

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

Our reference:
Your reference:
Date: Wednesday, 3 August 2022

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 11 August 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



Gemma Dennis
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 14 July 2022 (Pages 1 - 6)
4. Planning Applications (Pages 7 - 82)

The report of the Director for Development and Economic Growth

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor Mrs M Stockwood
Councillors: B Bansal, S Bailey, N Clarke, L Healy, D Mason, F Purdue-Horan, V Price, C Thomas and J Walker

Rushcliffe Borough
Council Customer
Service Centre

Fountain Court
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9.30am - 5pm
Friday
8.30am - 4.30pm

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Rushcliffe Arena
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Nottingham
NG2 7YG

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

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

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

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 14 JULY 2022

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

PRESENT:

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman), S Bailey, L Healy, D Mason, J Murray, A Phillips, F Purdue-Horan, V Price, C Thomas and J Walker

ALSO IN ATTENDANCE:

1 member of the public

OFFICERS IN ATTENDANCE:

A Ashcroft
P Cook
J Hall
C Thompson
J Allen
T Coop

Planning Services Consultant
Principal Planning Officer
Principal Area Planning Officer
Planning Officer
Solicitor
Democratic Services Officer

APOLOGIES:

Councillors B Bansal and N Clarke

4 Declarations of Interest

There were no declarations of interest reported.

5 Minutes of the Meeting held on 9 June 2022

The minutes of the meeting on 9 June 2022 were approved as a true record and signed by the Chairman.

6 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.

22/22785/FUL – Erection of 2 No. residential dwellings including associated landscaping and access work – Land North of 18 Gladstone Avenue, Gotham, Nottinghamshire

Update

There were no additional representations for this item.

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

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- VED644 02 REV F – Proposed Elevations and Floor Plans
- VED644 01 REV E – Site Location Plan
- VED644 03 REV B – Proposed Site Layout

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

3. The approved boundary treatment and hard landscaping, referenced in the submitted plan VED644 03 REV B Site Layout Plan, shall be installed prior to the dwellings being occupied. The approved soft landscaping shall be planted during the first planting season following occupation of the dwellings.

[To ensure that the amenities of future and surrounding occupiers are protected, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

4. The dwellings must not be brought into use until the run-off limitation measures have been installed in accordance with the details provided within VED644 03 REV B.

[To ensure that adequate surface water drainage provision is secured for the site, in accordance with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The development shall not be brought into use until the access driveways have been provided and surfaced in a bound material (not loose gravel), 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 as such for the life of the development.

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

6. The dwellings shall not be occupied until a dropped vehicular footway crossing has been provided along the whole of the site frontage, in accordance with the Highway Authority's specifications.

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

7. The off-street car parking spaces (including the garages), as shown on the approved site layout plan referred to under condition 2 of this planning permission, shall be retained for off-street car parking and kept free from all other obstructions, for the life of the development. The garages shall not be used for any purpose that would prohibit the parking of a vehicle.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

8. The dwellings hereby approved shall not be constructed above damp proof course level until a scheme for the provision of an electric vehicle charging point for each dwelling has been submitted to and approved by the Borough Council. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, each dwelling shall not be occupied until it has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the approved scheme. The electric vehicle charging infrastructure shall thereafter be retained and maintained for the lifetime of the development.

[To ensure that the development is capable of promoting sustainable modes of transport and to comply with Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. The residential dwellings 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].

10. This development shall be constructed in accordance with the Construction Method Statement t (CMS) received on 8 February 2022,

as discharged under application 21/03006/DISCON.

[To ensure that the site is developed in a safe manner and limit the impacts upon residential amenity and highways safety throughout the construction phase, in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan 2: Land and Planning Policies].

11. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no additional windows (including roof lights and dormer windows) inserted within any part of the roof of the dwellings hereby approved, other than as shown on the approved plans referred to in condition 2 of this permission, nor any alterations to any part of the roof of the dwellings hereby approved.

[In order to protect the living conditions of surrounding occupiers from any unacceptable levels of overlooking and/or loss of privacy, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

12. Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) the proposed garages shall be retained as parking spaces and not converted into living accommodation. There shall be no external alteration (including insertion of windows and doors) within any part of the garages hereby approved, other than as shown on the approved plans referred to in condition 2 of this permission.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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). 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.

Condition 11 requires the new dwelling to meet the higher 'Optional Technical

Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

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

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

You are advised that should the site contain asbestos, it will require specialist removal. Further advice on this matter can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website.

21/03076/FUL – Single storey front extension – Café Piano, 7A Main Road, Radcliffe On Trent, Nottinghamshire

Updates

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

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. Due to its siting and scale, the proposed extension would represent an incongruous addition to the shopping parade and would have an intrusive visual impact in the street scene, which would be unsympathetic to the character of the surroundings. The proposed development is, therefore, contrary to Section 12 (Achieving Well Designed Places) of the National Planning Policy Framework, policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, policies 1 (Development Requirements) & 25 (Development within District Centres and Local Centres) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and policy 14 (Design and Layout) of the Radcliffe on Trent Neighbourhood Plan.
2. The proposed development would result in the loss of a Maple tree which is protected by a Tree Preservation Order and which enhances the street scene and has notable public amenity value. The proposed development is, therefore, contrary to the environmental objective of the National Planning Policy Framework and policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

The meeting closed at 3.33 pm.

CHAIRMAN

DRAFT



Planning Committee

Thursday, 11 August 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.

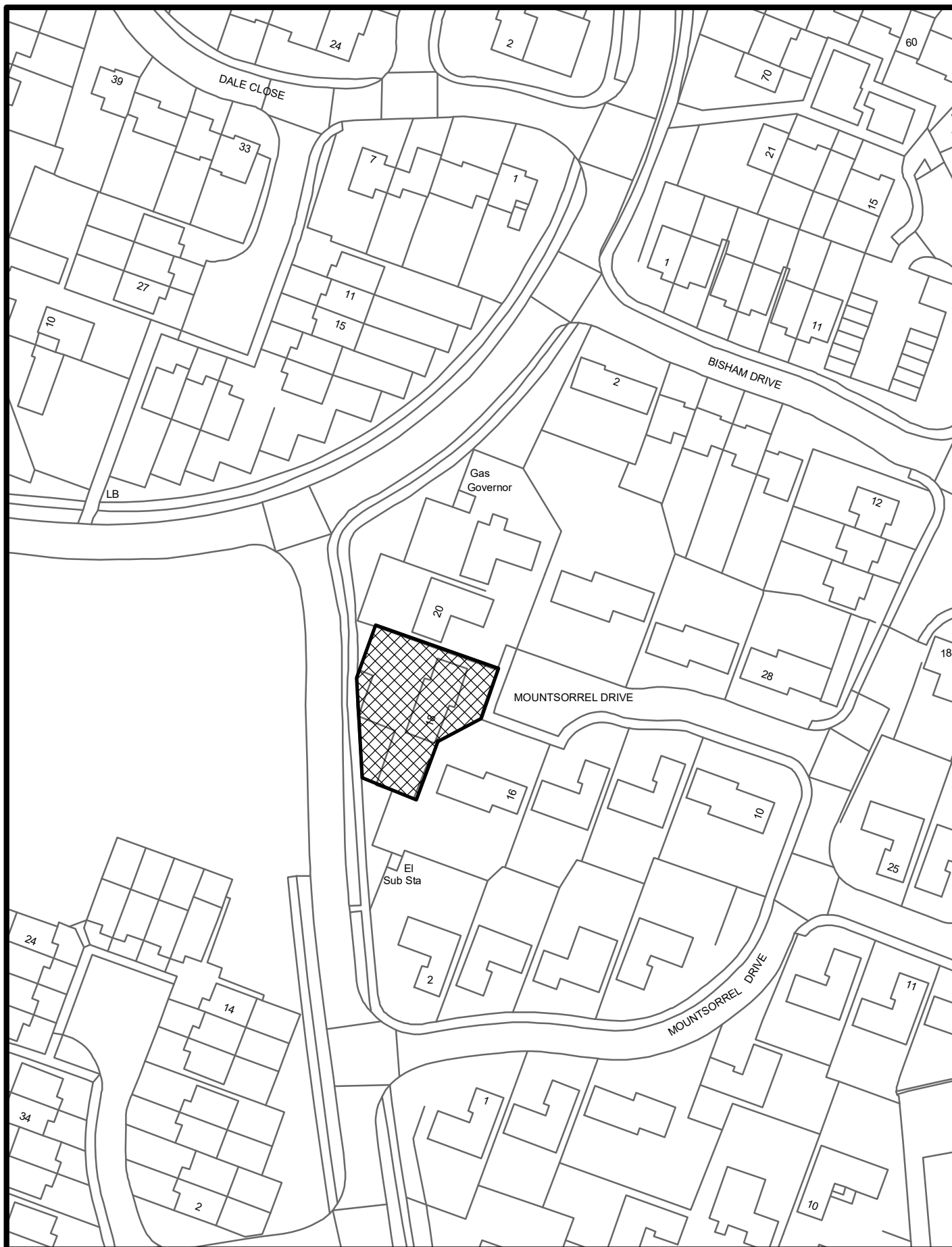
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
22/00774/FUL	18 Mountsorrel Drive, West Bridgford, Nottinghamshire NG2 6JL Construction of two-storey front extension, first floor side extension, first floor rear extensions, single storey rear extension and application of render to all elevations.	11 - 24
Ward	Abbey	
Recommendation	Grant planning permission subject to conditions	
<hr/>		
22/01041/FUL	13 Cherry Street, Bingham, Nottinghamshire, NG13 8AJ Two story rear extension. Conversion of carport to garage. New front porch. New rear dormer. New detached garden room/office; Alterations to fenestration	25 - 36
Ward	Bingham East	
Recommendation	Grant planning permission subject to conditions	
<hr/>		

Application	Address	Page
21/03201/VAR	Former RAF Newton Aerodrome, Wellington Avenue, Newton, Nottinghamshire	37 - 74
	Variation of Condition 34 (Delivery and distribution operating hours) of planning permission 19/01871/VAR to increase the hours for deliveries to and distribution associated with the existing B8 uses (hangars 1 -5), including plant and associated equipment, to provide more flexible delivery times	
Ward	East Bridgford	
Recommendation	The Director of 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), which the Director of Development and Economic Growth is also authorised to amend and to correct any matters that do go to the heart of the condition	
<hr/>		
22/00394/FUL	Unit 1 Machins Industrial Estate, Nottingham Road, Gotham, Nottinghamshire	75 - 81
	Change of use from car sales to industrial (Resubmission of 21/02815/FUL)	
Ward	Gotham	
Recommendation	Grant planning permission subject to conditions	
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Application Number: 22/00774/FUL
18 Mountsorrel Drive, West Bridgford



scale 1:1000

page 11

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Applicant Dr Kashif Chauhan

Location 18 Mountsorrel drive, West Bridgford, Nottingham, Nottinghamshire, NG2 6JL

Proposal Construction of two-storey front extension, first floor side extension, first floor rear extensions, single storey rear extension and application of render to all elevations.

Ward Abbey

Full details of the application can be found [here](#)

THE SITE AND SURROUNDINGS

1. The application property is a 1970s two-storey detached dwelling, with adjoining garage. It is constructed from red brick with red hanging tiles to the first floor (seen to the front and rear elevations), and a concrete interlocking pantile roof. It is located within an established residential area of West Bridgford and lies within a cul-de-sac arrangement of properties dating to a similar age.
2. Planning permission is sought for the construction of a two-storey front extension, a first-floor side extension, first-floor rear extensions and a single storey rear extension. The proposed application of render to all elevations also forms part of the application.

DETAILS OF THE PROPOSAL

3. During the course of determination, the proposed scheme was amended to include a rendered finish to all elevations (as opposed to the application of render to part of the front elevation only). The description of development was revised and statutory consultees/ neighbours were re-consulted for a period of 14-days.
4. A revised Block Plan was also submitted during the course of determination due to the originally submitted plan being inaccurate.
5. For the avoidance of doubt, the description below is based on the latest scheme iteration (i.e. Proposed Plans [Elevations and floor Plans] received 25/05/2022).
6. The proposed two-storey front extension would measure circa 4.7m in height, with a width of circa 2.9m (side, south elevation) and circa 1.4m (side, north elevation), and a length of circa 4.6m.
7. The proposed first-floor side extension would measure circa 5.1m in width (front, west elevation) and circa 4.5m (rear, east elevation) and circa 7.7m in

length. The gable-end roof would measure circa 4.9m to eaves and 6.9m to ridge.

8. The proposed first-floor rear extensions would measure circa 1.8m in width and 10.9m in length. The gable-end roof would measure circa 4.9m to eaves and 6.9m to ridge.
9. The proposed single-storey rear extension would measure circa 3.6m in height, with a length of circa 5.8m, and a width of circa 3.3m.
10. Alterations are to be carried out to two existing first-floor windows to the frontage of the property. The landing window is to be blocked up and the bathroom window is to be reduced in size.
11. A white rendered finish is proposed to all elevations. All new windows and doors are proposed to be in woodgrain UPVC (confirmed in e-mail from agent dated 23/05/22).
12. In December 2021, planning permission was granted for the construction of a two-storey front extension and a single storey rear extension, with identical dimensions as proposed in this application, and the application of render to part of the front elevation of the dwelling. This application differs to the previously permitted scheme in that it also proposes a first-floor side extension, first floor rear extension and the application of render to all elevations (as opposed to part of the front elevation only).

SITE HISTORY

13. The full site history can be found on the Council's website. The most relevant planning history is set out below.
 - 21/02329/FUL - Construction of two-storey front extension and single storey rear extension, with rendered finish to first floor to replace clay hanging tiles and render to replace stone cladding to ground floor window – permission granted December 2021.
 - 84/00645/A1P - Two storey side extension – permission granted May 1984.
 - 84/00020/A1P - Single storey side extension – permission granted January 1984.
 - 83/06523/HIST - Single storey rear extension to kitchen, dining room and lounge – permission granted November 1983.

REPRESENTATIONS

Ward Councillor(s)

14. Councillor B. Buschman does not object to the scheme.
15. Councillor P. Gowland responded to the originally submitted plans as follows:

"I find it hard to compare the plans because they are on such different scales - I realise it should be simple but it is quite hard to get a sense of the massing. I have a feeling this will be a large building on a small plot and it likely to be

overlooking/ overcrowding neighbours and Rufford Way but I am happy to take more advice from officers.”

16. In respect of the revised scheme (which proposed the application of render to all elevations (received 25/05/2022)), Councillor P. Gowland provided the following comments:

“I do think this is probably massing on the site...because of the location it will impact on a lot of houses I think.”

17. Following receipt of the above response, the Planning Officer sought clarification from the Councillor as to whether it should be regarded as comments only or a formal objection. Councillor P. Gowland provided the following response:

“I have reviewed the plans and considered the impact not only on the neighbours but also on the view from Buckfast Way. I object.”

Statutory and Other Consultees

18. None sought.

Local Residents and the General Public

Comments can be found in full [here](#).

19. Three representations have been received from neighbouring occupiers/ local residents objecting to the proposal. The concerns raised are summarised as follows:

- a) The existing and proposed side extensions would result in a house which is essentially twice as wide as the original house. The resultant massing would be quite out of character with the rest of Mountsorrel Drive. This would also be the case viewed from Abbey Park, a key element of the public realm of the estate.
- b) The proposed rear elevation is formed from 4 gables of varying widths. The houses on Mountsorrel Drive all feature simple gable ends. There are no instances of multiple gable ends arranged similar to those proposed. This arrangement would be quite uncharacteristic of the estate. These gables, combined with the additional massing, would present a very large and overbearing elevation when viewed from Abbey Park.
- c) The previous extensions have significantly reduced the private garden area. The development scheme will further pressurise the already inadequate amenity space.
- d) The proposals seem to be a significant over development of the site.
- e) The resultant 7-bedroom property would likely result in a greater number of cars. Inevitably this would result in some on street parking. On-street parking will negatively impact on this positive characteristic of the street and impact not only on the properties adjacent but also the whole of this part of Mountsorrel Drive.
- f) For this size of property, a total of two off-street parking spaces appears insufficient. There is no garage parking as this has been previously converted to form habitable space. Nottinghamshire Highways

residential parking guidance is for a minimum of 3 spaces for properties with 4 or more bedrooms. On street parking is not an option due to the location of the property at the turning head of the cul-de-sac.

- g) The first-floor extension will overlook my front door and garage and put them further in the shade, reducing light in the porch, hallway and garage.
- h) The view from my front windows, including the lounge, landing and front bedroom, will be much diminished by such an extension with the consequent reduction in light.
- i) The path at the side of my house will be much more shaded should this extension go ahead with the accompanied reduction in light/ sunlight causing moss/ algae to build-up making the paving slippery and dangerous.
- j) The first-floor extension will reduce light into my garden and sun-lounge and also reduce my privacy.
- k) The extension will 'box-in' my front drive which is not how the area was designed. The single storey garage provides light between the houses giving an open and more aesthetic appearance. The extension will also create a vortex affect when its windy causing leaves and rubbish to accumulate at my front door.
- l) Extending No. 18 to the degree proposed will reduce the value of my property and reduce its kerb appeal.
- m) The proposed side extension would dominate no. 20 and create significant loss of light, being on the south side of the boundary. The extension over the garage appears to breach the 45° line in plan and elevation to the windows on no. 20's front elevation at ground and first floor, the living room and bedroom respectively. The proposed first floor would appear to be around 5m in front of the main house of no. 20, being closer to the road than even the garage of no. 20. It would therefore be overbearing and create a tunnelling effect on the front windows and entrance of no 20.
- n) We have noted the correspondence published on 25th May stating that the proposal is now to fully render the house and that the new windows/ doors will be brown UPVC. These proposed changes will have a detrimental impact on the appearance of the house and will be out of keeping with the area. No other houses are fully rendered which will remove all character and interest from the front elevation and have a detrimental impact on the street scene.
- o) We object to the house being fully rendered and the proposal for the windows/ doors to be brown UPVC as this is not in keeping with the area and is poor design which neither matches the original nor is contemporary. The colour of the fascias and soffits needs to be confirmed as this will also impact the appearance of the house.
- p) The current proposals for the first-floor extensions are simply built over previous ground floor extensions which creates roof forms and eaves lines that are awkward and not in keeping with the local area.
- q) Previous extensions have already extended the property resulting in an elongated form. The proposed first floor extension further elongates the house which is out of keeping with the surrounding houses and the Abbey Park area.
- r) The proposed design/ materials do not seem to be in accordance with the NPPF requiring developments to be visually attractive as a result of good architecture, layout and landscaping and be sympathetic to local character.

- s) The current proposals also do not appear to be in accordance with Rushcliffe Residential Design Guide SPD. The rear elevation in particular reads as a number of 'add-ons' which are not subordinate to the style and design of the original dwelling and almost fully enclose the original structure.
- t) The proposal is contrary to the NPPF, Rushcliffe Local Plan Part 1 Core Strategy Policy 10, Local Plan Part 2 Policy 1, and the Residential Design Guide SPD.
- u) It is not possible to assess the massing of the proposals as the plans and elevations are at different scales and the block plan appears to be inaccurate. The outline of the property on the block plan does not appear to match those of the existing or proposed plans and the site boundary is not outlined on the block plan.

PLANNING POLICY

20. 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

21. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
22. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Chapter 2 - Achieving Sustainable Development
 - Chapter 12 - Achieving Well Designed Places

A copy of the National Planning Policy Framework 2021 can be found [here](#)

A copy of the Planning Practice Guidance can be found [here](#)

Relevant Local Planning Policies and Guidance

23. The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are of particular relevance:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 10 - Design and Enhancing Local Identity

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#)

24. Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:

- Policy 1 - Development Requirements

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#)

APPRAISAL

25. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
26. The main material planning considerations in the determination of this planning application are:
 - a. Principle of Development
 - b. Design/ character and appearance of the street scene
 - c. Residential Amenity

Principle of the development

27. This application seeks planning permission for the construction of a two-storey front extension, first-floor side extension, first-floor rear extensions, single storey rear extension and the application of render to all elevations.
28. In principle, extensions and alterations to dwelling houses are generally acceptable, provided that schemes are compliant with the criteria outlined in Policy 1 'Development Requirements' of the LPP2.
29. In this instance, the proposed development comprises of extensions to an existing dwelling within the main settlement of West Bridgford and, as such, constitutes sustainable development. Therefore, it is acceptable in principle, subject to it meeting all other relevant policies of the Development Plan.

Design/ character and appearance of the street scene

30. Core Strategy Policy 10 states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions and materials. This is reinforced under Policy 1 of the Local Plan Part 2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.
31. Chapter 12 of the NPPF concerns achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development.

32. The property has been altered and extended over the years, most notably with two-storey side and rear extensions, and single storey side and rear extensions.
33. The proposed two-storey front extension would be clearly visible from the public realm. Front alterations and extensions are visible in respect of other nearby properties along Mountsorrel Drive. In light of it's siting/ design/ materials, the front extension would not appear unduly prominent nor would it be at odds with the character of the street scene. It is noted that the proposed two-storey extension has previously been granted approval under planning application Ref. 21/02329/FUL, which remains extant.
34. The proposed first-floor side extension would also be clearly visible from the public realm, both to the front of the property (Mountsorrel Drive) and to the rear of the property (Rufford Way). The extension would be located over the converted garage and would follow the line of the existing first floor (which is set-back from the protruding westernmost part of the front elevation at ground floor). Whilst the first-floor extension would elongate/ increase the massing of the property at first floor, it is not considered that it would appear unacceptably overbearing nor would it appear unduly prominent in the street scene. Whilst the Council generally require extensions to appear subservient to the host property in respect of eaves/ ridge height, in this instance the eaves and ridgeline of the extension (which match that of the existing house) are considered appropriate as they assist in assimilating the extension into the main dwelling/ providing a uniform appearance so that it does not appear as an 'add-on'. The gable to the front elevation adds interest to the frontage and is not considered to be overly prominent.
35. The proposed first-floor rear extensions would not be visible from the public realm to the front of the property (Mountsorrel Drive) - however, they would be visible in respect of the public realm to the rear of the property (Rufford Way). Whilst the proposed extensions would extend a significant part of the rear elevation at first floor, the width of the extensions (at circa 1.8m) is considered relatively modest and would not result in built-form being brought any closer to the rear boundary than existing. The gable ends at varying heights, whilst not particularly characteristic of the surrounding area, is not considered to be so incongruous with the street scene or so unduly prominent to justify refusal.
36. The rear single-storey extension would not be visible from Mountsorrel Drive. However, as the rear boundary backs onto Rufford Way, there would be views of the extension from the public realm. In light of it's siting/ design/ materials, the rear single storey extension would not appear unduly prominent nor would it be at odds with the character of the street scene. It is noted that the proposed single-storey rear extension has previously been granted approval under planning application Ref. 21/02329/FUL, which remains extant.
37. The proposed application of white render to all elevations is not typical of properties in the immediate locality. However, there are many examples of properties that are partially rendered and properties where other materials (e.g. wood cladding, stone cladding) have been utilised nearby. The existing dwelling features a number of different facing materials (including hanging tiles, brickwork and stone cladding). In this context, it is considered that the proposed render would result in a more coherent and visually pleasing aesthetic than the existing situation. Whilst the concerns of neighbouring

occupiers regarding the proposed materials (including the installation of woodgrain UPVC windows. Doors) are noted, it is not considered that permission could be reasonably refused on these grounds.

38. Overall, whilst it is acknowledged that the property has been previously extended and that the proposed extensions, subject of this application, would increase the scale/ massing of the property, it is not considered that the extended property would be so substantially larger than those in the locality as to render the proposal unacceptably out-of-character or incongruous with the surrounding area. The impact of the proposal on the character and appearance of the street scene is considered acceptable and the proposal is considered to accord with local and national policies in that regard.

Impact upon residential amenity

39. Core Strategy Policy 10 states that development should be assessed in terms of their impact on the amenity of nearby residents. This is reinforced under policy 1 of the Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
40. In respect of the proposed two-storey front extension, from the side (north) elevation of the front extension there would be a distance of 9.6m from the boundary with 20 Mountsorrel Drive. When measured from the side (south) elevation there would be a distance of 3.2m from the boundary line with 16 Mountsorrel Drive, and from the extension's front (east) elevation it would measure 2.9m, with the nearest point of the extension measuring approximately 1m from the shared boundary with 16 Mountsorrel Drive. The front extension would be seen from 16 Mountsorrel Drive's ground floor window (seen closest to the application site); however, the proposed front extension would not project forward of the built form of its adjacent neighbour. It is noted that the depth of the front extension would be sited close to the shared south-eastern boundary with 16 Mountsorrel Drive. However, it is carefully considered that due to the scale, design, siting, form, and mass of the front extension, and when taking into account the orientation of the sun, it is unlikely that the proposed front extension would cause undue overbearing effects, or lead to an unacceptable loss of privacy, overshadowing, or loss of sunlight to neighbouring property, 16 Mountsorrel Drive that would warrant a refusal of the application. It is noted that the proposed two-storey extension has previously been granted approval under planning application Ref. 21/02329/FUL, which remains extant.
41. In terms of the proposed first-floor side extension, whilst it would not result in built-form being brought any closer to neighbouring properties than existing, the introduction of first floor accommodation above the converted garage, adjacent to the northern boundary, requires careful consideration. At closest approach, the side extension would be located circa 1.5m from the northern boundary (i.e. the boundary with No. 20 Mountsorrel Drive) and circa 3m from the nearest facing elevation of the neighbouring property. The extension would follow the line of the existing first floor and be set-back from the protruding westernmost part of the ground floor front elevation by circa 1.3m. No additional windows are proposed in the side (north) elevation. Concerns have been raised that the extension would breach the 45-degree line in respect of the front windows of No. 20 and would result in unacceptable overshadowing/

loss of light to the front windows/ rear sun-lounge and garden. Due the respective orientation of the properties, No. 20 will already receive some level of overshadowing/ loss of light from the host property. Whilst it is acknowledged that the extension would result in some additional overshadowing/ loss of light to the nearest ground floor window of No. 20 and to the garden space to the side of the property, bearing in mind the separation distances and the scale/ design of the extension (which is set back from the protruding ground floor front elevation), it is not considered that this additional impact would be so severe as to justify refusal. Concerns have also been raised regarding potential overlooking/ loss of privacy. Given that no new windows are proposed in the side elevation and bearing in mind that the windows proposed to serve the extension in the front/ rear elevations would be located close to existing windows and would only provide angled/ oblique (rather than direct) views towards neighbouring properties, the level of overlooking is not deemed to be unacceptable. Finally, concerns have been raised that the extension would be overbearing and would create a tunnelling effect to the front windows and entrance of No 20 Mountsorrel Drive. Whilst the extension would increase the massing of the host property adjacent to the northern boundary, it would not bring built form any further forward in the plot or any closer to the neighbouring property. Given the scale/ design of the extension it is not considered that it would be unacceptably overbearing in respect of the neighbouring property.

42. The proposed first-floor rear extensions would be located circa 6.9m from the southern boundary and circa 7m from the rear boundary. Windows already exist in the rear elevation and whilst the proposed windows serving the first floor rear extension would be located circa 1.8m closer to the rear boundary, given the distance to the nearest sensitive receptors (across Rufford Way) it is not considered that the extension would be unacceptably overbearing nor would it lead overlooking/ loss of privacy.
43. There would be a 16.8m separation distance from the proposed rear single storey extension and that of 16 Mountsorrel Drive, and a separation distance of 6.3m from the nearest point of the rear extension to the northern boundary with 20 Mountsorrel Drive, and no openings are proposed to the side (north) elevation. Therefore, it is considered that, due to the scale and siting of the rear extension, it would avoid causing any undue impacts in terms of overbearing, overshadowing, or loss of privacy to the neighbouring amenities. It is noted that the proposed single storey rear extension has previously been granted approval under planning application Ref. 21/02329/FUL, which remains extant.
44. The property benefits from a relatively large rear garden and it is considered that sufficient residential amenity space would remain.
45. Overall, it is not considered that the proposal would significantly impact upon residential amenity such that refusal on these grounds would be justified.

Third Party Representations

46. During the consultation process, a number of objections have been received regarding the proposed development. Objections have been received from a ward councillor and members of the public. The objections have been summarised below and will now be addressed:

47. The design/ massing of the proposal would be overbearing/ out of character with the rest of Mountsorrel Drive.
- This is covered in the section titled 'Design/ character and appearance of the street scene'.
48. The development proposal would be over-intensive development of the site and would lead to insufficient outdoor/ private amenity space.
- Based on the submitted plans, the level of private amenity space would continue to accord with the Council's recommended level (i.e. a minimum of 110sqm in respect of a detached property with over 2-bedrooms). The dwelling occupies a relatively large plot and, in light of this, and bearing in mind the scale/ siting of the proposed extensions, the scheme is not considered to comprise over-intensive development.
49. Following the extension, the level of car parking that would be afforded to the property would be insufficient and there would be increased on-street parking.
- The additional extensions proposed in this application would not in themselves reduce current parking provision and it is not considered that the proposed extensions necessitate the provision of additional off-street parking. It is not considered that refusal on highways grounds could be reasonably substantiated.
50. The extension would result in overlooking/ loss of light/ overshadowing/ overbearing impacts/ a tunnelling effect/ unacceptable impacts on residential amenity.
- This is covered in the section titled 'Impact upon residential amenity'.
51. The extension would impact on adjacent property values/ their kerb appeal
- These are not material planning considerations and are not, therefore, relevant to the determination of the application.
52. The proposed design/ materials do not seem to be in accordance with the NPPF requiring developments to be visually attractive as a result of good architecture, layout and landscaping and be sympathetic to local character.
- This is covered in the section titled 'Design/ character and appearance of the street scene'.
53. Concerns have been raised regarding the accuracy of the submitted block plan.
- A revised block plan has been submitted at the request of the Planning Officer. Notwithstanding this, a site visit was carried out to inform this report and the above assessment.

Conclusion

54. On balance, having assessed the development proposal against the policies set out in the development plan for Rushcliffe and considering the material matters discussed above, I consider the proposal would be in accordance with relevant local and national planning policies. Therefore, it is recommended that planning permission is granted for this proposal.
55. In reaching this view, regard has been had to the extant planning permission (Ref. 21/02329/FUL) for 'Construction of two-storey front extension and single storey rear extension, with rendered finish to first floor to replace clay hanging tiles and render to replace stone cladding to ground floor window' granted December 2021.
56. There were no perceived problems with the application and therefore no requirement for negotiation with the applicant/ agent or the need to request any amendments.

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 strictly in accordance with the following approved drawings/ information:
 - Block Plan (Ref. 22-2358-1, dated 24/01/22) – received 17/06/2022;
 - Proposed Plans [Elevations and Floor Plans] (Ref. 22-2358-2, dated 24/01/2022) – received 25/05/2022.

[For the avoidance of doubt having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application. For the avoidance of doubt, this includes the information provided in the Application Form; 'Proposed Plans [Elevations and Floor Plans] (Ref. 22-2358-2)' and E-mail from agent dated 23/05/2022.

[To ensure the appearance of the development is satisfactory and to comply with Policies 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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 not CIL chargeable, as the additional floorspace being created is below the relevant thresholds. 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 landowner 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.

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.

It is possible that the roofspace, and/ or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.



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13 Cherry Street, Bingham



scale 1:1000

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Rushcliffe Borough Council - 100019419

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22/01041/FUL

Applicant Mr and Mrs Adam Foster

Location 13 Cherry Street Bingham Nottingham Nottinghamshire NG13 8AJ

Proposal Two storey rear extension. Conversion of carport to garage. New front porch. New rear dormer. New detached garden room/office; Alterations to fenestration

Ward Bingham East

Full details of the proposal can be found [here](#)

THE SITE AND SURROUNDINGS

1. The property is a modern two storey 'link-detached' dwelling of no special architectural or historic interest, constructed in a suburban late 20th century style and set back from the roadside with an open, gravelled front garden, standing on a large 'L' shaped plot with a large garden to the rear. The dwelling is well set back from the public highway by c.23m.
2. Due to the layout and orientation of the built form towards the southern end of Cherry Street, the application site's side (south) boundary forms the boundary with the rear gardens of neighbouring properties on Long Acre. The boundary is made up of a c.2m high close boarded fence, a c.2m high brick wall and c. 3m high shrub planting and runs for c.60m.
3. The application site is located within the Bingham Conservation Area.

DETAILS OF THE PROPOSAL

4. The current application seeks planning permission to convert the existing carport to a garage and to create a new front porch; replacement windows would be installed. To the rear, a two-storey extension and dormer would be constructed, while away from the dwelling a single storey garden building is proposed.
5. The proposed two-storey extension would replace an existing flat roofed single storey rear extension, it would have a ridge height of c.6.6m, an eaves height of c.4.5m a projection of c.4m, with a width of c.6.6m. Facing materials include brick and render to reflect the existing dwelling. The side (south) elevation of the two-storey rear extension would be a render.
6. The proposed garden building would be a minimum of c.0.8m from the nearest boundary (rear boundary of 15 Cherry Street. It would have a height of c.3m and would be c.4m x c.5m.

SITE HISTORY

7. There is no relevant site history

REPRESENTATIONS

The full text of representations and comments can be found [here](#)

8. Consultations were sent to Ward Councillors, the Parish Council, other statutory consultees and nearby neighbours to the application site on 31 May 2022 with responses requested by 23 June 2022. Consultations on revised plans were carried out on 20 July 2022 with responses requested by 30 July.
9. A site notice was displayed close to the site on 1 June 2022 with a response expiry date of June 2022.

Ward Councillor(s)

10. One Ward Councillor (Councillor Williams) objected to the application, stating, *“Objection due the overbearing nature of the extension, with potential loss of light for neighbouring properties”*

Town/Parish Council

11. Bingham Town Council object to the proposal, stating *“The Planning Committee considered the application at its meeting held on 14 June 2022 and objected to the plans due to the overbearing impact in a conservation area, particularly due to the size of the side wall proposed. There were also concerns raised over the loss of an amenity, as the Church Clock would no longer be visible from sections of Long Acre”*

Statutory and Other Consultees

Rushcliffe Borough Council

12. Conservation Officer - does not object, and concluded *"The proposal would not harm the special interest of the Listed Building by virtue of distance, intervening development and the lack of intervisibility between the properties. The identified view of the church spire to the proposal sites rear boundary would not be altered. Therefore, the special interest of the Conservation Area would be preserved. I consider the proposal would preserve the appearance of the property and therefore the Conservation Area. The proposal would not harm the special interest of the Conservation Area".*

Local Residents and the General Public

13. Six neighbouring properties have objected to the proposals and these comments are summarised as follows:
 - Loss of a view of the Church.
 - Two storey extension unsightly in appearance
 - Negative affect on the conservation of the area
 - Loss of light
 - Devaluation of properties

- Overbearing impact
 - Loss of privacy
 - Possible covenant on the land to limit building
 - Overall size of the garden room.
14. There has been one submission in support of the application stating that the proposed plans are suitable for the size of the plot and appropriate for a family home

The full text of the neighbour comments can be read [here](#)

PLANNING POLICY

15. 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

16. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
17. The NPPF includes a presumption in favour of sustainable development. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.
18. Achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective and an environmental objective, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives.
19. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Chapter 2 - Achieving Sustainable Development
 - Chapter 12 - Achieving Well Designed Places
 - Chapter 16 – Conserving & Enhancing the Historic Environment

A copy of the National Planning Policy Framework 2021 can be found [here](#)

Relevant Local Planning Policies and Guidance

20. The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are relevant:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 10 - Design and Enhancing Local Identity
- Policy 11 – The Historic Environment

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#)

21. Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:

- Policy 1 - Development Requirements
- Policy 17 - Managing Flood Risk
- Policy 28 (Conserving & Enhancing Heritage Assets)

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#)

22. The Rushcliffe Residential Design Guide states that extensions to existing dwellings need to adhere to many design principles, notably those addressing scale, proportion, building and roof lines and privacy. Extensions should be designed so they are not readily perceived as being merely 'add-ons' to the original building. As a general rule, the style and design of the original dwelling should remain the dominant element with the extension subordinate to it.

A copy of the Rushcliffe Residential Design Guide can be found [here](#)

APPRAISAL

Amenity Assessment

23. The main considerations in the determination of this application relate to the design of the proposed extensions and their impact upon the character and appearance of the street scene and the wider Bingham Conservation Area, whilst also taking into account impacts on surrounding residential amenity

Two Storey Rear Extension

24. Although comments have been received from several dwellings along Long Acre the side elevation of the two storey rear extension would predominately impact nos. 73, 75 and 77. No. 73 already faces the blank two storey side elevation of no. 13 Cherry Street and the proposed extension would be offset to the east. No. 77 would not directly face the extension, it would be offset to the west. No. 75 is the only dwelling that would directly face the blank wall of the rear extension.

25. There would be a separation distance of c.1.8m from the side elevation of the rear extension to the shared southern boundary and c.14m to the rear elevation no. 75 Long Acre

26. The rear view from neighbouring gardens along Long Acre, would inevitably be changed by the height and mass of the two-storey side extension. However, blank side elevation of the extension would be c.14m away from the rear windows in the dwelling at no. 75 Long Acre, a distance considered acceptable to avoid any unacceptable over-bearing impact. Therefore it is also unlikely that any windows in the rear of no. 75 would be overshadowed..
27. Objections to the proposal mention the loss of a view across to the church clock on the Church of St. Mary and All Saints. Whilst it is acknowledged that this view is valued by the residents of no. 75 and 77 Long Acre in particular, from a planning point of view there is no right to a view and this objection is not a reason to refuse the application.
28. There would be no new windows in the side elevations of the rear extension and windows in the rear, garden facing, elevation would have a similar impact to the existing rear facing windows.
29. The application site lies to the north of the dwellings on Long Acre and Cherry Street is on a north-south orientation. Therefore, when taking into account the existing built form to the application site the proposed rear extension's scale and siting is not considered to result in unacceptable levels of overbearing, overshadowing, or loss of light to neighbouring amenities along Long Acre to justify a refusal of planning permission.
30. During the application, revised plans were submitted to reduce the over-bearing impact on neighbours to the south on Long Acre. This was achieved by dropping the height of the ridge line in relation to the host dwelling and changing the roof design from a gable to hip. The use of pale render on the southern elevation of the two storey extension was introduced to reduce the starkness on the blank side wall beyond the rear gardens of no. 73-77 Long Acre.
31. It is considered that the revisions made to the two-storey side extension have helped the extension adopt a sympathetic design and a more subservient appearance to the host property, as well as reducing the overall bulk and dominance.

Other Extension & Alterations

32. At the front of the dwelling the conversion of carport to garage and the new front porch would have little impact on neighbouring dwellings. Neither would lead to undue over-shadowing, overbearing or loss of privacy. They would be set back sufficiently so as to have no undue impact on the street scene.
33. The new dormer on the rear elevation would be on the roofslope of the single storey element which forms the attachment to the next door dwelling. The roof currently holds a roof light on the rear roof slope as the roof space is used as a bedroom. The proposed dormer would replace the roof light. Being well set back from the eaves of the roof and at a slightly lower height than the other first floor windows on the existing dwelling it is not considered that this dormer window would lead to any undue over-looking or loss of privacy towards the adjacent dwelling at no. 11 Cherry Street. The new dormer would unlikely be visible from any other nearby dwellings and have no undue impact on any other properties.

34. The existing garage would be converted to habitable accommodation, thereby losing a parking space. The dwelling itself is well set back from the road with an ample gravel drive and off road parking at the front of the dwelling for several dwellings ensuring the loss of parking space would not lead to any highway impacts.

Proposed Garden Room

35. The proposed detached garden room/office would be located in the rear garden. It would be c.18m away from the boundary with the dwellings to the south on Long Acre, well screened by this boundary consisting of a c.3m, well established and substantial privet hedge and shrub planting. It would be closest to the rear boundary of no. 11 Cherry Street, a boundary consisting of a c.2m high close boarded fence. There are substantial outbuildings in the rear garden of no. 11 Cherry Street immediately adjacent this boundary which would provide ample screening from the proposed garden building.
36. It is not considered that the proposed garden room would lead to any undue impact on nearby and neighbouring dwellings.
37. From the submitted plans it appears that the garden room would have elevations vertical timber, however this is not confirmed and it would therefore to ensure that the appearance of the garden room is satisfactory it would be prudent to include a materials condition on any forthcoming planning approval requiring that details of the materials be submitted to and approved by the LPA prior to the construction of the garden room.

Amenity Assessment Conclusion

38. It is acknowledged that the proposal has received considerable objections and has raised some concerns to neighbours, some very personal and unique, and it should be stated that all of these concerns have been taken into account. Site visits have been carried out not only to the application site, but to no. 75 and no. 77 Long Acre.
39. However, on balance when assessing the application using all the relevant planning guidance it is considered that the proposals would not be significantly harmful to the living conditions of the occupiers of the dwellings along Long Acre or 11 Cherry Street in terms of the scale, design, form, mass, and siting, of the proposals, enough to warrant a refusal of the application. Nor would they be harmful to the character or appearance of the host property or street scene.

Heritage Assessment

40. The application site is within the Bingham Conservation Area and there are several listed buildings nearby. According to the Townscape Appraisal, a view or glimpse of the spire of the Grade I listed Church of St. Mary and All Saints crosses the rear (eastern) boundary of the proposal site. The same plan identifies nearby a small number of identified positive buildings of special architectural or historic character. Therefore, the impact of the proposal on the special interest of the Listed Buildings and Conservation Area must be given consideration.

The Bingham Townscape Appraisal can be found [here](#)

Listed Building Impact

41. The proposal would not harm the special interest of the Listed Building by virtue of distance, intervening development and the lack of intervisibility between the properties.

Impact on the Conservation Area

42. There is a mix of architectural styles and periods to the built form along Cherry Street, and it is considered that due to the design and age of the host property that it has a neutral contribution to the character and appearance of the Conservation Area.
43. The proposed alterations to the front of the dwelling would be visible from the public realm on Cherry Street. The design and materials proposed for the converted garage and porch and the new windows are such that the impact would not be harmful to the special interest of the Conservation Area.
44. Gaps in between 73 & 75 and 77 & 79 Long Acre may afford fleeting glimpses of the proposed rear extension, however no.13 Cherry Street itself is already visible through the gap between no. 73 & 75 with no obvious detriment to the Conservation Area. The proposed garden room would not be visible from the public realm within the Conservation Area.

Neighbour Heritage Concerns

45. The comments from the neighbours regarding the view of the church spire between dwellings on Long Acre are noted, however these are not identified views in the Bingham Townscape Appraisal and are slight views through narrow gaps between one or two dwellings. The view of the church (and its spire) between nos. 81 and 83 Long Acre and the view from Fosters Lane to the east, both formally identified as important views in the Bingham Townscape Appraisal, would not be impacted. Therefore, it is considered that the special interest of the Conservation Area and its views would be preserved.

Heritage Assessment Conclusion

46. Ultimately the Borough Conservation Officer raised no objection to the application and stated "the special interest of the Conservation Area would be preserved". Overall, the proposal is not seen to cause harm to the significance of Bingham Conservation Area and preserves its character and appearance. The character and quality of the street scene will be maintained, and the proposal is not considered to cause harm to the character or appearance of this part of Bingham Conservation Area. The Local Planning Authority has paid special attention to the desirability of preserving the Conservation Area's character and appearance, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is, therefore, considered positively in relation to the statutory duty under this section of the Act.

Overall Conclusion

47. The strength of objections is acknowledged, however, on balance when assessing the application using all the relevant planning guidance it is considered that the proposals would not be significantly harmful to the living conditions of the occupiers of the dwellings along Long Acre or 11 Cherry Street in terms of the scale, design, form, mass, and siting, of the proposals, enough to warrant a refusal of the application. Nor would they be harmful to the character or appearance of the host property or street scene and it is therefore recommended that planning permission be granted.
48. The proposal is not considered to conflict with the relevant policies in the Rushcliffe Local Plan Part 1 and 2, the National Planning Policy Framework or the guidance in the Rushcliffe Residential Design Guide.
49. Negotiations have taken place during the application to address issues of design, which has led to the submission of revised plans and a therefore a favourable recommendation

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans all received on 20 July 2022
 - 22-010-05 AMENDED PROPOSED FIRST FLOOR PLAN
 - 22-010-06 AMENDED PROPOSED ELEVATIONS
 - 22-010-11 AMENDED PROPOSED SECTIONS

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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

[To ensure the appearance of the development is satisfactory and to comply with Policies 1 (Presumption in Favour of Sustainable Development) and 2 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 28 (Conserving & Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

4. The construction of the garden building hereby approved shall not be commenced until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the garden building shall only be constructed in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with Policies 1 (Presumption in Favour of Sustainable Development) and 2 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 28 (Conserving & Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

NOTES TO APPLICANT

It is understood that there may be a covenant on this property which could prevent the use/development authorised by this permission. You are reminded that this decision relates to planning law only and does not override the terms of any covenant.

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.

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Application Number: 21/03201/VAR
Former RAF Newton, Wellington Avenue, Newton



scale 1:8000

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21/03201/VAR

Applicant Simon Waterfield

Location Former RAF Newton Aerodrome Wellington Avenue Newton
Nottinghamshire

Proposal Variation of Condition 34 (Delivery and distribution operating hours) of planning permission 19/01871/VAR to increase the hours for deliveries to and distribution associated with the existing B8 uses (hangars 1 -5), including plant and associated equipment, to provide more flexible delivery times

Ward East Bridgford

Full details of the proposal can be found [here](#).

THE SITE AND SURROUNDINGS

1. The site comprises several former aircraft hangers originally constructed as part of the former Royal Air Force Station at Newton, which, until relatively recently, accommodated a wide range of buildings, bunkers and hard standing associated with the former use. Except for the former control tower (which has been converted to residential use), and the larger hangars, the former RAF buildings have now been demolished and the site is predominantly cleared save for the trees on site, areas of hard standing and the aforementioned structures and residential development of 528 dwellings has commenced. The former grass airfield has reverted to agricultural use, but the remnants of former bunkers/training buildings and kennelling are visible on the perimeter of the former airfield.
2. The village of Newton is to the north-east of the site and comprises the older part of the village, which fronts onto Main Road, and the former Royal Air Force (RAF) housing around the central access road of Wellington Avenue. New residential development has been completed to the south of and served off Wellington Avenue. Access to the proposal site is presently through Wellington Avenue or via the link road (Newton Lane) to the rebuilt Margidvnm roundabout created with the A46 improvements.
3. The site is a strategic allocation in the Rushcliffe Local Plan Part 1: Core Strategy (Policy 22) and was removed from the Nottinghamshire Green Belt when the Core Strategy was adopted in December 2014.

DETAILS OF THE PROPOSAL

4. The application seeks to vary condition 34 (delivery and distribution operating hours) of planning permission 19/01871/VAR to increase the delivery hours to and distribution associated with the existing B8 uses in Hangars 1-5 to provide more flexible times.
5. Currently the hours are restricted by Condition 34 as follows:

6. *"Deliveries to and distribution associated with the existing B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 08:00 - 18:00 Monday to Friday, 09:00- 13:00 Saturday and not at all on Sundays and Bank Holidays."*
7. This proposal initially sought to vary condition 34 to allow the following:
8. *"Deliveries to and distribution associated with the existing B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 06:30 - 20:00 Monday to Friday, 08:00- 16:00 Saturday, 10:00-14:00 Sundays and not at all on Bank Holidays."*
9. The submission states that the application seeks to amend the hours in which deliveries and distribution can take place to allow greater flexibility. The submission also states that the *"...origins of Condition 34 date to a time where Wellington Avenue was the only access into the site and was necessary to protect the residential amenity of those living on Wellington Avenue. Given that Wellington Avenue is no longer the access for commercial traffic, following the opening of the link road, the primary purpose for these time restrictions no longer exists."*
10. *In addition, current B8 uses have an extended geographic customer base leading to longer delivery times, particularly given the lack of suitable layover areas. Therefore, we respectfully request that the current restrictive hours are increased to allow suitable delivery and distribution times as set out in the application."*
11. During the determination of the application, officers sought further reductions in the proposed hours from the applicants to seek to address the concerns raised locally and by colleagues in environmental health. The applicants agreed to further reduce the proposed delivery and distribution hours to as follows:
12. *"Deliveries to and distribution associated with the existing B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 07:00 - 19:00 Monday to Friday, 08:00- 16:00 Saturday, not at all on Sundays and Bank Holidays."*
13. The application therefore proposes an additional 6 hours a week that vehicles could delivery to and collect from the hangars. Mon-Fri 07:00-19:00 would be 1hr earlier and 1hr later than currently permitted, Sat 08:00-16:00 would be 1hr earlier and 3hrs later than currently permitted and Sundays and Bank Holidays would remain unaltered from the current position.

SITE HISTORY

14. A Section 73 application (ref: 19/01871/VAR) seeking variation of conditions 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 21, 22, 24, 26, 29, and 43, and removal of condition 41 of 16/02864/VAR to relocate village centre and memorial, remove bus gate, replace play areas with 'hierarchy of play space', removal of TPO trees, relocation of public art focal point, removal of references to 'green squares/squares' and to focal building in village centre, revision to

swales/ponds, retention of bridleway in existing alignment, retention of north west car park, and revised access to allotments was sought. This application largely sought to remove the requirement of a "bus gate" that would prevent vehicular access to the site via Wellington Avenue, consolidate play areas and also provide clarification on the likely level of tree loss as a result of the road alignment to the south of the application site. The application sought variation to a significant number of conditions that referred to specific plans that detailed the above features. Permission was granted for the variation in February 2020 and that included a variation to the Section 106 agreement.

15. Most recently application ref 19/02689/REM seeking Reserved Matters (linked to application for outline permission 19/01871/VAR) for the approval for the access, appearance, landscaping, layout and scale of 528 dwellings was submitted in November 2019 and approved in July 2020.

REPRESENTATIONS

Ward Councillor(s)

16. Ward Councillor (Cllr Simms) commented that *"It should be noted that I am resident of Newton and directly affected by this application, however, I make this comment as the East Bridgford Ward Rushcliffe Borough Council Councillor, after reviewing residents and stake holder (local parish councils) portal comments/views and those who've contacted me directly."*
17. Nevertheless, Cllr Simms objects to this application on the grounds of:
 - a) Children and Community Safety – the increased hours will lead to increased likelihood of an accident leading to injury, ill health or death of persons as a result of the business park's activities.
 - b) Increased local noise and Environmental Pollution affecting local resident's health and sleep/rest/quality of life.
 - c) The submission states that that Wellington Avenue is no longer used to accesses the business park/industrial estate, however, I understand that now the bus gate restriction has been removed, the area may still be accessed by Wellington Avenue, resulting in the application mitigation being unfounded.
 - d) Newton Garden Village is a relatively unique venture made by Redrow homes and strives to improve committee life/living within the area. I cannot see how significantly increased hours and seven day working of a busy, heavy, industrial estate; that may only be accessed via roads that cut through the heart of the community, can/will be achieved if this proposal is to be granted.
18. The neighbouring Ward Councillor (Cllr J Stockwood, Bingham West) comments that a noise impact assessment (as recommended by the environmental health officer) would be beneficial to understand the impact on residential properties of the proposed changes and any mitigations required to address that impact.

Town/Parish Council

19. Newton Parish Council strongly objects as the additional hours will increase noise, dust and vehicle pollution adversely affecting the health of children and

pedestrians. They also object on the grounds of safety as the vehicles already speed along this road and the situation would get much worse.

20. Following the reconsultation exercise on the reduction to the initially sought hours Newton Parish Council advised that they still strongly object to any increase in the delivery/distribution hours from those in force at present. They also commented that the current hours are not being adhered to, and lorries are observed to be travelling at excessive speeds and a 30MPH limit should be imposed. The Parish also questioned the accuracy of the noise survey, the hours that the survey was undertaken stressing that the road being used has no enforceable speed restriction and as the site will be years before completion, leaving residents in danger from speeding.
21. Bingham Town Council (as a neighbouring "Parish") object to the proposal due to concerns of noise, community safety and excess traffic.
22. The neighbouring Parish of East Bridgford objects to the proposal due to the environmental impacts of the additional traffic, the increased pollution and noise in the area, the roads are not designed to take such heavy traffic for such extended periods of time, and the impact on climate change
23. The neighbouring Parish Meeting at Saxondale object stating that the increased hours of working would be detrimental to residents, as demonstrated by the level of comments on this proposal, however, this variation would also have a detrimental noise and environmental impact on the surrounding area, including Saxondale and the new estate at Chapel Lane.

Statutory and Other Consultees

24. National Highways offer no objection to the proposal.

Nottinghamshire County Council,

25. As Highway Authority have no objections to the proposal.

The Rushcliffe Borough Council's

26. Environmental Health Officer (EHO) initially raised concerns to the proposal citing possible impacts of noise on the amenity of existing and future residents. They requested a noise impact assessment. This was provided and the EHO subsequently advised that the proposed increased hours of use should have no, or a not significant, effect on residential amenity and, following officer negotiations to further reduce the proposed trading hours the EHO does not object to the variation to the hours.

Local Residents and the General Public

27. Prior to the proposal revisions to reduce the extent of additional hours sought a total of 151 letters of objection were received.
28. These objections cited the following:

- a) HGVs are not supposed to use Wellington Avenue, but they do. If this

- continues the impact on residents will continue.
- b) Noise from HGVs trying to turn in residential streets off Wellington Avenue at earlier/later antisocial hours.
 - c) Risk to children playing outside from HGVs using roads for longer hours
 - d) Impacts on noise on existing residents at anti-social hours.
 - e) Impacts of noise on the as yet unoccupied Redrow properties.
 - f) Environmental impacts
 - g) If it can be proven these hours are required, then an alternative road should be built to enable HGVs to access the businesses without having to disturb any of the current or new residential streets.
 - h) Daily occurrences of lorries driving through the estate due to following their sat nav rather than the signs and becoming stuck and having to dangerously turnaround.
 - i) Very underhand trying to pass this through before the new houses are built.
 - j) This will greatly Impact the local community and will only benefit the businesses and not the residents who have to live in the area.
 - k) Increased pollution – impacting resident's health
 - l) Question what the applicant is doing in the hangars to need on-site security and a caretaker to watch over matters
 - m) Pedestrian safety as neither of the two Main Roads in Newton have pavements and being in such close proximity to lorries is scary and an accident almost guaranteed.
 - n) Increase possibility of accidents with children playing out at these increased times.
 - o) This new 'garden village' was proposed around the principle of high-quality countryside living - increased traffic from freight is not in keeping with the proposed development for the area.
 - p) It cannot be acceptable to promote a model of living which 'cherry picks' the aspects which suit, disregarding the responsibilities to the residents.
 - q) No letters of support have been received.
 - r) Will cause added disruption to our lives.
 - s) Ridiculous
 - t) This would ruin the whole neighbourhood and the way people lives. Turning it into an industrial estate rather than a residential development.
 - u) Environmentally, Newton has had to accept the loss of a lot of green space and wildlife being displaced so that Rushcliffe Council can fulfil their housing obligations, we accept that houses need to be built. The areas we do have left to walk in are now going to be a further hazard to negotiate if these extended hours are approved.
 - v) With more of us working from home now we do not relish the thought of the rumbling of lorries from early in the morning until later at night along with the extra pollution this will bring.
 - w) The businesses and the council surely have a duty of care to safeguard the wellbeing of the residents of Newton. Those businesses have obviously traded well within the hours they have been granted at the moment or they would have moved out.
 - x) We moved to Newton to enjoy the countryside and bring up a family in a safe enjoyable environment.
 - y) The increased housing, although not welcomed is nothing compared to the increase in volume of HGVs, lorries, vans and these proposed additional hours will prove detrimental to us, our families and the

environment, not to mention the reduced house prices.

29. Following the reconsultation exercise on the revisions to reduced number of additional hours being sought a further 30 letters of objection were received citing the following comments over and above those already cited above:
- a) Signage should be erected at the end of Wellington Avenue stating no HGVs should use the road
 - b) ANPR cameras or high restrictor barriers should be installed to prevent oversized vehicles using residential roads
 - c) The noise assessment is not accurate regarding distances from dwellings
 - d) The noise report should have been undertaken over longer periods on different days.
 - e) These hours will deter future buyers of the new dwellings
 - f) The proposal will result in HGVs using the access road prior to 7am
 - g) Current hours provide ample time for deliveries
 - h) Heavy Industrial Uses alongside residential properties do not mix.

Full details of all the representations can be found [here](#)

PLANNING POLICY

30. 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). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.
31. The full text of the Council's policies are available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

Relevant National Planning Policies and Guidance

32. 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.
33. The relevant paragraphs of the NPPF are:
- Paragraph 11
 - Paragraph 92
 - Paragraph 93
 - Paragraph 110
 - Paragraph 120
 - Paragraph 126
 - Paragraph 130 and
 - Paragraph 167.

Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

34. Under the Local Plan Part 1 the following policies are considered relevant:
- Policy 1 (Presumption in Favour of Sustainable Development)
 - Policy 5 (Employment Provision and Economic Development)
 - Policy 10 (Design and Enhancing Local Identity)
 - Policy 14 (Managing Travel Demand)
 - Policy 15 (Transport Infrastructure Priorities)
 - Policy 18 (Infrastructure)
 - Policy 22 (Strategic Allocation at Former RAF Newton)

Full text of the above Policies can be found [here](#).

35. Under the Local Plan Part 2 the following policies are considered relevant
- Policy 1 (Development Requirements)
 - Policy 15 (Employment Development)
 - Policy 39 (Health Impacts of Development)
 - Policy 40 (Pollution and Land Contamination)
 - Policy 41 (Air Quality)

Full text of the above Policies can be found [here](#)

APPRAISAL

36. Since the granting of the Reserved Matters (19/02689/REM) for the development of 528 dwellings on the site Redrow Homes (Redrow) have commenced developing. This application seeks to vary condition 34 of the outline permission (19/01871/VAR) and therefore extend the hours that heavy goods vehicles (HGVs) and other vehicles can deliver to and distribute goods from the hangars located to the immediate west of the approved housing development.
37. Condition 34 of permission ref 19/01871/VAR states:
38. *"Deliveries to and distribution associated with the existing B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 08:00 - 18:00 Monday to Friday, 09:00- 13:00 Saturday and not at all on Sundays and Bank Holidays.*
39. *[To protect the amenities of neighbouring residential properties and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]"*
40. As stated in the above reason, condition 34 was considered necessary to protect the amenities of the neighbouring residents (both current and future) due to the proximity of the employment land and the resultant HGV movements that would need to pass directly through the residential development. Furthermore, due to a number of anomalies, prior to the grant

of outline permission for the development hangars 1-5 had been subject to varying hours limiting operation, and in some cases no restrictions whatsoever. The outline application was an opportunity to rectify that issue due to its potential impacts from noise and disturbances from loading/unloading as well as vehicle movements (especially HGVs) to and from the hangars through the recently approved (and existing) residential development that sits alongside this employment site.

41. Therefore, the key considerations are the impacts of additional 6 hours that traffic can travel to and from the site on the highway network and on road and pedestrian safety, and any amenity and environmental impacts of the additional hours as a result of changes to noise and pollution impacts on the existing and future residents from the potentially extended hours of operation of the hangars.
42. Members should note that this is a Section 73 application. The practical consequence of approving an application under s73 (or s73A) of the Town and Country Planning Act 1990 which seeks to remove or vary a planning condition is that this results in the issuing of a new stand-alone planning permission upon which it is necessary to re-state other planning conditions that were on the original consent if they are still required. As the original application was subject to a S106 agreement, any approval of this current application would also require a linking agreement (deed of variation or similar) securing the matters covered by the original legal agreement.
43. However, Members should note that they are not re-assessing the housing development approved under permission 19/01871/VAR, they are only assessing whether the proposed alteration to the hours of delivery and distribution from the hangars should be varied or not.
44. As the proposal seeks to increase the approved hours of deliveries to and distribution from the hangars the key considerations are:
 - Highways Impacts/safety,
 - Amenity and Environmental Impacts/Noise and pollution, and
 - Economic benefits

Highway Impacts/Safety

45. As part of the contractual agreement between Redrow and the owner of the Hangar site, access for HGVs and all other traffic to the Hangar site have to remain unhindered at all times.
46. Previous iterations of the now approved housing development included two highways from the south-east corner of the site, one to serve the hangar development the other to serve the housing development. However, due to viability constraints on the site the separate HGV access road to the hangar site was removed with both HGVs and residential traffic now utilising the same stretch of highway.
47. The approved housing layout now relies on a single highway access from the south-east corner of the site (which also serves the hangar development) as well as access along Wellington Avenue. Once the housing development is

completed, due to the design, layout and constraints of the highway network HGVs will no longer be able to access the hangars via Wellington Avenue. Nevertheless, as residents state, despite the signage placed at the junction of Main Street and Wellington Avenue this does not deter all drivers still attempting to do so, as some still slavishly follow their satnavs regardless of the new highway signage. This results in them needing to manoeuvre in the road/side roads to exit Wellington Avenue and access the Hangars via the correct access to the south-east of the new housing development. This is an unintended and unseen consequence of the planning condition(s) trying to address the previous issue of HGV movements along Wellington Avenue. However, despite the changes to the highway layout, traffic calming (to come) as part of the housing development) and new signage some (note not all) drivers still attempt to access the hangars along Wellington Avenue.

48. The professional views of both National Highways, who are responsible for the A46, and Nottinghamshire County Council, as the Highway Authority responsible for the local road network were sought. National Highways advised that they appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). In this case the SRN is the nearby A46. The SRN is a critical national asset and as such National Highways work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
49. National Highways noted that the application seeks to amend the delivery/distribution hours of operation at the former RAF Newton development, specifically hangars 1 – 5 (which are in a B8 (storage and distribution) use). National Highways also state that the current operating hours were introduced to protect the residents of Wellington Avenue from noise disturbance during operational hours. National Highways note that the housing development is now nearing completion and delivery vehicles no longer route via Wellington Avenue, and that the site spine road now in operation, being the recognised route for HGVs heading to the Hangars. National Highways do not consider that the proposed operating hours would impact the Strategic Road Network and as such National Highways offer no objections to the proposal.
50. Officers note that whilst there are some errors in the response from National Highways, they do not impact on National Highway's position as they are only concerned with the operation and management of the Strategic Road Network (SRN) - the A46. Errors in the National Highways response relate to the housing development nearing completion, when it is still several years from that point, and reason for condition 34 in the first place was to protect the residents of Wellington Avenue. The actual reasoning was to protect the amenity of all the residents of Newton, current and new, and an opportunity to standardise the hours for all the hangars on the site. These errors in the National Highway response are not considered to fundamentally affect the conclusion of their response due to the very specific remit of the strategic highway company.
51. Nottinghamshire County Council, as Highway Authority responded to the proposal simply stating, "We have no objections to the above application(s)".

Officers sought further clarification as to whether matters such as highway safety, pedestrian safety, network capacity etc had been considered as the response was somewhat short. The Highway Authority subsequently clarified that the requirement to limit operating hours was not one requested by the Highway Authority but one which was originally added on residential / amenity grounds and hence beyond their remit.

52. The Highway Officer clarified that this is presumably why they offered very little by way of formal response, put simply it was not considered a Highway matter. The Highway Officer also clarified that when assessing the impact of any development they assume the hours are unrestricted so theoretically from our standpoint the applicants could always have worked within the newly proposed hours in any case.
53. To further clarify the Highway Officer advised that when the application was originally considered, from a highway perspective they would not have considered traffic generation on the basis of working hours but on the square metrage of the units themselves. The nationally recognised method of doing this is by using the TRICS database. What TRICS does is take measured traffic surveys of similar buildings in equivalent locations to establish an average hourly traffic profile per sq.m for a particular use class. This rate is then pro-rated using the actual proposed square meterage of the proposed building to calculate the anticipated amount of traffic it will likely generate throughout the day.
54. If the square meterage of the buildings doesn't change (as is the case in this proposal) it is very difficult to for the Highway Authority argue that the total number of trips they are likely to generate would increase. All that is likely to happen is that vehicle trips are likely to be distributed over longer working day, thus lowering the average number of trips per hour. From a congestion standpoint this is likely to offer some benefit as the number of peak hour trips may actually decrease, meaning if anything it is less likely to result in capacity issues (on the highway network) than the current arrangement.
55. The Highway Officer also clarified that with regard to concerns raised about highway safety, the road through the development to the hangars has been designed in consideration of heavy goods vehicle (HGV) usage and is considered to meet the relevant standards with regard to stopping sight distances, and visibility. It is well lit and features speed attenuation features at regular intervals in order keep vehicle speeds low and commensurate with its use. Whilst the extended opening hours may result in an increased overlap between the working hours of the hangars and local residents which is not ideal, this in itself doesn't represent a serious enough risk to highway safety such that it would merit a recommendation of refusal in accordance with the requirements of the NPPF.
56. Therefore, officers consider that the proposed increase in hours for the hangars would not impact on the capacity of the road networks or impact on highway safety to a degree that would warrant refusal. The application is therefore considered to comply with Policies 1 (Presumption in Favour of Sustainable Development), 10 (Design and Enhancing Local Identity), 14 (Managing Travel Demand), 15 (Transport Infrastructure Priorities), 18 (Infrastructure) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1 and Policies 1 (Development Requirements) and

Amenity and Environmental Impacts/Noise and pollution

57. The Environmental Health Officer (EHO) initially responded advising that having reviewed this application and the supporting information, they had concerns regarding potential significant adverse noise effects on the amenity of the recently constructed houses and future housing approved on the surrounding land. In order to fully assess the potential impact of noise from the proposed increased delivery hours the Environmental Health Officer requested a supporting noise impact assessment be submitted. They advised that the assessment would need to measure and detail existing background noise levels, noise from deliveries, unloading/loading of HGVs, including any plant and/or associated equipment on the premises.
58. The EHO also stated that based on this information, the assessment would then need to predict noise levels at the neighbouring houses and, if necessary, include recommendations and/or mitigation measures to mitigate adverse noise effects and safeguard the amenity of the neighbouring residential properties. This echoed the concerns raised in a significant number of objections received from the local community. Officers discussed the matter with the agent who subsequently commissioned a noise impact assessment as per the EHOs comments.
59. The noise assessment monitored baseline noise during the revised hours being sought was subsequently submitted. The report assessed the potential impacts in accordance with the relevant British Standard 4142:2014+A1:2019 Methods (BS4142) for rating and assessing industrial and commercial sound. Measurements of noise generated by loading/unloading operations at the hangars along with any fixed plant and machinery were also made as part of the assessment. BS4142 provides a methodology for rating and assessing sound associated with both industrial and commercial premises. The methods described in the standard use outdoor sound levels to assess the likely effects of sound on people who might be inside or outside a dwelling or premises used for residential purposes upon which sound is incident. The standard states that sound of an industrial/commercial nature does not include sound from the passage of vehicles on public roads and railway systems.
60. The standard is based around the premise that the significance of the noise impact of an industrial/commercial facility can be derived from the numerical subtraction of the background noise level (not necessarily the lowest background level measured, but the typical background at the receptor) from the measured/calculated rating level of the specific sound under consideration. This comparison enabled the impact of the specific sound to be concluded based upon the premise that typically “the greater this difference, the greater the magnitude of the impact”. The noise impact assessment is available to read in full on the Borough Council's website [here](#), however it concludes that:
61. *“The assessment has shown that predicted sound rating levels would be below the prevailing background noise levels at the nearest residential receptors assessed during the proposed extended hours. This would indicate that the specific sound level would have a low impact, depending on the context.*

62. *The context, specifically the fact that a BS4142 should not include the passage of vehicles on a public road, clearly affects the initial estimate of impact. Removing passing vehicles on the public road would significantly reduce the potential impact with predicted noise levels from hangar activities themselves being significantly below the prevailing background noise levels.*
63. *Based on the findings and context of the assessment, Condition 34 could be varied without leading to adverse impacts on existing or future residential receptors. The assessment of change in ambient noise levels, the variation to Condition 34 would have no, or a not significant, effect on residential amenity.*
64. *It is considered that the proposed development can operate without adversely affecting nearby sensitive receptors in terms of acoustic impact."*
65. *The noise impact assessment submitted was reviewed by the Environmental Health Officer (EHO) who advised that "on review of the supporting Noise Assessment from Enzygo Limited (Report Ref: SHF.580.001.NO.R.001 dated May 2022), the change in ambient noise levels from the proposed increased hours of use should have no, or a not significant, effect on residential amenity. Based on the reported noise levels, the proposed variation of Condition 34 of planning permission 19/01871/VAR is acceptable and, as a result, we can support the application in question."*
66. *Officers, mindful of the level of objection received asked colleagues in Environmental Health to assess the proposal considering the impacts of the HGV movements in relation to the as yet unoccupied dwellings along the route from Newton Lane to the Hangars. The Environmental Health Officer (EHO) advised that "The supporting assessment considers potential noise impacts of delivery and distribution operations at the hangars during proposed revised hours at the nearest occupied noise-sensitive properties to the hangars and access road. Measurements of noise from HGV loading/unloading operations at the hangars along with any fixed plant/machinery were included in the assessment. As discussed, the consultant has modelled potential noise impacts from the proposed increased delivery hours and distribution hours during such using both BS4242 and BS8233 via modelling software called CadnaA, which is good practice and acceptable. Although the assessment demonstrates that there should be no significant adverse effects on the amenity of the adjacent residential properties, as always, this is based on assumptions and predictions."*
67. The EHO advised that given the above, the potential impact on the future residents of the dwellings under construction and the recent objections from the neighbouring residents, they would recommend that, if permission is to be granted, this be done on a 12- or 18-month temporary basis to gauge any noise impacts from the proposed revised delivery operations when the use commences.
68. Whilst this suggestion would ordinarily be a useful mechanism to monitor any impacts and assess them based on facts rather than predictions officers are mindful that, even with the current rate of development on site, the dwellings along the access road may not all be fully occupied within the suggested 12–18-month period. The Newton development is not forecast to be completed until 2026-27 i.e., another 4-5 years.

69. Therefore, officers sought to further negotiated with the applicants seeking to reduce the additional hours initially being sought. Initially the applicants proposed to remove the Sunday hours, but officers advised that they still had concerns regarding the potential impacts on residential amenity, specifically earlier and later in the day under the proposal for 06/30 to 20:00 hours that was initially sought. The applicants reconsidered the issues and subsequently proposed the current level of hours Members are now being asked to consider, namely 07:00 - 19:00 Monday to Friday, 08:00- 16:00 Saturday, not at all on Sundays and Bank Holidays.
70. The Environmental Health Officer advised that based on the findings of the supporting noise assessment from Enzygo Limited (Report Ref: SHF.580.001.NO.R.001 dated May 2022) and the fact that the Borough Council have not had any recent complaints from the operation of the hangars, they agree to the proposed revised hours of use, for deliveries from such.
71. Therefore, the Borough Council's Environmental Health Officer raises no objections to the potential impact of extending the delivery and collection times to and from the hangars on residential amenity.
72. Officers can also advise that at no point has the EHO requested any information, clarification, or evidence in respect of any potential impacts of increased pollution because of the proposed extended hours. Officers raised the concerns of residents on the is matter in respect of air pollution, however the EHO advised that given the reduced number of hours being sought and the context of the site whereby HGVs already travel through the site, they do not consider this matter to be of concern or a ground for refusing the current application that could be defended at any subsequent appeal.
73. The application has been revised during its consideration to reduce the additional hours sought from the initial 11.5 extra hours to the now proposed 6 additional hours a week (2 extra hours on weekdays and 4 extra hours on Saturdays).

Economic benefits

74. The application form states that the additional hours sought as the "...distribution businesses require greater flexibility given that their customers are frequently further away than previously. There are also no convenient lay over locations for HGVs servicing the businesses on site." It is recognised and accepted that we all now live in a 24-hour economy where goods and services are ordered at all hours of the day with the expectation on speedy delivery. As such businesses, such as those based at the Hangars are seeking to change their working practices to remain competitive. The economic benefits to the economy as a result of the proposed longer hours are therefore a material consideration.
75. Policy 15 of the Local Plan Part 2 states that permission will be granted for the expansion, conversion or redevelopment of land and premises for employment uses on allocated employment sites and other employment sites, provided the use is within an employment generating use class, the employment use provides facilities and services which support the functioning of the employment site provided they are of an appropriate scale; and the

proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers. Officers are also mindful of Rushcliffe's Corporate priorities, which include supporting local businesses in the Borough.

Conclusion

76. The application has been amended during its determination, reducing the length of the extra hours initially sought. Neither the Highway Authority or Environmental Health officers are objecting the proposal. Officers consider that the proposal would, as a result of the revisions, not have any significant adverse impact on highway safety or amenity and that it would comply with Policy 10 of the Local Plan Part 1 which states that development should have regard to the local context and reinforce local characteristics and Policy 1 of the Local Plan Part 2 which states development should not lead to any significant adverse effects upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated. This is balanced against the benefits of additional flexibility in the hours for the existing business uses on the site as permitted by Policy 15 of the Local Plan Part 2 which seeks to encourage the re-use/growth of business on existing employment sites in the Borough. Therefore, officers do not consider that permitting an extra hour in the morning and an extra hour in the evening of weekdays, and an extra 4 hours (one in the morning and three in the afternoon) on Saturdays would have the significant impact required to refuse the application.

RECOMMENDATION

It is RECOMMENDED that the Director of 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), which the Director of Development and Economic Growth is also authorised to amend and to correct any matters that do go to the heart of the condition.

1. Application for approval of the final reserved matters shall be made to the local planning authority not later than 28th July 2022 and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

2. The development shall take place in accordance with the Phasing Programme for the whole site as approved under application reference 20/02210/DISCON and shall be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1

(Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

3. No development of an individual phase of development shall take place until a Statement of Design Principles for that specific phase of the site as agreed under Condition 2 has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev F July 2019) received on the 1 August 2019 and the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and shall include site specific architectural principles; justification of the innovative, sustainability features; range, type and quality of materials; focal point for the development (where relevant); the village centre features; variations in block form, street layout and elevational treatment. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 22 of the Local Plan Part 1:- Rushcliffe Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

4. No development shall take place until a Public Transport Strategy for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019 and the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and shall include bus routes through the site with bus stops within 400m of any building; bus layover space near to the Community/village hall.

The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.

[To promote the use of public transport facilities and services in accordance with Policies 10, 14 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

5. The development shall take place in accordance with the Surface Water Drainage Scheme as approved under application reference 20/02210/DISCON and the development shall thereafter be implemented in accordance with the details approved and the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed in accordance with the approved details.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

6. The development shall take place in accordance with the Energy/low carbon Strategy as approved under application reference 20/02210/DISCON and shall be implemented in accordance with the details approved.

[To achieve improved energy conservation and the protection of environmental resources in accordance with national planning guidance as set out in the NPPF and in accordance with Policy 1 (Delivering Sustainable Development) of the Rushcliffe Borough Non-Statutory Local Plan and Policies 2 (Climate Change) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

7. The development shall take place in accordance with the Employment and Skills Strategy as approved under application reference 20/02210/DISCON and shall be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policy 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

8. No development of an individual phase of development shall take place until an Ecology Management Plan for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev F July 2019) received on the 1 August, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November and shall include updated ecological surveys, measures to be taken to establish the existence of any protected species prior to site clearance, mitigation measures; bat boxes/barn; bird and barn owl nesting boxes) management, maintenance and monitoring schedules. Further updates shall be submitted if the development of part of any particular phase does not commence within 24 months of approval of the details approved pursuant to this condition.

The development shall thereafter be implemented in accordance with the details and timetable approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policy 22 of the Rushcliffe Local Plan Part 1: Core

Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

9. The development shall be implemented in accordance with the Affordable Housing Scheme approved under application ref 20/02210/DISCON.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the distribution of affordable housing assists in the creation of an inclusive and mixed community in accordance with the National Planning Policy Framework and Policy 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

10. The development shall be implemented in accordance with the On-site Leisure Scheme approved under application ref 20/02210/DISCON.

The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

11. Prior to the commencement of the 50th dwelling a Community/village Hall Scheme including its estimated construction cost for the site shall have been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and the Community Hall Plan (Drawing Number: 10548-01 Rev A) submitted under 10/02105/OUT and shall include ensuring the provision of the Hall before the commencement of construction of the 250th dwelling. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

12. No development shall take place until a Primary School Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the

Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and the illustrative Primary School Plan (Drawing Number: 110548-0010) submitted under 10/02105/OUT and shall ensure the provision of a serviced site in Phase one of the development. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

13. No development shall take place until a Highways Delivery Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and shall provide for the delivery of the following works:
- a) The provision of informal pedestrian crossing arrangements (dropped kerbs) on both sides of the Kirkhill railway level crossing including tactile paving;
 - b) The A6097 Kirk Hill signal controlled junction has been improved as shown for indicative purposes only in the Transport Assessment December 2010 Appendix 9;
 - c) Either:
 - (i) Improvement to Bridleway 23, Footpath 2; or
 - (ii) The provision of suitable connections to Bridleway 23, Footpath 2 on the eastern side of the old A46 (B687) and to the residential development site known as Roman's Quarter:

as shall be agreed with the LPA.

Should the Applicant/Developer require either:

- (i) the use of any third-party land; or
- (ii) any third-party landowner to agree or grant rights /permissions/licenses over their land to enable the construction of improvements to Bridleway 23, Footpath 2 or future maintenance thereof the requirement to improve Bridleway 23, Footpath 2 shall cease, and the Applicant/Developer shall provide connections to Bridleway 23, Footpath 2 on the eastern side of the old A46 (B687) and to the residential development site known as Roman's Quarter.

Such works shall be completed within 6 months of the completion of the construction of the new pedestrian/cycle bridge over the A46 and the adoption

thereof or such later timescale as previously agreed with the Local Planning Authority.;

- d) The pedestrian/cycle bridge/link across the A46/B687 in accordance with the approved details; (details approved under application 21/02871/DISCON)
- e) A school safety zone including appropriate signage, lining, traffic calming, parking restrictions, and pedestrian crossing arrangements; and
- f) The provision of a main residential/commercial access road within the site including roundabouts (or other features to be agreed), pedestrian/cycle crossing and traffic calming measures.

The development shall thereafter be implemented in accordance with the approved details.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

- 14. No development on new commercial land falling within use classes B2 and B8 as defined in the Town and Country Planning Use Classes (Amended) Order 2005 (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall be occupied, until the Newton link road has been widened to generally 7.3m with appropriate additional widening on bends.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy].

- 15. The proposed development shall be implemented in accordance with the Structures Retention Scheme (dated 26 April 2019) discharged under application reference 19/01054/DISCON that provides details for the retention of the control tower, the measures for its protection/enhancement/ongoing maintenance and the provision of a memorial in accordance with the approved scheme.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development retains a sense of place and link with the history of the site and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy].

- 16. No development of an individual phase of development shall take place until a Contaminated Land Investigation and Risk Assessment Report undertaken

by competent persons to assess the nature and extent of any contamination on the site, whether or not it originates on the site for that specific phase of the site as agreed under condition 2 has been submitted to and approved in writing by the Borough Council and shall include:

- a) The outcome of further assessments of the contamination hotspots referred to in the Geodyne Combined Phase 1 Desk Study and Baseline Ground Investigation Report submitted on the 7th October 2011.
- b) A revised ground gas risk assessment shall be submitted for completion of the gas monitoring programme to confirm if gas protection methods are required on the site.
- c) Further testing shall be carried out on the existing topsoil to determine suitability for retention on site.
- d) A full radiological risk assessment and a survey report and remediation method statement.
- e) An unexploded ordnance search.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

17. No development of an individual phase of development shall take place until a Detailed Remediation Scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council. This include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

18. No development of an individual phase of development shall take place until a Construction Method Statement for that specific phase of the site as agreed

under condition 2 has been submitted to and approved in writing by the Borough Council and shall include the following:

- a) measures for ensuring the means of exit from the site for demolition and construction traffic is restricted to the new Newton link road (with no exit onto Wellington Avenue) and best practicable measures for ensuring that the majority of such traffic entering the site does so by way of the new Newton link road and not by way of Wellington Avenue;
- b) parking provision for site operatives and visitors;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities (including full details of its specification and siting);
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from construction works;
- g) siting and appearance of contractor's compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
- h) proposals for topsoil handling, stripping, stockpiling, re spreading and after use;
- i) procedures for the developers to monitor and enforce compliance with the principles and detailed requirements of the Statement.

The development shall thereafter be implemented in accordance with the details approved.

[In the interests of highway safety, to maximise the retention of agricultural soils on site and to protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

19. No development of an individual phase of development shall take place until a Waste Disposal Strategy for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council and shall include arrangements for maintenance and servicing including refuse collection/bin storage and incorporating a waste and recycling storage plan and a phasing plan for implementation. The recycling site shall be an area of no less than 15m x 15m within the village centre, the subsurface of which shall not have any utilities or services and include acoustic fencing on the perimeter of the site. The development shall thereafter be implemented in accordance with the details approved.

[To ensure that the development provides adequate facilities for waste collection and promotes recycling in accordance with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

20. No development shall take place on any individual phase until details of the

access, appearance, landscaping, layout, and scale ("the reserved matters") for that specific phase of the development have been submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details.

[To comply with the requirements of section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

21. Each reserved matters application shall be accompanied by the following details, and this shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and details approved under the above conditions:

- a) A detailed layout plan of the phase in context with the whole site.
- b) The siting, design and external appearance of the proposed buildings.
- c) The means of access; car parking and provision for service vehicles.
- d) Facing, roofing and hard surfacing materials.
- e) Plans, sections and cross sections of any roads or access/ service roads or pedestrian routes within the application site, and this shall include details of bridges, culverts, drainage, sewerage and public utilities.
- f) The layout and marking of car parking, servicing, maneuvering areas and cycling storage for each building.
- g) The means of enclosure to be erected on site.
- h) The finished ground levels for the site and floor levels of the buildings relative to existing levels and adjoining land and in relation to the ground levels or contours proposed in any adjacent landscaping scheme.
- i) Plant and equipment and other structures.
- i) Recycling and bin storage facilities including an area for 3 wheeled bins for each dwelling and community bin storage for apartments and commercial areas.
- k) Details of the means of foul and surface water drainage together with a programme of implementation and means to ensure there is no runoff onto Wellington Avenue.
- l) The detailed design of all junctions, which shall include details of visibility splays.
- m) Drainage and rainwater run off systems including SuDS which shall accompany any road layout submission and detail maintenance/ management arrangements.
- n) The siting and appearance of contractor's compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation.
- o) The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented, affordable rented and intermediate units for each phase.
- p) Detailed plans of the layout of the play areas, equipment, open space

- and other green infrastructure.
- q) Detailed plans and information relating to the opening up of culverted water courses.
 - r) Each reserved matters application for residential development shall be accompanied by a statement assessing the development against the Building for Life Standards. The development shall thereafter be carried out in full accordance with the approved scheme.
 - s) Each reserved matters application for a non-residential use (excluding the Community Hall and Local Centre Units) shall be accompanied by a statement detailing how each nonresidential building shall achieve a minimum of BREEAM Very Good (or the equivalent level of such national measure of sustainability for employment building design that replaces BREEAM).

The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

22. No development of any phase shall begin until reserved matters submissions on landscaping have been submitted to and approved in writing by the Borough Council. The submissions shall include full details of both hard and soft landscape works for that phase and a programme for their implementation. Hard landscaping details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, surfacing materials, minor artefacts and structures (e.g., furniture, play equipment, refuse or other storage units, signs and lighting) and proposed and existing functional services above and below ground (e.g., drainage, power, communications cables, pipelines). Soft landscaping details shall include proposed contours, planting plans (including woodland planting and the community orchard), written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants/trees, including species use of plants/trees, numbers and densities. Only native species appropriate to the local area and of native genetic origin shall be used in areas of 'natural' planting around the boundaries of the site in habitat creation areas, and in green corridors through the site. The works shall be carried out as approved. Any tree (s) or planting which die, are removed or become seriously damaged or diseased within 5 years of completion of the development within that phase shall be replaced in the next planting season with others of a similar size and species.

[In the interests of amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Borough Non-Statutory Replacement Local

Plan and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

23. The development hereby permitted shall be carried out in accordance with the arboricultural details for the whole site as approved under application reference 20/02210/DISCON and shall be implemented in accordance with the details approved.

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

24. Development shall not begin on any phase until the existing trees and hedges in that part of the site which are to be retained have been protected in accordance with the details approved pursuant to condition 23 above. Protection shall be retained for the whole of the construction period of that phase. No materials, machinery or vehicles shall be stored, no buildings erected, and no excavation works undertaken within the protected areas. No changes to ground levels shall be made within the protected areas without the prior written agreement of the Borough Council.

[In the interests of amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

25. The maximum heights (to ridge) of any building shall not exceed a maximum of 3 storeys for Class E(g)(i) (office space); 13.5metres (Commercial); and 10.5metres (residential).

[To protect the visual amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

26. No residential unit shall be occupied until the access, servicing and car parking facilities associated with that unit has been provided in accordance with details submitted to and approved in writing by the Borough Council and these facilities shall be retained for the lifetime of the development.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and

Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

27. No residential unit or occupier of any business unit hereby permitted shall be occupied until a Travel Plan Framework relating to that type of development has been submitted to and approved in writing by the Borough Council. This shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by appropriate sustainable modes as agreed with the Borough Council and shall include arrangements for monitoring of progress of the proposals. The approved Travel Plan / Plans shall be implemented in accordance with the timetable set out in that plan.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

28. No residential unit or business unit hereby permitted shall be occupied or brought into use until the owners/occupiers of the site have appointed and thereafter continue to employ or engage, a site-wide travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan Framework approved under Condition 28 for the lifetime of the Travel Plan. The details of the site-wide travel plan coordinator shall be provided and continue to be provided to the Local Planning Authority for the duration of the approved Travel Plan monitoring period.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

29. The site-wide travel plan coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan Framework 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 and which shall inform individual Travel Plans.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

30. Prior to the occupation of any business employing more than 20 employees, the owner and the occupier of each business unit, shall work with the site wide travel plan coordinator and within 5 months of occupation produce a detailed travel plan that sets out preliminary model split information and 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 approved Framework Travel Plan. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future site-wide travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

31. No dwelling shall be occupied until a standard 32-amp single phase socket for the charging of electric vehicles has been fitted at an appropriate position in accordance with details previously submitted to and approved in writing by the Borough Council.

[To enable the use of non-carbon based technology in accordance with the guidance contained within the National Planning Policy Framework, Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

32. Notwithstanding the provisions of the Town and Country Planning Use Classes (Amended) Order 2005 (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification), any non-residential buildings falling within Classes B2 and B8 constructed pursuant to this outline planning permission shall only be used for B2 and B8 purposes. There shall be no subsequent change of use to one falling within Class E(g)(i) without the benefit of obtaining planning permission. Any such an application shall be supported with a Transport Assessment.

[To clarify the extent of the permission, to limit traffic generation and to ensure that adequate parking facilities are provided in connection with the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

33. No new non-residential unit shall be occupied until a scheme has been submitted to and agreed in writing by the Borough Council to cover the following:
- a) hours of operation of those premises,
 - b) details of delivery handling equipment and industrial processes to be undertaken,
 - c) details of externally mounted plant, equipment, tools and machinery or internally mounted plant, equipment, power tools and machinery which vents externally,
 - d) associated structural planting and external and internal buffer zones to mitigate any noise generated
 - e) hours of deliveries taken at or dispatched from and waste collection.
- The units shall thereafter be used, and any plant /equipment shall be installed,

and retained in accordance with the approved scheme.

[To ensure a satisfactory development and to protect the amenities of the area in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

34. Deliveries to and distribution associated with the existing Class B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 07:00 - 19:00 Monday to Friday, 08:00- 19:00 Saturday and not at all on Sundays and Bank Holidays.

[To protect the amenities of neighbouring residential properties and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

35. No goods or materials shall be stored or displayed for sale and no work shall be undertaken on the open area of any Class E(g), B2 and B8 units on the site without the prior written approval of the Borough Council.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

36. No security lighting or floodlighting shall be installed, on the employment premises or associated open areas, until full details have been submitted to and approved in writing by the Borough Council. Such details shall include a lux plot of the estimated illumination. The installations shall be designed, located and installed so as not to cause a nuisance to neighbouring residents, and to avoid significant impacts on foraging commuting bats. The development shall take place in accordance with the approved scheme and shall thereafter be retained in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

37. No part of the non-residential development shall be brought into use until the access, servicing and car parking facilities associated with that part of the development have been provided in accordance with details which shall first have been submitted to and approved in writing by the Borough Council and these facilities shall be retained for the lifetime of the development.

[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 and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core

Strategy.]

38. The approved Detailed Remediation Scheme must be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation in that phase. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a written verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and is subject to the approval in writing of the Borough Council. No new buildings shall be occupied until the verification report relevant to that building has been approved by the Borough Council.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

39. If, during the development, contamination not previously identified is found to be present at the site then no further development in that phase shall be carried out until the developer has submitted, and obtained written approval from the Borough Council for, an amendment to the Detailed Remediation Scheme detailing how this unsuspected contamination shall be dealt with, and the development shall be carried out in accordance with the approved scheme.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

40. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of the interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have a separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

[To prevent pollution of the existing water environment and to comply with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18

(Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

41. This permission shall relate to the details submitted under 10/02105/OUT as originally submitted on the 3rd February 2011 and revised under 15/00583/VAR, 16/02864/VAR and 19/01871/VAR as amended by the following additional/revised plans and documents (such plans and documents may be subject to revision to accord with the above conditions):

- a) Illustrative Masterplan (P18-2350_06 Rev L, Pegasus Group)
- b) Phasing Plan (P18-2350_08 Rev H, Pegasus Group)
- c) Illustrative Landscape Masterplan (P18-2350_23 Rev G, Pegasus Group)
- d) Illustrative Landscape Sections A-G (P18-2350_24 Rev D, Pegasus Group)
- e) On-Site Leisure Provision (P18-2350_25 E, Pegasus Group)
- f) TPO'd Tree Removal, Retention and Replacement Plan (P18-2350_28 Rev E, Pegasus Group)
- g) Nottinghamshire Rapid Health Impact Assessment Matrix (Rev A, 07.11.2019)
- h) Phase I & II Geo-Environmental Investigation (GML19112/2/0, Geo-Matters Ltd)
- i) Transport Assessment (SKP/TM 21095-01_Transport Assessment Rev 2, David Tucker Associates)
- j) ES Addendum - Transport (SP/TM/21095-02 ES Addendum - Transport Rev 1, David Tucker Associates)
- k) Design and Access Statement (P18-2350_27 Rev G, Pegasus Group)
- l) Technical Justification (Condition 22) June 2019, Turley
- m) Transport Assessment Addendum (SP/TM21095-03 Transport Assessment Addendum, David Tucker Associates)

[For the avoidance of doubt and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

42. The highway link between the northern most egress from the existing hangars/commercial area, marked as "Non-Commercial Vehicle Exit Only" on the Illustrative Masterplan (drawing number P18-2350_06 Rev L, Pegasus Group) between blocks "R2" and "R3" and the main development spine road submitted as part of application reference 19/01871/VAR shall not be brought into use until a scheme to prevent its use by commercial vehicles (greater than 3.5t in weight), restricting its use to exit only , and to discourage use of Wellington Avenue by traffic associated with the hangars / commercial area has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with approved details and retained and maintained as such for as long as the link serves a commercial area. Any such measures required by the aforementioned scheme shall be installed within the Highway on the residential side of the link only.

[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 and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

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.

Any site notice displayed for the purpose of this application may be removed following the issuing of this decision. The location of any notices displayed can be viewed on the Council's website at <http://planningon-line.rushcliffe.gov.uk>

NOTES TO APPLICANT

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

This permission is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to education, open space, allotments, orchards, play areas, leisure contribution, highways, bridge, travel plan coordinator, travel plan, bus service, affordable housing, community hall, community contributions, Suds and monitoring. You are advised to view the Agreement for full details. The contributions have been calculated in relation to 550 dwellings. Payments are subject to indexation.

The term 'affordable housing' in this instance is as defined in the National Planning Policy Framework (Annex 2: Glossary) Social rented, affordable rented and intermediate housing provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other

low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes.

It should be noted that no financial contributions towards secondary school provision has been required on the basis that it has been demonstrated that South Nottinghamshire Academy at Radcliffe on Trent has sufficient capacity to accommodate pupils arising from this development. It is therefore anticipated that children of secondary school age would attend the South Nottinghamshire Academy at Radcliffe on Trent and not Toothill Academy.

The overall scheme for the development of this site will involve the provision of on-site infrastructure including road, foul and surface water sewers, mains water and other direct services. In addition to discussing normal planning requirements with the planning authority, the developer should approach

- a) the highway authority with regard to the formation of access to the highway and the requirement for the adoption of the estate road(s), if applicable; 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 in writing before any work commences on site.
- b) Severn Trent Water on 0800 783 4444 should be contacted about the design and provision of foul and surface water sewers and for adoption information; the Environment Agency, for information on flood risk and on- or off-site storm water requirements; the Nottinghamshire Constabulary Architectural Liaison Officer regarding measures to combat crime;
- c) the Council's Leisure Services Division for information on the provision and specification for open spaces and play areas,
- d) the Council's Landscape Officer for advice on incorporating existing landscape features as well as the principles for new landscaping and planting species and specifications, and tree preservation;
- e) East Midlands Electricity, if provision needs to be made for a new sub-station.
- f) Natural England in relation to nature/ecology matters and soil conservation

A flood risk assessment should be submitted at each stage of the planning process. For example, when more detail concerning the location of dwellings/ land parcels is available, then areas must be identified to be set aside for the provision of SUDS measures. The Environment Agency do not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used. Surface water run off should be controlled as near to source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run - off which seeks to mimic natural drainage systems and retain on -site as opposed to traditional drainage systems which involve piping water off- site as quickly as possible. Please contact Stuart Taylor at the Environment Agency on 0115 8463654 regarding flood risk queries and your attention is drawn to the requirements and advice of the Environment Agency contained in the attached copy letter.

The site will be subject to the Control of Pollution (Oil Storage)(England) Regulations 2001 which apply to the storage of oil or fuel of any kind in any kind of container

which is being used and stored above ground, including drums and mobile bowsters, situated outside a building and with a storage capacity which exceeds 200 litres.

A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the regulations are available from the Environment Agency

In relation to condition 5 and 21 (q) you are advised that the current 750mm diameter surface water culvert runs underneath the existing development as shown within the submitted Flood Risk Assessment (Appendix B) drawing SK01:- Existing 750mm Diameter Sewer and Existing Ditches. The opening of the culvert would bring amenity and biodiversity benefits to the watercourse. Culverts also bring blockage risks and could increase risk of flooding to others. The Environment Agency would expect the details and information to cover the following requirements:-

- a) Information to demonstrate there is no flood risk from the open watercourse to the new development.
- b) Information showing the new alignment of the watercourse
- c) Cross sections of the new open watercourse
- d) Method statement for the planned works include bank works
- e) Biodiversity and ecological benefits from the works including all new planting
- f) Information to demonstrate adequate easements from the open watercourse.

The increased amount of waste water and sewage effluent produced by the new developments will need to be dealt with to ensure that there is no deterioration in the quality of the water courses receiving this extra volume of treated effluent. As such there may be a requirement for the expansion and upgrading of current sewage treatment systems, if the volume of sewage requiring treatment with the district increases. Close liaison with Severn Trent will be required. You are advised to 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.

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development and you are advised to contact Severn Trent Water directly on 0116 2343834.

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

The development should comply with the Site Waste Management Regulations 2008.

The individual dwellings should be designed so as to accommodate:

- a) 3 x wheeled bins within the individual curtilages.

- b) apartment blocks should have land available to accommodate bulk containers for refuse and recycling. For each type of waste the formula is number of apartments x 240l/1100= number of bulk containers.

Please contact Dave Thomas at Rushcliffe Borough Council on 0115 9148396 for further information.

Dog fouling bins and on street litter/ recycling bins as specified by the Borough Council will need to be located within areas such as open spaces and play areas, footpaths, car park and thoroughfares. Please contact Dave Thomas on 0115 9148396 for further information.

You are advised to contact Nottinghamshire Police Force Architectural Liaison Officer in respect to achieving a scheme that complies with Secured by Design and the seven attributes contained in the ODPM Document - Safer Places - The Planning System and Crime Prevention.

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.

For further information on the content of contaminated land reports please contact the Borough Council's Environmental Health Department on 0115 9148322.

You are reminded that a number of trees on the site are protected by a Tree Preservation Order and therefore careful attention will need to be paid to any reserved matters application to ensure their retention and long term protection.

It is suggested that the developer works with artists/designers/design teams in order to create a high quality environment for people to work, live and play, which reflects the characteristics of local landscape and heritage. The developer is also encouraged to consider the use of public art which can be decorative or functional.

It is suggested that the developer work with the Parish Council and local youth groups to ascertain the type of equipment sought for the play area space.

Construction traffic shall use preferred routes which shall exclude such traffic passing through Newton Village.

The proposed development lies with a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority Properties Search Service on 0845 7626848 or at www.groundstability.com.

The evidence base for the site wide Energy Statement, referred to in conditions 6 shall include a detailed assessment of anticipated energy usage patterns across the site when occupied. The strategy shall include identification of opportunities for reducing energy loads and for generating on-site low or zero carbon energies.

The proposed development includes a bridge crossing of the A46. Such a crossing will require the prior consent of Highways Agency and County Council as Highways Authority.

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the public rights of way are within the application site. If it is intended to divert or stop up any public rights of way the appropriate legal steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures. (Tel 01159 9148215) Due regard must be had at the reserved matters stage to ensure that access to these are maintained.

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 road works.

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 Nottinghamshire County Council as Highway Authority as early as possible.

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 Nottinghamshire County Council.

The highway proposals associated with this permission involve works within the public highway which is land over which you have no control. The Highways Agency therefore requires you to enter into a Section 278 agreement to cover the design and construction of the works. Please contact Assistant Area Development Manager, Kamaljit Khokhar on 0121 678 8390 at an early stage to discuss the highways agreement.

With regard to condition 4 such a strategy shall ensure that the bus services and corresponding bus stops are available whether temporary or permanent within 400m of any building prior to it becoming occupied or being brought into use. This shall ensure the bus route is attractive to customers, the route through the site shall include fully lit bus stop poles with timetable cases and bus stop flags, raised kerbed bus boarders, and dropped kerbed wheelchair and pushchair access at all locations, lit bus shelters at 1 in 3 locations with real time displays, bus stop clearways and bus stop cages at key locations, 'supa' shelters at the district centre, appropriate layover points, and an information kiosk.

Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774523.

Natural England have confirmed that they support the proposed mitigation strategy and given that bats are a European protected species through the Conservation of Habitats and Species Regulations (2010) , a licence for works affecting the bat roosts will need to be obtained. Under Regulation 53, activities which would otherwise contravene the strict protection regime offered to European Protected Species under regulation 41 can only be permitted where it has been shown that certain tests have been met. Within the context of a planning application these are:

- a) The activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest
- b) There is no satisfactory alternative
- c) The favourable conservation status of the species in question is to be maintained.

You are advised to contact Natural England on 0300 0600789 for further advice.

The submitted protected species survey has confirmed that there is evidence of protected species and no work should, therefore, be undertaken until a licence has been obtained from Natural England.

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 9588248. If bats are present you should contact English Nature on 01476 584800.

Defra (now Natural England) advise an appropriately experienced soil specialist should be instructed to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the most sustainable use of the different soils on site, in particular in retaining the long term potential of agricultural soils on the site. Guidance is available in Defra 'Construction Code of Practice for Sustainable Use of Soils on Construction Sites and it is recommended that this is followed. Condition 19. Relating to the CEMP requires measures at (i) to minimise the potential compaction and structural degradation of top soils and ensure potential for re use is maximised. These measures should aim to ensure that:-

- a) Potential damage to top soils by vehicles is minimised
- b) Top soils are excavated and moved only when dry and friable in consistency
- c) The amount of organic matter incorporated into excavated soil strips is minimised (including by ensuring grass sward is closely mown and all cuttings are removed at an appropriate time prior to soil excavation);
- d) Topsoil stripping methods and construction of topsoil stockpiles are appropriate.

The fume extraction scheme should include both projected noise levels and details of equipment installed to suppress and disperse fumes and/or odour produced by cooking and food preparation.

In addition the following advice is given by the Head of Environmental Health:-

- a) The extract vent should terminate no less than 0.6 m (ideally 1m) above the ridge of the building and not less than 1m above any open able window/skylight.
- b) The extract vent should be installed internally as far as possible, if there is a likelihood of conflict with any planning requirements).
- c) The system must be in use at all times when cooking is carried out in the premises.
- d) Details of the expected noise levels generated by the fan, which are required to be supplied, must include full octave band analysis.
- e) All mountings and fixings shall incorporate anti-vibration mounts in order to reduce airborne and structure-borne noise transmission.
- f) The extract vent should not be fitted with any restriction at the final opening i.e. cap or cowl
- g) The system should be designed to allow the collection and removal of rainwater in order to prevent water entering the fan unit.

Prior to preparing the scheme you are advised to discuss the details with one of the Borough Environmental Health Officers on (0115) 914 8322

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) 914 8322 beforehand

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

For further information on the content of contaminated land reports please refer to the Borough Council's publication "Developing Land within Nottinghamshire - A Guide to submitting Planning Applications for Land that may be contaminated". This booklet is available from Rushcliffe Borough Council's web site www.rushcliffe.gov.uk or by contacting the Environmental Health Services directly on (0115) 914 8322.

Where identified as required in the Detailed Remediation Scheme, prior to occupation of any building in a phase a total cover of 700mm, including 200mm imported certificated clean soil, plus a capillary break layer of 100mm shall be used for garden and landscaped areas (with the exception of the allotment land and community orchard). A scheme for the certified clean soil and capillary break layer for the allotment and community orchard areas shall be submitted to the Borough Council, prior to the commencement of development of these respective areas, and the scheme shall be carried out in accordance with the approved details. The certificates of analysis for the use of on site or imported clean soils for each phase shall be submitted to the Borough Council.



Application Number: 22/00394/FUL
Unit 1, Machins Industrial Estate, Gotham



scale 1:1000

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Applicant Mr Phil Oliver

Location Unit 1 Machins Industrial Estate Nottingham Road Gotham
Nottingham

Proposal Change of use from car sales to industrial (Resubmission of
21/02815/FUL)

Ward Gotham

Full details of the proposal can be found [here](#).

THE SITE AND SURROUNDINGS

1. The site forms part of an Industrial Estate which is located off Nottingham Road, Gotham. The access is between two residential properties and is quite narrow (one car width). There are some containers located at the entrance to the car park and the Industrial buildings themselves are in a linear form extending east-west. The application site forms the end unit. The unit itself is accessed via a roller shutter door on the western elevation (which is wide enough for cars to enter/exit)
2. Parking is along the northern boundary of the site, which backs onto the gardens of residential properties. The application does not include parking areas within the red line although supporting information submitted indicates that access to the shared parking area is included on the lease of the unit, with no restriction on which or how many spaces can be shared. Two parking spaces are identified on the planning application form as existing and proposed.
3. There is a detached garage to the side which does not form part of the application.

DETAILS OF THE PROPOSAL

4. The current application seeks to change the use of the building from car sales to industrial.

SITE HISTORY

5. The site history extends back to the 1970s when the factory appears to have been converted to individual industrial units.
6. Planning permission was granted under reference 20/02035/FUL for Change of use from class B1(c) industrial processes to class Sui Generis mixed use car sales and repair.
7. Planning permission was subsequently granted under reference 21/02815/FUL for Change of use from car sales to industrial. This has a

condition limiting opening hours to 8am-6pm Monday to Friday and 11am-3pm Saturdays with no working on Bank Holidays and Sundays.

REPRESENTATIONS

Consultee comments can be found [here](#)

Ward Councillor(s)

8. The Ward Member Cllr Walker has noted concerns with the application as it is difficult to assess the hours of operation without knowing the end user. He notes that recent tenants have caused significant detriment to local amenity and that noise is a particular issue.

Town/Parish Council

9. The Gotham Parish Council has no objections but has concerns over whether the external flue will be suitable for the future tenants.

The Borough Council comments

10. The Borough Council' Environmental Health Officer has no objection subject to conditions regarding fume extraction equipment and ensuring all operations take place inside the building.

Nottinghamshire County Council comments

11. The Nottinghamshire County Council as Highways Authority has commented that the application can be dealt with under Standing Advice.

Local Residents and the General Public

Details of the comments can be found [here](#).

12. Four local residents have commented expressing concern regarding privacy and noise and noting that it is difficult to assess the full impact as the exact nature of the industry is not known.

PLANNING POLICY

13. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and Gotham Neighbourhood Plan. Any decision should be taken in accordance with the adopted development plan documents.

Relevant National Planning Policies and Guidance

14. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental.

Chapter 2 Achieving sustainable development

Chapter 6 Building a strong, competitive economy

Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

15. LPP1 Core Strategy Policies:
Policy 1 - Presumption in favour of sustainable development
16. Policy 5 - Employment Provision and Economic Development.

Full text of the above Policies can be found [here](#).

17. LPP2 Land and Planning Policies:
Policy 15 - Employment Development

Full text of the above Policies can be found [here](#).

18. Gotham Neighbourhood Plan was adopted in January 2020. Chapter 7 - Employment, makes reference in the supporting text to the Machins Industrial Estate and the need to ensure appropriate alternative provision for local employment in the event the site is redeveloped. However there are no specific policies regarding this site.

Full text of the Gotham Neighbourhood Plan can be found [here](#).

APPRAISAL

Principle of Development

19. In principle there is no objection to the proposed use, it would convert the existing car sales back to a general industrial use in line with its previous historical use and the use of the remainder of the site.
20. The use would be compatible with Policy 15 of the LPP2 Land and Planning Policies.
21. In relation to parking standards the Standing advice advises one space per 65m² in rural towns, and out of town one space per 55m². The unit is 185m² and, as stated before, shares the existing parking area with the other units at the site. As this situation is unchanged from the previous approvals it is considered to be an acceptable arrangement.
22. In considering amenity issues of noise, odour and number of customers visiting the site officers are mindful that the site has housed a factory for many years co-existing with local residents. Residents concerns relate to the user of Unit 2 of the same site, who it was originally understood would move to Unit 1. The agent for the current application has confirmed that this is no longer intended to be the case. Currently Unit 1 is occupied by a Christmas Decoration Company and the fume extraction previously installed has been removed and the hole boarded up.

23. Nonetheless, the grant of planning permission cannot determine the eventual end user, however it can seek to impose controls by way of a condition requiring details of any fume extraction system to be submitted and its associated impacts in terms of noise and odour. Accordingly a condition is proposed to ensure this.
24. The proposed hours of operation are 7am-7pm Monday to Saturday with 10am-3pm proposed on Sundays and Bank Holidays.
25. In terms of use classes the application form refers to a use falling within Class B1 (c) which is commonly defined as any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area.
26. From August 2021 this was incorporated into the new flexible 'E' use class and part (g) of this is defined as
 - i) office
 - ii) the research and development of products or processes or
 - iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area).
27. This 'new' use class is referred to in the supporting statement submitted with the planning application. On this basis – given the above description of the use class it is considered that the proposed hours of operation would be reasonable. The current site is unregulated in terms of hours of operation and has co-existed with the neighbouring residential properties for many years.
28. Given the site location and constraints it is considered prudent to add a condition that would restrict the use to this specific part of class E, rather than a flexible use within that category.
29. In conclusion, the proposed use is, in principle, acceptable and there is an extant permission which appears to have been implemented. The additional operating hours would be longer than those already approved and careful consideration has been given to impacts on amenity of neighbouring properties but it is considered these would not be unreasonable nor cause undue impacts on amenity due to the nature of the activities taking place.
30. The application was not subject to pre-application advice but was nonetheless considered acceptable in terms of policies and non-material amendments. It has therefore been recommended for approval.

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 must be carried out strictly in accordance with the following approved plan(s)/drawings/documents: Site location plan and floorplan received 26th February 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 hours of operation shall be limited to Monday to Saturday - 7.00am to 7.00pm and Sundays and Bank Holidays- 10.00am to 3.00pm .

To limit disturbance to neighbouring residential properties and in accordance with Policy 1 - Development Requirements of the Rushcliffe Local Plan Part 2: Land and Planning Policies

4. Within 1 month of the unit being brought into use the external venting area for the previously installed fume extraction shall be made good.

[To ensure the satisfactory appearance of the building and to protect nearby residential properties from unacceptable fumes, odours or noise 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).]

5. Prior to any fume extraction equipment being installed, full details of any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, shall be submitted to and approved by the Local Planning Authority. If this information is inconclusive or not complete, then the applicant will be required to undertake a full noise assessment in accordance with BS 4142:2014+A1:2019: Methods for rating and assessing industrial and commercial sound, and where applicable an odour and/or dust assessment. The information submitted will need to make it clear that the plant/equipment is capable of operating without causing a noise, odour and/or dust impact on neighbouring properties.

[To protect nearby residential properties from unacceptable fumes, odours or noise 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).]

6. The use hereby permitted shall be restricted to Industrial uses as specified in part E'g'(iii) of The Town and Country Planning (Use Classes) Order 1987 (as amended), and not for any other purposes without the prior approval of the local planning authority.

[To protect the amenities of neighbouring residential properties and in accordance with Policy 1 - Development Requirements of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

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