m and a ridge height of 4.6m. It is not, therefore, considered that there would be any undue impact on the amenities of current or future occupiers of Manor Cottage. There would be a minor change to the site boundary as a result of this application, but the resultant loss of garden to Manor Cottage would be very limited, and a sufficient garden area would remain. A plan from a 1996 application at Manor Cottage indicates that the residential curtilage to the property extends to approximately 1,255 square metres (including the footprint of the dwelling). Therefore, the area of land to be incorporated into the application site (3.42sqm) amounts to approximately 0.27% of the total curtilage to Manor Cottage, having a minimal impact on the size of the garden to the property. It should also be recognised that, as the application site and Manor Cottage are both in the same ownership, the boundary lines could be changed at any time without the need for planning permission.
39. There is an existing outbuilding on the opposite side of The Green, within the curtilage of Blessings, close to and running roughly parallel to the road. This outbuilding is shallower in depth and lower to the ridge, but is of a similar width to the proposed garage. The proposed garage would be partially screened from the road by the existing hedge, the design and materials would be sympathetic to the Conservation Area and the approved dwelling on the site. The additional length of the garage would not be readily perceived from outside the site, and although it is accepted that the garage and store do result in a large outbuilding at the site, it is not considered disproportionate to the new dwelling on site or to neighbouring properties. No harm to the Conservation Area has been identified and, consequently, it is considered that the proposal would preserve the character and appearance of the Conservation Area. Therefore, the proposal achieves the objective described

as 'desirable' in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

40. The nearest listed building is located on the opposite side of The Green, further to the west, opposite Woodcote. There are further listed buildings on the western side of Main Street, including one directly opposite the junction of Main Street with The Green. Due to the distances between these buildings and the application site and intervening buildings and vegetation, it is not considered that the proposal would harm the setting or any features of special architectural or historic interest which they possess. Therefore, the proposal achieves the objective described as 'desirable' in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
41. A resident expresses concern that the 'Green View' line which was shown on drawings accompanying the previous applications, and indicates the view across the site to the countryside beyond, is not included on the plans accompanying the current application. This is correct, however, the western elevation of the garage would be in the same position as the approved garage at the site and, therefore, the view across the site, between the garage and the southern elevation of the dwelling would be unchanged from the previously approved plans (ref: 16/00557/FUL).
42. Concern has also been expressed about the possible future use/conversion of the building. The application is for a detached outbuilding (garage and store) ancillary to the host property and the application must be considered on its merits and not what might happen in the future. Any material change of use or conversion would be subject to planning controls.
43. Concerns were identified during the consideration of the application and as a result of early discussion with the architect revisions have been made to the proposal which have overcome officers concerns, resulting in an acceptable proposal and a recommendation to grant planning permission.

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

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]
3. No construction traffic shall access the site from The Green, construction traffic shall use the route from Clawson Lane previously approved under

application 16/00557/FUL. Within three months of completion of the development the land across which the access is built shall be restored to its original condition.

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

4. With the exception of that part to be removed to form the access to the site, the hedge located on the southern boundary of the application site shall be retained and any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

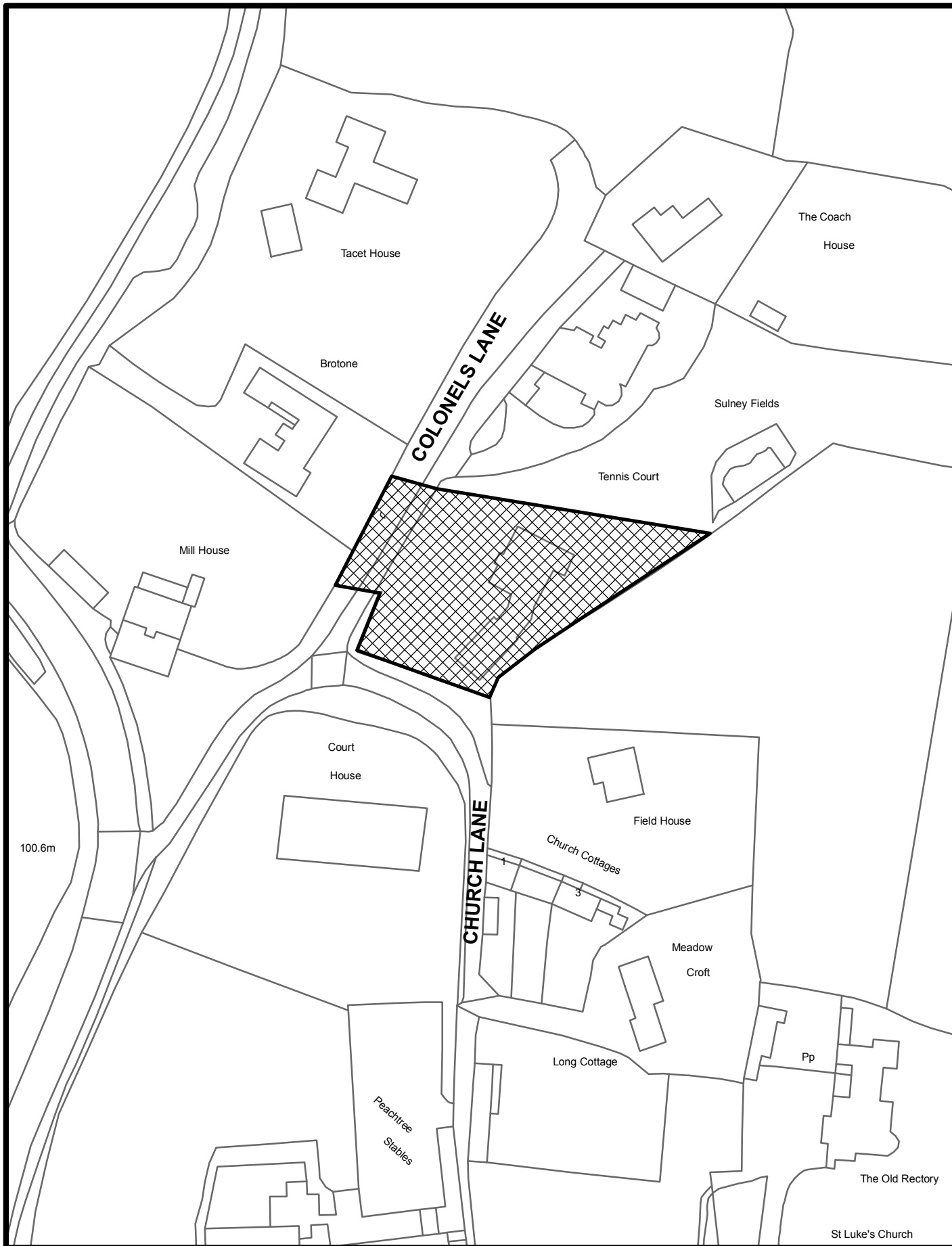
[The hedge is an important feature in the area and its retention is necessary to help screen the new development and sustain the character and appearance of Hickling Conservation Area in accordance with policy GP1viii (Delivering Sustainable Development) and EN2 (Conservation Areas) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. Any gates to be erected to the proposed access shall be set back not less than 5m metres from the highway boundary and shall be hung so as to open into the site only.

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

6. The development hereby permitted shall be carried out in accordance with the following approved plan(s): GA211/05H; GA211/11G

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



**Application Number 17/00911/VAR
Sulney Fields, Upper Broughton**



scale 1:1000

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Rushcliffe Borough Council - 100019419

17/00911/VAR

Applicant Cairns Heritage Homes

Location Land South Of Sulney Fields Colonels Lane Upper Broughton Nottinghamshire

Proposal Vary condition 2 of 15/02394/FUL relating to new brick wall and Hawthorn hedge, and two sections of replacement hedgerow (Yew) to south east boundary

Ward Neville And Langar

THE SITE AND SURROUNDINGS

1. The application relates to a recently constructed two storey neo-classical Georgian style house with a linked garage with first floor accommodation, driveway and gardens in a residential area on the northern edge of the built part of the settlement at the junction of Colonels Lane and Church Lane, within the Conservation Area. The site was formerly a tennis court and part of the garden of Sulney Fields to the north.
2. The site and surrounding land slopes downwards relatively steeply from west to east, and there is a field adjacent to the east. There is a variety of residential properties in the vicinity, generally within spacious plots. Sulney Fields, Mill House and Church Cottages are late 18th/early 19th century houses (and are identified as key unlisted buildings in the Conservation Area Townscape Appraisal), and Brotone, Court House and Field House are mid to late 20th century suburban dwellings.

DETAILS OF THE PROPOSAL

3. Condition 2 of the planning permission granted for the construction of the dwelling on the site (ref: 15/02394/FUL, which was allowed at appeal) requires the development to be carried out in accordance with the approved plans, and the site layout plan states that the existing boundary hedge was to be retained. A relatively small section of the hedgerow along the southern boundary with Church Lane has been removed and replaced with a section of brick wall of around 4.5m in length and 2m in height, incorporating a door/gate. A Hawthorn hedge has been planted in front of the wall.
4. Two sections of the boundary hedgerow, each of around 8m in length, with the field to the east have also been removed and replaced with Yew hedgerow.
5. The following information was provided by the applicant's agent in covering letters submitted to support the application:
 - The wall is very minor in length within the context of the whole site boundary to the south. The hedge will mature quite quickly to conceal the wall, and has no impact on the rural character of the area. There is a brick wall with a hedge in front further along Church Lane.

- The wall is required to provide privacy and security and is considered to be far more appropriate in the Conservation Area than a timber panel boarded fence. The existing site entrance on to Colonels Lane is built at a very steep gradient, and the new gate provides a rear pedestrian access, for level access to the garden.
6. Since the application was submitted a revised plan has been received showing the extent of the applicant's ownership, and additional Hawthorn plants have been planted in between and in front of the existing hedgerow, in front of the wall.

SITE HISTORY

7. Permission was granted on two occasions in 2014 and 2015 for a dwelling (refs: 14/00119/FUL and 15/01105/FUL).
8. Permission was refused on two occasions in 2015 and 2016 for a dwelling (refs: 14/02366/FUL and 15/02394/FUL). However, the refusal under ref: 15/02394/FUL was allowed at appeal.
9. Permission was refused in April 2017 to vary condition 2 of 15/02394/FUL relating to a new brick wall to the south east boundary (ref. 16/03037/VAR).

REPRESENTATIONS

Ward Councillor(s)

10. The Ward Councillor (Councillor Combellack) objects on grounds which are summarised as follows.
- a. The large hole in the hedge was created by the builders using it as a quick access to the building site. It should have been replaced with a similar native hedge of good height.
 - b. There is not sufficient room for roots in this area as they immediately come up against the foundations.
 - c. The new gate may provide a more convenient rear pedestrian access but it is not authorised.
 - d. Understands that the new owners are considering replacing the Yew Hedging with Hawthorn.
 - e. Nothing is being said about the gate.
 - f. It would appear that the planting aimed at softening the wall is not on land in the property ownership.
 - g. Yew is poisonous to grazing animals.

Town/Parish Council

11. The Upper Broughton Parish Council object on grounds that it wishes to see the previous ruling by the Borough Council enforced prior to any new application being considered. The wall which the proposed screening covers has not been approved and therefore this should be rectified before other solutions to the boundary are considered. The Parish Council very much supports the concern of local residents in relation to the developer repeatedly deviating from the approved planning applications and not being held to account for his apparent lack of compliance.

Statutory and Other Consultees

12. The Design and Conservation Officer has no objection to the reinstatement of hedging, but suggests conditions requiring any plants which die, become diseased or are removed etc. be replaced in the first planting season. He is aware that some of the hedging already planted appears to have died and, as such, he feels that such a condition is necessary. For the site boundary hedging this should be over a period of 5 years as per the standard landscaping condition, and for the hedging fronting the wall it should be for the lifetime of the boundary wall ensuring that the hedge will be maintained and replaced as necessary in perpetuity for as long as the wall exists behind it. This is a necessary condition as without the hedge the wall would have an unjustified and unacceptable adverse impact upon the special architectural and historic character and appearance of the conservation area.
13. He is happy to see that good sized hedging plants have been planted outside of the wall, which are already tall enough to mask the wall and only need to fill out a little to form an effective visual screen to the brick wall. He does not feel that the applicant could have done much more to ensure that planting more rapidly obscures and softens the appearance of the wall. Within a few years this section of boundary will take on the appearance of a gateway in a hedge. The proposal would allow the wall to be retained whilst also avoiding the adverse impact which it has on the special architectural and historic character and appearance of the conservation area.
14. He highlights, however, that the wall is only acceptable insofar as it is successfully hidden by the hedge. If the Landscape Officer has any concerns about the longevity of the hedge or its ability to become successfully established in this position then he would have to object, as without the hedge the wall would represent an alien engineered feature within what is a soft and rural lane within the Conservation Area.
15. With respect to the additional Hawthorn hedgerow planting carried out, he comments that the planting would not need to gain much height to serve the purpose of completely obscuring the wall from view, and he is satisfied that, if the hedging becomes established, the wall will not be a visible component of the streetscape.
16. He is aware of comments that Hawthorn is a deciduous plant and that, whilst every year is different and the weather can have an impact on plants, it is likely that the hedge will offer good leaf cover from early March and into October, and that screening will, therefore, be effective for 7 - 8 months of the year. Given the density of the planting and the fact that Hawthorn tends to

develop reasonably dense branches, even without leaves the hedge would still offer substantial screening to the wall, although clearly to a lesser extent than in the summer.

17. Best practise on assessing the settings of heritage assets can be applied to this situation and this makes clear that, when considering views, note should be taken of diurnal and seasonal changes. In this case day/night differences are largely irrelevant but clearly there will be a lessening of screening during winter, and this will need to be considered when determining the application. This will require making educated assumptions about how dense the leafless bushes will be once fully established and the degree of winter screening they will offer.
18. The Landscape Officer initially commented that it is difficult to say whether or not the hedge will establish as there are many variables including what is happening underground. He is unaware what foundations the wall has and how much space is available for rooting between the existing highway and the wall. Also in the first 1-2 years following planting, trees and shrubs are susceptible to failure primarily due to a lack of watering, but competition from weeds can also suppress them.
19. Having said that he cannot think of a plant more suited to this location than Hawthorn, both in terms of chances of establishment and it being in keeping with the character of the area. When he last inspected the site in early June, it was clear that some of the plants were suffering from drought and would fail. In light of the above he suggests that it should be possible to establish a hedge in this location, but it will require the support of the property owner who will need to care for the plants for the first couple of years.
20. The establishment of the hedge could be ensured through the use and enforcement of an appropriately worded condition and this would need to require the replacement of any failed plants for at least 5 years following the date of permission.
21. Having seen a photograph of the excavation, he has subsequently commented that the footings are not excessive and that there appears to be sufficient rooting volume to allow a hedge to establish.
22. He does not object to the Yew trees on the south east boundary as this hedgerow was originally planted in the 1970's so it has no historic or wildlife value, and the use of Yew would not look out of place on a boundary to a residential property in this location as it is a native plant.

Local Residents and the General Public

23. 7 representations have been received (from 5 properties) raising objections and comments which are summarised as follows:
 - a. The main point is not whether hawthorn plants better screen the wall but that the wall is not high enough to screen the building beyond and approval for the 2-storey garage was only granted because the original evergreen holly hedge gave all year-round screening to the building.

- b. Being deciduous the Hawthorn hedge will only soften the wall for 5 - 6 months of the year.
- c. Planting the hedge right up against the foundations of the wall means there is nowhere for the roots to go and growth of the hedge will be restricted.
- d. There is very little light on the planting and there is evidence of wilting/die-back on the hedge already - it will not thrive or screen in that position.
- e. If the applicant had not put tarmac over the natural verge up to the wall the hedging would have had a better chance to establish.
- f. The white gateway is still incongruous to the setting.
- g. Does not preserve or enhance the Conservation Area, and contrary to the Conservation Area Plan and planning policies.
- h. The wall and gateway should be removed and a substantial evergreen Holly hedging be reinstated.
- i. Disagrees with the Landscape Officer's comments that Hawthorn is suited to the location.
- j. Yew is poisonous to animals.
- k. The claim that the steepness of the drive to the property justifies an additional entrance is invalid.
- l. The proposed hedge is not on land belonging to the property

PLANNING POLICY

- 24. 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.
- 25. 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).
- 26. 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

- 27. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development, and states local planning authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking

to approve applications where possible. There are three dimensions to sustainable development: economic, social and environmental. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment'.

28. Two of the Core Principles state that planning should:
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and
 - Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
29. Paragraph 58 states that development should 'respond to local character and history and reflect the identity of local surroundings and materials'.
30. Paragraphs 128 to 134 seek to conserve and enhance the historic environment.
31. Paragraph 134 states 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.
32. 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

33. Policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy are relevant.
34. Policies EN2 (Conservation Areas) and GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan are relevant.

APPRAISAL

35. The previous application seeking permission to retain the wall (ref: 16/03037/VAR) was refused as it was considered that the wall incorporating a doorway/gate represented an incongruous feature within a boundary formed by hedgerow, and that it had a harmful impact on the rural character of the Conservation Area. However, as the wall is only visible from a very limited area, it was considered that the harm to the character and appearance of the Conservation Area was 'less than substantial'.
36. Now that planting has been carried out in front of the wall, it is considered that the wall is sufficiently screened to overcome the previous concerns relating to less than substantial harm to the character and appearance of the Conservation Area.

37. It is accepted that the Hawthorn hedge will not be in leaf throughout the year. However, as the Design and Conservation Officer points out, the branches will provide some screening. In addition, as time passes and the brickwork weathers, it is considered that the combination of the branches and weathered brickwork should help the wall to meld reasonably well into the rural surroundings when the hedge is not in leaf.
38. In view of the Landscape Officer's comments it is also considered that the two sections of replacement Yew hedgerow are acceptable on the eastern boundary.
39. As suggested by the Design and Conservation Officer and Landscape Officer, a condition is recommended to ensure that the sections of hedgerow are retained, including replacement planting if any plants die, are removed, damaged, or become diseased. With respect to the Hawthorn hedge, it is considered that the hedgerow should be retained for the lifetime of the brick wall.
40. In view of the above, it is considered that the character and appearance of the Conservation Area would be preserved. Consequently the proposal achieves the objective in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention is given to the desirability to preserve or enhance the appearance and character Conservation Areas.
41. Whilst crime and security can be a planning consideration, in this case as the boundary to the new dwelling with public areas is predominantly formed by hedgerow, it is considered that the security justification for the wall advanced by the applicant cannot be given significant weight. With respect to privacy, it appears that the previous hedgerow, where the wall is now sited, provided some level of privacy to the dwelling, and the Council and presumably the appeal inspector were satisfied that the occupants of the dwelling would have a good degree of amenity.
42. The application was not subject to pre-application discussions. Further details were submitted during processing of the application resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be granted subject to the following condition(s)

1. The hawthorn hedge shown on drawing no. 2019/23 shall be retained and maintained at a height no less than the height of the brick wall for the lifetime of the brick wall, and any plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[To ensure that the brick wall is effectively screened which is necessary to preserve the character and appearance of the Conservation Area, and to comply with policies 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy, and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

2. Any of the replacement Yew hedgerow plants within the areas shown on drawing no. 2019/2 rev Q which within a period of 5 years from the date of this decision are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

3. Notwithstanding the provisions of Schedule 2 Part 1 Class A-C of the Town and Country Planning (General Permitted Development) 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 and garage including no alteration to or insertion of windows other than those shown on the approved plans without the prior approval of the local planning authority.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policies GP2 (Design & Amenity Criteria) and EN2 (Conservation Area) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. Notwithstanding the provisions of Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no sheds, buildings or structures not identified on the approved plans shall be erected on site without the prior written approval of the local planning authority.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policies GP2 (Design & Amenity Criteria) and EN2 (Conservation Area) 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.

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 17/01725/FUL
Cotgrave Coillery Employment Site**

scale 1:7000



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Rushcliffe Borough Council - 100019419

17/01725/FUL

Applicant Rushcliffe Borough Council

Location Colliers Business Park Colliers Way Cotgrave Nottinghamshire

Proposal Amendment to the ground levels within this area to reduce the gradient of the slope. The ground will then be planted with a low maintenance seed mix.

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The application relates to an area of land (15m wide and 76m deep) that is located between the existing Council owned employment units and the newly constructed Council owned units, to the north of the residential development on the former Cotgrave Colliery site. An area of land between the application site and the adjacent access road is currently intended to be the site of a recycle facility.

DETAILS OF THE PROPOSAL

2. The proposal seeks to alter the current ground levels, over an area measuring 15m in width and 76m deep, in order to reduce the gradient of the slope between the two areas of employment units. This would involve relocating surplus soil resulting from the newly built employment units and placing it over the area. This would raise ground levels by a maximum of 3 metres, whilst providing a more gentle slope across the site. The ground would then be planted with a low maintenance seed mix.
3. As part of the application soil sample details were provided as well as a topographical survey and section information.

SITE HISTORY

4. Application ref: 16/01335/REM relates to approval of Reserved Matters for 15 industrial/warehouse units contained within 3 blocks (B1(c)/B2/B8) including ancillary facilities, service yard, car and cycle parking, landscaping, service road and other infrastructure works and was approved in July 2016. The development has been substantially completed.

REPRESENTATIONS

Ward Councillor(s)

5. One Ward Councillor (Cllr Butler) has no objection.

Town/Parish Council

6. Cotgrave Town Council has no objection.

Statutory and Other Consultees

7. The Borough Council Landscape and Design Officer advises that, the submitted cross sections indicate that the grading out of the slope appears appropriate
8. The Environmental Health Officer raises no objections.

Local Residents and the General Public

9. No comments received.

PLANNING POLICY

10. 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.
11. 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

12. 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.
13. The following paragraphs of the National Planning Policy Framework are relevant:
 - Paragraph 14 sets out the presumption in favour of sustainable development;
 - Paragraph 17 sets out 12 core planning principles; and
 - Paragraph 11 - Conserving and enhancing the natural environment.

Relevant Local Planning Policies and Guidance

14. None of the saved policies from the Rushcliffe Borough Local Plan 1996 are relevant.
15. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 - Presumption in Favour of Sustainable Development and Policy 2 - Climate Change are considered relevant.

16. 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 Rushcliffe Local Plan Part 1: Core Strategy. The following policies are relevant:
- GP1 - Delivering Sustainable Development; and
 - 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.

APPRAISAL

17. It is considered that the alteration to the gradient of the existing slope is acceptable. It would not have a significant impact on the character within the wider street scene or amenities of nearby residential properties but it would make the area easier to maintain and landscape.
18. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application.

RECOMMENDATION

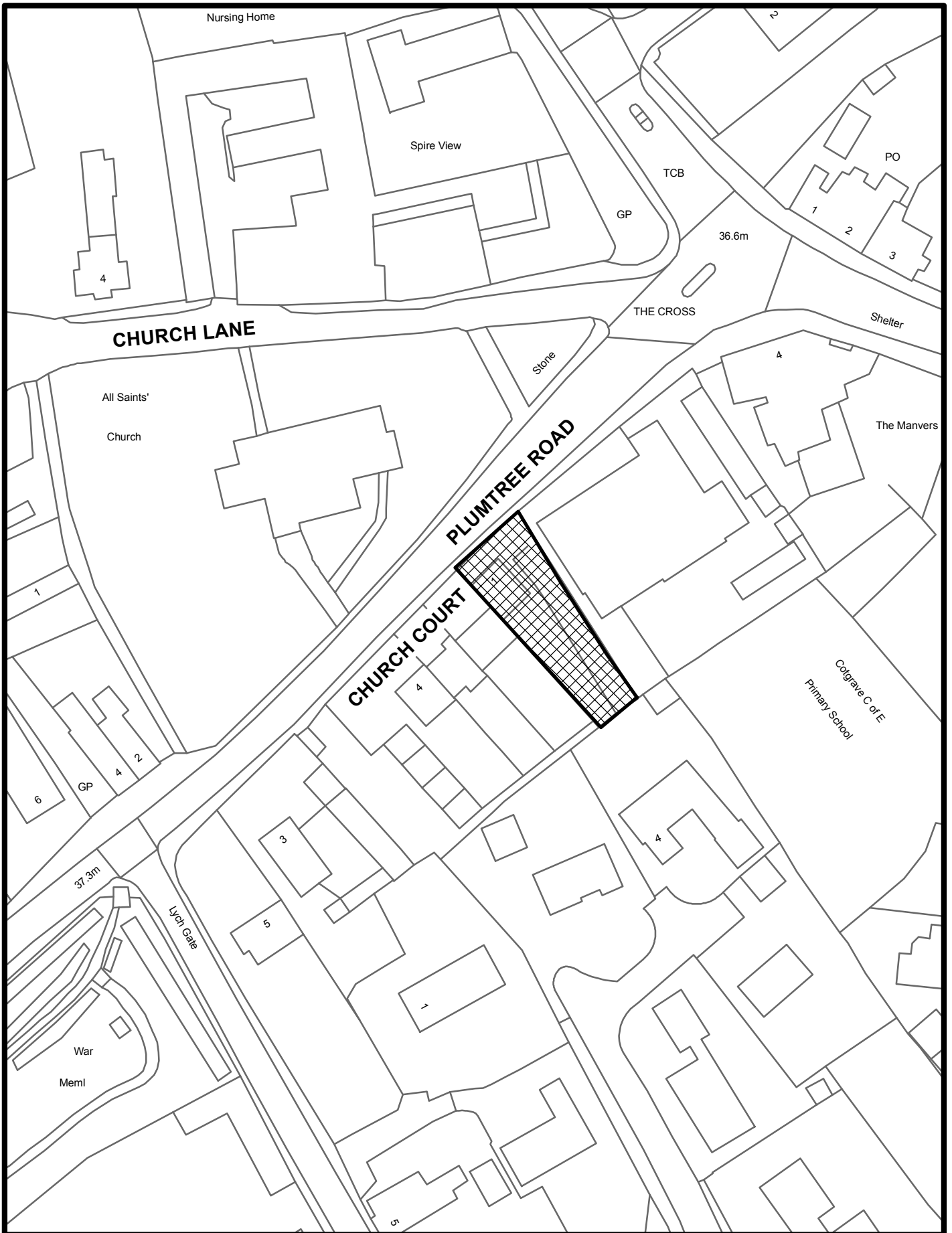
It is **RECOMMENDED** that planning permission be granted subject to the following condition(s)

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. This permission shall relate to the application as submitted including plans s1091/20; 16064/S03; 16064/210 revision E and the soil analysis by Kiwa.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].
3. This permission does not permit the reduction in land level in the application area.

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



Application Number 17/01416/FUL
1 Church Court, Plumtree Road, Cotgrave

scale 1:1000



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Rushcliffe Borough Council - 100019419

17/01416/FUL

Applicant Mr Richard Butler

Location 1 Church Court Plumtree Road Cotgrave Nottinghamshire NG12 3QW

Proposal Dropped kerb and vehicular access.

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The application relates to the end dwelling house within a row of four properties facing onto Plumtree Road (a C classified road), near the junction with Main Road. The property is part of a 1970's development on the site of a former smithy and orchard. The property has a small garden area to the front, bounded by a low brick wall with a narrow gap providing pedestrian access. The garden area extends around the side and to the rear of the property. The applicant's agent has confirmed that the property benefits from one of four double garages located to the south west on an adjacent garage forecourt, with pedestrian access provided to the rear garden area.
2. The site is located close to the commercial centre of Cotgrave Town. To the south and west are residential properties, to the immediate east is Cotgrave Primary School, with The Manvers Arms Public House beyond. To the north, on the opposite side of Plumtree Road, is All Saints' Church which is a Grade I listed building.
3. There is a Traffic Regulation Order along the south eastern side of Plumtree Road comprising of yellow zigzag 'school keep clear' lines which extend across part of the side garden area of the application property.

DETAILS OF THE PROPOSAL

4. The application seeks planning permission for the creation of a new vehicular access off Plumtree Road to the side garden area of the application property, to allow the applicants to park a vehicle on a driveway.
5. The application was accompanied by a Technical (Highways) Note prepared by Vectio Consulting.

SITE HISTORY

6. Planning permission was granted in the mid 1970's for four houses and garages which the application property forms part of (ref: 77/00041/EAST).

REPRESENTATIONS

Ward Councillors

7. One Ward Councillor (Cllr. Butler) has Declared a personal and pecuniary interest as he is the applicant.

Town/Parish Council

8. Cotgrave Town Council, *'do not object to this planning application'*.

Statutory and Other Consultees

9. The Conservation and Design Officer advises that the site is not within a conservation area, however, the position of the access would be directly opposite the Grade I listed All Saints Church. The proposed works would be visible from within the churchyard opposite. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a legal duty upon the Borough Council to *"...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."* Case law, policy and guidance has established that the setting of a listed building is not simply everything visible from it or every point that it is visible from, instead setting should properly be considered to be "setting insofar as it contributes towards the significance, or the understanding of the significance, of the building as a listed building."
10. The application property is part of a late 1970's development on the site of a former smithy and orchard. The existing dwellings have no historic relationship with the church and no architectural relationship either. Beyond the simple fact of proximity the application site does not contribute anything towards the special architectural or historic interest of the grade I listed parish church, neither is there anything about the application site which fosters an improved understanding or appreciation of the parish church. The removal of a stepped section of wall with modern concrete copings to facilitate vehicular access would not require planning permission in itself and the installation of the dropped curb would have such a minor impact on the streetscape that it could hardly be said to affect the setting of the church in a visual way, let alone one which would affect its significance as a listed building. As such the proposal would not harm and would therefore 'preserve' the special architectural and historic significance of the parish church as a listed building achieving the 'desirable' objective described in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. Nottinghamshire County Council as Highway Authority does not object. They advise that the Technical Report demonstrates how drivers could enter/exit from the proposed driveway whilst being able to achieve visibility. They suggest a condition requiring the driveway to be provided and maintained in accordance with the approved plan.

Local Residents and the General Public

12. Three local residents have objected to the application on the following grounds:

- a. Major safety concerns regarding visibility of school children.
 - b. Would result in vehicle reversing onto an increasingly busy road which is used by HGV's.
 - c. A dropped kerb adjacent to the school would increase the number of vehicles mounting the pavement in front of school children.
 - d. The site survey should not be carried out in the early hours or evening, but at school drop off and collection time, and Sunday morning when the church is in session.
 - e. A child was hit by a car on this section of road within the last year.
 - f. The 'school no parking' zigzags extend in front of the application property (they are incorrectly shown on the plan submitted).
 - g. The proposed access would not be in keeping with neighbouring properties.
 - h. The property already has a double garage and driveway built at the same time as the house which should be used for parking of vehicles.
 - i. This property has a covenant preventing the creation of a driveway.
13. The Head Teacher of Cotgrave Church of England Primary School, located immediately adjacent to the application site, has commented as follows, "*I have been aware of the plans to add vehicular access to the neighbouring property for a while. Both myself and our Chair of Governors have had conversations with the homeowner and we are both of the opinion that adding such access would not cause any significant problems as regards the school. We have also discussed with the homeowner the lowering of the height of the last section of boundary wall to give a better view when pulling out from the property. From a parental point of view, dropped kerb access would potentially remove a possible parking place in the street (parking in the vicinity of school is already at a premium) and I can appreciate safety concerns from driveway access over the pavement near to school. However, given the likely intermittent use of such a driveway, I remain of the opinion that school has no objection provided that the driveway has adequate sighting to enable the homeowner to cross the pavement safely and that pedestrians can adequately (and safely) see a vehicle about to cross the pavement.*"

PLANNING POLICY

14. The development plan for Rushcliffe consists of the five saved policies of the 1996 Local Plan, and Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy). Other material considerations include the National Planning Policy Framework (NPPF) and the Non-Statutory Replacement Local Plan (NSRLP) where policies are consistent with the NPPF and the Core Strategy.

Relevant National Planning Policies and Guidance

15. Paragraph 17 of the NPPF states that planning should always seek to secure a high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.
16. Chapter 12 (Conserving and enhancing the historic environment) of the NPPF seeks to protect all heritage assets.
17. Section 66 of the Planning (listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special 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

18. Policy 11 (Historic Environment) of the Core Strategy offers support to proposals and initiatives where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
19. Policy GP2 (Design and Amenity Criteria) of the NSRLP states that planning permission for new development will be granted provided that (amongst other things) the following criteria are met; there is no significant adverse effect upon amenity, of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated; a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety, the provision of parking is in accordance with the guidance in the County Council's parking provisions for new developments and the design of the proposal accords with guidance produced by the Highway Authority; and there is no significant adverse effect on any historic sites and their setting including listed buildings.
20. Policy EN4 (Listed Buildings) of the NSRLP states that planning permission for proposals for development affecting the setting of a listed building will only be permitted where they are acceptable in terms of scale, massing, form, siting, design and materials.

APPRAISAL

21. The main issues in the consideration of the application are highway and pedestrian safety, the setting of the grade I listed building and the amenities of surrounding properties.
22. With regard to highway safety, the application was accompanied by a Technical Note to support the application, which addresses local highway conditions, parking space layout and access visibility. A summary of which is set out below.
23. *"A review of the adjacent highway has been undertaken including a site visit on the 15th and 17th May 2017. A review of the most recent 5 year recorded accident records has been undertaken. The assessment has not identified*

any trends or patterns that would give rise to the proposed access exacerbating any existing issues. The proposed driveway access is to be formed by a footway crossover arrangement, as such maintains pedestrian priority. The private drive includes the provision of 2.0m by 2.0m pedestrian visibility splays.

24. *The private drive is to be formed in a bound material to prevent deleterious material spilling onto the public highway, causing hazards to other highway users. Measures have been proposed to prevent the unregulated discharge of surface water from the drive onto the public highway. A location for the storage of wheelie bins during refuse collection days have been proposed, outside of vehicular visibility splays. To ensure suitable vehicle access could be achieved, a vehicle tracking exercise was undertaken, clearly illustrating that a vehicle could easily reverse onto the drive, and depart in a forward gear.*
25. *A speed survey was undertaken to enable detailed calculations to be made to obtain site specific visibility splays. The assessment identified that although slightly below design standard vehicular visibility criteria, should vehicles slightly nose out of the private drive, as discussed in the Manual for Streets, suitable visibility criteria could be achieved and as such would not pose a severe implication to the safety of other highway users.”*
26. Concerns have been raised by local residents regarding the impacts of the proposal on highway and pedestrian safety. Objectors have criticised the timings of the traffic surveys (which were undertaken outside the school drop-off and pick-up times) and referred to a recent accident which occurred outside the application site involving a pedestrian being hit by a car. Despite these concerns, in the absence of an objection from the Local Highways Authority, it would be difficult to justify or defend a refusal on such grounds.
27. With regard to the setting of the grade I listed church, it should be noted that the Conservation and Design Officer has not raised an objection to the proposal and is satisfied that the proposal will not result in any harm to the setting of the listed building. Therefore, it is considered that the proposal would not harm and would, therefore, ‘preserve’ the special architectural and historic significance of the parish church as a listed building achieving the objective described as ‘desirable’ in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
28. In terms of the amenities of surrounding properties, the proposed driveway would be located to the front/side garden area of the property, away from the other three dwellings in the row of four. It is not considered that the creation of a driveway in this location would result in unacceptable levels of noise and disturbance either on these dwellings or on the Primary School to the east.
29. The existence, or otherwise, of a restrictive covenant preventing parking to the front of the application property is a legal matter for the applicant to address, and does not carry weight in the consideration of this planning application.
30. The proposal was subject to pre-application discussions with the Highway Authority and advice was provided on the level of information required to be submitted in support of the application. As a result of this process it has

reduced delays in the consideration of the application and resulted in the recommendation to grant planning permission.

RECOMMENDATION

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.

Reason; [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 and documents; Site Location Plan Drawing Number BUT-001-D/LP/001 dated 13th June 2017; Technical Note by Vectio Consulting dated 19th May 2017; Proposed Access Arrangements Drawing Number VC0116 Sheet No.1 dated 16th May 2017. The new driveway shall be retained and maintained as such thereafter.

[For the avoidance of doubt, and in the interests of highway and pedestrian safety, to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy]

3. The new vehicular access hereby approved shall not be brought into use until the visibility splays (including the reduction of the front boundary wall to a maximum height of 600mm above ground level) as shown on the Proposed Access Arrangements Drawing Number VC0116 Sheet No.1 dated 16th May 2017 have been provided. The visibility splays shall be retained and kept free from obstruction thereafter.

[In the interests of highway and pedestrian safety, to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy.]