

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8511
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 6 April 2022

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 14 April 2022 at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>
Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Sanjit Sull
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 10 March 2022 (Pages 1 - 16)
4. Planning Applications (Pages 17 - 118)

The report of the Director – Development and Economic Growth.

Membership

Rushcliffe Borough
Council Customer
Service Centre

Fountain Court
Gordon Road
West Bridgford
Nottingham
NG2 5LN

Email:
customerservices
@rushcliffe.gov.uk

Telephone:
0115 981 9911

www.rushcliffe.gov.uk

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9.30am - 5pm
Friday
8.30am - 4.30pm

Postal address
Rushcliffe Borough
Council
Rushcliffe Arena
Rugby Road
West Bridgford
Nottingham
NG2 7YG

Chairman: Councillor R Upton
Vice-Chairman: Councillor Mrs M Stockwood
Councillors: S Bailey, N Clarke, P Gowland, B Gray, L Healy, D Mason, F Purdue-Horan, C Thomas and V Price

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 10 MARCH 2022

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

PRESENT:

Councillors Mrs M Stockwood (Vice-Chairman), S Bailey, B Gray, L Healy,
D Mason, C Thomas, R Adair, Mrs C Jeffreys, J Murray and J Stockwood

ALSO IN ATTENDANCE:

4 Members of Public

OFFICERS IN ATTENDANCE:

A Ashcroft	Planning Services Consultant
C Miles	Area Planning Officer
G Dennis	Legal Services Manager
P Cook	Principal Planning Officer
T Coop	Democratic Services Officer

APOLOGIES:

Councillors R Upton, N Clarke, P Gowland, F Purdue-Horan and V Price

28 Declarations of Interest

There were no declarations on interest.

29 Minutes of the Meeting held on

The Minutes of the meeting held on 10 February 2022 were approved as a true record and were signed by the Chairman.

30 Planning Applications

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

18/02806/OUT – Residential development for around 200 dwellings alongside a minimum of 3ha employment land, formation of primary access, infrastructure, open space provision, surface water attenuation and formation of surface water storage ponds (outline application with all matters reserved except for access) – Land North of Nottingham Road, Radcliffe on Trent, Nottinghamshire

Updates

An additional representation objecting to the application was received after the agenda had been published and this was circulated to the Committee before

the meeting.

In accordance with the Council's Public Speaking Protocol for Planning committee Mr B Woollard (applicant agent), Councillor A McLeod (Parish Councillor) and Councillor A Brennan (Ward Councillor) addressed the Committee.

Decision

THAT THE DIRECTOR FOR DEVELOPMENT AND ECONOMIC GROWTH BE AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO:

a) the prior completion of a satisfactory Section 106 Legal Agreement;

b) and the following conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004.

2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
 - Site Location Plan Ref: 13.053-01 Rev A (Scale 1:5000)
 - Existing Site Plan Ref: MI-2718-03-AC-002 (Scale 1:500@A3)
 - Proposed Access Layout Plan Ref: 209738-Q-001 (Scale 1:1000 @A3)
 - Framework Travel Plan by Waterman Transport & Development Limited dated May 2019
 - Ecological Appraisal by JJH Consulting Ltd dated September 2018
 - Badger Report by JJH Consulting Ltd dated September 2018
 - Bat Survey by JJH Consulting Ltd dated October 2018
 - Breeding Bird Survey Report by Ecology Resources Limited dated June 2019 (Ref: 18103)
 - Phase One Geo Environmental Report by BWB Consulting dated January 2010
 - Tree Survey by AT2 Tree Surveys dates 21 November 2019
 - Transportation Assessment and associated addendums by Waterman Transport & Development Limited (Ref: 209738)
 - Flood Risk Assessment by Capital dated March 2020 (Ref: CS098437)

Reason: To define the permission, for the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and

Planning Policies (2019).

3. The development shall not be brought into use unless or until the following highway improvement works have been provided in accordance with plans previously submitted and approved in writing to the satisfaction of the Local Planning Authority:
 - a) Two new accesses including ghost island right turn facilities as shown indicatively on drawing 209738-Q-001 Rev A.
 - b) A scheme to prevent right turn movements into Lee's Barn Road from the A52 Grantham Road;
 - c) Extension of the existing 30 mph speed limit on the Nottingham Road in a western direction as far as the boundary of the trunk road network.

Reason: In the interest of Highway safety, to ensure adequate and safe access is provided to the development, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

4. The development shall not be brought into use unless or until the following sustainable transport improvements have been provided in accordance with plans previously submitted and approved in writing to the satisfaction of the Local Planning Authority:
 - a) Widening of the existing footway to provide a minimum width of 2.0m wherever possible from the development site in an east bound direction from the site to a point where it meets the existing widened footway outside No. 10 Nottingham Road.
 - b) Provision of a new cycle / footway connection in a west bound direction from the development site to a point where it meets the existing cycle facility on the A52 trunk road.
 - c) Provision of a new cycle/ footway link within the development site connecting to Holme Lane.
 - d) Improvements to the two bus stops on Nottingham Road closest to the development site including new shelters, real time displays, lighting, hardstanding's and road markings along with associated footway links and crossing points on Nottingham Road.

Reason: To promote sustainable travel within the Borough having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).

5. There shall be no excavation or other groundworks, (except for archaeological investigative works) or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All details shall comply with the County Councils current Highway Design Guides and include:
 - a) tactile paving,

- b) vehicular, cycle, and pedestrian accesses
- c) vehicular and cycle parking (surfaced in a bound material vehicular turning / manoeuvring arrangements;
- d) access widths,
- e) gradients
- f) surfacing
- g) street lighting;
- h) structures,
- i) visibility splays and
- j) highway drainage details

The development shall be carried out in accordance with the approved details and no dwelling shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under this Condition for that dwelling have been constructed in accordance with the approved drawings and are available for use.

Reason: In the interest of Highway Safety to ensure the roads serving the development are designed and constructed to an appropriate standard having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

6. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority The statement shall have regard for the following items:

- a) Access and parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) 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
- g) Measures to control the emission of noise, dust, dirt and vibration during construction
- h) A scheme for recycling/disposing of waste resulting from construction works
- i) Hours of operation (including demolition, construction and deliveries)
- j) A scheme to treat and remove suspended solids from surface water run-off during construction.
- k) An earthworks strategy to provide for the management and protection of soils.
- l) 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
- m) Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences.
- n) The routing of deliveries and construction vehicles to/ from the site and any temporary access points

Reason: In the interests of Highway safety and to minimise disruption to users of the local highway network adjacent to the development site having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

7. Prior to first occupation of any dwelling or employment unit hereby approved, the developer of the site shall appoint and thereafter continue 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.

Reason: To promote sustainable travel and to encourage the use of alternative transport to the car having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).

8. The Travel Plan Coordinator pursuant to condition 7 shall within 6 months of first occupation of the development 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.

Reason: To promote sustainable travel and to encourage the use of alternative transport to the car having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).

9. 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 Detailed 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.

Reason: To promote sustainable travel and to encourage the use of alternative transport to the car having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).

10. No development hereby permitted shall take place 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, in accordance with the requirements of condition 3b above,

and the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding.

Reason: To ensure that the A52 trunk road continue to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety, and having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).

11. The development shall be carried out in accordance with the submitted flood risk assessment (Ref; Land off Nottingham Road, Radcliffe on Trent, Flood Risk Assessment, CAPITA, June 2020) and the following mitigation measures it details:

- a) Finished floor levels shall be set no lower than 22.11 metres above Ordnance Datum (AOD) as stated within section 5 of the FRA.
- b) Development platform heights shall be set no lower than 20.9 metres above Ordnance Datum (AOD) as stated within section 5 of the FRA.

Reason To ensure that the development hereby approved in compliance with Policy 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021) and to minimise the risk from flooding to future occupiers of the development.

12. No part of the development hereby approved shall commence until a detailed foul and surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development and be thereafter retained. The scheme to be submitted shall also evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

Reason: To ensure that all major developments have sufficient surface water management are not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021).

13. Before development commences, an Environmental Noise Assessment shall be submitted to and approved by the Local Planning Authority. This assessment shall be undertaken in accordance with current planning policy guidance for noise. It shall include where necessary:

- a) Representative monitoring positions and measurement parameters, to

be agreed with the Local Planning Authority.

- b) A sound insulation scheme to effectively reduce the transmission of noise from external sources shall be submitted to and approved by the Local Planning Authority.
- c) A noise attenuation scheme to adequately protect the outdoor amenity of future residents having regard to BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings.
- d) All noise mitigation measures shall be installed prior to any use commencing or occupation of any dwelling.

Reason: To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from nearby sources having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and paragraphs 185 and 187 of the NPPF (July 2021).

14. During any ground works, demolition or construction there shall be no burning of waste on the site.

Reason: To protect the amenities of nearby residential properties at for the duration of the construction of the development hereby permitted, having regard to having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

15. Before development is commenced, a Phase II Investigation Report shall be submitted to and approved by the Local Planning Authority. If this report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved by the Local Planning Authority before the development is occupied.

Reason: To ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 185 of the National Planning Policy Framework (July 2021).

16. The existing soils and any soil or forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Contamination testing should take place within UKAS and MCERTS accredited laboratories,

unless otherwise agreed with the Local Planning Authority. Laboratory certificates shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming material being imported onto the site. Details of the source and type of the imported materials and the estimated amount to be used on the site are also required to be submitted.

Reason: To ensure that all aggregate materials brought onto the site are free from contamination so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 185 of the National Planning Policy Framework (July 2021).

17. The proposed non-residential units forming the employment area shall not be occupied until a scheme has been submitted to and approved by the Local Planning Authority to include:
 - a) hours of operation of those premises;
 - b) details of delivery handling equipment and industrial processes to be undertaken;
 - c) noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, that is to be installed, along with details of the intended positioning of such in relation to the development in accordance with BS 4142:2014: Methods for rating and assessing industrial and commercial sound. It shall include measures to ensure that any plant/equipment is capable of operating without causing a noise impact on neighbouring properties);
 - d) associated structural planting and external and internal buffer zones to mitigate any noise generated; and
 - e) hours of deliveries taken at/dispatched from those premises and waste collection arrangements. The units shall thereafter be used, and any plant/equipment shall be installed and retained in accordance with the approved scheme.

Reason: To protect the amenities of nearby residential properties at for the duration of the construction and operation of the development hereby permitted, and to ensure that the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

18. There shall be no outside operation or processes and no goods shall be stored externally of any commercial buildings without details being first submitted to and approved by the Local Planning Authority.

Reason: To protect the amenities of nearby residential properties at for the duration of the construction and operation of the development hereby permitted, and to ensure that the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

19. Prior to the installation of any security lighting/floodlighting, the applicant should submit full details of the lighting to be installed, together with a lux plot of the estimated illuminance, to the Local Planning Authority for approval in writing. Thereafter, the installation of the lighting shall only be carried out in accordance with the approved details.

Reason: To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable light pollution from the development hereby permitted, having regard to Policies 1 (Development Requirements) and 39 (Health Impacts of Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

20. If pile driven foundations are to be used for the construction of the development, a method statement detailing techniques for the control of noise, dust and vibration from piling works shall be submitted and approved by the Local Planning Authority prior to the development commencing. The method statement shall have regard to the guidance given in: BS 5228-1:2009+A1: 2014 - Code of practice for noise and vibration control on construction and open sites. The control of dust and emissions from construction and demolition. Best Practice Guidance; Greater London Authority, November 2006. Thereafter the works shall be carried out in accordance with the approved method statement.

Reason: To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable vibration and noise pollution from the development hereby permitted, having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

21. No development shall take place until a Biodiversity Net Gain Assessment has been submitted to and approved by the Local Planning Authority based on an updated Ecological Appraisal, Badger Report, Bat Survey and Breeding Bird Survey Report that takes about of the present ecological value of the site at the point of submission of any future reserved matter application. Following, a Biodiversity Enhancement Plan shall be submitted to and approved by the Local Planning Authority and shall include all of the biodiversity enchantments and protection measures set out within the updated Reports. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.

Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the

Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021).

22. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:

- a) The timing and phasing of any arboricultural works in relation to the approved development;
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
- c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
- f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
- g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and

Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (July 2021).

23. All works to existing trees shall be carried out in accordance with British Standard BS 3998:2010 Tree work (or any equivalent British Standard if replaced).

Reason: To ensure that the work is carried out to satisfactory standard to minimise any adverse impact on the health of the tree having regard to Policy 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

24. As part of the proposed landscaping scheme pursuant any future reserved matter, detailed plans showing the location of all new and replacement trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow shall be provided and shall also include:

- a) A schedule of the new trees and shrubs (using their botanical / Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
- b) Plans showing the proposed finished land levels/contours of landscaped areas;
- c) Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- d) Details of the protection measures to be used of any existing landscape and ecological features to be retained.

Reason: To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (July 2021).

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the uses within the 3ha of employment land must only be used for purposes falling within either Class B8 (Storage and Distribution) or Class E(g) (Commercial, Business and Service Uses) and for no other purpose whatsoever, including any other purpose within Use Class E (Commercial, Business and Service Uses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without

modification) without express planning permission from the Local Planning Authority.

Reason: In order that the Local Planning Authority may retain control over any future use the land and buildings due its particular character and location, having regard to Policy 5 (Employment Provision and Economic Development) and Policy 6 (Role of Town and Local Centres) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) which requires a sequential site approach to retail development and also to provide a robust assessment of impact on nearby centres, and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2 :Land and Planning Policies (2019), and Policy 1: Village Centre First, Policy 3 Main Road Regeneration Area, and Policy 5 Local Leisure Provision of the adopted Radcliffe on Trent Neighbourhood Plan (2017).

26. Prior to the commencement of the development, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. If any plots are not to be served by an EVCP then it must be demonstrated why the provision of an EVCP would be not be technically feasible. None of the dwellings on the site shall be occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be permanently retained on each dwelling in accordance with the approved scheme throughout the lifetime of the development.

Reason: To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy Framework (July 2021).

27. Notwithstanding the Written Scheme of Investigation (Geophysical Survey dated May 2013) and the Geophysical Survey Report (dated June 2013), development must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a Written Programme of Archaeological Investigation (WPAI) has been submitted to and approved in writing by the Local Planning Authority. The WPAI must include the following:
 - a) a methodology for site investigation and recording of archaeological items and features;
 - b) a timetable for carrying out such investigations on the site;
 - c) a programme for post investigation assessment;

- d) provision for the analysis of the site investigations and recordings;
- e) provision for the publication and dissemination of the analysis and records of the site investigations;
- f) provision for the archive deposition of the analysis and records of the site investigation;
- g) nominate the qualified archaeologist or archaeological group who will undertake the works set out in the WPAI.

The development hereby permitted must be carried out and completed in accordance with the approved WPAI and it must not be occupied or brought into use until a written report detailing the results and post investigation assessments of any archaeological works that have been undertaken on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (July 2021).

28. Notwithstanding the description of development and details provided, the principle of providing open space is established but the size, location, design and management of on-site open space does not form part of this permission and consideration of it will form part of any future reserved matters application.

Reason: To define the permission and to ensure that the design and layout of the proposed open space is considered as part of the layout of the proposed development and comply with Policy 16 – Green Infrastructure, Landscape, Parks and Open Space of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements), Policy 11 (Recreational Open Space) and Policy 39 (Health Impacts of Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

Informatives

1. In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the National Planning Policy Framework 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
2. The applicant is reminded that this permission is also subject to a

planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

3. 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.
4. In order to discharge the obligations in relation to sustainable transport improvements. Technical approval (or equivalent) under S38 of the Highways Act will be required. The Highway Authority advice to expedite this process they recommended such approval sought prior to submission of any reserved mattered application.
5. The Highway Authority advise that the speed limit change on Nottingham Road required by this consent, will require a Traffic Regulation Order to legally enact the new speed limit. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at their expense. However, this is a separate legal process, and the Applicant should contact the County Highway Authority for details.
6. The requirement to stop a right turn on Lee Barn Road contained as part of the sustainable transport improvements will also require a Traffic Regulation Order. As the road improvement relates to a Trunk Road, its implementation falls within the remit of Highways England, the applicant should contact them directly to discuss how best the works can be implemented.
7. 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.
8. The proposed development will involve works within close proximity to an ordinary watercourse, as such we advise the applicant to seek consultation with the Lead Local Flood Authority (Nottinghamshire County Council) to find out if they require any permission or consents.
9. The Environment Agency do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a

flood. Their involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

10. If the use of a crusher is required, this should be sited as far as possible from nearby properties and be operated in accordance with its process permit.
11. The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.
12. 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: 0700 - 1900 hours, Saturday: 0800 - 1700 hours, Sunday/Bank Holidays: No work activity.
13. Radcliffe on Trent Neighbourhood Plan forms part of the development plan and therefore the proposed design, layout and landscaping will need to take account of its policies.

The meeting closed at 4.27 pm.

CHAIRMAN

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Planning Committee

14 April 2022

Planning Applications

Report of the Director – Development and Economic Growth

PLEASE NOTE:

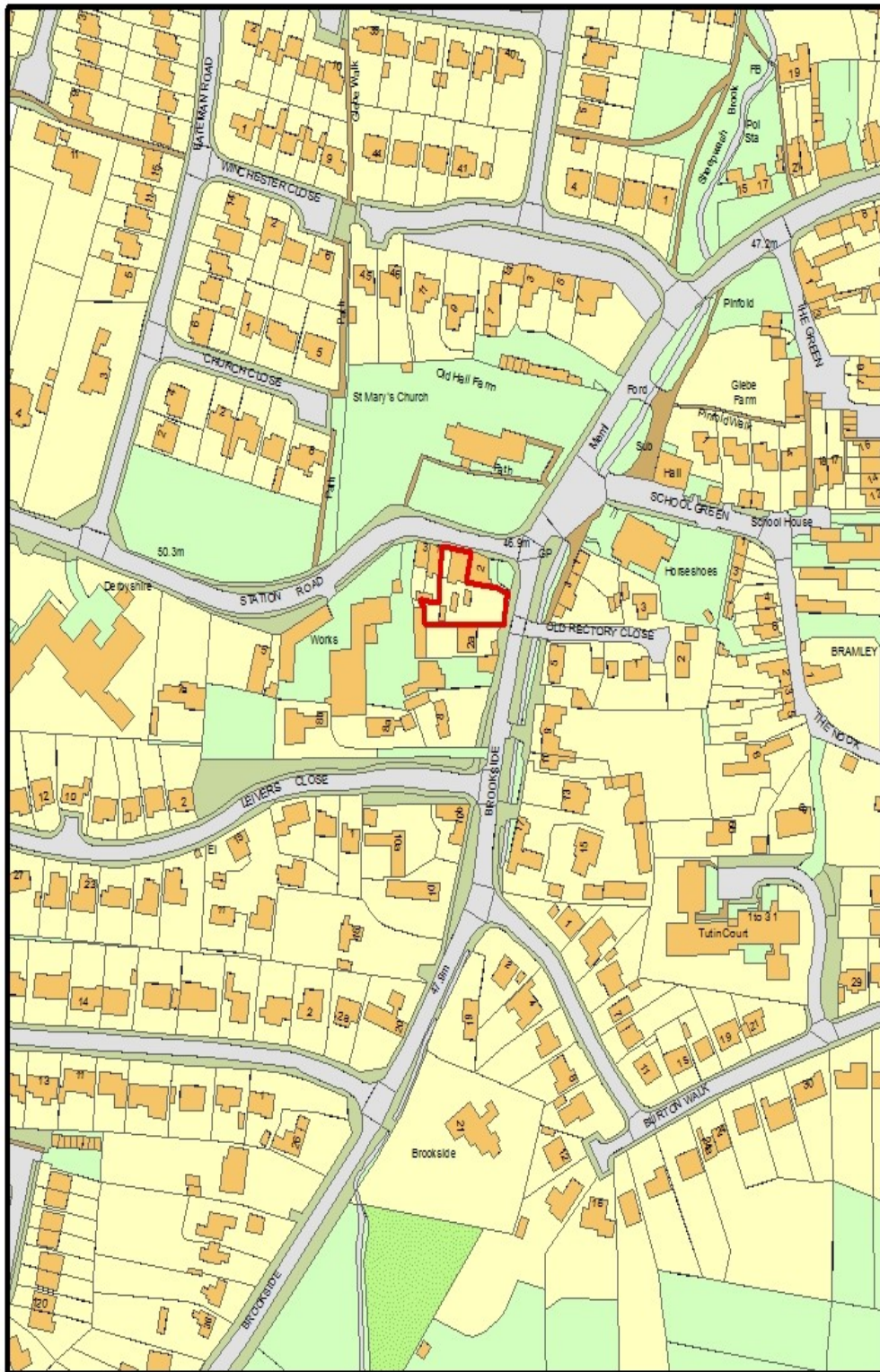
1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local 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 <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> 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 Director – Development and Economic Growth, 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
21/02987/FUL 21/02993/RELDEM	1A Station Road, East Leake, Nottinghamshire, LE12 6LQ (i) Demolition of existing shed. Construction of new detached garage, new access to include new driveway, alterations to front boundary wall including partial demolition and new dropped kerb. (ii) Partial demolition of front boundary wall.	21 - 40
Ward	Leake	
Recommendation	Grant planning permission subject to conditions	
21/03223/FUL	Land north of Rempstone Road, East Leake, Nottinghamshire Erection of 47 dwellings with associated access, parking and landscaping	41 - 80
Ward	Leake	
Recommendation	Grant planning permission subject to the prior signing of a Section 106 agreement and to conditions	
22/00011/FUL	Agricultural barn on land north of Back Lane, Willoughby on the Wolds, Nottinghamshire Proposed residential use of existing agricultural building to create 1no. dwelling, includes creation of residential curtilage and parking	81 - 96
Ward	Keyworth and Wolds	
Recommendation	Grant planning permission subject to conditions	

Application	Address	Page
21/03219/FUL	Christmas Cottage, Flawforth Lane, Ruddington Nottinghamshire	97 - 112
	Demolition of existing dormer bungalow, garage and out buildings and erection of a replacement dwelling and detached garage. Landscaping and associated external works including boundary treatments and alterations to access.	
Ward	Ruddington	
Recommendation	Planning permission be refused	
<hr/>		
21/00198/TORDER	3 Cumbria Grange, Gamston	113 - 117
	Objection to Tree Preservation Order	
Ward	Holme Pierrepont and Gamston	
Recommendation	The TPO be confirmed without modification	

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Application Number: 21/02987/FUL & 21/02993/RELD
1A Station Road, East Leake



scale 1:2000

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21/02987/FUL & 21/02993/RELDDEM

Applicant Mr And Mrs Glenn

Location 1A Station Road East Leake Nottinghamshire LE12 6LQ

- Proposal**
- (i) Demolition of existing shed. Construction of new detached garage, new access to include new driveway, alterations to front boundary wall including partial demolition and new dropped kerb.
 - (ii) Partial demolition of front boundary wall.

Ward Leake

THE SITE AND SURROUNDINGS

1. The site is located in close proximity to the junction of Station Road and Brookside within East Leake.
2. Vehicular access is currently taken from between 1 Station Road and the application property. These properties are located abutting Station Road, opposite St Marys Church. There is a large area of hardstanding to the rear of the property.
3. The application sites garden is an 'L' shape wrapping round 2 Brookside (a Barber shop) and extending down to adjoin Brookside. The land level slopes towards Brookside. This garden area contains a number of trees including a Willow tree together with other vegetation. A summer house/ shed is also present in this area. This part of the site is bordered by a wall abutting Brookside.
4. The entire site falls within the East Leake Conservation Area and falls within floodzone 3.

DETAILS OF THE PROPOSAL

5. This is a joint report for a full planning application, 21/02987/FUL, and an application for relevant demolition of an unlisted building in a Conservation Area, 21/02993/RELDDEM.
6. Application 21/02993/RELDDEM seeks permission for the demolition of part of a brick wall located on the Brookside Road frontage to allow vehicles to gain access to an area of garden.
7. Application 21/02987/FUL seeks planning permission for the demolition of an existing shed, the construction of a new 3 bay detached garage (48sq.m, 4m high), new access to include new permeable driveway, alterations to front boundary wall including partial demolition (rebuilt using salvaged materials where possible) and new dropped kerb. The proposed new building would be constructed in a timber frame with red clay bricks to the damp proof

course (dpc) level and feather edged horizontal oak panelling above with a grey slate roof to match the house. Existing areas of hardstanding will be removed to the rear of the dwelling.

8. Access to the site would be via a new vehicular access off Brookside. The existing boundary wall would be altered to facilitate the access and visibility.
9. As part of the submission a "Householder and other Minor Extensions in flood zones 2/3" form was provided advising that the floor levels would be set no lower than the existing and flood proofing, where appropriate will be incorporated.
10. During the course of the application a planning statement, revised Design and Access statement, and additional supporting information has been submitted for the design of the building and a justification including examples of other timber buildings in the village were provided together with revisions to the access/ wall, the pedestrian use of the existing access.
11. The planning statement advises that *"Currently the amount of impermeable surfacing on the site, made up of the driveway and areas of hardstanding, amounts to 212sqm. The proposed development will provide a permeable surface to the driveway and will create a new area of garden and therefore the impermeable area on site will be reduced to 127sqm."* It also advises that four replacement trees are proposed and that *"A section of the existing wall will be removed facing onto Brookside to allow access to the garage. The wall will remain at its current height where it runs parallel to Brookside but will be stepped down to 600m where it is chamfered into the driveway access at the request of the highways officer to allow satisfactory visibility splays."*

SITE HISTORY

12. None relevant.

REPRESENTATIONS

Ward Councillor(s)

13. One Ward Councillor (Cllr Thomas) objects to both 21/02987/FUL and 21/02993/RELDDEM "The reasons are well articulated by neighbours and the Conservation Officer in their responses in summary and reiterates these comments following the consideration of new information:
 - Harm to conservation area and the setting of listed buildings caused by loss of ancient wall, garden, and trees in the most sensitive area of the historic village.
 - Proposed reduction of height to provide a visibility splay would create a stepped wall that is not in character with historic walls in the village.
 - New garage building is not in keeping with the Conservation Area
 - Traffic/access/parking/visibility/road safety concerns close to a busy junction where children cross to school. This is not offset by reduction of risk on Station Road because the existing vehicle access would remain in use.
 - Increased flood risk from paving and building on an area that is currently grass, and from removal of wall that contains flooding.

- Should the application be permitted I request a condition that no alterations shall be made to the external appearance of the car port without the prior written approval of the Borough Council and that the buildings shall only be used for the purposes applied for (a garage) and for no other use.
14. One Ward Councillor (Cllr Shaw) objects fully endorsing the comments from the Conservation Officer. The Cllr considers that this is a totally unacceptable development in the East Leake Conservation Area.
 15. One Ward Councillor (Cllr Way) objects to the application as it involves the removal of an old wall and trees that are an important part of the street scene and the erection of a building that is imposing and out of keeping with its surroundings. The Conservation Officer has given a detailed description of the site and provided a great deal of background and historical information. This would be detrimental to the conservation area.

Town/Parish Council

16. East Leake Parish Council object on the following grounds:
 - Double yellow lines have been agreed on Brookside and these may impact on proposed driveway access
 - Access onto the main road poses safety risks T-junction and bus stops
 - Surface water flooding (area liable to flooding in periods of heavy rain)
 - Crossing point for children going to school
 - Garage is totally out of keeping with the area
 - Removal of trees as these make a positive contribution to the conservation area.
17. In respect of the revised and additional information the Parish Council maintained their objection reiterating their previous comments.

Statutory and Other Consultees

18. The Borough Council's Conservation Officer comments that 1a Station Road is an identified positive building of special architectural or historic character and the proposal site includes an identified significant tree within the East Leake Conservation Area Townscape Appraisal. The site is adjacent to the Grade II listed Church House at 1 and 3 Station Road and opposite the Grade I listed Church of St Mary and opposite 1 and 3 Brookside (grade II). A short distance away is the Grade II listed 1914-18 War Memorial.
19. The Townscape Appraisal indicates that 1a Station Road is attached to an identified building with a negative impact (a modern commercial single-storey building) at 2 Brookside. The same plan identifies nearby significant trees, significant walls, significant hedges, positive buildings of special architectural or historic character, positive open spaces (including the grass verges and churchyard) and identified views of positive buildings.
20. The officer advises that *"a new boundary wall would be constructed with necessary visibility splays resulting in angled, uncharacteristic boundary walls. The proposal would be intervisible from the churchyard of the Grade I Church of St Mary, the Grade II listed 1 and 3 Brookside and the Grade II listed 1914-18 War Memorial. It would be highly visible from the public realm.*

21. *The open space to belonging to 1A Station Road and that now to the front of 2 Brookside is bound by a traditional brick wall and evidence for the wall dates back before 1880, at which time it was recorded on historical maps. Since that time the boundary wall, which originally swept around the corner, has been altered. It survives in a poor state with only a few courses to the proposal sites north where it now fronts 2 Brookside, but the section proposed for demolition within this application is in relatively good condition for its age. It is crucially the last remaining part of the original traditional boundary wall that delineated the original plot. The wall is in good condition for its age, but would benefit from repointing using lime mortar and, in a limited section to the north, rebuilding where the tree has moved the wall slightly so that both may co-exist. I consider the boundary wall and the enclosed garden with its mature vegetation, including the identified significant tree, to make a positive contribution to the character of East Leakes Conservation Area.”*
22. *The officer objects to the partial demolition and alteration of the wall on the grounds of its own historic value and its contribution to the character of the Conservation Area. that the officer did consider that the wall may have been constructed to retain and/or slow flood waters and that the resulting open frontage would have a negative impact on the areas character with the settlements historic core.*
23. The officer considers that the demolition of the wall would not cause harm to the significance of the Listed Buildings and their setting but that the proposal would have less than substantial harm to the character and appearance of the Conservation Area.
24. In relation to the construction of the proposed new detached garage the Conservation officer advises that they object to the proposed detached garage on the basis of *“its siting, scale, massing, design and materials being inappropriate for the Conservation Area. Its construction would see the removal of mature vegetation, including the significant tree, it would represent infill of a garden as an open space contributing to the character of the Conservation Area and would instead present as small carpark.”*
25. *For reasons of distance and intervening development, I consider that the proposal would not cause harm to the significance of the Listed Buildings and their settings. But, for the reasons given above, I consider the proposals would harm the character and appearance of the Conservation Area. This harm may be considered towards the middle of the less than substantial scale.”*
26. In respect of the revised/ additional information submitted the officer advised that:
*“Trees and Landscaping:
“I have reconsidered matters regarding mature vegetation to the east end of the proposal site, including the Landscape Officers comments in relation to the very prominent Willow tree on site (T5), which I would suggest is the significant tree identified on the Townscape Appraisal.”* The officer concludes that they remove their objection to this aspect subject to a condition regarding landscaping and root barriers as per the Landscape Officers comments.

27. *Existing access drive:*
“The existing access drive is shown as retained on the revised proposed site plan. Although it is labelled as pedestrian access the existing gap for the access drive is shown as open.” The officer notes that no independent information has been submitted regarding the safety of the existing drive.
28. Proposed access drive, works to wall and other matters covered in original comments:
The officer comments on the extent of the wall to be removed and that the revision is a very marginal improvement. The officer considers the proposal to be harmful to the Conservation Area but goes on to advise that *“Should any grant of permission be considered I would recommend that traditional matching materials are used where it is not possible to use the originals.”*
29. The officer has also advised that the impacts on heritage could be lessened if they change the location of proposed garage/carport to southern boundary of the proposal site, reduced scale in terms of height/ overall, the relocation of access drive / reduction in its size and also the drive and the use of traditional materials.
30. The Nottinghamshire County Council Archaeologist has advised that *“While the scale of the work is small, there is potential for encountering Medieval remains given the location and proximity to the church.”* As such they have recommended that all groundworks including those required for the car park are carried out under archaeological supervision and a condition has been proposed. The officer’s full comments are available on the website.
31. The Borough Council’s Landscape Officer advised that he considered a conservation area tree notice to fell the Willow earlier in the year. Whilst it is a very prominent tree and it is an important feature, it is damaging the wall and the officer has concerns about the structure and the way it was leaning towards the adjacent building. The officer did not feel comfortable protecting the tree because of its proximity to the building and the fact it is already damaging the wall.
32. The officer has also advised that there are no trees in the site area that he would look to TPO, but he does suggest a high quality landscape scheme including a replacement tree together with a hedgerow along the northern boundary would be beneficial. Where services run through the site the officer has advised that it might be possible to install a root barrier. The officers full comments are available on the website.
33. Nottinghamshire County Council as Highways Authority originally objected to the application. However, based on revised information and plans the Highways officer advised that “the proposed access to meet highways design standards. Both vehicles and pedestrian visibility requirement has been met. The access will also be used by one household making the 3m width suitable.” The officer removed their previous objection subject to conditions.
34. The Environment Agency has advised that *“the site lies fully within flood zone 2 and therefore the LPA can apply national flood risk standing advice (FRSA) in this instance.”*

35. Nottinghamshire County Council as Lead Flood Risk Authority has issued their standing advice.

Local Residents and the General Public

36. 8 representations were received on the original submission objecting on the following grounds:
- a) Highway safety as close to a three-way junction – Station Road/Brookside/Main Street
 - b) Safety of school children and other pedestrians
 - c) The bus stop also makes it dangerous with overtaking
 - d) Parking will back up along Brookside which will become worse when double yellow lines are implemented
 - e) Existing residents have difficulty leaving left from their properties
 - f) Water run off/ loss of absorption in an area known for flooding
 - g) Development in a conservation area
37. 4 representations were received on the original submission in support for the following reasons:
- a) the construction of a driveway and dropped kerb will stop vehicles parking on Main Street close to the junction with Station Road.
 - b) Visibility of the road will be significantly improved for both pedestrians and traffic and bottleneck congestion will be eased.
 - c) It will be safer for vehicles to pull out and turn in to the junction with Station Road and it will be safer for parents and children to cross the road on their journey to and from school
 - d) the biggest problem at the junction from the Station Road perspective is parked vehicles outside 1A and the two commercial properties
 - e) the proposal will ultimately reduce the quantity and frequency of vehicles parked there.
 - f) The alterations to the pavement would furthermore prevent cars parking along this stretch of the road southwards from the junction.
 - g) The inability for vehicles to park along proposed dropped kerbs would dramatically improve safety for traffic leaving and approaching Station Road
 - h) The proposed Brookside alterations would be in keeping with the traditional village
 - i) Welcome improvement
 - j) the old shed is an eye sore
 - k) a drive would take cars off the main road and couldn't be any different from the other houses
 - l) cannot understand why anyone would object to making something look better
 - m) the area always floods and I haven't seen any flood barriers outside the cottages and one of the reasons that the walls on the brook was rebuilt was suppose to stop this which it hasn't
38. In response the revised/ additions documents a further 4 representations were received:
- a) Evidence of traffic in the vicinity of the proposed access provided

- b) a driveway entrance on Brookside would offer greater visibility than the entrance on Station Road and so there is less chance of a road traffic incident.
- c) 6 properties,(5 dwellings and 1 retail) already have driveways onto Brookside between the Station Road Junction and Leivers Close. None of them have the benefit of splays, so vehicles have to drive out into the far carriageway, especially if vehicles are parked right up to the edge of the access point, as they often are. Temporary traffic bottlenecks are also created when vehicles are waiting to turn into any of the 6 Properties.
- d) Brookside is a major route into and out of East Leake and therefore carries a significant volume of traffic, including double decker buses and HGV's. There are therefore already significant traffic movement hazards that will only be exacerbated if permission is granted to this proposal
- e) It is difficult to see what can be achieved by new double yellow lines at the junction of Brookside and Station Road. I cannot find the proposed yellow line plan nor whether it is any different from the existing white lines, which drivers obey. Any change may lead to people parking near to the existing right of way across Sheepwash Brook, opposite 9 Brookside, which most parents and children now use to cross Brookside to go to Brookside School. This may be an example of the Rule of Unintended Consequences.

PLANNING POLICY

39. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) (2014) and the Local Plan Part 2: Land and Planning Policies (LPP2) (2019) and in this instance, the East Leake Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF) (2021), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009)

Relevant National Planning Policies and Guidance

40. The following sections in the National Planning Policy Framework (NPPF) are of relevance:
 Chapter 2 – Achieving Sustainable Development
 Chapter 9 – Promoting Sustainable Travel
 Chapter 12 – Achieving Well Designed Places
 Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Chapter 16 – Conserving an Enhancing the Historic Environment
41. The Borough Council has a duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be paid to the desirability of preserving listed buildings, their setting or features of special architectural or historical interest that they possess; and special attention to be paid to preserving or enhancing the character and/ or appearance of the conservation area.

Relevant Local Planning Policies and Guidance

42. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1), the following policies are of relevance:

Policy 1 – Presumption in Favour of Sustainable Development
Policy 2 – Climate Change
Policy 10 – Design and Enhancing Local Identity
Policy 11 – Historic Environment
Policy 17 – Biodiversity

43. The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2), in particular the following policies are of relevance:

Policy 1 – Development Requirements
Policy 17 – Managing Flood Risk
Policy 18 – Surface Water Management
Policy 28 – Conserving and Enhancing Heritage Assets
Policy 29 - Development affecting Archaeological Sites
Policy 37 – Trees and Woodland

44. The East Leake Neighbourhood Plan was adopted in 2015, and the following policy is considered of particular relevance:
Policy E3 – Green Infrastructure within the Built Environment

45. The East Leake Conservation Area Appraisal and Management Plan (July 2008) advises at para 5.3 that “*There are some examples of timber framed buildings and bricks are generally red, with some properties having blue brick detailing. Roofing materials are mixed and largely include pantile, plain tile and Welsh slate.*” It identifies the site as being within the Historic Core. The document refers to boundary treatments and the importance they have on the character of the Conservation Area. Whether buildings or features are to be retained or redeveloped and they have not been identified as positive or negative the Council will seek to ensure that the conservation area is continued to be enhanced or preserved. The Townscape Plan identifies the property as being a positive building in the Conservation Area with significant trees on the garden area. The boundary wall is not identified specifically as being ‘significant’ and the existing timber shed is not specifically identified or referred to.

46. The full narrative of the LPP1, LPP2, the Neighbourhood Plan and the Conservation Area Appraisal Management Plan and Townscape Plan can be viewed on the Rushcliffe Borough Council website.

APPRAISAL

47. The main consideration in respect of this application is:
- Principle of development
 - Design and impact on the character of the surrounding area
 - Amenity
 - Highway Safety
 - Flooding

Principle of development

48. The starting point for the determination of any proposal is the Development Plan. The Development Plan for Rushcliffe consists of the Rushcliffe Local

Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2).

49. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and National Planning Practice Guide (NPPG).
50. Policy 1 of the LPP1 reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF.
51. The application site is a part of the garden of 1A Station Road and is considered to be acceptable in principle subject to other material planning considerations which will be assessed below.

Design and impact on the character of the surrounding area

52. The proposal involves the removal of part of a wall to create a vehicular access off Brookside, amendments to the design and width of this have been received during the course of the application to limit the width of the gap. The proposed garage would be located in the site, set back from the road frontage to be broadly in line with the frontage of the adjacent bungalow 2A Brookside. It would span the width of the garden leaving gaps of 2m to the southern boundary and 3.137m to the northern boundary. The building would have an asymmetrical and half hipped roof design, having its lower eaves at the rear towards the garden of the property and higher eaves on its frontage facing towards Brookside. As a result of the access, visibility and the permeable hardstanding a number of trees and vegetation would also have to be removed.
53. The Landscape Officer has confirmed that he does not object to the removal of the trees/ vegetation subject to a condition regarding high quality landscaping, a hedgerow along the northern wall and a replacement tree for the willow.
54. In respect of the impact on the Listed Buildings the Conservation Officer considers that the development would have no harm to the significance or their settings but in relation to the Conservation Area it would result in less than substantial harm. Paragraph 202 of the NPPF advises 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, where appropriate, securing its optimum viable use.*" Harm has been identified and therefore consideration has to be had as to whether this harm has wider public benefits.
55. In the supporting documents the applicant advises that "*these benefits would include:*
 - *Improved highway and pedestrian safety. The new access will be safer than the existing access at Station Road because of improved visibility.*

- *The access will deter on-street parking near the Brookside/Station Road junction, particularly by parents dropping off and picking up children at school/nursery opening and closing times. This has also been pointed out in the letters of support received from local residents.*
 - *New standard trees of species local to this area to compensate for the loss of the willow tree will enhance the conservation area.*
 - *A permeable surface is proposed to mitigate the impact of the forecourt area and a new garden area is to be created replacing a current area of hardstanding thereby improving the current flood risk situation. Reduction in impermeable area from 212sqm to 127sqm.”*
56. The proposed building would be more prominent within the street scene than the existing structure by virtue of its size and also because of the creation of the access and formation of hardstanding. That said it is considered that its design and appearance would not be so imposing or have such an adverse impact to justify a refusal of the development. The village does have examples of other timber buildings and it is considered that the building would be seen in context with the adjacent buildings on Brookside with the listed building and host property in the backdrop. It is noted that the adjacent property 2 Brookside has a single brick and tiles roof garage forward of the property directly abutting the footway and this, together with another building that is in commercial use, would largely obscure views of the proposed garage when entering the village from the south. When leaving the village from the north the garage would be located behind the existing barber shop building. It is not considered that the building would result in significant harm to the area. The proposed, largely timber design would be high quality, and would provide a positive contribution to the area.
57. The agent considers in their submission that *“the wall is currently in a poor condition. Some sections of the existing walls are already damaged and these works will therefore help to restore and where required replace the wall in an improved state for future years albeit on a slightly amended build line to that which is existing.”*
58. A total of 7m of the existing wall would need to be removed however the resulting gap would extend to a gap of 4.8m having 2m visibility splays either side. The wall would be rebuilt on either side of the access way at 600mm high (to allow sufficient visibility) using the original bricks (where salvageable) and point in a lime mortar.
59. The front boundary wall is not specifically identified as a positive or significant feature within the Conservation Area but it is a feature nonetheless. The existing Willow tree has caused some damage to a section of the wall as identified by the Landscape Officer. There are a number of other examples of access points along this stretch of Brookside and so would not appear at odds with these. However fundamentally the alteration to the wall to allow vehicular access does, as discussed below, result in wider public benefit and improvement in respect of the cessation of the existing access on Station Road for vehicles therefore it is considered that there are highway safety improvements that weigh favour of the the proposal
60. For the reasons set out in this report, it is considered that the impact on the character of the East Leake Conservation Area would be outweighed by the

wider benefits of highway safety and that the setting of the Listed Buildings would be preserved as required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act 1990).

61. It is considered that Policies 10 and 11 of the Core Strategy, Policies 1, 28 and 29 of Rushcliffe Local Plan Part 2 and Section 12, para 127 within the National Planning Policy Framework have satisfactorily been met and the proposal in terms of design and impact on the character of the surrounding area are considered to be acceptable.

Impact on residential amenity

62. The proposal would not result in direct impact of amenity on the adjacent properties. It is considered that the proposal is compliant with the requirements of Core Strategy policies 1 and 10 and Policy 1 of the Rushcliffe Borough Local Plan Part 2.

Highways and Parking

63. The proposed new access is located in close proximity to a number of existing property access points which don't all have the visibility splays that would now be sought. In addition, the proposed access is in close proximity to a 3 way junction and there are currently no parking restrictions on Brookside in front of the site.
64. A number of representations have been received raising concerns in respect of the potential for conflict between vehicles and pedestrians including school children and their parents with the proposed access and highway traffic/parking. Likewise a number of representations have suggested that they see the inclusion of an access point on Brookside would remove some of the on street parking and improve the current situation.
65. The Parish Council have also commented raising concerns in relation to double yellow lines on the adjacent road. The applicant advises that *"the proposal will not affect the introduction of double yellow lines. It will prevent parking in front of the access to the property and will therefore serve the same purpose as the introduction of double yellow lines. The newly formed access will actually improve the current situation for the owner of the property in highways safety terms as visibility on access and egress will be much improved. Both access and egress will be possible in forward gear with visibility which meets highways safety standards. Preventing people parking on this section of road will also improve safety for pedestrians walking to the junction of Brookside and Station Road which we understand is a current concern and the reason for the proposed addition of double yellow lines"*.
66. The additional supporting information advises that the existing access point on Station Road presents difficulties in terms of pedestrian and vehicle visibility when leaving the property. The existing dwellings (1 and 1 A Station Road) directly abut the footway and there are no parking restrictions on this section of Station Road therefore visibility can be poor.
67. In addition, the amended details indicate the use of the existing access as pedestrian only. Whilst details of this restriction have not been provided it is

considered that a condition to secure this, together with the details of what this would look like, is appropriate.

68. The supporting documentation advises that the proposed driveway would *“only serves one property and there is no requirement for two cars to pass. This has since been discussed in correspondence to highways on the 9th December and the Highways Officer has subsequently confirmed in writing that the 3m access width is acceptable. They have also confirmed more recently that they require 2m pedestrian visibility splays either side of the proposed opening which will allow more of the original wall to be retained.”*
69. The Highways Officer has considered the proposal and as a result of the amendments, reducing the width and providing appropriate visibility slays, they have not raised any highway or pedestrian concerns with the development. As a result, it is not considered that a refusal could be sustained on this basis of highway safety for the new access point but that the relocation of the access for vehicles could be seen as an improvement to the current situation that can be weighed in the assessment of the impact on the conservation area.
70. Having judged the proposal against the Rushcliffe Borough Local Plan Part 2 Policy 1, the proposal is considered acceptable in terms of highway requirements.

Impact on trees

71. The planning statement advises that *“The proposal involves the relocation of the garden area from the south eastern area of the site to the south western area of the site providing a more private, accessible area for the family with greater connectivity to the existing dwelling than the current arrangement. Two new trees will be planted within the garden area to increase biodiversity and to replace those lost as part of the proposals. A hedge will be planted along the northern boundary in accordance with the Landscape Officer’s recommendations to screen the driveway from the area of open space.”*
72. As previously indicated earlier in the report the landscape officer has considered the impact of the proposal on the loss of the trees, noting that the existing willow tree is causing damage to the existing wall, and he has raised no objection to the removal of the trees and vegetation subject to conditions. In addition, the Conservation officer also considered the additional information and withdrew their objection to the loss of the tree subject to conditions regarding landscaping.
73. It is therefore considered that the proposal to remove the trees/ vegetation is acceptable subject to conditions regarding landscaping, hedgerow and replacement trees.

Ecology

74. The Council has a duty to consider impacts of developments on ecology. In this case it is considered that the impacts would be limited but a condition and note to applicant is considered appropriate to ensure compliance with Policy 17 of the Core Strategy and policies 1 and 38 of the Rushcliffe Local Plan Part 2.

Archaeology

75. The comments of the County Council's Archaeology Officer are noted (see above) and a condition is proposed in accordance with their recommendation.

Flood risk/ drainage

76. The site is located within Flood Zone 2 on the Environment Agency's Flood Zone maps. Following long periods of heavy rainfall, areas of the village suffer from surface water flooding.
77. The supporting submission documents advise that *"The level of the current garden and proposed garage is about 0.7m higher than the road. Permeable paving is proposed for the new drive. It is also proposed to remove about 50% of the concrete hardstanding to the very rear of the property and replace with a grassed garden area as shown on the proposed plans. Currently the amount of impermeable surfacing on the site, made up of the driveway and areas of hardstanding, amounts to 212sqm. The proposed development will provide a permeable surface to the driveway and will create a new area of garden and therefore the impermeable area on site will be reduced to 127sqm."*
78. Therefore, the areas of existing hardstanding would be replaced with a grassed garden area and the proposed access/driveway will be constructed from permeable paving. Planting will be introduced alongside the driveway. As the proposal is for a garage it is not a requirement to demonstrate flood resilience measures however the proposed elements are considered to result in no greater impact in respect of flooding or surface water drainage impacts than what currently exists. Conditions are proposed to reflect the above and a note to applicant is proposed to suggest that flood resilience is incorporated into the building.

Conclusion

79. The proposal would provide improvements to highway safety. This outweighs the less than substantial harm to the East Leake Conservation Area. Subject to conditions, the proposal would not result in harm in relation to highway safety, trees, ecology, residential amenity or flooding. The proposal therefore accords with the policies contained within the Rushcliffe Local Plan and the guidance contained within the NPPF
80. Given all the matters as considered above and having assessed the development proposal against the policies set out in National Guidance and the development plan for Rushcliffe, the scheme is considered to be acceptable.
81. The proposed development was not the subject of pre-application discussions. Negotiations have however taken place with the agent during the course of the application and amended plans have been submitted to address the concerns raised in relation to; access arrangements; the character and appearance of the Conservation Area. This has resulted in a more acceptable scheme and the recommendation to grant planning permission, subject to conditions.

RECOMMENDATION

(i) 21/02987/FUL - 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 must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

- Application Form received 18 November 2021
- Flood Risk Assessment received 22 November 2021
- Proposed Garage Plans A-004B received 4 January 2022
- Design and Access Statement received 4 January 2022
- Planning Statement received 6 January 2022
- Proposed Site Plan A-003G received 6 January 2022
- Garden Wall Plans and elevations A- 005A Received 6 January 2022

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

3. The development hereby permitted must be undertaken in accordance with the brick and tiles indicated on the application form and approved plans. The coloured finish of the timber shall be submitted to and approved in writing by the Local Planning Authority prior to the development proceeding beyond the damp proof course level. In respect of the boundary wall to Brookside traditional matching materials should be used where it is not possible to use the originals. The development must only be constructed in accordance with the approved materials and colour finish.

[To ensure the appearance of the development is satisfactory having regard to policies 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (2021)]

4. The development hereby permitted must not proceed above the damp proof course level until details of the existing hardsurfaced areas to be removed and the permeable materials to be used in the construction of the new driveway and parking area have been submitted to and approved in writing by the Local Planning Authority. The hard surface areas must be removed and new areas of driveway and parking constructed in accordance with the approved details prior to the use of the garage hereby approved being commenced. Notwithstanding the provisions of the Schedule 2 Part 1 Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order)

no hard surfaces (other than those expressly authorised by this permission) shall be constructed within the curtilage of the dwelling hereby permitted without express planning permission from the Local Planning Authority.

[To ensure the appearance of the development is satisfactory and to enable the Local Planning Authority to retain control over the construction of additional hard surfaces that may adversely affect surface water runoff from the site having regard to Policies 2(10) (Climate Change), 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies 1 (Development Requirements), 17 (Managing Flood Risk), 18 (Surface Water Management) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (2021)]

5. No development shall take place until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The scheme shall include root barriers (if required), hedgerow and replacement trees species, size and numbers. The approved scheme shall be planted in position(s) previously agreed in writing by the Borough Council in the first planting season after the felling of the tree(s) to be removed. Any tree(s) within a period of 5 years from the completion of the planting which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Borough Council gives written consent to any variation.

[To ensure the appearance of the development is satisfactory having regard to policies 10 (Design and Enhancing Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (February 2021)]. This is a pre commencement condition required to ensure that existing features to be retained are identified and protected, to ensure adequate mitigation is in place before any intrusive site works take place]

6. No development shall be commenced until a scheme for the provision and implementation of surface water run-off limitation measures has been submitted to and approved in writing by the Borough Council. The scheme shall be implemented in accordance with the approved programme and details.

[To ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 163 and 165 of the National Planning Policy Framework (2021) This is a pre commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

7. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme of archaeological control and supervision to be carried out during demolition,

construction or excavation work on the site, by a professional archaeologist or archaeological organisation. The details of such a scheme of investigation shall be submitted to and approved in writing by the Borough Council also prior to the commencement of the development on the site

[To ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021). This is a pre-commencement condition required to ensure that if archaeological interest is identified it is recorded]

8. The proposed access shall be constructed to Nottinghamshire Highway Authority specification.

[In the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

9. The development shall not be brought into use until the existing access has been closed permanently to vehicles and the land within the highway reinstated, in accordance with details previously submitted to and approved in writing by the Borough Council prior to the use of the access and garage hereby approved being brought into use. The approved closure details shall be retained for the life of the development.

[To reduce the number access points into the site in the interest of highway safety, having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

10. Notwithstanding the provisions of section 55(2)(a)(i) and 55(2)(d) of the Town and Country Planning Act 1990 or Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 the garage hereby permitted must be kept available at all times for the parking of motor vehicles of the occupants of the dwelling (1a Station Road) and their visitors and must not be used for any other purpose whatsoever.

[To ensure that sufficient parking provision is retained at the site having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

11. There shall be no enlargement or any other alteration to the appearance, [including alterations to the roof of the garage] hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having

regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 28 (Historic Environment: Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2021)].

Note to applicant

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

For these works to be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at Licences@viaem.co.uk to arrange for these works to be carried out.

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 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.

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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 garage incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website.

(ii) 21/02993/RELDDEM - It is RECOMMENDED that planning permission for relevant demolition in a conservation area be granted subject to the following condition(s)

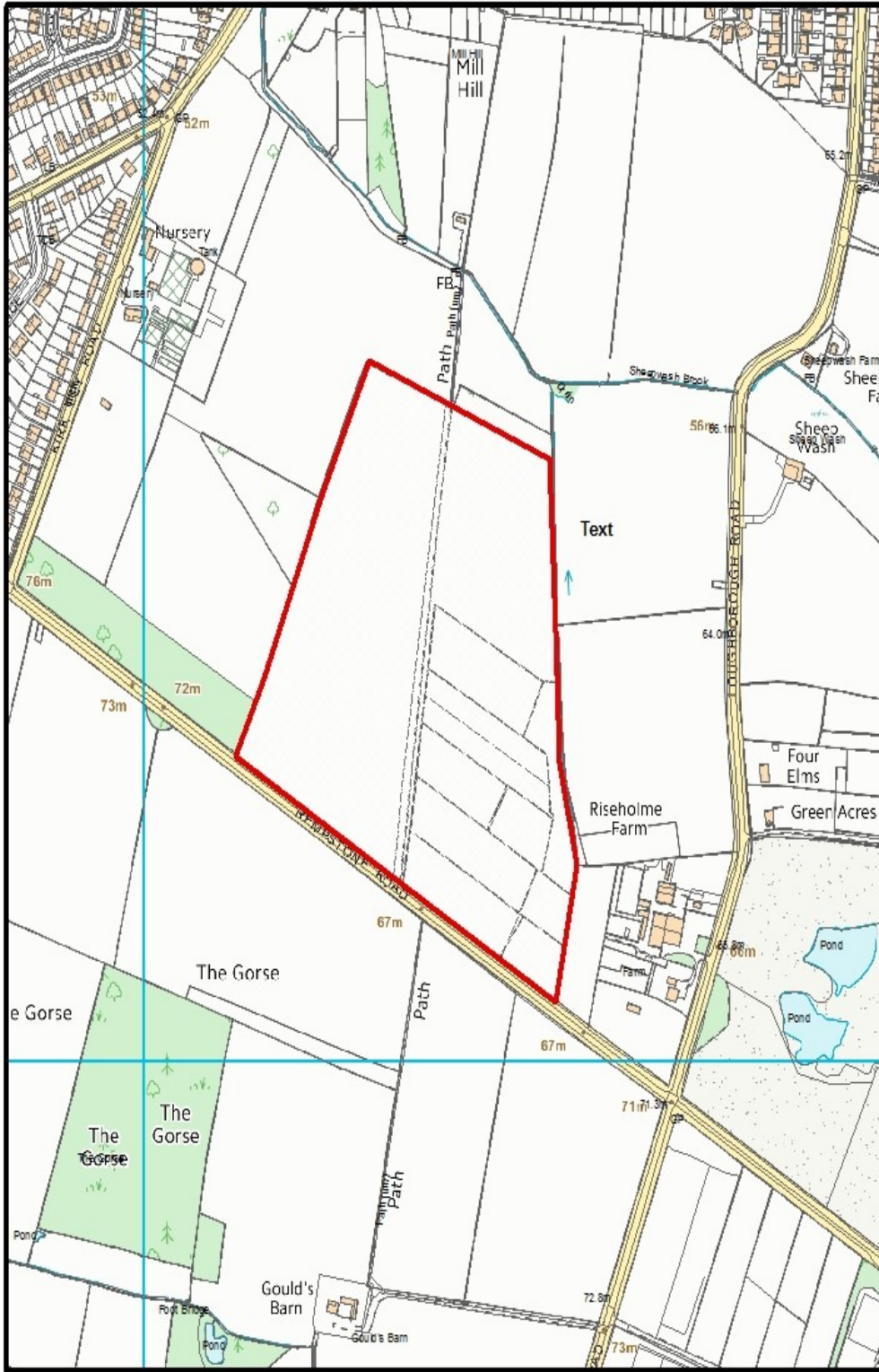
1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[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 must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

- Application Form received 18 November 2021
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- Planning Statement received 6 January 2022
- Proposed Site Plan A-003G received 6 January 2022
- Garden Wall Plans and elevations A- 005A Received 6 January 2022

For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).



Application Number: 21/03223/FUL
Land to the North of Rempstone Road East Leake



scale 1:5000

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21/03223/FUL

Applicant Mr Harry White

Location Land North of Rempstone Road East Leake Nottinghamshire

Proposal The erection of 47 dwellings with associated access, parking and landscaping

Ward Leake

THE SITE AND SURROUNDINGS

1. The application site comprises part of a large, former arable field immediately north-east of Rempstone Road, on the southern edge of the village of East Leake. To the north of the site is the Sheepwash Brook, beyond which are equine paddocks and the village of East Leake. A micro-propagation business, together with other commercial units on a former farm are located to the east, accessed off Loughborough Road. To the south is Rempstone Road beyond which is open countryside. Immediately adjacent to the western boundary is a large residential development (by Persimmon), accessed off Kirk Ley Road, which is currently under construction.
2. Until 2020 the site was agricultural in use and land levels slope downwards in a northerly direction from Rempstone Road towards the village. In January 2020 Reserved Matters for 235 dwelling on the site were approved and that development commenced in the latter part of 2020. The site is therefore currently a residential development site for new dwellings. A public right of way runs north/south roughly through the centre of site and onwards towards the village centre. The boundaries of the site comprise a mix of native hedgerows with trees.

SITE HISTORY

3. Planning application ref 16/01881/OUT, an outline application for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation and landscaping was refused under Delegated Authority on 31st March 2017 on the following three grounds.
 - a. *The proposal would comprise residential development of a greenfield site outside of the built-up part of the settlement. The site is not allocated for development in the development plan and, although East Leake is identified as a key settlement for growth in Policy 3 of the Rushcliffe Core Strategy, the development would exceed the minimum target of houses to be provided in and around East Leake by over 160% when considered cumulatively with schemes already granted planning permission. This level of housing delivery for East Leake would be contrary to the Council's housing distribution strategy set out in Policy 3 and would lead to*

the unplanned expansion of development significantly beyond the established built edge of the village with resultant adverse impact on its rural setting, poor connectivity to the village by car and non-motorised modes of transport and adverse impact on access to services.

- b. The development would not provide a direct vehicular access to the adjacent residential development site under construction and, whilst there would be a connection to the village via a public footpath and potential pedestrian connections to the adjacent development site the only paved and lit pedestrian link that is clearly deliverable by the applicant at this time would be via proposed improvements to Rempstone Road, which would involve a walking distance in excess of the 1.25km to the village centre. It has not been adequately demonstrated that the development would integrate with or provide good connectivity with the existing settlement and would be contrary to Policy 14, particularly paragraphs 1 and 2 of the Rushcliffe Core Strategy and to Policy H6 (a) of the East Leake Neighbourhood Plan.*
 - c. Whilst the application proposes to deliver a site suitable for the provision of a new primary school this level of provision is in excess of the need justified by the scale of development proposed and, in any event, would not provide any funding to provide such a facility. It would not therefore adequately or appropriately meet the requirements for improvements to primary school provision arising from the development or weigh in favour of the granting of permission. Furthermore, the applicant has not provided an undertaking to enter into an obligation to meet the requirements for improvements to secondary education provision arising from the development. The proposal would therefore be contrary to Policy 19 of the Rushcliffe Core Strategy, which requires all development to meet the reasonable cost of new infrastructure required as a consequence of the proposal. It would also be contrary to Policy H1(b) of the East Leake Neighbourhood Plan which requires all development in East Leake over a cumulative total of 400 dwellings to demonstrate that the provision of improved infrastructure can be delivered in time to serve the needs of the development.*
4. The application was the subject of an appeal, considered by way of a Hearing, and was subsequently allowed on 20th November 2017, subject to a number of conditions, a S106 agreement and a legal agreement relating to pedestrian access through the adjacent development site to the west.
 5. A Reserved Matters application (ref 19/01770/REM) for the approval of 235 dwellings and associated appearance, landscaping, scale, layout and infrastructure works was approved under delegated authority on 31 January 2020.
 6. In September 2020 an application for a Non-Material Amendment (20/01945/NMA) for substitute house types and changes to the road layout was not agreed as the changes were deemed to be materially different to the approved Reserved Matters layout.

7. A subsequent Reserved Matters application (ref 20/02300/REM) for the partial re-plan of approved application ref 19/01770/REM (for the matters refused under application 20/01945/NMA) was approved in December 2020.
8. In April 2020 a Full Planning Application (20/00888/FUL) for the erection of an additional 51 dwellings with associated access, parking and landscaping on the site was submitted and subsequently approved at planning committee (subject to the completion of the S106 agreement). The decision notice was issued in July 2021.

DETAILS OF THE PROPOSAL

9. The application seeks full planning permission for an additional 47 dwellings on the site that was granted permission under 16/01881/OUT and 19/01770/REM (as amended by 20/02300/REM) for 235 dwellings.
10. This proposal would be on the same site that the scheme for the additional 51 dwellings was approved under application ref 20/00888/FUL. Therefore, the proposal is in essence for 4 fewer dwellings than already approved under application 20/00888/FUL.
11. The proposed access to the site comprises the existing (approved) singular vehicular access point off Rempstone Road, located in the centre of the south-eastern boundary.
12. The proposed site layout indicates that the 47 dwellings would be built within the approved site of the 235 houses granted reserved matters, and on the same site that the 51 additional dwellings were approval last year. As per the approved 51 dwellings, the proposed 47 dwellings would be sited in two separate locations: along the north-western boundary of the site between the approved development and the approved balancing pond features and along the north-eastern boundary between the approved development and the location of the proposed permanent primary school. The proposed 47 dwellings would therefore remain located broadly in the southern “two thirds” of the site, with the northern “third” reserved for a proposed balancing pond and a primary school site (as secured through the S106 agreement and now benefiting from outline planning permission) with the PROW remaining aligned through the centre of the wider development site.
13. The approved single access point off Rempstone Road would lead to a loop road around the site, off which access roads would create a number of cul-de sacs.
14. The existing PROW would remain on its current alignment and run through landscaped areas of an already approved centrally located Public Open Space (POS) which would include a Local Equipped Area of Play (LEAP) that both formed part of the scheme for the 235 dwellings, and those features are unaffected by the current proposal.

REPRESENTATIONS

Ward Councillor(s)

15. One Ward Councillor (Cllr Thomas) objects to the proposal citing the housing mix proposed compared to the requirements of Policy H3 of the Neighbourhood Plan.
16. One Ward Councillor (Cllr Shaw) also endorsed Cllr Thomas' objections.

Town/Parish Council

17. East Leake Parish Council object to the proposal on the following grounds:
 - a) Housing mix does not comply with policy H3 of housing project, neither for this portion, nor for the whole site. And
 - b) Overall site was 30.6% for 2-bedroom properties, now reduced to 24.8% which is below the 30% threshold

Statutory and Other Consultees

18. East Midlands Airport Have not commented on the current proposal but have previously advised that conditions seeking to control dust, to prevent light spill including from streetlights, restrictions on solar panels which can cause glint and glare and measures to prevent flocking birds being attracted to the site should be attached to any grant of permission. In the circumstances it seems necessary to attach such conditions to any grant of this permission.
19. The NHS Clinical Commissioning Groups (CCG) Request Section 106 (S106) contributions for Primary Health Care from this development. Officers however note that Primary Health Contributions are covered by the Community Infrastructure Levy (CIL) and therefore not through the S106 process.
20. The NHS Have also separately requested S106 contributions towards the impacts of this development on hospitals in the area.
21. Natural England Advise that they have no comments to offer but advise that the proposal should be assessed against their standing advice.
22. Nottinghamshire County Council as Highway Authority Initially commented that:
 - The shared private drive serving plots 256-264 should be increased in width to 4.8m plus 0.5m clearance either side, for a minimum distance of 8m to the rear of the highway boundary.
 - The dropped kerb serving the parking for plot 254 conflicts with the adjacent traffic calming feature. The layout should be amended to overcome this.
23. Amended plans should be submitted accordingly. Any amendments will also need to be updated as part of the S38 submission.

Revised plans were submitted seeking to address the concerns and the Highway authority subsequently advised that they do not object to the proposal subject to conditions being attached to any grant of permission.

24. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) confirmed that they have no objections subject to conditions being attached to any grant of permission.
25. Nottinghamshire County Council (Strategic Planning) advised that County Education seek contributions towards the 10 additional primary school places generated by a development of 47 dwellings at a cost of £20,918 per place i.e., £209,180. They also make requests for contributions towards the eight additional secondary school places generated by the proposal and one post-16 place (NB Officers note that secondary education is covered by CIL). The County Contributions Officer also requested that any legal agreement also seeks to secure access to the school site through the development.
26. The Nottinghamshire County Council Community Liaison Officer for Heritage has previously advised that that the site does not immediately contain records on the Historic Environment Record (HER) and officers note that in relation to the scheme for 51 dwellings a desk-based assessment was provided that met the requirements of the Archaeology Team at the County Council.
27. Nottinghamshire County Council Public Rights of Way Team comments that: *“Public Footpath no 5 East Leake runs alongside the site and over the access roads included in this application. In the wider site applications, it has been accepted that if this is to be promoted as a cycle path it will need to be converted to a cycle track via the Cycle Track Act. Whilst it is not directly relating to this particular application, it has impacts on the access road crossing points and the Section 38 agreement for footway.”*
28. The Ramblers Association questioned whether there is an opportunity to make some improvement to the crossing of Rempstone Road where the existing right of way doglegs.
29. The Borough Council’s Planning Contributions Officer advised on the CIL liability for the development, estimating a receipt of £304,000 of which £212,800 would likely go towards items on the Borough Council's Strategic Infrastructure List, £76,000 likely towards the East Leake Neighbourhood CIL and £15,200 towards CIL Admin.
30. The Borough Council’s Conservation Officer does not object noting the distance to, and the intervening existing and approved buildings between the site and both the Conservation Area and the nearest listed building.
31. The Borough Council’s Environmental Sustainability Officer notes that whilst no ecological information has been provided but that the application is a re-submission of the previous scheme and the ecological information that accompanied that submission can be regarded in date. They do recommend that an updated appraisal is supplied, assessing if any ecological factors would be altered by the re-submission. They also recommend that the supplied Biodiversity Net Gain is reassessed to

determine if it is still accurate, however this can be carried out post determination and conditioned, it should however be supplied prior to commencement of any approved development.

32. The Borough Council's Strategic Housing Officer (affordable housing) does not object to the proposal.
33. The Borough Councils Planning Policy Team comment the site is within the housing site allocated in Policy 3.1 of the adopted Local Plan Part 2. They express concerns regarding the loss of open green space and effects on biodiversity noting the requirements of Policy 38 within the Local Plan Part 1. The Policy Team also referred to the requirements of Policy H3 in the East Leake Neighbourhood Plan.
34. The Borough Council's Community Development Manager has commented that the proposal would generate a need for on-site children's play provision, unequipped play/amenity public open space and allotments that should be secured through Section 106 contributions and that the indoor and outdoor sports provision will be addressed via the Community Infrastructure Levy (CIL) contributions. The Community Development Manager previously agreed that there was sufficient open space provision as part of the approved scheme for 235 dwellings to mitigate the total requirements of open space for both the approved and proposed development. This position has not changed as a result of the current revisions. S106 contributions towards off-site improvements for allotments and play provision were also requested.
35. The Borough Council's Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission.

Local Residents and the General Public

36. A total of five (5) representation have been received, four (4) of them objecting to the proposal citing the following:
 - a. The proposal is on a green space of land that was developed as part of the Meadowcroft build - I am unsure how this required green space can now so quickly be built upon.
 - b. The proposed dwellings would be on an area that floods considerably during rainy months, which has become worse since the recent builds with no clear outlet for excess water identified.
 - c. There are limited facilities within East Leake for 47 additional dwellings; schools and doctors are oversubscribed, and the dentists has a 2-year waiting list.
 - d. The public footpath to provide access to nature will be redirected through a housing estate and connect to a path that is liable to flooding, therefore, removing access through to the village of East Leake - pedestrians will have no choice but to walk the busy roads of Rempstone or Loughborough road (which as no path) to be able to access the village once this path is closed off.
 - e. COP26 in Oct to Nov 2021 highlighting that climate change is real. Part of what is required from that agreement is to 'protect and restore ecosystems.'

- f. Meadowcroft- no longer a meadow. Skylark - total destruction of the perfect habitat for Skylarks and other species to thrive. Please do not let this go ahead.
 - g. It is time that Rushcliffe council stopped this attitude of discriminating against all species except humans. The beautiful surrounding countryside, which is home to many, many species, is being ripped up, destroyed and put under concrete for one purpose and one purpose only, and that is not for the benefit of the environment, wildlife and ecosystems.
 - h. The plot of land appears to be of the same size and presumably this means that a number of smaller houses for those of limited means have been changed to fewer larger dwellings.
 - i. East Leake needs more affordable housing, as far too many four- and five-bedroom properties are being built. Local young people and those who are older and hoping to downsize have no chance of buying property within the village.
 - j. The developers should have applied for this additional housing at the time of the original application.
 - k. Concerns about the number of parking spaces being allocated per house.
 - l. There is not enough provision for pedestrians and cyclists.
 - m. There has been little thought to pedestrian access to the village centre expect along busy roads, children should not be expected to walk along dark roads to get to the village.
 - n. The cause of the recent flooding in the village the worst seen in over a decade has not fully been established but the developments of farmland and the change of use of the land probably have an effect, so perhaps we should ensure that sufficient flood prevention is in place before we do any further development.
37. One (1) neutral response was received stating that they would like to see “hedgehog highways” to allow the safe passage of all wildlife through residential gardens.

PLANNING POLICY

38. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). The East Leake Neighbourhood plan also forms part of the Development Plan when considering applications in the East Leake area. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.

Relevant National Planning Policies and Guidance

39. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.

40. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means; "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless; i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole."
41. Paragraph 68 requires Local Authorities to identify a supply of specific, deliverable housing sites for years one to five of the plan period (with an appropriate buffer) and developable sites or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.
42. Paragraph 92 advises the decision maker to aim to achieve healthy, inclusive and safe places which: promote social interaction; are safe and accessible; and enable and support healthy lifestyles. Paragraph 93 further states that decisions should provide the social, recreational and cultural facilities and services the community needs, planning decisions should: a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.
43. Paragraph 100 requires decision makers to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
44. Paragraph 110 states that; *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Codes and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."* Paragraph 111 goes on to state that; *"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
45. Paragraph 126 addresses the need for the creation of high-quality buildings and places being fundamental to what the planning and development process should achieve stating that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

46. Paragraph 130 requires decision makers to ensure that developments will function well and add to the overall quality of the area; that they are visually attractive; and that they are sympathetic to local character and history; seek to establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Relevant Local Planning Policies and Guidance

47. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
48. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size, Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
 - Policy 17 - Biodiversity
 - Policy 18 - Infrastructure
 - Policy 19 - Developer Contributions
49. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:
- Policy 1 -Development Requirement
 - Policy 3.1 - Housing Allocation – Land north of Rempstone Road, East Leake
 - Policy 12 - Housing Standards
 - Policy 17 - Managing Flood Risk
 - Policy 18 - Surface Water Management
 - Policy 29 - Development Affecting Archaeological Sites
 - Policy 32 - Recreational Open Space
 - Policy 37 - Trees and Woodland
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
 - Policy 39 - Health Impacts of Development
 - Policy 43 - Planning Obligations Threshold
50. The East Leake Neighbourhood Plan was adopted on 19th November 2015, and forms part of the Development Plan for the area. The following policies are considered relevant.

- Policy H1 - Number of New Homes
 - Policy H2 - Phasing of New Homes over the Period 2013 to 2028
 - Policy H3 - Types of Market Homes. On developments of 10 or more homes developers will provide a mixture of homes for the market that broadly reflects Rushcliffe Borough Council's and East Leake's most up to date assessments of housing needs derived from projections of household types, as follows; 1 and 2 bedrooms between 30% and 40%; 3 bedrooms between 40% and 60%; 4 bedrooms between 10% and 20%; 5 bedrooms between 0% and 5%. In addition, a diverse mix of home types within each of the categories will be provided in line with projected need.
 - Policy H4 - Aircraft Noise
 - Policy H5 - Design and Building Standards
 - Policy H6 - Sites where Housing Development will be Permitted
 - Policy T1 - New Development and Connectivity
 - Policy T2 - Strategic Network of Footpaths and Cycle paths
 - Policy T3 - Public Transport
 - Policy E1 - Containment of Built Environment
 - Policy E2 - Green Infrastructure: Wildlife and Rural Heritage
 - Policy E3 - Green Infrastructure within the Built Environment
 - Policy L1 - Playgrounds
51. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Council's Corporate Priorities.
52. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislations contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
53. The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
- a) There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"

- b) There is no satisfactory alternative; and
 - c) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
54. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
 55. Natural Environment and Rural Communities Act 2006 at Section 40 states that *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."* Section 40(3) of the same Act also states that *"conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat."*
 56. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
 57. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law.
 58. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
 59. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
 60. Environmental Impact Assessment Regulations - The outline planning application (16/01881/OUT) for the development of the 235 dwellings and supporting infrastructure was screened under the Environmental Impact Assessment Regulations 2018 prior to that application being submitted. Whilst this application 20/00888/FUL sits within the redline area of the 235 dwellings, it is a standalone planning application seeking full planning permission for 51 dwellings. The application only just passes the threshold for screening (the threshold being 50 dwellings) in its own right and even as a cumulative assessment of the wider development of 286 dwellings the current application does not significantly alter the parameters or the quantum of development that was secured through the appeal process and this development is considered to accord with the outline application that was initially screened. As such a formal Environmental Impact Assessment is not considered to be required for this application.

APPRAISAL

Principle of Development

61. Policy 3 of LPP1 identifies East Leake as a 'Key settlement identified for growth' and, furthermore, the principle of developing this site for housing was established with the granting of outline planning permission 16/01881/OUT. Despite the Borough Council initially refusing that application, the applicants appealed and following a Hearing, the Planning Inspectorate allowed the proposal, subject to a number of conditions and a S106 agreement. Whilst that application did set a quantum of development, that was only based on the level of development sought under the outline application. The Planning Inspector has not, in allowing the appeal determined the threshold for development on that site, merely determined the appeal before them.
62. Objections regarding the need for additional housing on the site were addressed in the granting of reserved matters for the additional 51 dwellings on the site.
63. Paragraph 3.26 of the LPP2 clearly identifies the application site at Land North of Rempstone Road as one of the two development sites within the Plan for development under Policy 3.1. Officers acknowledge that planning permission has already been approved for 235 dwellings at appeal, and subsequently the planning committee approved a further 51 dwellings on the site. The current application site is located within the area identified as part of Policy 3.1 in the LPP2 identifying it for development of "around" 235 dwellings and would be on the area of land that the additional 51 dwellings were previously approved. Therefore, for clarity this application (for 47 dwellings) would replace the approved 51 dwellings, not further add to them. The Planning Inspector, in their determination of the initial appeal that resulted in the allocation of the site accepted the sites relationship to the village, the walking distances to the village, the impacts on wildlife, ecology, as well as on the villages character and appearance, albeit in principle for a lesser quantum of development than would result from the current proposal on the site. Nevertheless, in granting permission under application 20/00888/REM for the 51 dwellings, the Borough Council has also accepted the impact of a greater number of dwellings on the services, infrastructure and impacts of flooding on the village than is currently being proposed.
64. This application proposes an additional 47 dwellings on the site (instead of the approved additional 51 dwellings), alongside both the approved 235 dwellings and also alongside the neighbouring approved development of circa 300 dwellings currently being constructed by Persimmon Homes to the west. Officers are therefore satisfied that the principle of dwellings on this site has already been established. Furthermore, the application is not for a new development site as some objectors have apparently misunderstood, but for a lower quantum of residential development on the site than is already permitted.
65. The proposal is therefore considered to broadly accord with the requirements of Policy 3 (Spatial Strategy) of the Rushcliffe Local Plan Part 1: Core Strategy. Officers note that Policy 3.1 states that the area shown

on the policies map is identified as an allocation for “around” 235 homes. The Policy does not seek to place an upper limit on the number of dwellings on this site as it does not state a maximum of 235 dwellings. What this application is seeking to demonstrate is that the proposed additional 47 dwellings are not demonstrably harmful to the environment, the character and appearance of the development or the amenities needed to support these additional dwellings, when compared to the fall-back position of the approved additional 51 dwellings.

66. In short, are the impacts of the totality of 282 dwellings on this site more harmful than the permission that already permit 286 dwellings to be built on the site?
67. Therefore, it is the impact of that additional development that must be assessed as part of the determination of this application, i.e. if the proposed resultant densities, the relationships to the surrounding landscape result in any demonstrable harm, and if these additional 47 dwellings have any significant impact on the amenities/services in the village and the highway network, and if so, if those impacts can be adequately mitigated through either planning conditions or S106/CIL contributions if appropriate.

Access

68. The site would be served by one single point of access off Rempstone Road, as already approved to serve the 235 dwellings. The previous application (for 51 dwellings) was accompanied by a Transport Technical Note prepared by BWB. It stated within the Technical Note that whilst the planning application was approved for 235 dwellings, the transport work considered the impact of up to 250 dwellings at the site. The current permissions considered the impact of the additional 36 dwellings, i.e., the scheme for 51 dwellings. The assessment concluded that the additional development would not result in a significant traffic impact, and as such no further assessment should be required. This position was accepted by both the Highway Authority and Members in their previous determination for the additional 51 dwellings on site.
69. The Highway Authority initially highlighted some technical issues with the proposed layout, regarding driveway widths and the location of dropped kerb relative to a traffic calming feature. They have not raised any other issues.
70. In response the applicants have amended the plans to address these two issues which affected a small number of plots. Having reviewed the information submitted the Highway Authority advised they do not object to the proposal subject to conditions being attached to any grant of permission.
71. The highway authority and the Borough Council have already accepted (through the grant of a greater quantum of development) that the impact of the development cannot be considered severe. Therefore, officers can only conclude that the principle of the development, and its impact on the highway network is acceptable.

72. The Highway Authority also advised that the internal layout has secured Technical Approval under Section 38 of the Highways Act 1980 for the adoption of the new roads. Officers understand that the S38 process has now been completed. The Highway Authority advised that the revisions addressed their previous concerns and concluded that subject to conditions being attached to any grant of permission, that there were no technical grounds to object to the proposal on either highway safety impacts on site, or on the wider road network as a result of the proposal.
73. Officers are therefore satisfied that the proposal accords with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure, amongst other things, a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

Appearance

74. The proposed housing development would be relatively low density still comprising around 35 dwellings per hectare, which, when read in the context of an overall development of 282 dwellings would not appear too dense in the context of its location with differing densities across parts of the site. The proposal still allows for open space as part of the development and landscaping to soften its overall appearance.
75. In support of the application, detailed plans and elevations of all the house types, illustrative street scenes, together with details of the construction materials, surfacing and boundary treatments have been submitted.
76. The proposed dwellings range from 2-bedroom maisonettes to 2-, 3- and 4-bedroom properties and would be of a high quality with many design details. Thirteen different house types are proposed. In terms of materials, the existing housing stock in East Leake comprises a range of construction materials, with variations of red brick found extensively throughout the village. The proposed construction materials would comprise the same range of materials approved as part of the 235 dwellings, namely three different brick types from the Ibstock range comprising Arden Olde Farmhouse, Windsor and Welbeck Red Mixture, together with pockets of Ivory Cladding on some front gables and to the elevations of some corner properties to create a visual break.
77. This would create a visually attractive and cohesive residential development which would respect both the established housing stock and the more recent housing developments within the village.
78. The application is therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure that proposals will not impact on the amenity of any adjoining properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

Landscaping and Ecology

79. The current proposal does not include any areas of landscaping save for the frontages of plots. Detailed landscaping plans for the rest of the site, namely the sites frontage along Rempstone Road and for the open space in the middle of the site have already been approved.
80. The Planning Policy Team advise that of particular concern is the loss of open green space and effects on biodiversity. The site is located within the East Leake/Stanford Hall Ecological Network (Focal Areas) as identified within Appendix E of the Part 2 Local Plan. This identifies the improvements in habitat connectivity down the eastern fringes of East Leake through the enhancement of grassland and wetland habitats as objectives.
81. The Council's Environmental Sustainability Officer (ESO) reviewed the submission and noted that no ecological information had been provided with the application. However, the ESO also noted that this application is (in effect) a partial re-submission of planning application 20/00888/FUL, with ecological surveys completed originally in 2016, but last updated in August 2020 to enable the production of a Biodiversity Net Gain assessment. This ecological information can therefore be regarded in date. The ESO did however recommend that an updated appraisal be supplied, assessing if any ecological factors will be altered by the re-submission, prior to determination of this application.
82. They also recommend that the previously supplied Biodiversity Net Gain be reassessed to determine if it is still accurate, however the ESO noted that this can be carried out post determination and conditioned. They do however clarify that it should be supplied prior to commencement of any approved development.
83. Officers are mindful that the proposed development site overlaps with the area of the approved 51 dwellings. Officers also note that the ESO comments that the previous survey data is still in date. The ESOs recommendation that the updated appraisal be submitted was therefore not considered necessary, as the proposal site entirely overlaps the approved site of the 51 dwellings. Furthermore, the development of the 51 dwellings could still lawfully be implemented. For similar reasons, the request that the Biodiversity Net Gain assessment be updated to see if any factors will be altered by the re-submission is also not considered to be reasonable or necessary (two of the conditions to be considered prior to attaching a condition to any grant of permission).
84. The previous submission confirmed that the site currently comprises poor quality grassland ruderal habitats, ditch and plantations bound by species poor hedgerows with trees. As a result, whilst the proposal would not have a material impact on the favourable conservation status of a European protected species, provided mitigation measures are implemented, the development was identified as capable of provide opportunities for a net gain in biodiversity. As part of the previous submission, an ecological method statement incorporating reasonable avoidance measures (RAMs) was secured along with an ecological landscape management plan,

including a full metric biodiversity net gain assessment. That information was considered to be acceptable by the ESO, Nottinghamshire Wildlife Trust and ultimately the Local Planning Authority through the grant of permission by the Planning Committee.

85. The ESO previously advised that they were happy with the proposal to combine the two phases of development (from an ecological perspective) so that they are contiguous. Officers are also satisfied that the submission was a reasonable methodology and that the BNG calculator had been used correctly. However, the ESO did advise that the statement about "*whilst there is an overall loss in habitat units there is significant gain of hedgerow habitats, which is not taking into account by the calculator when providing an overall score figure of BNG. This binary assessment is therefore not considered appropriate for this site, and a more holistic approach to assessing BNG is required*", was more contentious.
86. This is because the metric does not allow the increase in hedgerow units to offset the loss in other habitats because the principles of biodiversity net gain is that habitats should replace like with like, i.e., grassland with grassland, not hedgerow for grassland. So, for example larger area of low-quality grassland could be replaced with a smaller area of high-quality grassland
87. The assessment demonstrates an overall biodiversity net loss of -4.49 habitat units, which is a -16.83% loss. However, a significant increase in hedgerow units of 6.94 units (+116.84%) is recorded. The Borough Council has previously accepted that the increase in hedgerow units should be used to offset the loss in habitat units. The guidance provided by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments states that compensation should be "ecologically equivalent in type" unless justified by "delivering greater benefits for nature conservation".
88. The ESO has previously advised that it is fair to say that the current poor semi-improved grassland has low intrinsic biodiversity value, supporting a fairly low faunal population, some of which would be maintained through the provision of the smaller but higher quality neutral grassland and SUDs. They also commented that the hedgerow proposed, if managed appropriately, would also have higher intrinsic biodiversity value.
89. Therefore, officers were advised that it is unlikely that this type of replacement/substitution would be permitted under the proposed measures being brought forward by the Environment Bill 2019-21. However, at this time, as the legislation is not in place and as Rushcliffe Borough Council do not have any supplementary planning guidance or other form of policy which sets a specific target for biodiversity net gain, the ESO advised that officers can agree to this approach and accept the biodiversity net gains being offered for this development.
90. The ESO also previously advised that the previously submitted strategy includes a management plan and that they are satisfied that the proposed management plan is satisfactory and should be implemented. They also advised that public access is prevented in the proposed Skylark nesting area to reduce disturbance and should also be fenced with sheep netting

to reduce disturbance by pets; that all external lighting is designed to provide minimal sideways spread and makes use of low UV/warm spectral colour lighting (greater than 500nm or <3000K) and that monitoring reports should be copied to the local authority.

91. The application is therefore considered to accord with the requirements of Policy 16 of the LPP1 as it provides the requisite retention of green corridors through the site and links into the existing green infrastructure. The proposal is also considered to accord with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 which seek to ensure net gain in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats and through the incorporation of features that benefit biodiversity.

Open Space and Play Provision

92. The application site is defined by a red line on the plans which is drawn tightly to the edges of the 47 proposed dwellings and as such there is no open space or play provision proposed as part of this application. The Borough Council's Community Development Manager previously questioned the impacts of the then proposed 51 dwellings and whether the needs of the new residents were being mitigated, as it appeared that the proposal is increasing the housing numbers whilst simultaneously decreasing the amount of open space on the approved development.
93. The applicants have previously stated that the original application, for 235 dwellings could be accommodated on approximately 80% of the overall site, and this is what they secured permission for under application ref 19/01770/REM, as revised by 20/02300/REM. Whilst this may not have been explicitly stated in those submissions, the applicant is correct that the NPPF does require development to make efficient use of land. Therefore, the current proposal, which seeks to develop approximately 20% of the overall site is what the developer would term "white land" i.e., it is not open space, but land that they seek to develop later and therefore did not form part of the open space offering for the currently approved scheme of 235 dwellings.
94. If only 235 dwellings were to be built on the site, then this would result in a density of approximately 28 dwellings per hectare, and at that low density the developer has previously stated that the scheme would not be economically viable to deliver. In granting permission for the additional 51 dwellings the Borough Council has previously accepted the development of the site and that it would make a more efficient use of the site, as per the requirements of the NPPF, whilst still delivering an acceptable density of development in this location at approximately 35 dwellings per hectare.
95. Officers accept that a density of approximately 35 dwellings per hectare is acceptable in this location and is comparable to the density of the neighbouring site to the west, which itself was on the edge of the village when it was granted planning permission a number of years ago.
96. The Borough Council's Community Development Manager has reviewed the proposal and is satisfied that an on-site delivery of children's play areas and allotments is not achievable for this development due to how the

redline has been drawn. However, whilst accepting that there is no opportunity to provide any on site play provision or allotments, there are opportunities to make an off-site contribution to improve and enhance the current offering as part of the approved 235 dwelling scheme. As a result, either a scheme towards improvements on the wider site or, if this is not possible, off-site contributions for the children's play area (equipped) of £559 per dwelling are sought via the S106 agreement to be allocated towards the closest geographic play provision to the site, (which would be on the site that secured planning permission for 235 dwellings). This is required to mitigate the harm of the additional 51 dwellings to enhance the areas of the already approved site, which is in the applicant's ownership, to provide additional facilities and encourage better usage of the public areas beyond the approved equipped provision in the centre of the site. Off-site contributions of £73.00 per dwelling towards allotment provision are also sought.

97. Officers again noted that there was no ability to provide any additional open space within the redline boundary of the application site for the 47 dwellings. It was therefore requested, that as per the approved scheme for 51 dwellings, that the applicant demonstrate that the wider approved development provides enough public open space for the overall proposal of 282 dwellings.
98. The Community Development Manager advises that a scheme of 282 dwellings (the proposed 47 dwellings alongside the approved 235 dwellings) would normally also require the provision of 0.356ha amenity space. As it was not possible to deliver this "on-site". As part of the previous application the applicants were asked to calculate the level of provision of open space on the entire development of 286 dwellings to check if the provision complied with the policy requirement. The Community Development Manager advised that for the entire development of 286 dwellings an area of 0.36ha of open space would be required to mitigate the need arising based on their calculations. The supporting calculations submitted with the applicant's response confirmed that a total of 2.84ha of open space would be provided for the entire development of 286 dwellings. Therefore, whilst the proposal would not be able to provide the open space required for the 47 dwellings on-site, the wider development, within which the proposal would sit and form part of, would far exceed the required 0.356ha of open space provision for this totality of development.
99. Officers calculate that the open space around (but excluding) the central play area for the approved 235 dwellings is circa 0.54ha, so this area of open space alone would be large enough to provide sufficient open space for a development of 282 dwellings. On this basis the Community Development Manager advised that they are not objecting to the proposal subject to the financial contributions towards off-site improvements to equipped play provision and allotments being secured by S106.
100. Officers are therefore satisfied that the provision of open space, play space and allotments can be mitigated through off-site contributions, which in the case of play provision are requested to go towards the land and facilities surrounding the application. Furthermore, the adjoining development, as approved is considered to provide more than sufficient open space to

mitigate the harm of the approved and proposed development. The proposal is therefore considered to be capable of complying with the requirements of Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy which seek to deliver a range of housing types, sizes and choices across a development and to ensure that new housing developments make a positive contribution to the public realm and sense of place through the treatment of elements, preserve local characteristics and landscapes and create safe, inclusive and healthy environments accordingly. The proposal is also considered accord with Policies 1 (Development Requirements) and 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

Layout

101. The proposed layout of the site, with the housing as a continuation of the approved built form located either side of the Public Right of Way that bisects the site is in general accordance with the parameters set out on the outline planning permission, as allowed at appeal.
102. The proposed housing development would be screened from the open countryside beyond the southern boundary by a deep landscape buffer measuring 25-40m in depth, and in due course by the approved 235 dwellings to the south of the areas proposed to be developed as part of this submission.
103. An approved central corridor of public open space would remain running through the centre of the wider site for its entire length from south to north. This would incorporate the existing public right of way and an equipped play area. This Public Right of Way (PROW) connects the site to the village centre via Burton Walk and links up with the proposed footpath linking the site with Brookside through the adjacent development to the west. The walking/travelling distances to the village have already been established and accepted through the appeal process as part of the 2016 outline permission for the 235 dwellings. That permission also secured the provision of a new, lit footway alongside Rempstone Road connecting to the top of Kirk Ley Road. This footway was upgraded to a pedestrian and cycle path as part of the permission for the temporary primary school on the neighbouring site as recently approved. This pedestrian and cycle path has now been installed and provides an alternative to the other footways into the village.
104. The proposal would provide nine affordable housing units, as required under Policy 8 of the LPP1, (3 x 2 bed homes, 2 x 3 bed homes and 4 x 2 bed maisonettes), of these 4 would affordable rent and 5 would social rent. The application was assessed in the context of the affordable housing tenure mix agreed under 19/01770/REM. The Affordable Housing Officer has compared what the applicant is providing and if it meets the Councils preferred mix when considering the site as a whole.
105. The Affordable Housing Officer notes that *“Whilst the absence of any affordable homes for sale (intermediate) is a divergence from the tenure mix set out within paragraph 3.8.9 the Core Strategy, the provision of rental accommodation to meet needs on the Housing Register is welcomed.”*

106. As the types of units broadly comply with the requirements set out in previous advice, Strategic Housing have stated that they have no fundamental objections to the affordable housing provision.
107. The dwellings located with corner plots have been designed to be dual aspect, so they address both road frontages. Each property would benefit from private garden areas, commensurate in size with the scale of the dwelling, and off-street allocated car parking. Some of the properties have garden sizes smaller than those stated within the Residential Design Guide Supplementary Planning Document (SPD), however the presence of the considerable on-site open space provision is considered to suitably mitigate for smaller gardens, as per the exceptions within the SPD. The SPD states that the availability of two or more of the exceptions stated will help in demonstrating why smaller gardens should be allowed, and the list includes *"The close proximity to public open space or accessible countryside"* and *"The development provides for a range of garden sizes including a proportion which are in excess of the referenced size requirements"* which the proposal is considered to comply with.
108. The Highway Authority initially objected to the proposal's layout citing several concerns regarding matters such as the width of driveways and the location of dropped kerb. Subsequently, revised plans were submitted that sought to address the above concerns and the Highway Authority advised that the matters regarding refuse tracking and private drive turning provision had been addressed.
109. The layout of the internal roads has also been subject to a technical approval checking process as part of a section 38 agreement of the Highways Act 1980. The Highway Authority are content to recommend approval of the application, subject to conditions being attached to any grant of permission.
110. The proposal does not affect the Public Right of Way that runs through the wider site which has been established through the 235-dwelling scheme.
111. The proposed layout is therefore considered to comply with Policies 8 (Housing Size, Mix and Choice) and 10 (Design and Enhancing Local Identity) of the LPP1 which seek to deliver a range of housing types, sizes and choices across a development and to ensure that new housing developments make a positive contribution to the public realm and sense of place through the treatment of elements, preserve local characteristics and landscapes and create safe, inclusive and healthy environments accordingly. The proposal is also considered accord with Policies 1 (Development Requirements) and 12 (Housing Standards) of the LPP2, which seeks to secure that the proposal will not impact on the amenity of any adjoining properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.
112. Policy 12 (Housing Standards) states that for developments of more than 100 dwellings, at least 1% should comply with the requirements of M4 (3)

(a) of the Building Regulations regarding wheelchair adaptable dwellings. The proposal includes 4 affordable maisonettes, of which 2 would be ground floor, this is well in excess of the 0.47 dwellings (1% of the 47 dwellings) needed to comply with the policy.

Scale/Housing Mix

113. Officers have assessed both the current and the previous submission (for 51 dwellings) against Policy H3 (Types of Market Housing) of the East Leake Neighbourhood Plan which requires; 1 and 2 bedrooms between 30% and 40%; 3 bedrooms between 40% and 60%; 4 bedrooms between 10% and 20%; 5 bedrooms between 0% and 5%.
114. For the approved scheme the open market housing comprises twenty 2x bedroom properties and twenty-one 3x bedroom properties. That equated to 48% 2x bedroom and 52% 3x bedroom properties. That application therefore exceeded the requirements for two- and three-bedroom properties, whilst failing to propose any 4- or 5-bedroom properties. Whilst that proposal (for the 51 dwellings) did not strictly accord with the requirements of Policy H3, it did seek to address some of the imbalance permitted in allowing the approval of the adjoining development of 235 dwellings by increasing the provision of 2- and 3-bedroom properties.
115. The current proposal for open market housing comprises six 2x bedroomed properties, twenty-four 3x bedroomed properties and eight 4x bed properties. That equates to 16% 2x bedroomed properties, 63% 3x bedroomed properties and 21% 4 bedroomed properties. The Ward Members and the Parish Council are objecting to the proposal, solely on the basis that the housing mix as proposed falls below the policy provision for 2x bedroomed properties as set out in Policy H3 of the Neighbourhood plan.
116. The Parish and Ward Councillors state that when factoring in the breakdown across the whole site (affordable and open market housing) that the approved scheme (for 51 dwellings) provided 30.6% 2-bedroom properties. However, the current proposal (for 47 dwellings) now reduces the number of 2x bedroomed properties to 24.8% which is below the 30% threshold.
117. The applicant has reviewed the submissions for the entire site to get an accurate picture of the current demand level and enquires on Phase 1. They advise that there is a high density of smaller product on phase 1 with 74% of the development being 2- and 3- bedroom homes. The development has 188 private homes with only 9 five-bedroom homes and 39 four-bedroom homes. The developer comments that they have had many enquires for the larger product which they are not able to fulfil based on the current approvals. The applicant advises that as a snapshot of the secondhand market only two 5-bed homes are for sale and only 1 4-bed home so, which they argue demonstrates demand for the larger product.
118. The developer acknowledges that they have not introduced any further 5-bedroom homes, but that they have increased slightly the number of 3-bedroom dwellings and the 4-bedroom dwellings for the Phase 2 site. The applicant states that in an ideal world, they would introduce more 4 and 5

beds but an appreciation for the principal requirements for slightly smaller product e.g., 3-bedroom homes is reflected in the proposed mix. The applicant advises that due to lack of purchasers their 3 bed homes take longer to sell e.g., there is a 3-bed town house on the market for £322,995 which was released for sale on 5th November 2021 and still not sold as of the 4 February 2022. The applicant asserts that this is a snapshot of the current climate, however it reflects their best up to date forecasting for what is likely to be in demand. The developer also states that their 1-bedroom homes and 2-bedroom homes unfortunately do not receive the same level of interest.

119. With respect to the distribution of houses on site between the approved development of the additional 51 dwellings and the currently proposed 47-unit schemes, the below table shows how the approved 235 dwelling scheme is assessed against Policy H3:

Policy H3 Market House Type	Req.	Approved REM (235)
1&2 B	30-40%	26.6%
3B	40-60%	47.9%
4B	10-20%	20.7%
5+	0-5%	4.8%
Total	-	100.0%

120. As approved, this represents broad compliance with the required Policy H3 mix, and regardless was granted permission.

121. The following is the distribution when the 51 dwelling approval is factored in:

Market House Type	Req.	Approved REM (235)	Approved 51	Combined Schemes
1&2 B	30-40%	26.6%	48.8%	30.6%
3B	40-60%	47.9%	51.2%	48.5%
4B	10-20%	20.7%	0.0%	17.0%
5+	0-5%	4.8%	0.0%	3.9%
Total	-	100.0%	100.0%	100.0%

122. It is noted that the approved 51 dwelling scheme does not comply with the Policy H3 requirements on its own, although as a whole, it does comply when assessed against Policy H3.

123. The following is the distribution when the 47 dwelling approval is factored in:

Market House Type	Req.	Approved REM (235)	Proposed 47	Combined Schemes
1&2 B	30-40%	26.6%	15.8%	24.8%

3B	40-60%	47.9%	63.2%	50.4%
4B	10-20%	20.7%	21.1%	20.8%
5+	0-5%	4.8%	0.0%	4.0%
Total	-	100.0%	100.0%	100.0%

124. In this instance, the proposed 47 dwelling scheme is on its own more (but still not totally) compliant with the policy H3 requirements and as a combined scheme demonstrates broad compliance, similar to that which is achieved by the original Phase 1 scheme with a short fall in the percentage of 1 and 2 bedroom properties proposed across the scheme as a total.
125. Officers acknowledge that the revisions to the current proposal result in a slight under provision of 1 and 2 bedroomed properties (24.8% compared to the minimum of 30%) across the development as a whole. Nevertheless, officers are also mindful of the wording of Policy H3 which states “*On developments of 10 or more homes developers will provide a mixture of homes for the market that broadly reflects Rushcliffe Borough Council’s and East Leake’s most up to date assessments of housing needs derived from projections of household types, as shown...*” i.e., between 30% and 40% for 1- and 2-bedroom properties.
126. Officers note the word **broadly** in the policy wording and whilst the objections from the Parish and Ward Councillors are also noted, officers also factored in the information provided by the applicant about the market forces at play at this time. Officers also note that the East Leake Neighbourhood Plan, which covers the plan period 2013-2028, was adopted 19 November 2015. Therefore, the information provided to evidence, and ultimately form Policy H3 would have been collated prior to that adoption date. Therefore, the evidence of local need/housing mix for Policy H3 is now over 6 years old and may have changed.
127. The applicant commented that “*the housing market is changing constantly, and we must take opportunities to react to it where we have not implemented a permission*” and the “*...reduction in units by 4 to 47 hopefully gives members the confidence that this is not simply an exercise to chase coverage*”. The applicant also pointed out that this application was not subject to a ‘free go’ and therefore they have invested significant application fee in seeking to effect this proposed change to respond to the market, advising that “*therefore it is not a case of trying to have our cake and eat it, hence the overall reduction in units.*”
128. Officers have considered all of the above information and have concluded that the proposed mix does broadly reflect the requirements of Policy H3, and as such do not agree with the Parish and Ward Councillors that the application should be refused solely on this issue.
129. Policy E1 (Containment of the Built Environment) of the East Leake Neighbourhood Plan seeks to protect the ridges around the village, by limiting the heights of any buildings on the slopes up to these ridges, although there is no maximum height specified. Ridge “A” runs along Rempstone Road, (to the south west of the site, and is the dominant southern view from the West Leake Road. The location of the proposed development is such that, from any public vantage point and from any

buildings that have a clear line of sight of the site, it would be read against the backdrop of the existing/approved development on this and the adjoining Persimmon Development. The proposed housing is of a similar scale and density to these adjoining developments and, therefore is considered to be in character with the existing approved forms of residential dwellings in this location.

130. The proposed scale of the development is therefore considered to comply with Policies 8 (Housing Size, Mix and Choice) and 10 (Design and Enhancing Local Identity) of the LPP1 which seek to deliver a range of housing types, sizes and choices across a development and to ensure that new housing developments make a positive contribution to the public realm and sense of place through the treatment of elements, preserve local characteristics and landscapes and create safe, inclusive and healthy environments accordingly. The proposal is also considered accord with Policies 1 (Development Requirements) and 12 (Housing Standards) of the LPP2 and is also in general accordance with the East Leake Neighbourhood Plan.

Flooding

131. Residents have voiced concerns that yet more development in the village will further exacerbate existing known flooding and sewage systems issues experienced in the village. Officers note that the site is not within either Floodzones 2 or 3 and therefore a Flood Risk Assessment was not required. However, due to the known issues in the village, officers have liaised with the County Council, who are the Lead Local Flood Authority (LLFA), asking them to review the submission and comment on the proposal.
132. The LLFA advise that they have no objection to the proposal, subject to a condition requiring a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Scheme has been submitted to and been approved in writing by the Local Planning Authority.
133. On the basis that the LLFA are not objecting to the proposal, officers are satisfied that the proposal meets the objective of Policies 17 and 18 of the LPP2 which state, inter alia, that planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided the development does not increase the risk of flooding on the site or elsewhere, and that development should be located taking account of the level of flood risk and promote the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems.

Aircraft Noise

134. Policy H4 (Aircraft Noise) of the East Leake Neighbourhood Plan states that *"Where required following a noise assessment, planning conditions will be imposed to ensure that new dwellings include appropriate measures to mitigate the effects of aircraft noise."* The East Leake Neighbourhood Plan was adopted on 19 November 2015 and the outline appeal was granted on the 20 November 2017 following the hearing being held 6 days

earlier. Therefore, the Neighbourhood Plan was adopted and a material consideration at the time that the outline appeal was determined. The issue of compliance with the East Leake Neighbourhood Plan would therefore have been assessed at the Hearing, with the Inspector allowing the appeal. Nevertheless, the Policy remains a material consideration. The Environmental Health Officer has not made any comments regarding noise impacts or sources of noise in the area. It is also noteworthy that the National Air Traffic Service (NATS) have not previously raised any safeguarding objections to the proposed development of the site. As such the proposal is judged to be acceptable in terms of potential impacts from all noise sources, including aircraft noise.

135. The application is therefore considered to have adequately addressed the assessment of potential noise requirements, as per the intentions of Policy H4 of the East Leake Neighbourhood Plan.

Bird Strike

136. The Airport Authority have previously requested that a condition be attached to any grant of permission securing measures to prevent birds flocking to the site to prevent the risk of bird strike. Officers note that the current application does not propose any open space or any bodies of open water as part of this application, both features being part of the previous approved schemes. Officers also note that the Airport Authority did not request such a condition as part of the approved scheme for 235 dwellings and, therefore, as no open space or any bodies of open water are proposed, the scheme for 47 dwellings alone are unlikely to attract flocking birds to the site and as such, it is not considered necessary to attach such a condition.

Environmental Health

137. The Environmental Health Officer has noted that this is a partial re-submission of a previously approved scheme. They also note that the application is accompanied by a Construction Management Plan (CMP) detailing how matters of noise and dust emissions would be managed during construction works. Subject to conditions requiring that the CMP be adhered to, that if any unexpected contamination is discovered that the Local Planning Authority be notified within 48 hours and that any topsoil imported to the site is tested first the Environmental Health Officer does not object to the proposed revisions to the layout.

Adjacent School Site

138. In accordance with the requirements of the S106 and the outline permission for the 235 dwellings, part of the application wider site is required to facilitate a new primary school building, with the provision of the playground/outside space already secured on the neighbouring parcel of land that forms part of the Persimmon development. Following previous consultations with Nottinghamshire County Council's Education and Property Teams, they confirm that the size and location of the site for the new primary, to be located towards the northern boundary of the site, is acceptable in principle. This application does not impede the delivery of the school (which benefits from outline permission) and contributions

towards the impact of the 10 primary school children generated by this proposal can be secured via a S106 agreement.

139. The County Council Education Teams request for secondary school places (and a post 16 place) would be addressed through the CIL.
140. The County Council Education team also comment that "*The redline plan for the proposal site includes the access road to the site of the new school, which is to be transferred to the County Council under the extant permission for the wider site. The Council is due to enter into a land transfer agreement with the developer to secure access to the school site for construction traffic and it is important that any planning approval does not prejudice this agreement. The Council requests that the development is conditioned such that the Council is guaranteed access to the site for construction purposes to enable the school to be opened by the start of the new school year in 2023, and that access for pupils/parents is guaranteed thereafter until such time that the access road is adopted as public highway. The opening of the school is necessary to mitigate the impact of this development as there are no other options to accommodate occupants of the proposed housing (47 dwellings); the housing cannot be occupied until the new school is open and therefore this development should facilitate the advanced delivery of the school.*"
141. Officers note that a similar request was made in respect of the application for the 51 dwellings. Officers are mindful that the access to the school land is covered by Schedule 3 of the signed S106 relating to the original Outline approval which requires access up to the site. The actual transfer of the land will be on the basis of the School Land Undertaking. This application does not include the school land and these provisions are better established by the existing S106 (on the outline permission). Therefore, Officers do not think that the County Council's request is possible or reasonable and note that pedestrian/cycle access arrangements linking the site to the neighbouring Persimmon development have already been secured and delivered.

Conclusion

142. The proposal is considered, on balance to be an efficient use of the allocated site. Officers note that the proposal, in combination with the already approved developments, does not strictly adhere to the quantum of development indicated in the Local Plan Part 2 allocation, nor is it, in isolation, able to provide on-site levels of biodiversity net gain, on site play provision, amenity open space or allotments. However, the 'additional' dwellings should be viewed as part of the wider development of this site and officers are satisfied that these matters can be adequately mitigated for the reasons expressed in the above report.
143. The proposed development is considered to be of a scale and density that is appropriate to its context and that any impacts of the development are capable of being mitigated through a combination of planning conditions, S106 contributions or CIL payments to the satisfaction of both technical consultees and officers. As such the application is recommended for conditional approval.

144. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the grant of planning permission.

RECOMMENDATION

It is RECOMMENDED that the Director – Development and Economic Growth is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s)

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

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

2. This permission shall be constructed in accordance with the approved plans and documents as stated in the drawing register, document reference H8112-ELP2-001-REV.D-DRAWING REGISTER dated 10.03.2022 and the following documents submitted under application ref 20/00888/FUL:
 - a) The Construction Environmental Management Plan: Biodiversity (CEMP) prepared by RammSanderson (report ref RSE_3254_01_V3_CEMP) dated February 2020;
 - b) The Biodiversity Offsetting Strategy prepared by RammSanderson (report ref RSE_3433_03_V1) dated September 2020; and
 - c) The updated Preliminary Ecological Appraisal contained within the letter from RammSanderson (ref RSE_3254_L1_V1) titled "Rempstone Road, East Leake - Ecology Update Survey" dated 21 October 2019.

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

3. The materials, as specified on drawing number H8112/002/02 Rev F, shall be used for the external walls and roof of the development hereby approved. If any alternative materials are proposed to be used, prior to the plots affected by any proposed change of materials advancing beyond foundation level, details of any alternative facing and roofing materials to be used on their external elevations shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be undertaken in accordance with the materials as 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 1 (Development Requirements) Local Plan Part 2: Land and Planning Policies].

4. No dwelling shall be occupied until the vehicle access, parking, maneuvering and turning areas for that dwelling have been constructed in accordance with the approved drawings and are available for use. Thereafter they shall remain

as such for the lifetime of the development.

[To ensure a suitable access is provided in the interests of highway safety and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) Local Plan Part 2: Land and Planning Policies.]

5. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

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

6. No reflective materials, surfaces or finishes shall be used in the construction of any of the buildings or structures hereby approved.

[Reason: Flight safety; to prevent ocular hazard and distraction to pilots using East Midlands Airport].

7. Notwithstanding the provisions of Schedule 2, Part 14, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (or any order revoking or re-enacting that order with or without modification) no solar panels or solar photovoltaics may be installed on any of the dwellings hereby permitted without first obtaining planning permission to do so.

[Reason: To be able to first assess any impact on Flight safety, specifically to ensure that they would not cause any ocular hazard and distraction to pilots using East Midlands Airport].

8. The development hereby approved shall be carried out in accordance with the guidance and recommendations contained within the following documents submitted as part of application ref 20/00888/FUL:
 - a) The Construction Environmental Management Plan: Biodiversity (CEMP) prepared by RammSanderson (report ref RSE_3254_01_V3_CEMP) dated February 2020, specifically but not exclusively Section 4 "Practical Measures" and the relevant Figures in Section 5 "References" of the report;
 - b) The Biodiversity Offsetting Strategy prepared by RammSanderson (report ref RSE_3433_03_V1) dated September 2020, specifically but not exclusively those contained within Section 5 "Management Plan" of the report; and
 - c) The updated Preliminary Ecological Appraisal contained within the letter from RammSanderson (ref RSE_3254_L1_V1) titled "Rempstone Road, East Leake - Ecology Update Survey" dated 21 October 2019.

[For the avoidance of doubt, for reasons for flight safety as dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers and to ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local

Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Prior to the first occupation of any dwelling hereby approved bat and bird boxes shall be placed on or built into the new dwellings and hedgehog boxes shall be located within retained hedgerows or ornamental planting in accordance with details first submitted to and approved in writing by the Local Planning Authority. Thereafter the bat, bird and hedgehog boxes shall be installed in accordance with the approved details and retained as such for the lifetime of the development.

[To ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and the guidance contained within para xi of the updated PEA].

10. Any brash vegetation removed from site shall be chipped, and any small logs retained, and placed onsite within the site margins.

[To provide reptile and amphibian refuge habitats and ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Prior to the installation of any lighting on site a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. The strategy should provide details of the chosen luminaires and any mitigating features such as dimmers; PIR sensors and timers. The strategy should also include a lux contour plan to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Furthermore, all lighting shall be capped at the horizontal. Thereafter all lighting shall be installed and retained in accordance with the approved details for the lifetime of the development.

[To safeguard bats and any other nocturnal wildlife in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and for Flight safety; to prevent ocular hazard and distraction to pilots using East Midlands Airport].

12. No hedgerows, trees, shrubs, brambles or long grass (over 100mm) shall be removed from the site between 1st March and 31st August (inclusive), unless a survey has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site during this period. If any nesting bird interest is found on the site, details of measures to protect any nesting bird found on the site, including the timescales for implementing and retaining said measures, shall be submitted to and be approved in writing by the local planning authority. Thereafter the approved measures shall be implemented and retained for the time periods set out in the approved details.

[To safeguard against any harm to nesting birds and their nesting sites in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

13. No development shall take place, (excluding topsoil strip, earthworks to form balancing ponds and foul sewer diversion, survey works in connection with ecology and archaeology), until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure a suitable access is provided in the interests of highway safety and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) Local Plan Part 2: Land and Planning Policies.]

Informative Notes:

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

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 applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see: <https://publicapps.caa.co.uk/docs/33/CAP1096%20E2.1%20September%202020%20FINAL.pdf>

A pre-start meeting to be arranged with EMA Safeguarding prior to construction starts. Email ops.safety@eastmidlandsairport.com with reference number 2019-S29 to arrange a meeting, due to the construction activity being under the approach to East Midlands Airport.

If the use of a crusher is required on site, this should be sited as far as possible

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from nearby dwellings and be operated in accordance with its process authorisation.

Details of the sensitive lighting on site, as required by condition 11 should follow the guidance set out in Bats and Lighting in the UK (BCT and ILP, 2018). Therefore, associated site lighting proposals must consider the following:

- Avoid lighting where possible;
- Install lamps and the lowest permissible density;
- Lamps should be positioned to direct light to avoid upward spill onto any green corridors that could be used by commuting bats or features with bat roost potential;
- LED lighting - with no/low UV component is recommended;
- Lights with a warm colour temperature - 3000K or 2700K have significantly less impact on bats;
- Light sources that peak higher than 550nm also reduce impacts to bats; and
- The use of timers and dimmers to avoid lighting areas of the site all night is recommended.

Where new landscape planting is proposed native species commonly occurring locally should be specified and planting of species known to encourage invertebrates, particularly those that are night-flowering would be beneficial for foraging bats (further information can be found in para ix of the updated PEA.

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

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

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

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WORK IN PROGRESS DOCUMENT – may be subject to change.

Item/Policy	Detail/requirement	Developer proposes	RBC comment	Trigger sought by consultees
Primary School Contribution	A development of 47 dwellings would generate a requirement for an additional 10 primary school places and that there is a deficiency in primary places available in the planning area. This site, along with other sites which are proposed for allocation in the Local Plan, mean that additional education provision will be required through the provision of a new (third) primary school) which has been granted outline permission. 10x	The overall amount of development proposed has been reduced from 51 to 47 units.	Applicant is preparing the first draft on a pro-rata basis on the approved scheme for 51 dwellings.	TBC but officers suggest that the triggers should be aligned with those in the S106 relating to application 20/00888/FUL.

	primary spaces at £20,918 per space , i.e., £209,180 is sought.			
Secondary School Provision	In relation to Secondary Education, they advise that this proposal would generate 8 new secondary places and a single post 16 place as there is a deficiency in places available.). the requirement would be £194,008 (8 places x £24,251) and a post 16 education contribution of £24,251 (1 place x £24,251). However, as the school was built under a PFI project, schools built as PFI accrue higher build costs than the standard formula. This could be in the region of an extra 15% (property should be able to advise) which would equate to a cost per place of £27,889 and a secondary contribution of £223,112 (8 places x £27,889) and a post 16		Agreed that this request is covered by the Authority's Community Infrastructure Policy.	

	contribution of £27,889 (1 place x £27,889).			
Affordable Housing	<p>Core Strategy Policy 8 requires 20% affordable housing, i.e. <u>9 affordable units</u> on a scheme for 47 units overall.</p> <p>The proposal includes 9 affordable homes (3 x 2 bed homes, 2 x 3 bed homes and 4 x 2 bed maisonettes), these are split between 5 x social rent and 4 x affordable rent.</p> <p>Since applications are being determined post the March(?) transition agreement then First Homes will also need to be applied.</p>	<p>A scheme to be submitted to the Borough Council in writing which provides for 20% of any Dwellings forming part of the Development including the tenure types and locations of the dwellings within the proposal.</p>	<p>The applicant has agreed in principle of providing 20% of affordable housing in accordance with Core Strategy Policy 8. As part of the S106A.</p> <p>The mix of affordable house types and their tenure is acceptable. Whilst the absence of any affordable homes for sale (intermediate) is a divergence from the tenure mix set out within paragraph 3.8.9 the Core Strategy, the provision of rental accommodation to meet needs on the Housing Register is welcomed.</p> <p>The details of securing the affordable housing scheme would be included as part of the S106A.</p>	

Health	CCG standard formula require contribution of £920 for each 2xbed dwelling and £600 for each 1x bedroom dwelling.		Agreed that this request is covered by the Authority's Community Infrastructure Policy.	
Open Space	<p>The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen.</p> <p>For Children's Play an offsite contribution for children's play would be sought at £559 per dwelling 47x 559 = £26,273</p> <p>For Allotments an offsite contribution for allotments would be sought at £73.00 per dwelling 47x 73 = £3,431</p> <p>For Amenity Open Space, based upon 282 dwellings</p>		As per application ref 20/00888/FUL, which this would supercede, the site is capable of providing the required open space provisions sought within the area covered by application 16/01880/FUL which adjoins this site (as phase 1 of the wider development). Therefore the details of it can be secured by the S106A and considered in detail at the reserved matters stage.	TBC

	an area of 0.356ha of open space would be required to mitigate the need arising based on their calculations.			
Monitoring Fee	S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required.		The approach is accepted but the actual overall monitoring fee shall be agreed with the applicant prior to the conclusion of the S106A.	Prior to Commencement of Development to pay to the Borough Council the Monitoring Fee Not to Commence Development until the Monitoring Fee has been paid to the Borough Council.
Indexation	All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate	TBA	TBA	TBA
Legal Costs	With all Sect 106 agreements, the applicant is required to pay the Council's legal fees. In this instance these would be £1500.	TBC	Required to complete agreement.	To be paid on completion of agreement.



Application Number: 22/00011/FUL
agricultural barn Back Lane,
Willoughby on the Wolds.



scale 1:2000

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22/00011/FUL

Applicant Mr and Mrs S Carr

Location Agricultural Barn On Land North Of Back Lane Willoughby On The Wolds Nottinghamshire

Proposal Proposed residential use of existing agricultural building to create 1no. dwelling, includes creation of residential curtilage and parking.

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application relates to an agricultural barn situated within the open countryside to the south of Willoughby On The Wolds. The barn comprises a portal framed building clad in corrugated metal with a fibre-cement sheet roof and fibre cement cladding to the end gables. The barn is orientated side-on to the highway. The site is bound by a post and rail fence with hedgerow/trees along the front boundary providing a degree of screening.
2. The site is accessed off Back Lane which is a classified highway. The access comprises an agricultural field gate with a rough gravel highway verge crossing.
3. Within the barn an internal blockwork wall has recently constructed up to eaves height and a concrete slab floor has been laid. As these works are internal and do not affect the external appearance of the building, they do not constitute material development.

DETAILS OF THE PROPOSAL

4. The application seeks planning permission for the conversion of a barn to a four-bed dwelling along with the formation of an associated residential curtilage and parking.
5. The existing framework and roof covering is to be retained. The elevations would be faced in stained vertical timber boarding affixed to the internal blockwork walls. Windows are proposed in all four elevations with a large window in the rear elevation filling an existing opening. Doors are proposed in the front and road-side elevation along with a garage door to the front, to be clad in timber. Two parking spaces are proposed to the front (west) of the building with a modest garden area to the north.

SITE HISTORY

6. 16/01299/PAQ- Change of use of agricultural building to residential dwelling. Prior approval refused.
7. 17/02273/PAQ- Proposed change of use of existing agricultural barn to dwelling. Prior approval refused.

8. 20/01028/PAQ- Change of use of existing agricultural building to dwellinghouse. Prior approval refused. Appeal dismissed.

REPRESENTATIONS

Ward Councillor(s)

9. One Ward Councillor (Cllr Edyvean) objects to the application, commenting that he can see no new details from the last application which was turned down. Even if the application were considered, the relevant legislation suggests that such buildings cannot be considered for conversion within 10 years of construction. This building was substantially modified in 2019 and as such no permission could be granted prior to 2029.
10. The Ward Councillor submitted further comments maintaining his objection. It is understood that the NPPF only allows for the conversion of farm buildings built over 10 years ago, the building in its current form was only completed in 2019 and therefore should not be considered suitable for change of use to residential. It is not considered that the application meets the criterion set out in Policy 22 3a of the LPP2. Allowing development will significantly impact on the nature of the countryside as well as having an impact on surrounding habitat and biodiversity. The barn sits in a large plot which if allowed to become a domestic curtilage will make a huge difference to the appearance of the existing countryside. In LPP2 justification for policy 22, under 6.13 it clearly states that any development should not unduly impact on the character and appearance of the countryside, this application clearly does impact. Whilst in an open field, its proximity to the existing village boundary may be used in the future to extend said existing boundary. If development were to go ahead what is to stop alterations that would further impact on the character and appearance of the countryside.

Town/Parish Council

11. The Parish Council object to the application as it is outside the village development area and if passed would lead to further development along Back Lane.

Statutory and Other Consultees

12. The Highway Authority (Nottinghamshire County Council) - refer to standing advice.
13. The Borough Council's Environmental Sustainability Officer (ESO) notes that a summary of findings letter with regard bats has been supplied, with a survey carried out in December 2021. This is outside of the optimum season for bat surveys but it can be used to identify where further surveys are likely to be required. The survey appears to have been carried out in accordance with good practice and is in date. It identified no physical evidence or field signs of protected species within the survey area and demonstrates that harmful impacts on protected or priority species, habitats or sites are unlikely.
14. The Borough Council's Environmental Health Officer (EHO) does not object. Should planning permission be granted, a condition is recommended in

relation to contaminated land as detailed in the consultee response. An informative note regarding construction working hours is recommended.

Local Residents and the General Public

15. Five representations received in objection with comments summarised as follows:
 - a. No change from the previously refused applications
 - b. No direct pedestrian access to the village, no pavements
 - c. Potentially dangerous location for cars to pull in/ out of
 - d. Busy lane that has seen several serious accidents
 - e. Could set a precedent for other buildings on this side of the village, no genuine need for more houses.
 - f. Land has not been farmed unsure how the application could be for an agricultural dwelling
 - g. Would amend the boundary of the village/ extend the envelope
 - h. Understood the applicant does not farm the land or live in the village
 - i. Existing barn the only building to have been on the site and it is a genuine barn only ever used for agricultural purposes
 - j. A building designated for agricultural purposes would change to one designated for domestic occupation
 - k. Could enable applicants to return at a later date with applications to build further domestic dwellings in an agricultural field
 - l. A potential large addition to the number of houses would change the nature of the community
 - m. There are existing brownfield sites within the village envelope that could be developed.

16. One representation received neither objecting to nor supporting the application with comments summarised as follows: Whilst there is no real objection to the conversion of the building to a dwelling, which would be a visual improvement, there is a concern that it could set a precedent for other similar structures in the area, which in the case of this application do not meet the criteria of government guidelines as outlined in the previous applications. The barn is not known to have been used for agriculture for a number of years, yet an internal wall was built a few years ago, forming the basis of the claim as a viable reason for the conversion to be approved. It is understood that this period needs to exceed 10 years.

17. One representation received in support with comments summarised as follows: Current building not visually attractive, would be nice to see it sympathetically converted to an attractive residence. The proposal would surely enhance views from residential properties compared to the current building.

PLANNING POLICY

18. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (2021), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

19. The relevant national policy considerations for this proposal are those contained within the NPPF (2021) and the proposal shall be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 130. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 134, permission should be refused for development that is not well designed, especially where it fails to reflect local design policies and government guidance on design.
20. Paragraph 80 of the NPPF state that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the circumstances listed under this policy apply.

Relevant Local Planning Policies and Guidance

21. Policy 1 of the LPP1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Policy 10 of the LPP1 (Design and Enhancing Local Identity). The 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. Section 2 of this policy sets out the design and amenity criteria that development shall be assessed against.
22. In considering the sustainability of the location for development, the proposal falls to be considered under LPP1 Policy 3 (Spatial Strategy). This policy identifies the settlement hierarchy for sustainable development which should be focused on the main built up area of Nottingham; and six Key Settlements identified for growth.
23. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2, specifically the following criteria: 1) ensuring there is no adverse impact on neighbouring amenity from activities on site or traffic generated; 2) ensuring a suitable means of access without detriment to highway safety, with parking in accordance with Highway Authority requirements; 3) providing sufficient ancillary amenity and circulation space; 4) ensuring the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It 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.
24. Paragraph 6.10 of the LPP2 states that Policy 22 (Development within the Countryside) applies to development outside of the physical edge of the listed settlements. Policy 22 (2) lists appropriate forms of development in the countryside. Development falling within one of these listed forms of

appropriate development will be permitted where the criteria listed under Policy 22 (3) are met.

25. Although the roof and steel frame would be retained, the proposal involves various internal and external alterations to the barn, sited in a rural location, thus the potential for roosting bats needs to be assessed. Paragraph 12.23 of the LPP2 states that "Applications which may affect priority habitats or species, or nationally or internationally protected species will require an Ecological Impact Assessment (EclA), which will usually be supported by a preliminary ecological appraisal (also known as an extended phase 1 habitat survey) and/or protected species survey, all of which should be carried out prior to determination".
26. Other relevant policies from the LPP2 are:
 - Part 5 (Climate Change, Flood Risk and Water Management)
 - Policy 12(3) (Housing Standards)
 - Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network)
 - Policy 39 (Health Impacts of Development)
 - Policy 40 (Pollution and Land Contamination)

APPRAISAL

27. The site falls within open countryside to the south of Willoughby on the Wolds. The proposal falls to be considered under LPP2 Policy 22 (Development within the Countryside). Part 2 of this policy sets out appropriate forms of development which includes "d) the re-use and adaptation of buildings for appropriate uses, including housing".
28. The consideration therefore is whether the scale of the works proposed would constitute what could reasonably be considered the adaptation of an existing building, or whether they would be tantamount to rebuilding.
29. Prior approval was sought in 2017 for the conversion of the building to a dwelling (17/02273/PAQ). The conversion works would have comprised the removal of cladding, support railing and roof purlins, and the construction of external walls and roof envelopes, which the submitted structural report stated would provide structural rigidity and the lateral bracing of the building. It was considered that the building at the time was not capable of conversion to a dwelling without the carrying out of operational development tantamount to the construction of a new dwelling.
30. Subsequently a concrete slab floor was laid, and an internal blockwork wall was constructed up to approximately the eaves height of the building. A subsequent prior approval application was submitted in 20/01028/PAQ, that application was refused prior approval and the subsequent appeal was dismissed on the basis that internal enabling works had taken place to facilitate the residential conversion of the building, prior to the submission of the prior approval application. As such, the Inspector considered that an application for prior approval under 'Class Q' was no longer an appropriate approach and alternative mechanism should be sought i.e. a full planning application.

31. Although the construction of internal blockwork walls and a concrete floor could be considered 'pre-emptive' works for the residential conversion of the building, these are internal works which are confirmed as 'exempt' operations at section 55(2)(a) of Town and Country Planning Act (1990) (TCPA) and therefore do not comprise material development, and as such do not require planning permission. There has been no recent external alteration of the building.
32. The current application seeks the recladding of the barn in place of the existing sheet metal and fibre cement cladding. The existing roof covering would be retained. There would be no extension of the building. Due to the previously constructed internal blockwork walls and slab floor, it is considered that the building would be capable of conversion using the existing steel frame without the need for rebuilding. This is clarified in the submitted structural report which states that "140mm thick concrete blockwork walls line the perimeter of the building, which are tied into the steel frame for structural stability".
33. It is therefore considered that the proposal would constitute the re-use and adaptation of a building as an appropriate form of development in the countryside under Policy 22(2)(b) of the LPP2.
34. Development in accordance with Policy 22(2) falls to be considered under Policy 22(3). This sets out several stipulations that development in the countryside shall accord with, whereby it shall be ensured:
 - a) the appearance and character of the landscape, including its historic character and features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is conserved and enhanced;
 - b) except for replacement dwellings, conversions and changes of use, it does not constitute isolated residential development which is separated from the physical edge of the settlement;
 - c) it does not create or extend ribbon development;
 - d) built development is well integrated with existing buildings, where appropriate; and
 - e) the development will not seriously undermine the vitality and viability of existing district and local centres, and centres of neighbourhood importance.
35. The proposal would result in an isolated dwelling in the open countryside, however in considering criteria b) above, the proposal is for the residential conversion of an existing building rather than the erection of a new dwelling.
36. The barn would not be enlarged, and the existing roof covering would be retained. The replacement of the corrugated metal and fibre cement cladding with stained vertical timber would represent a visual enhancement. The vertical timbers would be reflective of the Yorkshire Board cladding commonly found on agricultural buildings and there would be fairly minimal openings on the road-facing elevation. The plans show a large window in the rear elevation and a garage door in the front elevation which would infill existing openings. The rear (north) facing elevation would feature a number of windows but they would have limited public visibility. Overall it is considered that the agricultural form and heritage of the building would be

maintained and that it would conserve the rural landscape in line with LPP2 Policy 22(3).

37. The agent has confirmed that a simple post and rail fence boundary treatment would be utilised to define the plot curtilage as it is not considered that a typical domestic close-boarded fence or similar would be appropriate in this rural location. Details of the boundary treatment could be secured by way of a condition should planning permission be granted, to avoid the garden area appearing overly domestic. The size of the curtilage for the plot would also appear proportionate to the building and would not extend to any significant extent so as to erode the rural amenities of the area. In this regard it is also proposed that permitted development rights be removed for extensions and outbuildings, to avoid the proliferation of domestic structures in the rural landscape, and also to protect the agricultural character of the site. The removal of permissive rights pertaining to the erection of boundary treatments is also considered prudent to protect the rural amenities of the area.
38. Paragraph 80 of the NPPF identifies that Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply. In considering paragraph 80 part 'c' of the NPPF, the submitted planning statement states that the building was constructed for agricultural purposes, however it is no longer needed for its intended use following the sale of agricultural land. The proposal would result in the re-use of this now redundant building that would provide for an enhancement of its immediate setting. As such the development would comply with the requirements of paragraph 80 of the NPPF.
39. In relation to potential impacts on the amenities of any neighbours the site is located in the open countryside approximately 90 metres from the closest properties on Brook Farm Court to the north, and approximately 145 metres from the closest properties to the west on Back Lane. It is not considered that the proposal would unduly impact on the amenities of these closest properties given the separation distances involved.
40. In relation to access, highway safety and parking the Highway Authority refer to their standing advice. The proposal would provide a garage parking space and two designated external parking spaces. The level of parking provision would be commensurate to the size of the dwelling as per the highway authority standing advice. The dwelling would use the existing access which requires upgrading to meet Highway Authority standards. Should planning permission be granted, further details of the proposed driveway access could be sought by way of conditions to ensure compliance with access design guidance.
41. With regards to ecology a bat survey has been carried out by a licenced ecologist with a summary of findings submitted as part of the application. The survey was conducted outside of the optimum season for bat surveys but it can be used to identify where further surveys are likely to be required. The survey appears to have been carried out in accordance with good practice and is in date. The building was assessed as providing 'negligible' potential to support a bat roost. No evidence of bat utilisation was identified, and no further ecological surveys are considered necessary. The development

provides opportunities for ecological enhancements to be secured by way of a condition should planning permission be granted.

42. Due to the previous agricultural use of the site, there is the potential for contamination to be present. Should planning permission be granted, the Environmental Health Officer recommends a Preliminary Risk Assessment contaminated land report shall be submitted to and approved in writing by the Borough Council prior to commencement.
43. The proposal would comprise the repurposing of an existing building which is considered capable of conversion and therefore a residential development in this location would comply with Policy 22(2) of the LPP2. In considering the criteria listed under Policy 22(3), it is not considered that the proposal would harm the landscape character given that there would be no enlargement of the building and the nature of the conversion proposed. The replacement of the metal/ fibre cement cladding with vertical timber would represent a visual improvement whilst retaining the overall agricultural appearance of the building.
44. It is considered that the development accords with the general national and local planning policies considered above and accordingly it is recommended that the application is approved.
45. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

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: 17.039 S03.01 (Proposed Floor Plan and Elevations) received on 5 January 2022; and 17.039 S01.02 Rev B (Location and Proposed Layout Plan), received on 23 March 2022.

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

3. Prior to development progressing beyond the removal of the existing cladding, a Preliminary Risk Assessment (PRA) shall be submitted to and approved in writing by the Borough Council. Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed

quantitative risk assessment of those findings has been submitted to and approved in writing by the Borough Council.

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

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

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

[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 1 of the Rushcliffe Borough Local Plan Part 2 - Land and Planning Policies].

4. Where a RS is required by condition 3, the development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[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 1 of the Rushcliffe Borough Local Plan Part 2 - Land and Planning Policies].

5. Prior to the cladding of the external elevations of the building, details the facing materials to be used on all external elevations shall be 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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Prior to occupation of the dwelling a detailed hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Borough Council. The hard landscaping shall be carried out in accordance with the approved details and the approved soft landscaping 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 biodiversity and to comply with Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and to comply with policies 1 (Development Requirements), 22 (Development Within the Countryside) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies]

7. Prior to the occupation of the dwelling, details of ecological enhancement measures shall be submitted to and approved in writing by the Borough Council for the provision of bird/ bat boxes to be incorporated into the building and/or on retained trees. The approved ecological enhancement measures shall be installed prior to the occupation of the dwelling and thereafter retained to the approved specification for the lifetime of the development

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

8. Prior to any occupation of the dwelling, details of boundary treatments or means of enclosure shall be submitted to and approved in writing by the Borough Council. The approved boundary treatments shall provide for the complete delineation of the site boundaries as per the approved site plan and shall be implemented in full in accordance with the approved details prior to the occupation of the building. Thereafter the boundary treatment shall be retained to the approved specification.

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

9. Prior to the occupation of the dwelling, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the dwelling. Thereafter, the dwelling shall not be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

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

10. The dwelling hereby permitted shall not be occupied until the existing access has been upgraded in accordance with details to be first submitted to and approved in writing by the Borough Council. The upgraded access shall be widened in accordance with Highway Authority specifications, surfaced in a hard- bound material for a minimum distance of 5m to the rear of the highway boundary, constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway, and fronted with an appropriate dropped- kerb access.

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

11. Prior to the occupation of the development the parking and turning provision shall be provided in accordance with the approved site plan. These provisions shall thereafter be retained for the lifetime of the development.

[In the interests of amenity and highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: land and Planning Policies]

12. The development hereby permitted shall be brought into use until an appropriate visibility splay has been provided, details of which shall be first submitted to and approved in writing by the Borough Council. Thereafter the area within the agreed splays shall be kept free of all obstructions, structures or erections exceeding 0.6 metres in height above carriageway level

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

13. The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details to be submitted to and approved in writing by the Borough Council.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy].

14. Prior to installation of any external lighting, a bat-sensitive lighting scheme should be submitted to and approved in writing by the local planning authority. The lighting scheme should be in accordance with Conservation Trust (2018) "Bats and artificial lighting in the UK. The lighting scheme shall be implemented in accordance with the approved details and retained to this specification thereafter.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

15. This permission does not authorise any further demolition and/or re-building of the buildings to be converted than that identified in the submitted structural report (Dragon Structural Ltd Engineering Consultants - 19-293). For the avoidance of doubt this includes only the following works:

- External re-cladding of the existing walls;
- Insertion of windows and doors and any internal walls;
- Installation of services;
- Provision of insulation within the building envelope;

[To ensure the works are completed as conversions to comply with Policy 1 (Development Requirements) and Policy 22 (Development Within the Countryside) of the Local Plan Part 2: land and Planning Policies].

16. The dwelling hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

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

17. Notwithstanding the provisions of Schedule 2, Part 1 Class A; B; C; D; E and G 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), or erection of any outbuildings 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 1 (Development Requirements), Policy 22 (Development Within the Countryside) of the Local Plan Part 2: land and Planning Policies]

18. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, or other built form seen as a means of enclosure other than those shown on the approved plans shall be erected or planted 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 1 (Development Requirements), Policy 22 (Development Within the Countryside) of the Local Plan Part 2: land and Planning Policies]

Note-

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

NOTES TO APPLICANT

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

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

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 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.

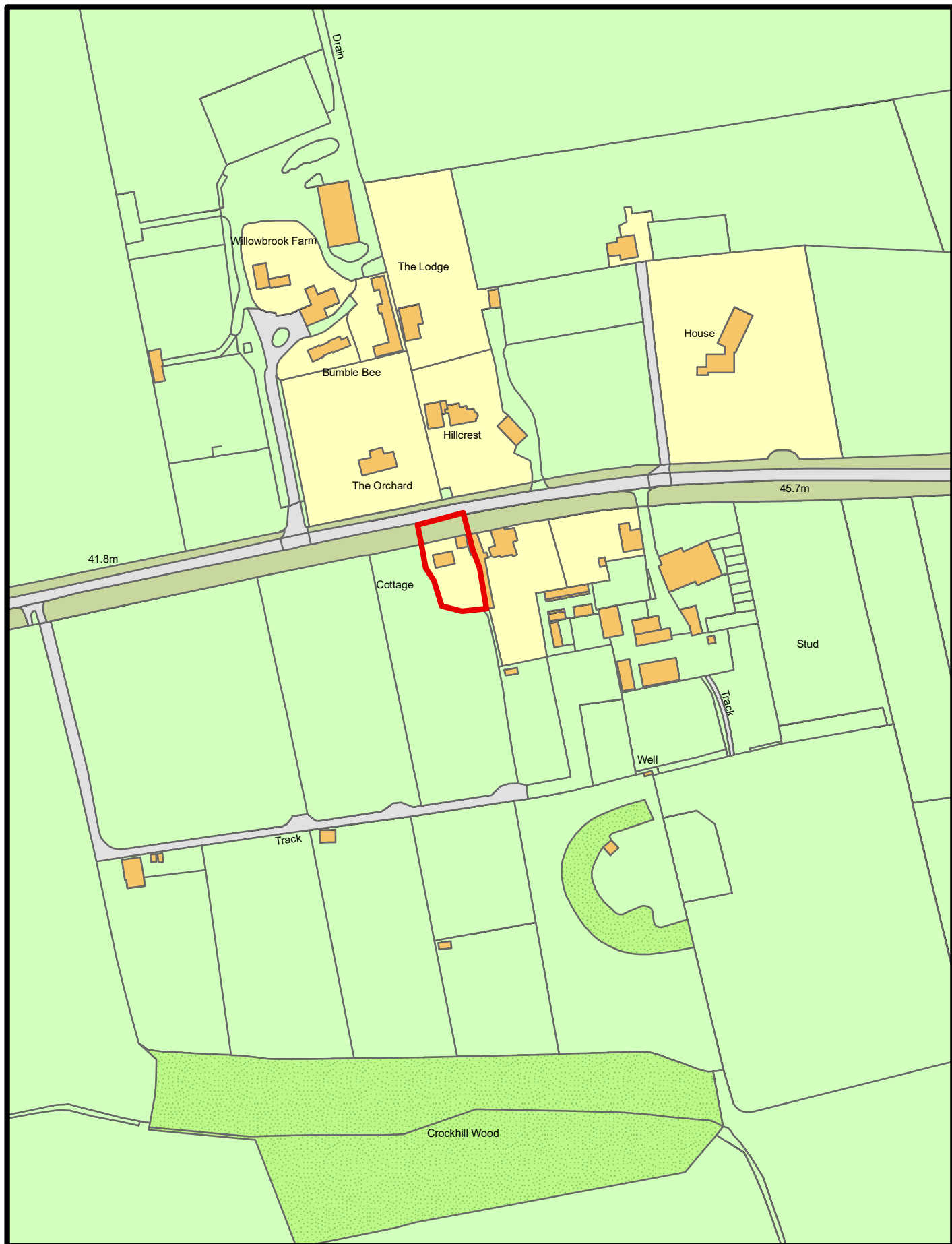
The proposed works require the removal of asbestos cement sheeting. You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council: <https://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/how-to-recycle-or-dispose-of-common-waste-items/asbestos>

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30st September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- A simple biodiversity net gain assessment (demonstrating gains over losses) should be provided.
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs) including any recommendations by the consultant ecologists, should be agreed and implemented
- Permanent artificial bat boxes / bricks and wild bird nests should be installed within buildings and on retained trees, plus hedgehog corridors and 'bug hotels' suitable for bees and other insects are recommended.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Boundary verges should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See: <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
- Good practice construction methods should be adopted including:
 - Advising all workers of the potential for protected species. If protected

species are found during works, work should cease until a suitable qualified ecologist been consulted.

- No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted
- It is recommended that consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.



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Christmas Cottage, Flawforth Lane, Ruddington



scale 1:2500

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21/03219/FUL

Applicant Mr S Millett

Location Christmas Cottage Flawforth Lane Ruddington Nottingham
Nottinghamshire

Proposal Demolition of existing dormer bungalow, garage and out buildings and erection of a replacement dwelling and detached garage. Landscaping and associated external works including boundary treatments and alterations to access.

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The site is located at the western edge of a small cluster of properties located to the east of Ruddington and the south of Flawforth Lane. The existing one and a half storey dormer bungalow detached property is located close to the highway and there are no further neighbouring properties to the west. To the east there are a mix of properties of mixed styles.
2. The existing bungalow is not currently lived in but has not fallen into a significant state of disrepair or dereliction. It has a reasonably large garden and open aspect to the south and west. There are open fields surrounding the cluster of properties and the site is located in the Green Belt.

DETAILS OF THE PROPOSAL

3. The proposal is for the demolition of the existing dormer bungalow, garage and out-buildings and the erection of a replacement dwelling and detached garage. Landscaping and associated external works including boundary treatments and alterations to access are also included in the application.
4. The existing property has a regular footprint of approximately 10.5m in width, 7m in length, 5.5m in peak height and 2.5m to eaves. It has a small rear central outrigger which is approximately 4m in width and 2m in length, with a bay window and moderately sloped single pitched roof. It also has a full width rear dormer. There is a detached garage of approximately 5.3m in width and length, 4.4m to peak height, 2.3m to eaves to the front of the property and some small outbuildings (one a timber shed and the other a single pitched outbuilding) to the rear.
5. The proposed new dwelling has a semi regular near rectangular footprint with rear offset on the first floor. It is approximately 19m in width, 10.04m in length on the ground floor elevation, 8.76m in length on the first-floor elevation and 5.85m in peak height. It is approximately sited in the same location as the existing dwelling (notwithstanding the increase in footprint).
6. The proposed new dwelling would be of a contemporary flat roof design predominantly of two-storey with some single storey projections. The main

roof of the dwelling will have solar PV panels in two areas. The ground floor is proposed to be brick with an overhanging first floor clad in timber and with a strong vertical emphasis to the windows. There is a first floor eastern rear corner balcony / terrace which is accessed from floor to ceiling sliding glazed doors from the master bedroom, whilst the four rear windows of the bedrooms have floor to ceiling sliding glazed doors and glass balustrades used to form Juliet balconies at the rear. This predominance of glazing is added to at the ground floor level, with large rear patio doors and large windows serving the dining area and lounge respectively. At the front of the proposal, hit and miss timber glazing is used in the first-floor section of the inset entranceway, which has glazing from ground to first floor.

7. The proposed garage would be flat roof and constructed from brick with wooden doors. It is located to the front of the property in approximately the same position as the existing garage and is approximately 2.7m in height.
8. The proposed access lies to the west of the existing access, between the two existing tress and providing more of a centre access to the proposed dwelling house. It is approximately 9.68m long and 4.8m wide and crosses the public highway boundary before entering the road. It will be tarmac from the road to just before the gates, where the surface will become a permeable block paving driveway.
9. In terms of boundary treatments, the proposed approximate 1.8m high timber fence on the western boundary will run approximately flush with the rear elevation to the post and rail fence at the front. The proposed approximate 1.4m high timber triple post and rail fence will run along the length of the front boundary and be sited behind the proposed new native hedging. The gates will be inward opening and be approximately 1.8m high and be metal framed with timber infill panels.
10. The submitted Landscaping Plan includes 3 new trees (species not specified), 5 bat boxes, a small water feature and area of new wildflower meadow to the west, a gravel border in the enclosed space between the proposal and Flawforth House and a small patio to the rear which leads to the grassed area, which is similar to the existing. Also, the existing hedgerow boundary is preserved.

SITE HISTORY

11. 20/00772/FUL - Demolition of existing two-storey dwelling and double garage. Erection of replacement two-storey dwelling and separate double garage, with landscaping. WITHDRAWN 05.08.2020
12. 19/02298/FUL - Demolition of existing dwelling and erection of 1 new dwelling with double garage, associated access, parking and boundary treatment WITHDRAWN 28.10.2019
13. 81/08717/HIST - Extension of dormer GRANTED 21.12.1981
14. 81/08715/HIST Demolish garage and erect new brick garage GRANTED 04.11.1981

REPRESENTATIONS

Ward Councillor(s)

15. One Ward Councillor (Councillor G Dickman) supports the development

Town/Parish Council

16. Ruddington Parish Council do not object to the application

Statutory and Other Consultees

17. The Borough Council's Environmental Health Officer has no objections to the scheme subject to inclusion of advisory notes for construction hours, dust and asbestos management.
18. The Nottinghamshire County Council as Highways Authority have no objection to the proposal and confirm the application falls to be considered against their standing advice
19. The Borough Council's Ecology and Sustainability Officer has no objection to the proposal subject to conditions and advisory notes

Local Residents and the General Public

20. Two representations have been received in support of the application on the following grounds, which are material planning considerations:
- a) Visual appearance and Design

PLANNING POLICY

21. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) (December 2014), the Local Plan Part 2: Land and Planning Policies (LPP2) (October 2019) and, in this case, the Ruddington Neighbourhood Plan (RNP) (June 2012). Other material considerations include the National Planning Policy Framework (NPPF) the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

22. The following NPPF (March 2021) sections and national planning guidance is considered relevant:
- Chapter 12 – Achieving well-designed places
 - Chapter 13 – Protecting Green Belt land
 - Chapter 15 – Conserving and enhancing the natural environment

Relevant Local Planning Policies and Guidance

23. The following policies are considered relevant:
- Local Plan Part 1 (LPP1) Policy 10 – Design and Enhancing Local Identity
 - Local Plan Part 1 (LPP1) Policy 17 – Biodiversity
 - Local Plan Part 2 (LPP2) Policy 1 – Development Requirements
 - Local Plan Part 2 (LPP2) Policy 21 – Green Belt

24. The following parts of the Ruddington Neighbourhood Plan (RNP) are particularly relevant:
- Part 1 Introduction and Character Assessment
 - Policy 16 – Ruddington Design Guide
 - Policy 17 – Sustainable Design
 - Part 2 Design codes for minor development, in particular:
 - Design Codes B1 (Flat Roofs), D (Detailing and Materials), E1 (Landscaping), G (Accommodation Requirements)
25. Paragraph 30 of the NPPF states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.
26. The following parts of the Rushcliffe Residential Design Guide are considered particularly relevant:
- Section C2 Design and Innovation
 - Section C2 Layout, Form and Space

APPRAISAL

27. The main planning issues relevant to this application are:
- Principle of Development / Impact on the Green Belt
 - Visual Appearance and Design
 - Residential Amenity
 - Ecology
 - Highway Safety
 - Sustainability / Climate Change

Principle of Development / Impact on the Green Belt

28. The proposal lies within the Green Belt as defined by the boundaries in the LPP2 Policies Map. LPP2 Policy 21 considers development in the Green Belt shall be considered in accordance with the NPPF, particularly Chapter 13. The NPPF considers that the fundamental characteristic of the Green Belt is its openness and permanence. It considers inappropriate development harmful to the Green Belt and that this harm should be given substantial weight in considering planning applications. However, very special circumstances can be used, to clearly show how the harm is outweighed by other considerations.
29. The NPPF sets out some exceptions to inappropriate development, paragraph 149 (d) applies to this proposal and considers the construction of new buildings as inappropriate in the Green Belt except for *'The replacement of a building, provided the new building is in the same use and not materially find and replace larger than the one it replaces;'*
30. As the proposal would be in the same residential use this exception can apply provided the new building is not materially larger than that which is replaces. With regards to materially larger, this is considered by the Local Planning Authority in terms of volumetric expansion and impact on openness.

As a key characteristic of the Green Belt is permanence, the building that is to be replaced is taken as the 'original building' in Green Belt terms (i.e. a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally). This is because without this fixed point, cumulative replacement buildings would not be limited by the planning process and permanence would be removed.

31. The proposal has been extended in the past with a rear dormer and replacement garage, as per planning records. The site inspection indicates two other outbuildings, a rear central projection and a front extension have also been constructed. These have potentially not been regularised through the planning process. The rear projection, front projection and other outbuilding do not appear to be original; the shed is not. The uncertainty over the originality of the projection, front extension and outbuilding is taken into account when considering the volumetric calculations.
32. Given the above, the rear dormer, garage and shed are not determined to be original. Further site inspection and investigation of historical planning records will be required to determine if the central projection, front projection and other outbuilding are not considered 'original' in Green Belt volumetric calculations, which will only be conducted if these three built elements are critical to the final recommendation.
33. Volumetric calculations have been submitted, which have been accepted but not verified and which do not distinguish original volumes from existing volumes. Notwithstanding the uncertainties above, the original property has the potential minimum (i.e. not including the front and rear outrigger and the small outbuilding) of approximately 295m³. The replacement garage could be added to this if it is of the same volume as an original garage. The submitted volumes state this is 104m³ (which is accepted but not verified), thus making a potential minimum original volume of approximately 399m³. The submitted proposed volume is 989m³, which is approximately 249% above the potential minimum original.
34. However, volumetric expansion is a guide only and the principle concern is the overall impact on openness, both in visual and spatial terms (with visual impacts being assessed from immediate public highways and rights of way). Consideration must therefore be given to the design, form/siting and scale of the proposal.
35. The proposed change from the original one and half storey dormer bungalow property to a two-storey flat roofed geometric shaped house will substantially increase the first-floor element of the proposal in length and breadth. This has a greater impact on the openness of the Green Belt than the ground floor, due to its elevated position and the vertical faces of the geometric design. There is some attempt to mitigate this visual intrusion with a corner balcony on the western and rear elevation, but this does not do so to a large degree, particularly when viewed at a distance. As it is at the western edge of the small cluster of properties, these first-floor vertical faces will be visually prominent from Flawforth Lane, particularly when viewed straight on and from the western approach. The hedgerows of this western approach are not protected in height in planning terms, so offer limited guarantee of screening and do not normally screen first floor elements. However, it is taken into consideration that the existing original bungalow front elevation is viewed

next to the larger height and mass of the adjacent two-storey Flawforth House, which reduces the impact of the vertical faces compared to open or smaller properties. To conclude, the proposal has significant visual impacts on the openness of the Green Belt.

36. The spatial impacts will still occur regardless of visibility. The substantial expansion of the built limits to the east combines with Flawforth house to create a semi-continuous form. This eastern expansion combines with the first floor 'squared off' geometric expansion, which is weighted far more than any expansion at ground-floor level.
37. The boundary treatments would include an approximate 1.8m high fence on the western elevation, which will approximately run flush with the rear elevation to the triple post and rail fence at the front. This will form a visual barrier, but one that is common within the landscape and will be viewed in the context of the immediate side elevation then wider front elevation and the proposal as a whole. As such, it will not significantly impact openness. The post and rail fence will be approximately 1.4m high and run the width of the front elevation (not including the gates). This will be fronted with native hedging (species not specified) and combine with the approximate 1.8m high metal framed timber infill gates to present an acceptable barrier that will develop over time into a hedgerow and therefore will not significantly impact the openness of the Green Belt. The proposed engineering operations of the rear patio and gravel border will have negligible impacts on the openness of the Green Belt.
38. The proposed development would, therefore, be materially larger than the one which it would replace and would not, therefore, be considered to fall within the exception to inappropriate development as identified above. As such, Very Special Circumstances would need to be demonstrated.
39. As part of the application a "fallback position" has been submitted which would utilise Permitted Development Rights, in addition the submission includes other cases for consideration that the applicant/agent consider are comparable and should be given weight.
40. The permitted development fallback position has not been detailed against legislation and any comments within this report are not indicative of approval or refusal of any potential permitted development applications. Notwithstanding this, and using historical mapping records, it is considered here. The building does appear to be built after 1st July 1948 and was built before 28th October 2018, and although there are some misrepresentations in the fallback position indicated in Diagram B of the submitted Design and Access Statement; the potential for first floor extensions (minus the dormer) and ground floor side and rear extensions are likely. Although some leeway could be given to the proposed rear first floor expansion (of approximately 1.76m above the existing length) these extensions cannot realistically be transferred to the first-floor eastward expansion (of approximately 8.5m above the existing width). As such, it is not considered that the fallback position can be given any weight when considering 'Very Special Circumstances'
41. In support of the application, the application was accompanied by a number of similar properties in the area and details of these can be found in the

information submitted as part of the application.

42. Given the submitted permitted development fallback position and related cases, no very special circumstances have been demonstrated.
43. Therefore, assessing the issues surrounding the principle of development and the impact of the Green Belt, the proposal would constitute inappropriate development which would be contrary to national and local policy.

Visual Appearance and Design

Local Plan Development Context

44. LPP2 Policy 1 considers development acceptable if the visual appearance and design aspects of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. This considers high quality design solutions acceptable, if they respect and enhance the character of the property and area. Similarly, as part of the Local Plan and on a smaller scale, the Ruddington Neighbourhood Plan outlines how development should consider and respond to the relevant Ruddington Character Area.

Material Considerations – NPPF and National Guidance

45. Nationally, the NPPF Chapter 12 ‘Achieving well designed places’ pp134 considers that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.

Ruddington Neighbourhood Plan – Design Guide (Character Area) and Design Codes

46. RNP Part1 Section ‘Introduction - What are design guides and design codes?’ pg3 outlines that design guides provide detailed analysis of an area’s character and then set out design codes (which should be technical and precise guidelines) for different types of development expected in different areas. Following this, although the Design Guide and Design Codes work in tandem, for simplicity’s sake, the proposal is assessed against the character of the area first, and the design codes second.

Innovative Design

47. With regards to innovative design, the Ruddington Neighbourhood Plan Policy 16 ‘Ruddington Design Guide’, only states *‘The Ruddington Design Guide does not seek to stifle innovative or contemporary design, which will be supported where delivered to a high standard. Development proposals of all sizes should ensure that they respect the local character in terms of density, scale, and mass, materials and landscape, and boundary treatments.’*
48. Further guidance to assess the significant weight given to acceptable innovative designs in the NPPF, is provided in the Rushcliffe Design Guide ‘Design and Innovation’ section. The Design Guide considers innovative

design should respect and respond to its context in a way that positively contributes to the character of the property and surrounding area. It does not have to be a repetition of what went before if it can integrate with and enrich a place. The imaginative use of design, details and materials can positively assimilate a new building into an area and provide individuality and variety. As design approaches, building technology and residents aspirations continually evolve, the aim is to guide, rather than constrain, this process.

49. Taken together, it can be seen that innovative design is within the vision of the Ruddington Neighbourhood Plan and the vision and assessment framework of the Local Plan. As such, how the proposal reflects and responds to its design context can now be assessed.
50. A design can mistakenly be considered in terms of 'standing by itself' (i.e. without context), but to assess whether it is sympathetic (and therefore acceptable), consideration needs to be given to how it reflects and responds to the character and appearance of the site, the immediate street-scene and the surrounding area. Thus, the assessment works roughly in a scalar fashion. The immediate street-scene is a combination of the neighbouring buildings and the landscape features visible from and to the site. The surrounding area is slightly harder to delimit and unfortunately the Ruddington Neighbourhood Plan, despite covering it, does not provide a character assessment for this area.

Design Context.

51. The proposal is a contrasting, contemporary design which fundamentally alters the character of the existing dwelling. This is not, in itself unacceptable, as it is clearly the aim of the proposal to create a geometric design, with open aspects to view the surrounding countryside and timber vertical cladding to balance horizontal brick work below. Designs such as these have been approved elsewhere in the Local Authority, where the design context suited the contrasting and contemporary nature of the proposal. Considering this, the design context for this proposal is determined by several inter-linked factors. Firstly, there is the relatively consistent topography and open views of the surrounding landscape. Secondly, the surrounding properties have relative consistent front elevations and front building lines, which use pitched roof lines and avoid vertical blank faces at first floor level. Thirdly, these properties are close to the proposal and therefore they would be viewed more as a whole rather than distinct separate components. Finally, the materials used in these properties are generally brick or render, creating a more traditional appearance.
52. This means that the contrast that is being sought would have to use a design that joins it in view to these properties, or create a contrast that stand out as both responding, and benefitting, the appearance of the neighbouring buildings and the surrounding character.
53. As the property is at the edge of the small cluster of properties in a relatively flat landscape with open fields to the west, it is prominent when viewed from the western approach and particularly when viewed directly from the front elevation. There is no significant setback from the 2 Flawforth Cottage main road afforded by a discrete access track and the neighbouring property of Flawforth house has an historic character, whilst nearby 2 Flawforth Cottage

is a modest one and a half storey dormer property. However, the properties opposite have recently been developed and have a more substantial two storey mass and modern features such as projecting front gables and large glazed areas, yet these are set back further from the road and have larger driveways. Given this, the proposal will primarily be viewed in the context of Flawforth House and although the design is of a high quality and suitable for the plot, it is not considered suitable for the design context of the immediate street-scene (the neighbouring buildings). This is because the bulk and squared form of the property will sit flush and at odds with the form of Flawforth House. This proposed form combines with the use of contemporary materials to mean it does not join in view to Flawforth House, but dominates the immediate context in a way that is not reflective of the historic character of Flawforth House and No.2 Flawforth Cottage and contrasts to Hillcrest opposite with no features that link the two. As such, it is not considered sympathetic to the character and appearance of the immediate street-scene (the neighbouring buildings).

54. With regards to the impact on the character of the area, as described above, on the one hand, it will impact the traditional rural character of the area by introducing a highly contemporary, innovative design into the surroundings, which will have visibility due to the factors mentioned above. Furthermore, this will be introduced next to a small cluster of properties (potentially a hamlet) which sits within open countryside (although not in planning terms). Both of these factors mean that the proposal will have a significant impact, although this is only negative as it does not respond to the neighbouring buildings and immediate street-scene. However, the proposal does fit in with the area's character of a large variety of relatively recently developed individual style properties.
55. To summarise, the proposal is not considered to comply with Rushcliffe LPP2 Policy 1 Pp 4 as although the proposal's visual appearance and design will have a positive impact on the character of the property and not have a significantly negative impact on the surrounding Flawforth Lane Character Area, it will have a significantly negative impact on the character and appearance of the immediate street-scene. As per NPPF pp134, although the proposal raises the standard of design, it does not fit the form of surrounding properties. As per the Rushcliffe Design Guide 'Design and Innovation' section pg33, the proposal respects and enhances the character of the property but not the area. As per the Ruddington Neighbourhood Plan, the proposal does consider and responds to the Flawforth Lane Character Area (but this has only been defined and described within this assessment) and is an innovative and highly contemporary design that is delivered to a high standard.

Ruddington Neighbourhood Plan Design Codes

56. Ruddington Neighbourhood Plan Design Codes relating to Building Height (A2), Detailing and Materials (D), Landscaping (E1) and Accommodation Requirements (G) apply to this proposal. In terms of the proposed flat roof it is recognised that Design Code B of the Neighbourhood Plan relates to extensions and as such does not apply to a replacement dwelling.
57. Design Code A2 considers the height of a building in comparison to its immediate context. The proposal is lower than the immediate neighbour, Flawforth

House so is considered acceptable.

58. Design Code D considers that materials for new developments should correspond to the character of the area and that they should have a quality, durability and maintenance that will continue to contribute positively to the character in the long term. Code D also considers that the number and mix of materials should be kept simple and that there is a consistency with architectural details such as fenestrations. The materials proposed are of a high durable quality and have a simple mix. The proposal uses consistent fenestrations, however as an innovative whole scale remodelling, takes a different approach to materials than that consistently used in Ruddington. Given this, the proposal is in compliance with the quality, simplicity and consistency aspects of Code D, but deviates from the correspondence with materials in the surrounding character area. However, this part deviation is a positive aspect of the innovative design and as such, is acceptable.
59. As per Design Code E1, an indicative landscaping plan has been submitted which shows appropriate border treatments, driveway and surrounding landscaping. This can be secured through planning condition and as such is acceptable.
60. Design Code G states proposals with additional bedrooms must meet certain requirements. The proposal has 4 bedrooms and there is sufficient space for accommodating cars, bicycles and bins on the site. As such, in terms of Design Code G, the proposal is acceptable.
61. As such, the proposal is considered to comply with the Ruddington Neighbourhood Plan Design Codes. However, it is not considered to comply with Rushcliffe LPP1 Policy 10 and LPP2 Policy 1 Pp 4 as although the proposal's visual appearance and design will have a positive impact on the character of the property and not have a negative impact on the surrounding Flawforth Lane Character Area, it will have a significantly negative impact on the character and appearance of the immediate street-scene.

Residential Amenity

62. LPP2 Policy 1 Pp 4 considers development acceptable if it does not lead to an overdevelopment, overbearing, overshadowing or overlooking impacts.
63. The proposal is two-storey with an obscure glazed en-suite first floor window on the western side and rear elevation, which will be secured through planning condition. The front and rear elevations are similar to existing building lines and there are no substantial level changes. Adjacent Flawforth House has no side facing windows that serve primary habitable rooms (although there is a small roof light next to the proposal). Although there are additional first floor windows at the front and rear, sufficient separation distances remain and there are not significant orientation changes with neighbouring properties. Given this, no significant residential amenity impacts will occur on Willowbrook Farm, Hillcrest, The Orchard, Flawforth House or Southview Stables
64. Sufficient residential amenity space is preserved in the back garden.
65. Therefore, the proposal is considered to comply with Rushcliffe LPP2 Policy

1 Pp 4 as no significant residential amenity impacts will occur on neighbouring properties.

Highway Safety

66. Local Plan Part 2 Policy 1 Pp 2 considers that a suitable means of access should be provided for a development without detriment to highway safety.
67. The proposal is subject to highways standing advice dated 01.01.2017. The proposed access lies to the west of the existing access, between the two existing trees and providing more of a centre access to the proposed dwelling house. It is approximately 9.68m long and 4.8m wide and crosses the public highway boundary before entering the road. The verges of the highway are already maintained for the existing access and the location of the trees do not impair visibility splays in any additional way beyond the existing access. Planning conditions can be used to secure the highway requirements for the access, which include a bonded driveway for a minimum distance of 5m from the highway, adequate drainage measures, provision of visibility splays and construction according to Highways specifications. Given that there is an existing access a few meters to the west, and that requirements can be secured through planning condition, the proposed access is considered to be safe and suitable and to comply with highways standing advice.
68. Given the above, the proposal is considered to comply with Rushcliffe Local Plan Part 2 Policy 1 Pp 2 as a safe and suitable access can be demonstrated.

Ecology

69. LPP Pt 1 Policy 17 Biodiversity supports the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements. Local Plan Part 2 Policy 1 Pp 6 considers development acceptable if there are no significant negative impacts on wildlife and, where possible, biodiversity net gain is achieved.
70. The Borough Council's Ecology and Sustainability Officer commented that the Extended Phase 1 Habitat Survey Report was in date and had been carried out in accordance with good practice. Due to the confirmation of a bat roost, further bat activity surveys and a mitigation plan will be required, which will be secured through planning condition.
71. With respect to ecology, the Borough Council has a legal duty when determining the planning application for the development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc) Regulations 1994, contain three tests which natural England must apply when determining a license application. This license is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so will be in breach of regulation 3(4) of the 1994 Regulations. The three tests are:
 - a) The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;

- b) There must be no satisfactory alternative; and
 - c) favourable conservation status of the species must be maintained.
72. The proposal demonstrates overriding public interest as it will bring back into use a family home, upgrade the building fabric and offer opportunities for energy conservation. It is not considered there would be a satisfactory alternative for this site given the size of the existing cottage and cost of upgrading it would be unlikely to be viable and worthwhile to a homeowner, and even in the case of works required to upgrade the Cottage rather than replace, these would still be likely to disrupt/disturb the protected species. Furthermore, the proposal demonstrates that the favourable conservation status of the species will be maintained as the submitted landscaping plan will provide four bat boxes as alternative habitats. As such, the proposal is considered to comply with tests (a) and (c) of the Conservation (Natural Habitats etc) Regulations 1994 3(4).
73. Given that above, the proposal is considered to comply with Conservation (Natural Habitats etc) Regulations 1994 3(4) and Rushcliffe Local Plan Pt 1 Policy 17 and Local Plan Part 2 Policy 1 Pp 6 as suitable ecological mitigation measures can be secured through planning condition.

Sustainability / Climate Change

74. LPP2 Policy 1 Pp 6 describes that a development is acceptable if there is a net gain in biodiversity. In addition to this RNP Policy 17 states:
'All new development (excepting householder applications) should demonstrate how it has met, and where possible exceeded, the minimum standards for energy efficiency and construction quality. Applicants should demonstrate how they have embraced and where possible delivered, the following features as part of their applications:
- *The use of innovative design techniques that reduce the demand for energy, including, but not limited to, the incorporation of passive solar gain, passive cooling and ventilation, heat pumps and neutral design.*
 - *The use of on-site energy generation technologies to reduce the demand for energy*
 - *Where appropriate, the inclusion of electric vehicle charging points.*
 - *Technologies which minimise the use of water*
 - *The end of life plan for the building including the ability to recycle materials used.'*
75. NPPF Chapter 12 Achieving well-designed places pp 134 (b) states significant weight should be given to *'outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'*
76. It is clear that the proposal seeks to incorporate biodiversity and sustainability measures and those controlled through the planning regime and labelled on the submitted plans are assessed here. The sedum green roof of the ground floor kitchen/dining projection is beneficial to biodiversity and energy efficiency, whilst the solar gain afforded by south facing floor to ceiling windows will reduce heating requirements. The south facing solar panels will generate renewable energy, which is a clear benefit. The landscaping plan

includes 3 new trees (species not specified), 5 bat boxes, a small water feature and area of new wildflower meadow to the west. It preserves the existing hedgerow and mostly maintains the existing grassed area. As such, and considered as a whole, the proposal has demonstrated innovative design techniques to reduce the demand for energy, on-site generation and suitable biodiversity measures.

77. Given the above, the proposal is considered to comply with Rushcliffe LPP2 Policy 1 Pp 6 as suitable biodiversity measures have been indicated and can be secured through planning condition to produce a net gain in biodiversity. Similarly, the proposal is considered to comply with RNP Policy 17 and NPPF Chapter 12 Achieving well-designed places pp134 as suitable sustainability measures have been indicated and can be secured through planning condition.

PLANNING BALANCE AND CONCLUSION

78. There are fundamental policy objections to the proposal, and it is considered that these cannot be overcome. The applicant has been made aware of the situation in writing and in order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions which cannot resolve the reasons for refusal and the application has been referred to committee in a timely fashion.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be refused for the following reason(s)

1. The proposed development would result in a building materially larger than the one which it replaces and has significant impacts on the openness of the Green Belt. This would represent inappropriate development in the Green Belt. The Borough Council has considered the Very Special Circumstances submitted by the applicant and affords them no weight. As such, the proposal is contrary to Local Plan Part 2 Policy 21 – Green Belt and Chapter 13 – Protecting Green Belt land and paragraph 147 of the NPPF 2021.
2. The proposed development would, by nature of its design and appearance, have a significantly negative impact on the character and appearance of the immediate street-scene. It would not, therefore, comply with Local Plan Part 1 Policy 10 – Design and Enhancing Local Identity and Local Plan Part 2 - Development Requirements and NPPF Chapter 12 - Achieving well-designed places

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Garage

Drain

T1

A Second tree Not covered by TPO

CUMBRIA GRANGE

CUMBRIA GRANGE

CONISTON CLOSE

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21/00198/TORDER

Objectors Mr and Mrs Houghton

Location 3 Cumbria Grange, Gamston

Objection Objection to Tree Preservation Order

Ward Holme Pierrepont and Gamston

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects a Crab Apple in the north east corner of the rear garden of 3 Cumbria Grange, Gamston. The tree is located on a strip of land owned by the above property that separates their garden fence from the pavement. This was a common feature of estates of this age and was intended to give a more open and landscaped character. The tree faces onto a cul-de-sac at the end of Cumbria Grange and whilst this section of road is relatively short several properties face towards the tree and it enhances the character of the road.

DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO was made on the 4 November 2021 and needs to be confirmed within 6 months of being made otherwise it will lapse.

SITE HISTORY

3. The Council received a planning application for the demolition and replacement of corner walls and fence with new fence; demolition of shed and replacement with a new lean-to shed, Ref: 21/02297/FUL. The application proposed to remove 2 trees within the landscape strip between the rear garden and pavement and then enclose with fencing to the rear of the pavement. The trees were assessed to see if they warranted protection. Whilst one tree had a poor structure due to competing trunks, the other was considered appropriate for protection and a TPO was made. Whilst the tree is a smaller species than what the Council would usually protect, it is considered that it enhances the character of the road and its small size meant that it is appropriate for its location and suitable for long term retention without the need for regular pruning.
4. After the TPO was made discussion continued between the Planning Department and the applicant and a revised scheme was approved in March, this allowed the rear garden to be extended to the pavement, but the protected tree was retained within the garden and a new line of pleached Hornbeams are now proposed along the remainder of the boundary to provide screening and foliage above the fence.

REPRESENTATIONS

5. One objection to the TPO has been received from the owners of the property for the following reasons:
 - The TPO is invalid under section 3.31 (5).
 - The planning authority failed to notify the applicant of the decision within 8 weeks of the planning application. No such extension was agreed by the authority and applicant and therefore, the TPO is deemed void.
 - The nature of the tree is not expedient in the interests of amenity. The tree bears no special positioning or beauty and is not home to wildlife. The tree bears no 'special' or 'outstanding' characteristics. They would like the Secretary of State to assess the tree to consider whether the tree poses the distinguishable characteristics to sustain a TPO.
 - They were not aware of a visit by an officer with arboricultural knowledge which is disappointing due to the lack of willingness to progress the planning application.

APPRAISAL

6. The Council has not been able to establish what section 3.31 (5) refers to and such a section is not found in the 2 main pieces of legislation that govern TPO's. A TPO can be made at any time and does not need to be made within 8 weeks of a planning submission.
7. Under the section 197 of the Town and Country Planning Act 1990 local authorities have a duty to consider using conditions or TPO's to protect trees when considering planning applications. The TPO was not intended to stop the planning application and as previously mentioned, ongoing discussions allowed a revised scheme that retained the tree.
8. TPO's can be made when it is 'expedient in the interests of amenity'. Amenity is not defined in law, but it considered to be the pleasantness or attractiveness of a place. Government advice is that Council's can protect trees where their removal would have a 'significant impact on the local environment and it's enjoyment by the public' and that trees should 'normally be visible from a public place'. In this case it was felt that whilst Crab Apples are a small growing tree, due to the roadside location it was sufficiently prominent to justify protection and that the tree enhanced this part of Cumbria Grange for residents. The trees and landscape strip formed part of the original planning layout of the estate and these would have been intended to enhance the public realm. The Council considered that the tree could be retained even if the boundary fence was relocated close to the pavement and that by doing so the canopy would remain visible to the public.
9. The primary purpose of a TPO is to protect the local amenity and the wildlife value of a tree is not referred to in the Act. However, Council's can give weight to nature conservation. Whilst the tree may not have wildlife nesting in it, Crab Apples are a native tree and the attractive spring blossom will be a food source for insects and the small autumnal fruit will be eaten by birds and mammals.

10. The Council has a points-based assessment which is used when considering making a TPO, this looks at the amenity value of the tree, its condition, impact on public amenity if removed and proximity and effect on buildings as well as considering health and safety. To justify a TPO a tree needs to score more than 11 out of 16 and the protected tree had a score of 12. With fair amenity value, good condition, severe impact if removed and with the ability to grow to full maturity without impacting on buildings. No negative health and safety issues were identified.
11. When the Council was considering making the TPO the tree was not protected in any way and could have been felled. For this reason, the Landscape Officer did not actively engage with the tree owners or announce a site visit, and this is common practice in such circumstances. Councils are only obliged to notify interested parties as soon as practical after making a TPO. Whilst it is unfortunate that this can be seen to be unhelpful, it is done to preserve the tree in the first instance.
12. At the current time the Council is required to consider the objection and decide whether the TPO should be confirmed or not. The Secretary of State is not involved at this stage of the process. However, the owner could apply to remove the tree and if the Council were to refuse permission an appeal could be made to the Planning Inspectorate.

RECOMMENDATION

It is RECOMMENDED that the TPO be confirmed without modification.

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