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Our reference:
Your reference:
Date: Wednesday, 31 August 2022

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 8 September 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
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Minutes of the Meeting held on 28 July 2022 (Pages 1 - 28)
4. Minutes of the Meeting held on 11 August 2022 (Pages 29 - 34)
5. Planning Applications (Pages 35 - 100)
The Report of the Director – Development and Economic Growth
6. Planning Appeals (Pages 101 - 108)

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9.30am - 5pm
Friday
8.30am - 4.30pm

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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

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 28 JULY 2022

Held at 2.30 pm in the Council Chamber, Rushcliffe Arena,
Rugby Road, West Bridgford
and live streamed on Rushcliffe Borough Council YouTube channel

PRESENT:

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

ALSO IN ATTENDANCE:

Councillors A Brennan, A Phillips, and R Upton and 11 members of the public

OFFICERS IN ATTENDANCE:

A Ashcroft	Planning Services Consultant
P Cook	Principal Planning Officer
C Miles	Area Planning Officer
R Sells	Solicitor
H Tambini	Democratic Services Manager

APOLOGIES:

Councillors B Bansal

7 Declarations of Interest

There were no declarations of interest made.

8 Planning Applications

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

19/02589/HYBRID -Hybrid planning application comprising full planning permission for the redevelopment of the Peter Taylor stand (including the demolition of existing buildings/structures), new public realm, replacement club shop, car parking and associated works, and Outline planning permission for up to 170 residential units including flexible uses (Class E) at ground floor (approval for access, layout, and scale) – Nottingham Forest Football Club, City Ground (Including Champions Centre, Club Shop and Storage Warehouse, and Rowing Club Britannia Boathouse) Pavilion Road, West Bridgford.

Additional representations were received after the agenda had been published and were circulated to the Committee before the meeting and published on the Council's website.

All members of the Committee attended a site visit to the City Ground, Pavilion Road, West Bridgford prior to the Committee meeting.

In accordance with the Council's Public Speaking Procedure for Planning Committee on 28 July 2022, Mr M Dybala (Objector) and Mr C Potts (Applicant's Agent) addressed the Committee.

DECISION

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

- 1) THE PRIOR SIGNING OF A SATISFACTORY S.106 AGREEMENT;
AND**
- 2) THE FOLLOWING CONDITIONS (SAVE THAT IN THE EVENT THAT AFTER THE DATE OF THE COMMITTEE'S DECISION BUT PRIOR TO THE PLANNING PERMISSION BEING ISSUED ANY CHANGES ARE NEEDED TO THE WORDING OF THE CONDITIONS (TO VARY THE WORDING OF THE CONDITIONS OR THEIR INFORMATIVES ONLY), THE DIRECTOR – DEVELOPMENT AND ECONOMIC GROWTH BE DELEGATED AUTHORITY TO MAKE THESE CHANGES IN CONSULTATION WITH THE CHAIRMAN OF THE PLANNING COMMITTEE, PROVIDED THAT THESE CHANGES DO NOT EXCEED OR ALTER THE SUBSTANTIVE NATURE OF THE CONDITIONS AS SET OUT IN THE OFFICER'S REPORT TO THE COMMITTEE.**

1. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Location Boundary Plan - Plan Ref: BNY-SA-00-00-01 Rev: B03, 1:1250, A1

Existing Site Block Plan - Plan Ref: BNY-SA-00-00-02 Rev: B02, 1:500, A0

Proposed Site Block Plan - Plan Ref: BNY-SA-00-00-03 Rev: B06, 1:500, A0

Proposed Site Block Plan & Existing Stand Outline - Plan Ref: BNY-SA-00-00-04 Rev B06

Existing Site Layout, Topographical Information - Plan Ref: BNY-SA-02-00-01 Rev: B01, 1:500, A0

Demolition Extents - Plan Ref: BNY-SA-00-00-07 Rev: B02, 1:250, A0

Existing Boat House Floor Plans and Elevations - Plan Ref: BNY-Z2-02-00-03 Rev: B01, 1:100, A1

Existing and Proposed Site Car & Cycle Parking Plan - Plan Ref: BNY-SA-00-00-05 Rev: B03, 1:1000, A1

Existing Street Elevations Sheet 1 - Plan Ref: BNY-SA-02-AL-01 Rev: B01, 1:500, A1

Existing Street Elevations Sheet 2 - Plan Ref: BNY-SA-02-AL-02 Rev: B01, 1:500, A1

Proposed Overall Ground Floor Plan ref: BNY-SA-20-00-01 B05 1:500 A1

Proposed Overall First Floor GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-01-01 Rev: B05, 1:1250, A1
 Proposed Overall Second Floor GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-02-01 Rev: B05, 1:1250, A1
 Proposed Overall Third Floor GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-03-01 Rev: B05, 1:1250, A1
 Proposed Overall Fourth Floor GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-04-01 Rev: B05, 1:1250, A1
 Proposed Overall Roof GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-05-01 Rev: B05, 1:1250, A1
 Air Quality Assessment Ver 02 - Ref: 0043642, Buro Happold
 Construction Environmental Management Plan ver P04 – Ref: GP.1201.F01 Buckingham Group,
 Daylight & Sunlight Report – by GIA Ref: 14478 dated 05/05/21
 Design & Access Statement Ref: BNY-SA-SD-AL-01 - B04
 Economic Impact Analysis by ADE Regeneration (December 2019, and updated Addendum July 2022)
 Employment & Skills Strategy by Buckingham Group, Rev D
 Energy Statement – Ref: 0043642, NTS, A4, Buro Happold, 02
 External Public Realm Lighting Strategy Ref: 0043642 by Buro Happold version 04
 Flood Risk Assessment Ref: 0043642 by Buro Happold version 02
 Drainage Strategy Report Ref: 0043642 by Buro Happold ver 03
 Ground Engineering Desk Study Report Ref: 0043642 by Buro Happold version 05
 Noise Impact Report Ref: 0043642 by Buro Happold version 02
 Planning Statement dated Nov 19
 Rapid Health Impact Assessment, dated Nov 19
 Security Planning Report Ref: 0043642 by Buro Happold ver 05
 Statement of Community Involvement dated Nov 19
 Sustainability Appraisal Ref: 0043642 by Buro Happold ver 02
 Transport Assessment Ref: - 0043642 by Buro Happold ver 04
 Framework Travel Plan Ref: 0043642 by Buro Happold ver 05
 Protected Species Report Ref: - RSE_3012_01 by Ramm Sanderson, V2
 Biodiversity Impact Assessment Report (Stand) Ref: - RSE_3012_02,
 Biodiversity Impact Assessment Report (Residential) Ref:- RSE_3012_03
 Air Quality Assessment Note 0043642 Buro Happold, (9 April 2021)
 Energy Strategy Note 0043642 Buro Happold, (9 April 2021)
 Flood Risk Assessment Addendum 0043642 Buro Happold, (17 May 2021)
 Sustainability Appraisal Note 0043642 Buro Happold, (9 April 2021)
 Viability Appraisal, Savills (24.06.2022)
 Transport Response Note (2 November 2021) Ref: 0043642, NTS, A4, Buro
 Pre-Construct Archaeology, Historic Environment Desk-Based Assessment (June 2022) R14995
 Ecology Update Surveys – V2 15/07/22 Ref: RSE_:6037_L1_V2 Ramm Sanderson
 NFFC BNG Metric 3. by Ramm Sanderson (17 June 2022)
 ADE Regeneration, Economic Impact Analysis Addendum (July 2022)
 Section 106 Agreement Heads of Terms (19 July 2022), Savills

Reason: To define the permission.

2. No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a programme for archaeological mitigation, advised by the Pre-Construct Archaeology, Historic Environment Desk-Based Assessment (June 2022) R14995, to be carried out during construction or excavation work on site, by suitably experienced archaeologists from a professionally accredited archaeological organisation. The details of such a scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority (LPA) also prior to commencement of the development on site.

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

3. All vehicle accesses hereby permitted shall be constructed with provision to prevent the unregulated discharge of surface water from the accesses and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies

4. No part of the development shall be occupied or brought into use until the owner, or the occupier of the site, has appointed and thereafter continues to employ or engage a Travel Plan Coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan (TP) and whose details shall be provided and continue to be provided if so, requested thereafter to the LPA.

Reason: To promote sustainable travel.

5. The TP Coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved by the LPA in accordance with the TP annual monitoring period. The monitoring reports submitted to the LPA 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 LPA.

Reason: To promote sustainable travel.

6. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving construction machinery) shall take place on the site until a written report of the findings of a Preliminary Risk Assessment (PRA) of the nature and extent of any contamination affecting the site, whether or not it originates from the site, has been submitted to and approved in writing by the LPA. The PRA must be prepared by a suitably qualified 'competent person' (as defined in the NPPF July 2021 or any subsequent version) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' guidance (LCRM). As a minimum the PRA must include the following:
 - a. a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses
 - b. the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface
 - c. the development of an initial 'conceptual site model' (CSM), which identifies and qualitatively assesses any potential source – pathway – receptor (contaminant) linkages
 - d. a basic hazard assessment identifying the potential risks from any contaminants on:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - ground and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
 - recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.
 - e. where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the LPA
 - f. where the findings of the submitted SI identify unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Strategy (RS) has been submitted to and approved in writing by the LPA. The submitted RS must include:
 - full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken
 - the proposed remediation objectives and criteria
 - a verification plan.

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

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

Reason: To ensure that a satisfactory assessment of any land contamination, and an appropriate strategy for its remediation from the site, is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 179 of the NPPF (July 2021).

7. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the LPA within 48 hours of its discovery. All development on the site must cease immediately and must not recommence until a written scheme for the investigation of; and risk assessment relating to the unexpected contamination has been submitted to and approved in writing by the LPA. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the NPPF July 2021) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM) guidance.

Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (RS) has been submitted to and approved in writing by the LPA. The submitted RS must include:

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

The RS must demonstrate that, as a minimum, the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990. The development hereby permitted must not be occupied or first brought into use until such time as the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the LPA. The VR must include, where appropriate the results of any validation testing and copies

of any necessary waste management documentation.

Reason: To ensure that any unexpected contamination that is encountered is appropriately remediated so that the site is suitable for the approved development without resulting in any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 177 of the NPPF (July 2021).

8. Any aggregate (other than virgin quarry stone) that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the LPA prior to the material being bought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

Reason: To ensure that all aggregate materials bought onto the site are free from contamination so that the site is suitable for the approved development without resulting in any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 177 of the NPPF (July 2021).

9. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the LPA prior to the material being bought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

Reason: To ensure that all soil or soil forming materials bought onto the site are free from contamination so that the site is suitable for the approved development without resulting in any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 177 of the NPPF (July 2021).

10. No works (including any demolition works) to the Britannia Boat House authorised by this consent shall be carried out until both the interior and exterior of the Britannia Boat House has been recorded in accordance with a Written Scheme of Investigation (WSI) that must first have been submitted to and approved in writing by the LPA. The WSI must:
- be prepared by a suitably qualified historic buildings surveyor
 - outline how the building is to be surveyed commensurate with a level 3 record as per Historic England document “*Understanding Historic Buildings - A Guide to Good Recording Practice*”
 - include a detailed analysis of any architectural/historical features found in/on the building during the survey
 - include provision for the production and deposition of a final report of the building survey carried out within the local Historic Environment Record (HER).

A copy of the final survey report must be placed within the local HER within three months of its completion.

Reason: To safeguard the identification and recording of any features of architectural, historic and archaeological interest associated with the site and the fabric of the building having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 28 (Historic Environment: Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the NPPF (July 2021).

11. The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Protected Species Report - Ramm Sanderson - RSE_3012_01 (V2) and Ecology Update Surveys – Addendum Report - Ramm Sanderson – Ref: RSE_:6037_L1_V2(July 2022) Biodiversity Impact Assessment Report (Stand) - Ramm Sanderson – Ref: RSE_3012_02 and Biodiversity Impact Assessment Report (Residential) - Ramm Sanderson – Ref: RSE_3012_02 have been submitted to and approved by the LPA. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.

Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the NPPF (July 2021).

12. There shall be no occupation of any part of the development hereby approved until a scheme for the provision of Electric Vehicle Charging Points (EVCPs), has been submitted to and approved in writing by the LPA for each element of the development(Outline and Full) The submitted scheme must include details of the type, number, and location of the proposed EVCP apparatus. None of the dwellings on the site shall be

occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be permanently retained for each dwelling in accordance with the approved scheme throughout the lifetime of the development.

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

13. The development hereby approved shall comply with the Employment & Skills Strategy (Revision D) prepared by Buckingham Group (December 2019). The Strategy will be implemented throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

Reason: In order to promote local employment opportunities in accordance with Policies 1 and 5 of the Rushcliffe Local Plan Part 1: Core Strategy.

14. Other than the north elevation of the proposed replacement stand facing into the stadium, there shall be no signage or advertisements displayed on any part of the development hereby approved, without the express prior consent of the LPA.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

15. Prior to the erection of any means of enclosure within the site (including gates), full details shall be submitted to and approved in writing by the LPA, with any approved scheme being implemented thereafter.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

16. No roller shutters shall be installed on any building permitted by this consent unless and until all details have been submitted to and approved by the LPA prior to their installation.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

17. The development hereby permitted must not commence until details of any fume extraction equipment to be installed on the site has been

submitted to and approved in writing by the LPA. The approved fume extraction equipment must be installed in accordance with the approved details before the development is occupied or first brought into use. The fume extraction equipment must thereafter be retained in accordance with the approved details throughout the life of the development.

Reason: To protect nearby residential properties from unacceptable fumes or smells 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).

18. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving construction vehicles / machinery shall take place on the site until a site-specific Construction Management Plan (CMP) has been submitted to and approved in writing by the LPA. The CMP must include details outlining:
- appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors
 - areas for loading and unloading plant and materials
 - the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting
 - measures to control the emission of dust and dirt and vibration during construction
 - measures for the storage/recycling/disposal of waste resulting from the construction works
 - any hoarding to be erected
 - the routing of construction traffic and measures to be employed to ensure those approved routes are adhered to
 - the piling method to be used on site
- The approved CMP must be adhered to at all times throughout the construction period for the development.

Reason: In the interests of highway safety and to protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

19. The hereby approved development shall not be commenced until an updated Construction Ecological Management Plan and Construction Environmental Management Plan have been submitted for approval to the LPA, in general accordance with the documents submitted with the application. The approved CEMP must be adhered to at all times throughout the construction period for the development.

Reason: To protect the amenities of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the

20. The electricity substation shall be installed incorporating a bund wall designed and constructed in accordance with best practice for substation flood protection measures and incorporate PAS 68 (counter terrorism) or equivalent protection on public facing elevations, details of which shall be submitted to and approved in writing by the LPA. The protection measures will then be installed in accordance with the approved details prior to the substation becoming live and will be retained in place for the life of the development.

Reason: In the interest of public safety and to protect the wider network and the structure from risk of flooding.

21. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the LPA. The scheme shall be implemented as approved.

Reason: To reduce the risk of surface water pollution in compliance with Policy 20 - Managing Water Quality, of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

22. The proposed floodlighting must be designed, located, and installed so as not to cause a nuisance to all neighbouring residents. The details of any such lighting should be submitted to and approved by the LPA, together with a lux plot of the estimated illuminance at the nearest residential premises.

Reason: To protect nearby residential properties from unacceptable levels of light pollution 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).

23. Prior to the commencement of each element of the hereby approved development, a Flood Evacuation Plan shall be submitted to and approved by the LPA. It shall include details of safe access and egress on site for the entirety of the application site. Thereafter, the measures within shall be implemented in accordance with the approved details and adhered to and reviewed as required.

Reason: To ensure that there are sufficient plans to manage flood risk in the context of visitors and future occupants of the site having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the NPPF (July 2021).

24. Notwithstanding any indicative details that have been submitted; the position, design and the materials for all street furniture shall be submitted to and approved by the LPA and shall thereafter only be constructed in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

25. The development shall be carried out in accordance with the details provided with the submitted Flood Risk Assessment (FRA) Ref: 0043642 by Buro Happold version 02 (January 2020) and the associated Flood Risk Addendum Ref: 0043642 Rev 00) and shall ensure that:

- residential finished floor levels shall be set no lower than 29.8 metres Above Ordnance Datum (AOD)
- the minimum non-residential finished floor levels shall be set in accordance with those detailed in table 4-5 on page 22 of the submitted FRA
- all flood resilience measures shall be implemented as detailed on page 26 of the submitted FRA
- the Water Entry Strategy in relation to the ground floor of the replacement stand as described on pages 25 and 26 of the submitted FRA
- the proposed electricity substation shall be made resistant to flooding as described on page 27 of the submitted FRA, with a protective bund constructed to a height of 24.87metres above Ordnance Datum
- the surface water drainage outlets into the River Trent shall be fitted with non-return valves as described on page 28 of the submitted FRA.

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, to ensure that the development is resilient to the impacts of flooding and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the NPPF (July 2021).

26. Prior to the first beneficial occupation of the respective part, the servicing and delivery arrangement for the proposed replacement stand operations and conferencing facility and the servicing and delivery arrangements for the commercial units within the apartment building shall be submitted to and approved in writing by the LPA. The approved arrangements shall thereafter remain in place for the lifetime of the development, unless otherwise agreed in writing by the LPA.

Reason: To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identity) of the

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

27. No part of the residential / commercial development (forming the outline part of the proposals hereby permitted shall be brought into use until the cycle parking has been provided in accordance with the details to be submitted and agreed in writing with the Borough Council. The approved provisions shall thereafter be retained for the life of the development.

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

28. The development shall only be carried out in accordance with the recommendations of the Energy Strategy Statement (dated 28 January 2020) by Burohappold Engineering unless other agreed in writing by the LPA.

Reason: To promote energy efficiency and to ensure a sustainable form of development having regard to Policy 12 (Housing Standards) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 of the National Planning Policy Framework (July 2021).

Stand conditions (full application)

29. The development of the replacement Peter Taylor Stand, and all development associated with the detailed element of the application hereby permitted must be begun not later than expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

30. The proposals for the replacement stand and associated development (forming the detailed part of this hybrid application) must be carried out strictly in accordance with the following approved plan(s) /drawings / documents:

Plan reference BNY-SA-00-00-04 Rev B06 identifies the extent of the full application

Existing Stadium Ground Floor Plan - Plan Ref: BNY-Z1-02-00-01 Rev: B01, 1:500, A1

Existing Stadium Second Floor Plan - Plan Ref: BNY-Z1-02-02-01 Rev: B01, 1:500, A1

Existing Stadium Roof Plan - Plan Ref: BNY-Z1-02-03-01 Rev: B01, 1:500, A1

Existing Main Stand Elevations Sheet 1 - Plan Ref: BNY-Z1-02-AL-01 Rev: B01, 1:200, A1

Existing Main Stand Elevations Sheet 2 - Plan Ref: BNY-Z1-02-AL-02

Rev: B01, 1:200,
 A1 Existing Main Stand Section - Plan Ref: BNY-Z1-02-AL-03 Rev: B01, 1:200, A1
 Existing Boat Champions Centre Floor Plans and Elevations - Plan Ref: BNY-Z2-02-00-01 Rev: B01, 1:100, A1
 Existing Club Shop Floor Plans and Elevations - Plan Ref: BNY-Z2-02-00-02 Rev: B01, 1:100, A1
 Proposed Main Stand Ground Floor GA Plan - Plan Ref: BNY-Z1-20-00-01 Rev: B02, 1:200, A1
 Proposed Main Stand First Floor GA Plan, B01 - Plan Ref: BNY-Z1-20-01-01 Rev: B02, 1:200, A1
 Proposed Main Stand Second Floor GA Plan - Plan Ref: BNY-Z1-20-02-01 Rev: B01, 1:200 A1
 Proposed Main Stand Third Floor GA Plan - Plan Ref: BNY-Z1-20-03-01 Rev: B01, 1:200, A1
 Proposed Main Stand Fourth Floor GA Plan - Plan Ref: BNY-Z1-20-04-01 Rev: B01, 1:200, A1
 Proposed Main Stand Overall Seating GA Plan - Plan Ref: BNY-Z1-20-05-01 Rev: B01, 1:200, A1
 Proposed Main Stand Roof GA Plan - Plan Ref: BNY-Z1-20-06-01 Rev: B01, 1:200, A1
 Proposed Street Elevations Sheet 1 - Plan Ref: BNY-SA-21-AL-01 Rev: B02, 1:500, A1
 Proposed Street Elevations Sheet 2 - Plan Ref: BNY-SA-21-AL-02 Rev: B02, 1:500, A1
 Proposed Main Stand Elevations Sheet 1 - Plan Ref: BNY-Z1-21-AL-01 Rev: B02, 1:200, A1
 Proposed Main Stand Elevations Sheet 2 - Plan Ref: BNY-Z1-21-AL-02 Rev: B01, 1:200, A1
 Proposed Main Stand Sections - Plan Ref: BNY-Z1-22-AL-01 Rev: B01, 1:200, A1
 Proposed Area Schedule – Main Stand - Plan Ref: BNY-SA-SD-AL-03 B01, 1:500, A1
 Proposed External Works / Landscape Plan - Plan Ref: BNY-SA-90-00-01 Rev: B05, 1:250, A1
 Proposed Gatehouse Layout - Plan Ref: BNY-SA-90-00-02 Rev: B04, 1:50, A1
 Proposed Substation Layout - Plan Ref: BNY-SA-90-00-03 Rev: B04, 1:50, A1

Reason: To define the permission.

31. The development hereby permitted must not proceed above the damp proof course level until details of the type, texture, and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the LPA. The development must only be constructed in accordance with the approved materials.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the

Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

32. Prior to the construction of hard landscaping, details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas shall be submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the details so approved.

Reason: To ensure the appearance of the development is satisfactory having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

33. Notwithstanding the details submitted, a scheme for waste management shall be submitted for approval in respect of the stand and any scheme will include details of:
- a. bin storage areas
 - b. number and size of waste containers
 - c. bin collection points
 - d. provision for and measures to encourage/enable waste recycling.

The approved scheme shall then be operational prior to the stand first being brought into use. Thereafter, the bin stores and collection points shall be retained to the approved specification for the lifetime of the development.

Reason: To ensure an adequate form of development and to comply with and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

34. There shall be no external storage of any plant or equipment or goods relating to the Club or any of the commercial units without prior written approval from the LPA.

Reason: To ensure that the any external storage on the site does not adversely affect the amenities of the occupiers of nearby residential properties or the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

35. A Management Plan detailing the operations of plaza between the replacement stand and the residential building shall be submitted to and approved by the LPA before development commences. The Plan shall include measures to separate vehicle movements from pedestrians and confirmation of a continued public access from Trentside North to Pavilion Road.

Reason: To ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health future users of the site or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), and Policy 39 (Health Impacts of Development) of

the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

36. The replacement stand and associated development forming the detailed element of the development hereby permitted must not be occupied or first brought into use until a Landscaping Scheme (LS), has been submitted to and approved in writing by the LPA. The LS must provide details of all hard and soft landscaping features to be used and include the following:
- an accurate survey of all existing trees and other natural features showing those to be retained and those to be removed
 - detailed plans showing the location of all new trees and shrubs to be planted, including the number and / or spacing of shrubs in each shrub bed or hedgerow
 - a schedule of the new trees and shrubs (using their botanical / Latin names) to be planted including their size at planting (height or spread for shrubs, height, or trunk girth for trees)
 - plans showing the proposed finished land levels/contours of landscaped areas
 - details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features
 - details of the protection measures to be used of any existing landscape features to be retained
 - a landscape management and maintenance strategy for the public realm areas.

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

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

Once provided, all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development. and the approved landscape shall management and maintenance plan shall be adhered to thereafter for the life of the development.

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

37. The development hereby permitted must not be occupied or first brought into use until details of the proposed vehicle parking area(s) to serve the development have been submitted to and approved in writing by the LPA. The submitted details must show:
- the proposed surface to be used
 - the layout of the parking spaces
 - the means of access to the car park area(s)
 - the finished land levels, drainage, and any proposed lighting.
- The vehicle parking area(s) must be constructed in accordance with the approved details before the development hereby permitted is occupied or first brought into use. Thereafter the vehicle parking area(s) shall be retained in accordance with the submitted plan and kept permanently available for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).

38. The replacement Stand hereby approved shall not be occupied until such time as additional cycle storage spaces to be submitted and agreed in writing with the LPA have been installed and are available for use in accordance with the approved details. They shall thereafter be retained and made available for use for the lifetime of the development.

Reason: To ensure there is adequate provision for the secure parking / storage of bicycles within the site to encourage the use of bicycles as an alternative to using motor vehicles having regard to Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).

39. Any external plant / machinery to be used on the premises must be enclosed with sound insulation material and mounted in a way which will minimise the transmission of structure-borne sound. Any such works must proceed in accordance with a scheme that must first have been submitted to and approved in writing by the LPA. The measures implemented as approved must be retained thereafter.

Reason: To protect nearby residential properties from unacceptable levels of noise pollution from external plant equipment/machinery 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).

40. Prior to the use of the new stand and use associated external areas the recommendations an updated security report shall be implemented in full. The security report shall first be submitted to the LPA for approval and shall include specifications for:
- a. ground floor glazing
 - b. window and door frames
 - c. signing for vehicle access and car parking
 - d. litter bins and street furniture
 - e. CCTV

- f. mail handling
- g. protocol
- h. access and electronic access controls
- i. an intruder detection system
- j. hostile vehicle measures required
- k. details of all lighting including.

The development shall be carried out in accordance with the recommendations of the report, which is to be agreed in writing by the LPA.

Reason: To protect the amenities of future occupiers during the operation of the City Ground and ground floor commercial premises having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

41. No events within the conferencing facilities shall take place until such time as a Management Plan for the conferencing facilities within it has been submitted to and approved in writing by the LPA, which shall include: a) hours of operation, b) car parking arrangement for conferencing, and c) access and egress arrangements to and from the conferencing facility from within the site. The conferencing facility shall thereafter only be operated in strict accordance with the approved management plan.

Reasons: To protect the amenities of future occupiers during the operation of the City Ground and ground floor commercial premises having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

42. All windows above ground floor level on the east facing elevation of the replacement Peter Taylor Stand hereby approved shall be fitted with glass or other material which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, those windows must be retained to this specification throughout the lifetime of the development.

Reason: To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

43. Only products and goods associated with Nottingham Forest Football Club shall be sold within the club shop within the replacement stand hereby approved.

Reason: To ensure that the retail activities within the replacement club shop relate to the proposed development of the replacement stand and to comply with Policy 30 (Protection of Community Facilities and Policy 31

44. Prior to the commencement of the stand and associated public open space development hereby approved, a full surface water drainage strategy shall be submitted to and approved in writing by the LPA for the development and shall include where practical, rainwater harvesting from the development and full details any plant or pumping facilities required as part of the scheme. Any approved scheme shall then be implemented and available for use in accordance with approved detail prior to stand first being brought into use.

Reason: To ensure compliance with Policy 18 (Surface Water Management) of Part 2 of the Rushcliffe Local Plan- Land and Planning Policies (2019)

45. Prior to the installation of any external lighting within the plaza (any public open space areas associated with the detailed consent), details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any submission must have regard to guidance for bat sensitive lighting guidance. The lighting shall be installed only in accordance with the approved details and maintained thereafter.

Reason: To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies.

46. No part of the stand development hereby permitted shall be brought into use until the vehicle access, parking, turning, and servicing areas are provided in accordance with the approved plans for this element of the development. The vehicle access, parking, turning, and servicing areas shall not be used for any purpose other than parking, turning, loading, and unloading of vehicles, and shall thereafter be retained for the life of the development.

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

Residential conditions (outline conditions)

47. In respect of the residential element of the planning application, approval of the details of the appearance and landscaping, (hereinafter called "the reserved matters") must be obtained from the LPA in writing before the development hereby permitted is commenced. The scheme of reserved matters shall demonstrate broad accordance with the outline scheme, demonstrating the provision of a landscaped amenity terrace and green roofs and/or walls where feasible.

An application for approval of the reserved matters, must be made to the

LPA not later than the expiration of three years from the date of this permission.

The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval of such matters on different dates, the date of the final approval of the last such reserved matter to be approved.

Reason: Part of this hybrid application is an outline planning permission and the matters specified above have been reserved for subsequent approval by the LPA in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 and Parts 1 and 3 of the Town and Country Planning (Development Management Procedure) Order 2015.

48. The outline part of the proposals hereby permitted must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:

Proposed Site Block Plan & Existing Outline - Plan Ref: BNY-SA-00-00-04 Rev B06

Proposed Residential Indicative Parameters Plan – Ground Floor - Plan Ref: BNY-Z2-03-00-01 Rev: B04, 1:200, A1

Proposed Residential Indicative Parameters Plan – Typical Up' Floor - Plan Ref: BNY-Z2-03-00-02 Rev: B04, 1:200, A1

Proposed Residential Parameters Elevation Sheet 1 - Plan Ref: BNY-Z2-03-AL-01 Rev: B03, 1:200, A1

Proposed Residential Parameters Elevation Sheet 2 - Plan Ref: BNY-Z2-03-AL-02 Rev: B03, 1:200, A1

Proposed Overall Ground Floor GA Plans – Stand + Residential - Plan Ref: BNY-SA-20-00-01 Rev: B05, 1:1250, A1

Proposed Residential Level 0 GA Plan - Plan Ref: BNY-Z2-20-00-01 Rev: B04, 1:200, A1

Proposed Residential Level 1 GA Plan - Plan Ref: BNY-Z2-20-01-01 Rev: B04, 1:200, A1

Proposed Residential Level 2 GA Plan - Plan Ref: BNY-Z2-20-02-01 Rev: B04, 1:200, A1

Proposed Residential Level 09 GA Plan - Plan Ref: BNY-Z2-20-09-01 Rev: B04, 1:200, A1

Proposed Residential Level 10 GA Plan - Plan Ref: BNY-Z2-20-10-01 Rev: B04, 1:200, A1

Proposed Residential Level 11 GA Plan - Plan Ref: BNY-Z2-20-11-01 Rev: B04, 1:200, A1

Proposed Residential Level 12 GA Plan - Plan Ref: BNY-Z2-20-12-01 Rev: B02, 1:200, A1

Reason: 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).

49. The reserved matters for the residential development shall include a Security Report identifying appropriate specifications for:

- a. ground floor glazing
- b. window and door frames
- c. signing for vehicle access and car parking.

The development shall be carried out in accordance with the recommendations of the report, which is to be agreed in writing by the LPA.

Reason: To protect the amenities of future occupiers during the operation of the City Ground and ground floor commercial premises having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

50. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the uses within the commercial units forming the residential apartment building shall only be used for purposes falling within Use Class E (Commercial, Business and Service Uses) of the Schedule to the Town and Country Planning (Use Classes) Order 2021 (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification).

Reason: In order that the LPA may retain control over any future use the land and buildings due its particular character and location, having regard to Policy 5 (Employment Provision and Economic Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) which requires a sequential site approach to retail development and also to provide a robust assessment of impact on nearby centres, and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

51. Details of the acoustic glazing to be fitted to the north elevation of the apartment building hereby approved shall be submitted to and approved by the LPA before development commences and shall meet the noise insulation requirements set out in the approved Noise Impact Assessment Rev 02 dated 21 April 2021 (Ref: 043642).

Reason: To protect the amenities of future occupiers during the operation of the City Ground and ground floor commercial premises having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

52. The development hereby permitted must not be occupied or first brought into use until details of the proposed vehicle parking area(s) to serve the development have been submitted to and approved in writing by the LPA. The submitted details must show:
 - The proposed surface to be used
 - The layout of the parking spaces

- The means of access to the car park area(s)
- The finished land level, drainage, and any proposed lighting.

The vehicle parking area(s) must be constructed in accordance with the approved details before the development hereby permitted is occupied or first brought into use. Thereafter the vehicle parking area(s) shall be retained in accordance with the submitted plan and kept permanently available for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure adequate vehicle parking spaces are provided on the site for use in connection with the development hereby permitted having regard to Policy 1 (Development Requirements) and policy 15 (Employment Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

53. The use of the commercial premises forming part of the residential apartment building hereby permitted shall only take place between 0800hrs and 2200hrs.

Reason: To protect the amenities of existing residential properties in the immediate locality and the new residential units having regard to having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

54. None of the dwellings within the development hereby permitted shall be occupied until the optional requirement for water efficiency (dwellings not exceeding 110 litres per person per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 as amended) (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of each dwelling on the site.

Reason: To promote a reduction in water consumption having regard to Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

55. No part of the residential development hereby permitted shall be brought into use until the vehicular access has been made available for use in accordance with the Highway Authority specification to the satisfaction of the LPA.

Reason: In the interests of Highway safety.

56. No part of the residential development hereby permitted shall be brought into use until a section 278 agreement has been entered into, and works have been completed to alter the priority arrangements along Pavilion Road to the site entrance, in broad accordance with the details identified within the approved transport statement.

Reason: In the interests of Highway safety.

57. Notwithstanding the details submitted, a scheme for waste management shall be submitted for approval in respect of the residential and commercial units and any scheme will include details of:
- a. bin storage areas
 - b. number and size of waste containers
 - c. bin collection points
 - d. provision for and measures to encourage/enable waste recycling.

The approved scheme shall then be operational prior to the stand first being brought into use. Thereafter, the bin stores and collection point shall be retained to the approved specification for the lifetime of the development.

Reason: To ensure an adequate form of development and to comply with and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

58. The residential proposals shall be limited to no more than 170 units in total.

Reason: To define the permission.

59. At least two of the apartments within the development hereby permitted must comply with the optional requirement for “wheelchair adaptable dwellings” set out in Part M4(3)(a) of Schedule 1 of the Building Regulations 2010 (as amended). Within 14 days of the completion of the two wheelchair adaptable apartments, written confirmation must be sent to the LPA identifying the two apartments and confirming their practical completion.

Reason To ensure that at least two of the apartments within the development can, if necessary, be adapted to meet the needs of households that includes wheelchair users, having regard to Policy 8 (Housing Size, Mix and Choice) of the Local Plan Part 1: Core Strategy (2014) and Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

60. Development of the residential scheme shall not commence until such time as a revised energy strategy document has been submitted to and approved by the Borough Council. This strategy shall include a detailed feasibility studies into the use of low carbon technologies, and the provision renewable energy generation equipment. The document shall build upon the assumptions made within the Energy Strategy dated November 2019 by Bruro Happold. The development shall thereafter only be constructed in accordance with the approved documents.

Reason: In the interests of sustainable development and to accord with policies 1 (Presumption in favour of sustainable development) and 2 (Climate Change) of the Local Plan Part 1:Core Strategy (2014).

61. Prior to the commencement of the development hereby approved, an Overheating Study shall be submitted to and approved in writing by the

LPA. If this study indicates a high risk of significant overheating having taken account of the required noise mitigation measures, mitigation measures may be required (including mechanical ventilation / cooling) so that occupants retain the option to keep windows closed and retain reasonable thermal comfort. The development shall be carried out in accordance with the approved details.

Reason: This is a pre-commencement condition to ensure that future occupiers have a reasonable comfort level, 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.

62. Prior to the installation of any externally mounted plant or equipment (e.g. air conditioning, extraction, heating units, MHVC etc.) or any internally mounted equipment which vents externally, details of noise levels and associated equipment locations and appearance shall be submitted to and approved in writing by the Borough Council. This should demonstrate that wherever possible the equipment be located within the building fabric. 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: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties. The plant shall be installed and maintained only in accordance with the approved details.

Reason: To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: land and Planning Policies.

63. Prior to the installation of any external lighting within the plaza (any public open space areas associated with the detailed consent), details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any submission must have regard to guidance for bat sensitive lighting guidance. The lighting shall be installed only in accordance with the approved details and maintained thereafter.

Reason: To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: land and Planning Policies.

64. Prior to the commencement of the residential development hereby approved, a full surface water drainage strategy shall be submitted to and approved in writing by the LPA for the development and shall include where practical, rainwater harvesting from the development and full details any plant or pumping facilities required as part of the scheme. Any approved scheme shall then be implemented and available for use in accordance with approved detail prior to building first being brought into use.

Reason: To ensure compliance with Policy 18 (Surface Water Management) of Part 2 of the Rushcliffe Local Plan- Land and Planning

Informatives

1. In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2010, as amended, and the NPPF 2021, the Council has worked in a positive and proactive way in determining the application and has granted planning permission.
2. The applicant is reminded that this permission is also subject to a planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.
3. In order to carry out the off-site works required the applicant 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, there will be a need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council Highway Development Control (hdc.south@nottscc.gov.uk) for details. It is strongly recommended that the developer contacts the Highway Authority at an early stage. 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. All correspondence with the Highway Authority should be addressed to: NCC Highways (Development Control, Floor 3) Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7Q.
4. In order to discharge the obligations in relation to sustainable transport improvements, technical approval (or equivalent) under S38 of the Highways Act will be required. The Highway Authority advise that such approval sought prior to submission of any reserved mattered application.
5. The proposed development will involve works within close proximity to an ordinary watercourse. As such the applicant is advised to seek consultation with the Lead Local Flood Authority (Nottinghamshire County Council) to establish the need for any permission or consents. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - a. on or within 8 metres of a main river (16 metres if tidal)
 - b. on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - c. on or within 16 metres of a sea defence
 - d. involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert.

6. The applicant 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.
7. All applications approved on or after the 7 October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.
8. The applicant is advised to contact the Borough Council's Senior Design and Landscape Officer to discuss the landscape elements of the permission including the roof garden amenity area for the apartments required for biodiversity enhancement.
9. Cadent have advised that low or medium gas pipes and associated equipment are -on and in the vicinity of the application site. The applicant is advised to contact Cadent prior to any works on site at Plant Protection Cadent Block 1; Floor 1 Brick Kiln Street Hinckley LE10 0NA, E-mail: plantprotection@cadentgas.com Telephone: +44 (0)800 688588 (National Gas Emergency Number: 0800 111 99).
10. Condition 54 requires the new dwelling(s) 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 is a condition of this planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building Regulations 2010 (as amended).
11. The applicant is reminded that this decision is for planning permission only and does not grant any express advertisement consent for advertisements the applicant might wish to display in connection with the development hereby permitted. The applicant is advised to contact the Planning Department at planning@rushcliffe.gov.uk to discuss any proposals to display an advertisement or advertisements on the land in the future.
12. 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.
13. The applicant is advised to contact the Borough Council's Waste Management Team to discuss the requirements for details in respect of conditions 33 and 57 wastemanagement@rushcliffe.gov.uk.

14. The applicant is advised to contact Natural England in relation to the requirement for a Natural England Licence in relation to Bats.

The meeting closed at 4.56 pm.

CHAIRMAN

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 11 AUGUST 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,
N Clarke, L Healy, D Mason, F Purdue-Horan, P Gowland, R Jones and
K Shaw

ALSO IN ATTENDANCE:

2 Members of the public

OFFICERS IN ATTENDANCE:

A Ashcroft
E Dodd

Planning Services Consultant
Principal Area Planning Officer
Interim Operations Manager -
Planning
Solicitor
Democratic Services Officer

R Sells
T Coop

APOLOGIES:

Councillors B Bansal, V Price, C Thomas and J Walker

9 Declarations of Interest

There were no declarations of interest reported.

10 Minutes of the Meeting held on 14 July 2022

The minutes of the meeting held on 14 July 2022 were approved as a true
record and signed by the Chairman.

11 Planning Applications

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

**21/03201/VAR - 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 – Former RAF Newton Aerodrome,
Wellington Avenue, Newton, Nottinghamshire**

Update

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

In accordance with the Council's Public Speaking Protocol for Planning Committee, Ms S Shaw (Parish Council Chairman) and Councillor D Simms (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed their concerns in respect of the additional hours and the nuisance to the neighbouring housing development and the likely, noise and dust pollution caused by the extra HGV's. In addition, Members considered that extending the hours beyond a normal working day would have a significant adverse affect on the amenity of the residents (both current and in the future) of the housing development.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. The proposed extended hours of deliveries and distribution would create an unacceptable increase in the level of noise, nuisance, dust and pollution which would detrimentally impact the occupiers of neighbouring residential properties. The proposal is, therefore, contrary to Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies which states; Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:
 - a) there is no significant adverse effect 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;
 - b) a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority;

2. The proposed extended hours of deliveries and distribution would result in an unacceptable increase in HGV traffic outside of normal operating hours which would increase the danger to residents of the area (particularly children). The proposal is, therefore, contrary to Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies which states; Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:
 - a) there is no significant adverse effect 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;
- b) a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority;
3. The proposed extended hours of extended deliveries and distribution would have a negative impact on the ability of local residents to have peaceful enjoyment of their amenity space during the weekends and evenings, The proposal is, therefore, contrary to Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies which states; Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:
- a) there is no significant adverse effect 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;
 - b) a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority

22/01041/FUL – Two storey rear extension. Conversion of carport to garage. New front porch. New rear dormer. New detached garden room/office; Alterations to fenestration – 13 Cherry Street, Bingham Nottinghamshire

Update

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

In accordance with the Council's Public Speaking Protocol for Planning Committee, Ms A Jackson (Objector) addressed the Committee.

Comments

Members of the committee expressed their concerns in respect of the impact of the proposal on the neighbouring residential amenities and considered the proposal to have an overbearing impact, as well as having an impact upon the characteristics and appearance on the Bingham conservation area.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

- 1. The proposed two storey rear extension would, by virtue of its size, scale and massing, result in an unacceptable overbearing impact on number 11 Cherry Street which would be detrimental to the amenity of this neighbour contrary to Policy 1 – Development Requirements of the

Rushcliffe Local Plan Part 2: Land and planning Policies, specifically part 4 which states; The scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy;

2. The proposed two storey rear extension would have an unacceptable impact on the character and appearance of the Bingham Conservation Area by reason of its scale, massing and relationship with existing built form. This would be contrary to Policy 11 (Historic Environment) of the Rushcliffe Borough Local Plan Part 1: Core Strategy and Policy 28 – Conserving and Enhancing Heritage Assets of the Rushcliffe Borough Local plan Part 2: Land and Planning Policies.

22/00394/FUL – Change of use from car sales to industrial (resubmission of 21/02815/FUL) – Unit 1, Machins Industrial Estate, Nottingham Road, Gotham, Nottinghamshire

Updates

There were no updates to report.

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 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]

The meeting closed at 4.10 pm.

CHAIRMAN

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Planning Committee

Thursday, 8 September 2022

Planning Applications

Report of the Director – Development and Economic Growth

PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Director – Development and Economic Growth, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

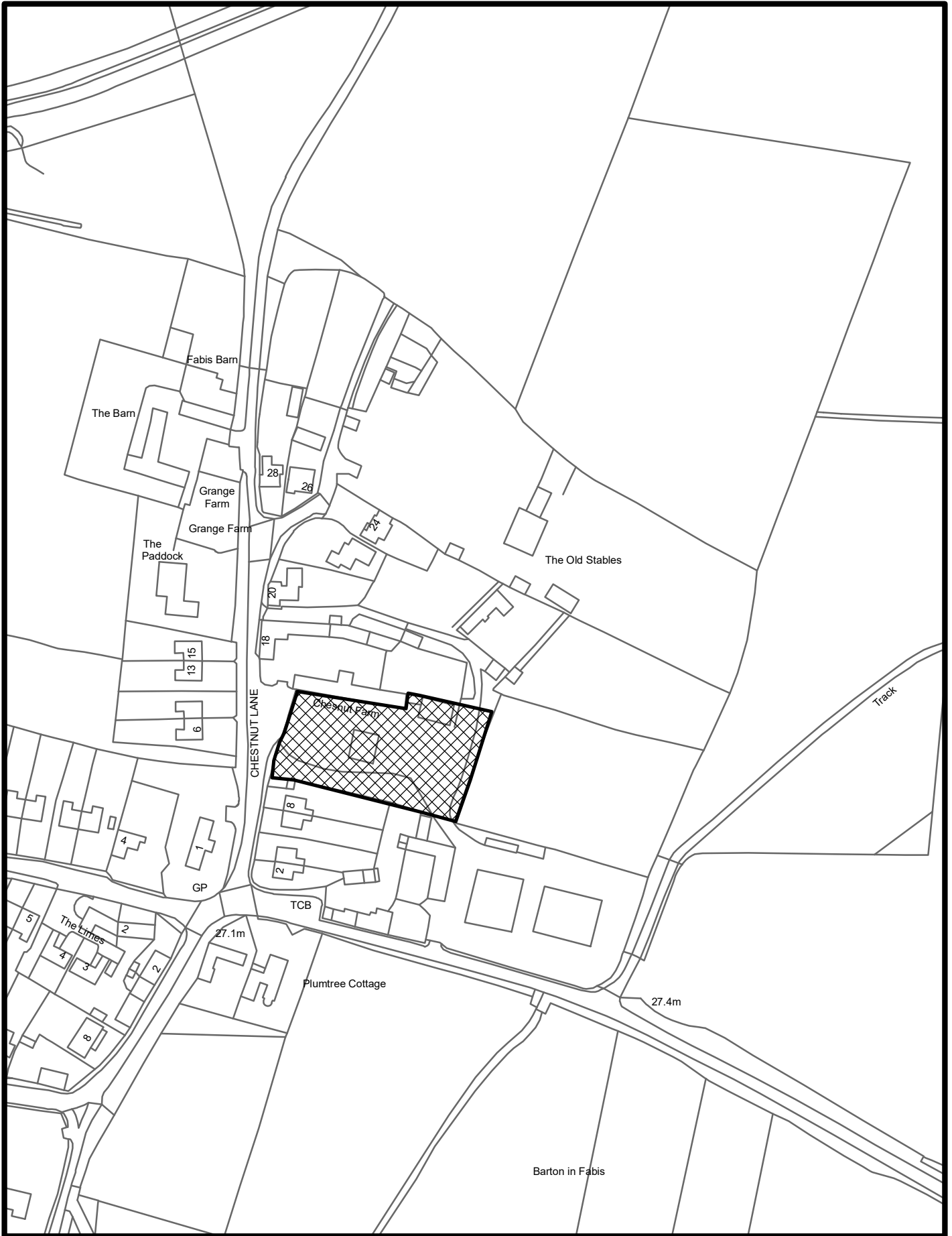
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
21/03205/REM	Chestnut Farm, Chestnut Lane, Barton In Fabis, Nottinghamshire Application for matters reserved under application ref 19/00412/OUT for approval of access, appearance, landscaping and layout and scale for demolition of existing buildings and construction of a residential scheme for 3 dwellings	39-64
Ward	Gotham	
Recommendation	Grant planning permission subject to conditions	
<hr/>		
22/00854/FUL	Land To The Corner Of Ashley Road And Church Drive, Keyworth, Nottingham Nottinghamshire, NG12 5FJ Erection of single storey dwelling including associated landscaping, parking and access works	65-78
Ward	Keyworth And Wolds	
Recommendation	Grant planning permission subject to conditions	

Application	Address	Page
<u>22/00774/FUL</u>	18 Mountsorrel Drive, West Bridgford, Nottingham, Nottinghamshire, NG2 6JL	79-92
	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	
Recommendation	Grant planning permission subject to conditions	
<hr/>		
<u>22/01426/FUL</u>	Former Islamic Institute Inholms Gardens, Flintham, Nottinghamshire, NG23 5LQ	93-100
	Construction of Bat Barn	
Ward	Thoroton	
Recommendation	Grant planning permission subject to conditions	
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Application Number: 21/03205/REM
Chestnut Farm, Barton in Fabis



scale 1:2000

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21/03205/REM

Applicant Mr & Mrs J Kent

Location Chestnut Farm Chestnut Lane Barton In Fabis Nottinghamshire

Proposal Application for matters reserved under application ref 19/00412/OUT for approval of access, appearance, landscaping and layout and scale for demolition of existing buildings and construction of a residential scheme for 3 dwellings

Ward Gotham

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

THE SITE AND SURROUNDINGS

1. The application site comprises an area of gravel hardstanding currently in use for the storage of vehicles and equipment/ materials in relation to an arboricultural and grounds maintenance company. There was previously a large open sided barn structure in the centre of the site which has been removed since the determination of the outline application. There is a linear single and two storey traditional brick barn running along the northern boundary of the yard, along with a recently constructed outbuilding which are currently in use by the arboricultural and grounds maintenance company. These fall outside of the current application site.
2. To the north there is a residential property at 18 Chestnut Lane, with a converted barn to the north east at The Old Slaughterhouse. The southern boundary of the site abuts the residential curtilage of 8 Chestnut Lane and the rear boundary of The Forge. There is a traditional brick barn to the south east corner of the site associated with The Old Forge. There is a neighbouring farmyard to the south east at Oliver's Yard.
3. The site falls within the Green Belt and within Flood Zone 3.

DETAILS OF THE PROPOSAL

4. Outline planning permission was granted in 2019 for the demolition of existing buildings and construction of a residential scheme of up to 5 dwellings, with all matters reserved. The reserved matters application seeks planning application for the erection of three detached two storey dwellings and associated access. Plot 1 would be positioned to the front (west) of the site with Plots 2 and 3 to the rear (east), all served off a single spur road using the existing access from Chestnut Lane. Plots 1 and 3 would comprise 4- bed dwellings both with an attached garage with an additional guest bedroom above, Plot 2 would comprise a 4-bed dwelling with a detached garage. The dwellings would be traditional in form, constructed in brick and featuring parapet roof edges, detailing to the eaves and elements of brick

detailing. The rear elevation of each dwelling would feature floor-to-ceiling glazing and a Juliet balcony. Each dwelling would feature a raised rear terrace.

SITE HISTORY

5. 16/02246/OUT- Demolition of existing buildings. Construction of a residential scheme of up to 10 dwellings. Refused in 2016. It was considered a scheme of 10 dwellings would be overintensive and excessive in scale for the size of the site and that the resultant development would not constitute limited infill in the Green Belt. The scheme was considered to be at odds with the density, layout and pattern of the existing settlement.
6. 19/00412/OUT- Demolition of existing buildings and construction of a residential scheme of up to 5 dwellings (Outline planning permission with all matters reserved). Approved in 2019.

REPRESENTATIONS

Ward Councillor(s)

7. The Ward Councillor (Cllr R Walker) submitted comments on 4 February 2022 in objection to the application with comments summarised as follows: Notwithstanding the incomplete information the application represents a significant change from the outline permission. The material alterations from the outline concern include a smaller overall plot leading to increased density, 2 storey rather than 1.5 storey design, extension of development significantly further east into the plot, and no longer a courtyard style design. The changes result in significant adverse cumulative impacts on neighbouring residential amenity arising from ground/ first floor windows and raised deck, overbearing due to the proximity to the boundary, and noise from the dwellings and raised deck. The development would be inappropriate in the Green Belt. The openness and permanence of the landscape is further damaged by the development extending further westward including the rear of the houses, garages and raised deck.
8. The Ward Councillor submitted further comments on 11 May following revisions to the application plans. In summary, the Ward Councillor considers that the alterations are only very minor and have not addressed the previous objections. Outline planning permission was granted on the basis of an indicative masterplan which showed a fair degree of set back from the eastern boundary and some consideration of the historical context. The current proposals bear no resemblance to this with little regard to the fabric of the village, which is acute given the deep agricultural tradition and heritage of the immediate vicinity. The plans omit the deep gardens and courtyard style reflective of the agricultural setting and the buildings are no longer 1.5 storey height. Impacts on neighbours arising from scale and massing, particularly the raised height of ground floor windows, have not been addressed. The reduction in the size of the plot compared to the outline permission pushes the buildings unreasonably closer to neighbours. It does not constitute limited infill in the Green Belt.
9. The Ward Councillor submitted further comments on 4 July following further revisions to the application plans, maintaining his objection. He considers the

previous reasons for objection have not been addressed. Increased building heights are an important consideration in assessing neighbour impacts. Plots 1 and 3 are too close to the neighbouring properties. The rear boundaries are too close to the east of the plot. Not limited infill.

Parish Council

10. Comments were received on 11 January 2022. The key points are summarised as follows:
 - a. Transport assessment based on the false premise that the agricultural business at Chestnut Farm will no longer operate.
 - b. Noise impacts on neighbours.
 - c. Holme Pit not included in table of SSSI's.
 - d. Potential chemical spills into ditch and winder impact.
 - e. Lack of reference to foul water treatment.
 - f. No sequential test.
 - g. Flood Risk Assessment fails to assess combined risks of a weather event.
 - h. No details of flood resilience/ mitigation measures.
 - i. Unclear if business will use hazardous chemicals.
 - j. Issues regarding Environmental Report.
 - k. Concerns regarding use of Oliver's Yard.

11. Further comments were received on 26 January 2022. The key points are summarised as follows:
 - a. Information provided in support of the application is incomplete.
 - b. No planning statement/ design and access.
 - c. Rbc policy 1 (development requirements) is of relevance).
 - d. Material change from outline.
 - e. Plot size significantly reduced.
 - f. Removal of land from site to ne corner.
 - g. Significantly larger houses than outline.
 - h. Massing of houses closer to that of the refused outline application.
 - i. Plot 1 closer to house to the south, loss of privacy.
 - j. Increased noise impacts.
 - k. Possible loss of southern boundary hedge due to proximity.
 - l. Modern rear windows/ balconies out of keeping.
 - m. Layout no longer compliments courtyard developments in the village.
 - n. Add odds with linear pattern of village.
 - o. Impact of backland development on amenity.
 - p. Proximity of plots 2-3 to eastern boundary compared to outline.
 - q. Conditions should be applied should planning be granted as detailed in the consultee response.

12. Further comments were received on 17 February 2022. The key points are summarised as follows: The comments are in addition to the previous comments and refer to the history of the village and the historic value and the setting of The Forge as a non-designated heritage asset.

13. Further comments were received on 10 May 2022. The points are summarised as follows:
 - a. Green belt.
 - b. Scale and massing.
 - c. Proximity to eastern boundary.

- d. Concerns regarding impact of septic tank, no details provided.
 - e. Not limited infill.
 - f. Design concerns.
 - g. Potential use of space above garages as habitable rooms.
 - h. Overlooking from windows.
14. Further comments were received on 30 June 2022. The points are summarised as follows:
- a. Proposal remains overbearing in rural setting.
 - b. Does not consider need for independent sewerage.
 - c. Septic tanks liked to be raised at height above floodplain, green belt intrusion.
 - d. Use of foliage to protect neighbouring privacy is impractical.
 - e. The parish council maintain their objection for these and the previously stated reasons.

Statutory and Other Consultees

15. Nottinghamshire County Council's Archaeology officer comments that provided condition 7 of 19/00412/OUT is applied, there are no further comments to make.
16. The Highway Authority (Nottinghamshire County Council) comment that a minimum access width of 4.8m plus 0.5m clearance on either side is required for a minimum distance of 8m to the rear of the highway boundary. A bin collection point will be required within the site adjacent to the public highway, positioned so as not to obstruct the required access width. It is recommended that the application is deferred to enable these points to be addressed.
17. The Borough Council's Environmental Health Officer comments that the sustainability statement refers to Air Source Heat Pumps however these are not reference on the plans. Further details of these are sought due to the potential to impact on the amenity of neighbouring properties. Conditions 8 and 9 of the outline permission are prior commencement conditions.
18. The Borough Council's Environmental Sustainability Officer comments that he is satisfied that the new hedgerow is appropriate, however the species of new tree planting to the boundary of the site does not appear to be shown. It is unclear what the ground treatment would be under the new planting, if this is to be vegetated that it is recommend that an appropriate wildflower and grass mix is used and an appropriate management regime implemented.
19. The Borough Council's Design and Landscape Officer has provided comments summarised as follows: The Chestnut in the south west corner of the site shown for removal is reasonably prominent and makes a pleasant contribution to the street scene. The tree report notes concerns regarding its structure and health. It is noted that the tree is close to the brick outbuildings of the adjacent property and it is therefore unlikely to meet the criteria for warranting protection as it is likely to outgrow the location and pose a risk of structural damage. The best approach is to seek replacement planting. The application drawing seems to show 3 new trees in this location and a detailed landscaping scheme should be conditioned for these and the other planting which is shown. Tree protection measures in accordance with BS5837 will need to be conditioned for the retained trees and boundary hedges.

20. The Borough Council's Monitoring and Implementation Officer has provided heritage comments summarised as follows: The Forge merits consideration as a non-designated heritage asset. It retains historic features including within its outbuildings. Weight should not be given to the 'sites sounds and smells of blacksmiths work' in contributing to the historic environment given that these activities are not still ongoing. The proposed residential use is unlikely to adversely impact on its setting. The coat of arms on the roadside frontage no longer exists and if it were to be restored then the development would not affect its context. The proposed development would not harm the historic understanding of The Forge. The immediate context is largely modern with 20th century houses to the west and portal-framed agricultural barns to the north and a modern barn conversion to the east. Further housing to the north would not harm the way in which the building can be experienced and understood as a non-designated heritage asset. Development outside of the site would not interfere with either the presence of The Old Forge within the streetscene or its relationship with outbuildings within its own site. The older buildings to the northern edge of Chestnut Farm are considered as a non-designated heritage asset which traditionally would have had a close relationship, inward-facing onto the former yard between them (now the garden of Chestnut Farm. The yard to the south makes little contribution to the significance of this group of buildings and its loss and redevelopment would not be significantly different to other modern housing development along Chestnut Lane which has filled space between earlier buildings.
21. It is not considered that the wider views north from within application site make a significant contribution to the special architectural or historic significance of The Forge. The interrelationship of the main house with its outbuildings and its presence on the main approach to the village are the most notable aspects of its setting insofar as setting contributes towards significance and these would be unaffected by proposals. It is not considered that the converted former stables to the north-east should be considered as a non-designated heritage asset. The proposed 3 dwellings would be larger than the 5 proposed at outline stage but their overall footprint and built form is in line with the illustrative masterplan in terms of the degree to which the site would be developed. The containment of development away from the eastern end of the site was a positive feature of the illustrative masterplan and it would be positive if the outbuilding could be pulled back to the west to avoid creep into less developed land. The illustrative masterplan had a more rural character due to its enclosed form around a yard. The development would be partly dwellings arranged gable end on to the street and partly backland development, there are examples of both forms of development nearby.
22. The reduced number of larger buildings has resulted in scales and massing which is less well related to existing dwellings nearby than the loose courtyard arrangement of the outline application. Whilst dormers are not a common feature in the village, their use is reasonable given the need to raise the ground floor level yet keep the overall heights as low as possible. It is considered that the application site in its current form makes little positive contribution to the significance of The Forge. The development would not result in harm to the special significance of nearby non-designated heritage assets via their settings, partly because the impact on context and views would not itself adversely affect significance and partly because the proposed development would not be greatly dissimilar to other nearby more recent

housing development. There would be no direct physical impacts on non-designated heritage assets arising from the proposed development and the proposal does not include any demolition of non-designated heritage assets.

Local Residents and the General Public

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

23. Objections have been received from 22 neighbours and member of public with comments summarised as follows:

- a. Scale, density, height, massing, layout and materials. unsympathetic to the character and appearance of neighbouring buildings and the surrounding area.
- b. Bungalows would be more appropriate due to raised floor levels.
- c. Two dwellings would work better, providing more open space.
- d. Dwellings unnecessarily large in height and width. Should be reduced in size.
- e. Dominant development harming rural character of village and landscape due to the height and requirement to raise floor levels due to flood risk.
- f. Cramped/ Over intensive form of development, density has increased due to reduction in site area and increased footprint of dwellings.
- g. A farmyard style/ courtyard development would be more in keeping with surrounding properties and would reflect the agricultural history of the site.
- h. Reduced length rear- gardens/ limited setback from eastern boundary a significant departure from the outline application, greater impact on openness of Green Belt. Loss of open strip of land to the east of the site, therefore the justification for the houses set out in the outline application no longer apply.
- i. Inadequate screening along rear boundary, visible from footpath to the east.
- j. Loss of agricultural character of original farmyard.
- k. Modern rear windows and balconies out of keeping with the character of this part of the village and the neighbouring properties.
- l. Would dominate the neighbouring houses and the 'low rise' original farm buildings.
- m. Adverse visual impact on bridleway users.
- n. Plot 1 extends beyond the rear of Nos. 2-8 Chestnut Lane with garages to the front-out of character with the existing frontage/ building line and does not reflect outline plans.
- o. Does not enhance open character of the Green Belt Rear.
- p. Plot 2 would be visible from New Road.
- q. Would block breaks in the built area and would block views east. Impact of view on Brandshill Wood which is an important part of the village setting.
- r. Screening and road between farm buildings and farmyard would result in a loss the agricultural heritage of the yard and farm buildings.
- s. The design should reflect the farming heritage rather than a suburban design. Would not complement existing farm buildings.

- t. Little difference in ridgelines to help blend the into the surrounding area.
- u. Raised patios out of keeping with rural/ agricultural context.
- v. Greater impact on openness of the Green Belt than the previous Dutch barn.
- w. Eastern hedge unlikely to be an effective screen and native trees should be incorporated into it.
- x. No clear details of materials.
- y. Dormer windows and prominent barge boards out of keeping.
- z. Impact on openness of Green Belt from the garage with home office above. This could become a habitable room extending plot 2 further east.
- aa. Proximity of buildings to neighbouring properties.
- bb. Dwellings concentrated to one side of the site, close to the boundary, impacting neighbouring privacy and living space.
- cc. Proximity of plots 1 and 3 to southern boundary.
- dd. Potential loss of southern boundary hedge screening, dwellings should be set back to leave space for the hedge without blocking sunlight. Narrow space would preclude boundary tree planting.
- ee. Loss of neighbouring privacy. Windows would be above hedge height. Loss of privacy from raised patios. Insufficient distance from the neighbouring rear gardens.
- ff. The planting is on the north side which is next to business not residential.
- gg. Undue overbearing and overshadowing of neighbours, dominant due to raised floor levels.
- hh. Noise impact from raised patios. Noise from windows.
- ii. Impact on windows/ outlook from The Forge, would dominate over this neighbour.
- jj. Overshadowing, loss of light and loss of tranquillity to the garden of The Forge impacting on character, setting and attractiveness for open events. Overbearing due to width of dwellings compared to the narrow garden serving this neighbour.
- kk. Light from windows rather than a dark sky outlook.
- ll. Outbuilding to the rear of The Forge would not lessen impact of development.
- mm. Tree/ hedge screening should not be relied on.
- nn. obscure glazing of facing bedroom windows would deny future occupants light and outlook, and not attractive.
- oo. Skylights could overlook garden of The Forge.
- pp. Proximity of cooker extraction to neighbouring windows and outline pipes/ drains to adjacent hedge/ trees.
- qq. A wall of sufficient height should be built to protect neighbouring privacy.
- rr. Positioning of plots 1 and 3 out of keeping with village layout whereby gardens back onto other gardens rather than dwellings.
- ss. Impact of business operations in the adjacent buildings on future occupiers.
- tt. Privacy screens to terraces would provide insufficient neighbouring privacy. Reduced- size terraces would still result in a loss of privacy due to floor level.

- uu. No height given for the raised patios.
- vv. A 1.8 metre high privacy screen would be 3.25 metres high due to the change in levels, resulting in an intrusive feature for the neighbour which would diminish the historic setting of The Old Forge.
- ww. Cumulative impact of proposed development, retained business and Oliver's Yard on residential amenity.
- xx. Would result in business traffic being moved further down Chestnut Lane- amenity impact.
- yy. Plans show the only access to the business and farmland beyond is via the private road between North House and Chestnut Farmhouse, existing business access across the yard would be blocked which is different to envisaged at outline stage. Use of this access would harm amenity and tranquillity at the northern end of Chestnut Lane. Track is narrow and difficult to see passing traffic. Damage already arising from emerging vehicles, additional commercial vehicles would worsen this.
- zz. Access to the business should be restored from the existing site or access.
- aaa. Plots 1 and 3 would only have 2 spaces, could lead to on- street parking, access and visibility issues, negative visual impact of parked cars.
- bbb. Proximity to The Forge, harm to the setting of a non- designated heritage asset. The Old Forge and associated buildings should be considered a combined group of non- designated heritage assets.
- ccc. Original buildings in Chestnut Yard should be considered as non- designated heritage assets.
- ddd. The interrelationship of the historic buildings need to be considered including the relationship between the farmyard, The Old Forge and The Old Stables.
- eee. Open undeveloped farmyard integral to the historic character of The Old Forge.
- fff. No other permanent non -agricultural buildings have been erected and the openness and agricultural setting of The Old Forge has remained intact.
- ggg. Design of the dwellings not in keeping with the style of the heritage assets.
- hhh. Revised plans remain overbearing on the historically important The Forge and its rural context.
- iii. Question why the flood banks cannot be raised rather than raised floor levels.
- jjj. No reference to drainage in reserved matters application. No details of the treatment of surface and foul water.
- kkk. Impact of impermeable hardstanding. The site is surfaced in gravel not concrete so it is currently permeable.
- lll. Excess water directed towards the paddock from the application site could increase risk of flooding to neighbouring land and barn.
- mmm. The outline application considered the decrease in hardstanding as a community sustainability benefit to outweigh flood risk but the proposal does not offer this.
- nnn. Plans have changed significantly from the indicative plans in the outline permission.

- ooo. There should be a greater emphasis on sustainability to make the houses fit for the future.
- ppp. Concern that piling could be used.
- qqq. A road along the south side of the site would protect the hedge and address amenity issues.
- rrr. Concerns regarding construction noise.
- sss. Lack of description of building materials, hard to assess appropriateness.
- ttt. Lack of ecological mitigation measures.
- uuu. Impact of construction traffic on Chestnut Lane.
- vvv. Affordable smaller homes are needed.
- www. Tandem development contrary to Residential Design Guide.
- xxx. Measurement between hedge and Plot 3 taken at widest point.
- yyy. The boundaries to neighbouring gardens, location of neighbouring house and outbuildings not shown correctly on the submitted plans.
- zzz. Outline plans incorrectly showed the entire width of the rear boundary hedge to The Forge within the application site.
- aaaa. Boundary hedge varies in height rather than 2.5 metres as shown.
- bbbb. Noise and light impact on wildlife.
- cccc. Lack of tree survey.
- dddd. Neighbouring trees should be protected. Damage to roots of boundary hedge and adjacent trees.
- eeee. The site differs from existing residential barn conversions referred to in the outline report as it is a new build with no existing dwellings.
- ffff. 3D visuals show floor-to-ceiling windows on plots 2-3 whereas the elevation plans do not.
- gggg. Infilling gaps in built form could diminish Green Belt washed over status.
- hhhh. Potential noise and disturbance impact on neighbouring owl roost.
- iiii. No compensatory provision for wildlife, bird and bat provision should be made.
- jjjj. No reference to species used to gap up boundary hedge.
- kkkk. The proposal should not put demands on the neighbours to reduce the height and overhang of the current trees to provide more light to plots 1 and 3.
- llll. Object to the removal of mature Horse Chestnut Tree T6 which has a high biodiversity value, provides greater carbon storage than new trees, and helps provide screening to the south west corner of the site.
- mmmm. Horse Chestnut Tree important to the local history of the village and the name Chestnut Farm.
- nnnn. Consideration of whether Horse Chestnut Tree could impact on the structural integrity of the neighbouring property.
- oooo. New fence built to the east of the original hedge line, concern it may not be possible to clearly judge the eastern boundary position.
- pppp. Reliance on private car use would result in increased vehicle movements, climate and amenity impacts.
- qqqq. Question the sustainability of large homes building built, smaller houses more likely to attract children of existing residents to

stay in the village, older residents unable to stay in the village due to a shortage of smaller properties. Would not cater for local need.

rrrr. Reference is made to the development of the site avoiding a derelict eyesore should the business cease, however the business continues to operate and therefore this cannot be used as justification.

ssss. Original ecological survey out of date.

tttt. Potential for hibernating toads to the southern edge of the site.

uuuu. Gable ends of plots 2-3 closer to eastern boundary than the measurement shown on the plans.

PLANNING POLICY

24 The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LLP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the 2021 National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance), and the 2009 Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

25. The relevant sections of the NPPF are:

- Paragraph 11c).
- Chapter 12 (Achieving well- designed places).
- Chapter 13 (Protecting Green Belt Land).
- Chapter 14 (Meeting the challenge of climate change, flooding and coastal change).
- Chapter 15 (Conserving and enhancing the natural environment).
- Chapter 16 (Conserving and Enhancing the Historic Environment).

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

26. The relevant policies from the LPP1 are:

- Policy 1 Presumption in Favour of Sustainable Development.
- Policy 2 Climate Change.
- Policy 3 Spatial Strategy.
- Policy 8 Housing Size, Mix and Choice.
- Policy 10 Design and Enhancing Local Identity.
- Policy 16 Green Infrastructure, Landscape, Parks and Open Spaces
- Policy 17 Biodiversity.
- Policy 18 Infrastructure.

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

27. The relevant policies from the LPP2 are:

- Policy 1 (Development Requirements).
- Policy 11 (Housing Development on Unallocated Sites within Settlements).

- Policy 12 (Housing Standards).
- Policy 17 (Managing Flood Risk).
- Policy 18 (Surface Water Management).
- Policy 21 (Green Belt).
- Policy 38 (Non- Designated Biodiversity Assets and the Wider Ecological Network).
- Policy 32 (Recreational Open Space).
- Policy 37 Trees and Woodland.
- Policy 38 Non-Designated Biodiversity Assets and the Wider Ecological Network.
- Policy 39 Health Impacts of Development.
- Policy 40 Pollution and Land Contamination.

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

APPRAISAL

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
29. Outline planning permission was granted under 19/00412/OUT with all matters reserved. Accordingly the matters of access, appearance, layout, scale and landscaping fall to be considered under the current application.
30. Matters of flood risk (Sequential test, Exception Test Drainage), contamination, demolition and construction impacts, and ecological assessment were considered at the outline stage and are, where appropriate, subject to condition discharge and so are not part of the consideration of this application.
31. The outline application considered that a scheme based on the submitted indicative layout plan could be considered as a 'limited infill' development within the settlement subject to appropriate design, layout and scale. The indicative outline plans proposed a 'courtyard style' development of 5 dwellings, set back from the eastern boundary. It was considered that the development based on this layout would not project beyond the eastern boundary of the residential properties on New Road not would the dwellings extend beyond the rear boundary of the tennis court associated with 18 Chestnut Lane or The Old Slaughterhouse to the north and accordingly it was not considered to represent an eastern extension of the built area of Barton in Fabis.
32. The reserved matters application proposes a lower quantum of development comprising 3 dwellings. The dwellings would be detached rather than positioned in a linked courtyard arrangement as was indicated at outline stage. The dwellings would be set back a minimum of 16.3 metres from the eastern boundary providing a green buffer from the eastern boundary.

33. The originally submitted layout plans showed a garage between plots 2 and 3 that would have projected beyond the rear of these dwellings, extending to within 7 metres of the eastern boundary. Officer concerns were raised regarding the eastern encroachment of development within the site, following which the application plans were amended to pull the garage back from the eastern boundary and to position it between plots 2 and 3. The garage has also been reduced in scale from a double garage to a single garage with the ridge height reduced from 6.2 to 5.3 metres.
34. The revised plans also proposed the set back of plot 2 from the eastern boundary by an additional 1.5 metres. The rear- projecting raised terraces to the rear of each property have been reduced in depth. As a result of these changes, the proposal would sit within the fabric of the village and that it would provide a reasonable green buffer with the adjacent open fields to the east. It is considered that the layout of the reserved matters scheme would comprise limited infill and therefore an exception to inappropriate development in the Green Belt.
35. The application site fronts Chestnut Lane to the west and is set behind the properties fronting New Land to the south. Plot 1 would be the most visible property in street scene of Chestnut Lane. The dwellings would have limited visibility from New Lane due to the frontage properties and the distance from this highway.
36. The consultee comments regarding the departure of the reserved matters scheme from the 'courtyard style' development shown on the indicative outline plans are noted. There are however other examples of backland or infill development in the vicinity comprising detached dwellings for example at The Limes off Brown Lane and the dwellings set back from the end of Chestnut Lane. It is not considered that the built form comprising three detached dwellings in large plots would appear at-odds with the surrounding fabric of the village. Details of facing and roofing materials are required under condition 4 of the outline permission.
37. The street scene of Chestnut Lane comprises a mix of property types and ages. The proposed dwellings would be of a traditional brick design and it is not considered that the proposal would harm the character of the street scene. The proposed dwellings would occupy a service yard that was formerly used for the storage of vehicles and materials and occupied by a large centrally positioned barn structure which did not contribute positively to the character of the street scene.
38. The proposed three dwellings would each be larger in footprint than the five dwellings shown on the indicative outline plans, however they would sit within reasonably sized plots which would each provide a rear garden space in excess of the minimum garden size standards set out in the Rushcliffe Residential Design Guide.
39. The proposed dwellings would require a substantially elevated Finished Floor Level (FFL) due to the modelled flood level. Concerns were raised at outline stage that the elevated FFL could result in the dwellings being of a substantial height. Accordingly, a condition was applied (condition 5) stipulating that the ridge height shall not exceed 35.65m AOD (Above Ordinance Datum), this equating to and approximately 8.2 metres ridge height relative to the existing

ground levels, this broadly reflecting the roof height of the neighbouring two storey properties at Nos. 6-8 Chestnut Lane which have a ridge height of 8 metres.

40. The Reserved Matters application proposes two storey dwellings although the first floor would be partly within the roof space, thereby lowering the eaves to effectively one-and-a-half storey height to counteract the elevated FFL. It is not considered that the height and overall scale of the dwellings would appear at odds with the surrounding built area.
41. The application site abuts the residential curtilages of 8 Chestnut Lane and The Forge to the south. The proposed dwelling on Plot 1 would project approximately 8.4 metres beyond the rear of No. 8 with a minimum set back of 1.6 metres from the boundary with this neighbour. The separation distance between the plot 1 and the neighbouring dwelling would be approximately 9.5 metres. The proposed dwelling would not impact upon the 45 degree line of sight from the rear windows of this neighbour.
42. The submitted application plans show that a 3 metre boundary hedge is to be retained on the southern boundary of the site, however it is appreciated that this screening cannot be relied upon should the hedge die or become damaged in the future. Notwithstanding the hedge screening, it is not considered that plot 1 would have an undue overbearing impact on No. 8 due to the separation distance between the two dwellings. As No. 8 is due south of the application site, there would not be a significant direct overshadowing impact.
43. The proposed dwellings would each feature a rear- projecting raised terrace. Through revisions to the application plans these have been reduced in depth compared to the originally submitted plans. The sections of the rear terraces serving plots 1 and 3 closest to the southern boundary have been reduced to a metre in depth. A 1.8 metre high side privacy screen is proposed, details of which shall be secured by way of a condition should planning permission be granted.
44. The dwelling on plot 3 would be set off the southern boundary by between 1.2 And 1.76 metres. It would abut the rear garden of The Forge and the rear corner of the garden serving No. 8. There is a high hedge and tree screening to the rear of The Forge but again it is appreciated that this cannot be relied upon to provide screening in perpetuity. The dwelling at The Forge fronts New Road to the south with a sizeable c. 44 metre deep rear garden backing onto the application site. To the rear of The Forge but offset to the east of the main garden there is a large 'L' shaped converted barn outbuilding which has a blank elevation facing the application site.
45. The originally submitted application plans for Plot 3 featured an attached front garage with living space above that would have measured 3.7 metres to the eaves and 6.8 metres to the ridge. Officer concerns were raised regarding the combined scale and massing of the dwelling and attached garage as viewed from the southern side profile. Discussions took place with the agent and the plans were amended to reduce the height of the garage to an eaves height of 2.2 metres and a ridge height of 5.5 metres, thereby reducing the massing of the south side elevation. The raised rear terrace has been reduced in depth with the rear corner stepped back from the southern boundary. Given the

separation distance between Plot 3 and the dwelling at The Forge, it is not considered that there would be an undue overbearing impact on this neighbour.

46. The neighbour concerns regarding privacy are noted. The southern elevation of plots 1 and 3 would feature ground and first floor windows. The originally submitted set of plans proposed obscure- glazing to the upper floor side windows only. However it is noted that the ground floor windows would be elevated due to the substantially elevated FFL. As a result, the ground floor windows would have a cill height of 2.2 metres above external ground level. Officer concerns were raised that the elevated ground floor windows could give rise to the overlooking of the neighbours to the south should the current boundary hedge fail or be removed. Accordingly discussions took place with the agent and the plans were amended to obscure- glaze the ground floor side windows in addition.
47. To the north of the site there is a run of single storey and one-and-a-half storey converted brick barns which house a grounds maintenance business, these buildings run along approximately 2/3 of the northern edge of the site with a neighbouring tennis court to the north east that falls within the curtilage of Chestnut Farm House. It is not considered that the proposed development would result in an undue overbearing impact on Chestnut Farm House. There is also a good degree of separation between the proposed frontage dwelling on plot 1 and the opposite- facing properties on Chestnut Lane which are set back from the highway.
48. The proposed dwellings would be served via the existing access which is to be upgraded. An adjacent access would be formed to serve the commercial use. It is not considered that the traffic generated by three dwellings would result in a significant noise and disturbance impact on neighbouring residents and they would occupy a service yard currently used by grounds maintenance vehicles and for the storage of materials.
49. The relationship between the proposed dwellings and the retained commercial use has been considered. The dwellings would occupy the former service yard/ storage yard which would have been the main noise- generating element of the commercial use. The commercial buildings along the northern edge of the site house offices for the grounds maintenance along with some fairly small- scale storage provision and parking. It is not considered that the retained commercial use would be likely to result in undue noise and disturbance impacts on future occupiers of the dwellings and Environmental Health have not raised any concerns in this regard.
50. The neighbouring property at The Forge is merits consideration as a non-designated heritage asset. Accordingly the proposal falls to be considered under paragraph 203 of the NPPF which states, inter alia, that in weighing applications that affect non- designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
51. Due to the distance between the dwelling at The Forge and the application site, the proposed dwellings on Plots 1 and 3 would not appear prominent against the backdrop of The Forge as viewed from New Road. The development would not interfere with either the presence of The Old Forge

within the streetscene or its relationship with outbuildings within its own site. The immediate context of is largely modern with 20th century houses to the west, and the application site itself previously occupied by a large portal-framed barn along with vehicles, stacked materials and various structures/containers. It is also not considered that the wider views north from within application site make a significant contribution to the special architectural or historic significance of The Forge.

52. The older brick barn buildings along the northern edge of the application site are also considered as non-designated heritage asset, however traditionally they would have had an inward-facing relationship between them centred around what is now the garden of Chestnut Farm House, rather than a close relationship with the application site/ former service yard which makes little contribution to the significance of this group of buildings.
53. It is not considered that the development would adversely affect the context and views of the non-designated heritage assets and it noted that the proposed development would not be greatly dissimilar to other nearby more recent housing development. The proposal would not therefore harm the special significance of nearby non-designated heritage assets via their settings.
54. The submission includes an Archaeological Report which notes that there is moderate potential for medieval remains. The site has not been previously evaluated and the impact is unknown. Further archaeological work is therefore required to clarify the archaeological potential of the site and trial trenching may provide an appropriate method of survey work. Further archaeological investigation shall be secured by way of a condition should planning permission be granted.
55. The application proposes the removal of a mature Chestnut tree to the south west corner of the site which makes a positive contribution to the street scene. The submitted Tree report however identifies concerns regarding its structure and health. The Design and Landscape Officer notes the proximity of the tree to neighbouring brick outbuildings and that it is unlikely to warrant protection as the tree is likely to outgrow the location and pose a risk of structural damage. Accordingly, replacement planting is sought along with tree protection measures for the retained boundary trees/ hedges. The submitted layout plan proposes additional planting to the south west corner of the site along with planting along the northern boundary with the adjacent commercial buildings. A detailed landscaping scheme along with details of tree protection measures shall be secured by way of a condition in the event that planning permission is granted.
56. The residential development would be served via the existing access which is to be upgraded. It was noted on the originally submitted layout plan that this would have effectively cut off direct access off Chestnut Lane to the retained commercial use. There is a track that loops around the back of the commercial buildings adjoining Chestnut Lane further north, however officer concerns were raised that any intensification of the use of this access track could give rise to noise and disturbance issues for the properties adjacent to this track (Nos. 18 and 20 Chestnut Lane) arising from commercial vehicles using it as the sole means of access. Discussions took place with the applicant and the plans were amended to provide a separate direct access off Chestnut Lane to serve the

commercial use. The existing rear access track would be retained but it is to be gated and restricted to occasional emergency use.

57. Following the receipt of comments from the Highway Authority, the proposed access to serve the residential use has been amended on the site layout plan to provide an access width of 4.8m plus 0.5m clearance on either side in accordance with Highway Authority specifications.
58. It is considered that the proposal as revised during the course of the application would not unduly harm the character of the street scene or the setting of adjacent non-designated heritage assets and that it would not unduly harm neighbouring amenity. For the reasons set out above it is considered that the proposal accords with the general national and local planning policies considered above and accordingly it is recommended that Planning Permission is granted.
59. The outline application included a Sustainable Drainage Statement which noted that the existing site is hard- surfaced with surface water runoff onto surrounding verges, roads and fields with a lack of any mapped adopted sewer network. Infiltration is proposed as a means of controlling surface water. Details of drainage shall be secured by way of a condition should planning permission be granted.
60. The application site comprises predominantly of hardstanding with vegetation to the boundaries. It was established in the outline application that the site lacked suitable habitats for priority or protected species provided that boundary hedges, trees and ditches are not impacted upon.
61. An Arboricultural Assessment was provided under the outline application which identified the proposed removal of a prominent Chestnut tree to the south west corner of the site due to concerns regarding its structure and health. The Design and Landscape Officer considers that the tree is unlikely to warrant protection as it is likely to outgrow its location and due to the risk of structural damage to adjacent outbuildings. The plans show 3 new trees in this location. A detailed landscaping scheme is required under condition 3 of the outline planning permission.
62. The southern boundary hedge provides screening from the neighbouring gardens and its retention is sought along with supplementary planting on part of the boundary between the application site and No. 8 Chestnut Lane. Tree protection measures in accordance with BS5837 shall be secured by way of a condition should planning permission be granted.
63. Discussions have taken place during the application process to address officer concerns regarding the layout and scale of the dwellings. The application plans have been amended to pull development away from the eastern boundary, and to reduce the scale and massing of the dwellings by reducing the height of the front-projecting garages on plots 1 and 3 and to reduce the depth of the raised rear terraces. As a result of the changes, it is considered that the development has overcome the initial officer concerns, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

Grant Planning Permission subject to Conditions

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

- Location Plan, received on 23 December 2021.

 - 21.3940.13A Sheet 5 of 11 (Plot 1 Proposed First Floor).
 - 21.3940.14 Sheet 6 of 11 (Plot 2 Proposed Elevations).
 - 21.3940.15 Sheet 7 of 11 (Plot 2 Proposed Floor Plans).
 - 21.3940.16A Sheet 8 of 11 (Plot 2 Proposed Garage).
- received on 21 April 2022.
- 21.3940.10B Sheet 2 of 11 (Plot 1 Proposed Elevations).
 - 21.3940.10B Sheet 3 of 11 (Plot 1 Proposed Elevations).
 - 21.3940.18B Sheet 10 of 11 (Plot 3 Proposed Elevations).
 - 21.3940.09H Sheet 1 of 10 (Proposed Site and Roof Plan).
- received on 14 June 2022.

and

- 21.3940.12C Sheet 4 of 11 (Plot 1 Proposed Ground Floor Plan).
 - 21.3940.19B Sheet 11 of 11 (Plot 3 Proposed Floor Plan).
 - 21.3940.17C Sheet 9 of 11 (Plot 3 Proposed Elevations).
- received on 16 August 2022.

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

2. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with BS5837, details of which shall be first submitted to and approved in writing by the Borough Council. The approved means of protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure the development does not cause harm to the health of the trees which are to remain within this development which would be detrimental to the amenity of the public in accordance with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition requires discharging prior to development to mitigate harm during construction and site clearance works].

3. Prior to the commencement of development, an archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the Borough Council. Any investigation and/ or mitigation measures shall be

implemented in accordance with the details and timings as approved.

[In order to ensure the assessment of the nature, extent and significance of any archaeological potential and to comply with Policy 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is required to be discharged prior to commencement due to the archaeological potential of the site].

4. Prior to the formation of the drive, turning/ parking areas or any other hard surfaced areas, details of the surfacing materials shall be submitted to and approved in writing by the Borough Council and the development shall be carried out in accordance with details as approved.

[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].

5. Prior to the occupation any dwelling, the respective driveways, parking and manoeuvring spaces shall be provided in accordance with the layout shown on drawing 21.3940.09H Sheet 1 of 10 (Proposed Site and Roof Plan) received on 14 June 2022 including the formation of a separated dedicated to serve the adjacent commercial use.

[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].

6. Prior to the vehicular access points for either the residential development or adjacent commercial use being brought into use, they shall be fronted with an appropriate dropped kerb crossing constructed to Highway Authority specifications.

[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].

7. Prior to the development progressing beyond ground floor slab level, a statement of Biodiversity Net Gain from the development shall be submitted to the Borough Council for approval. (enhancements) Any approved mitigation and enhancement scheme, which must include installation within buildings (including Swallow/swift and sparrow cups/boxes) and hedgehog corridors, shall thereafter be implemented prior to the first occupation of any unit and retained for the lifetime of the development.

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

8. The development shall not progress beyond damp proof course level until a surface water drainage scheme (in accordance with the sustainable drainage hierarchy) has been submitted to and approved in writing by the Borough Council. This shall include provisions to prevent the unregulated discharge of surface water onto the public highway. The development shall only be carried

out in accordance with the approved surface water drainage scheme, which shall thereafter be maintained throughout the life of the development.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy, and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Prior to the installation of air heat source pumps, details of these shall be submitted to and approved in writing by the Borough Council and thereafter shall be installed and retained to the agreed specification.

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

10. Prior to the removal of the tree to the south west corner of the site referred to as tree T6 in the Arboricultural Assessment (FPCR- 2016) submitted under 19/00412/OUT, details of replacement tree planting shall be submitted to and approved in writing by the Borough Council. The replacement planting shall be carried out within the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[To ensure the development is of a satisfactory appearance in accordance with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Prior to the erection of the boundary treatment on the external boundaries, details of the materials shall be submitted and approved in writing by the Borough Council and the boundaries shall be constructed in accordance with the details as approved.

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

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

[To 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].

13. Notwithstanding the provisions of Schedule 2, Part 1 Class A; B; and E of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without

modification) there shall be no enlargement or alteration of the proposed dwelling, or erection of any outbuildings without the prior written approval of the Borough Council.

[In the interests of the visual amenity of the area and character and appearance of the conservation area, and to comply with policy 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The 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].

15. Prior to the construction of any dwelling proceeding above foundation level, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve each dwelling. Thereafter, no dwelling shall be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

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

16. Prior to the development being brought into use, the rear terraces serving plots 1 and 3 shall be fitted with a 1.8 metre high privacy screen to the southern side of the respective terraces, details of which shall be first submitted to and approved in writing by the Borough Council. Thereafter the privacy screens shall be retained to the agreed specification for the lifetime of the development.

[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].

17. The ground and first floor windows in the southern elevation of plots 1 and 3 shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the window shall be retained to this specification unless otherwise agreed in writing by the Borough Council. No additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

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

18. Prior to the development being brought into use, a gate shall be installed

across the eastern end of the drive serving the adjacent commercial use in the location as shown on drawing 21.3940.09H. Vehicular access through this gate shall be restricted to occasional emergency use for the lifetime of the development.

[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.

Note-

Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal.

Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the grant of planning permission.

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

NOTES TO APPLICANT

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

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

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

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

A biodiversity net gain (BNG) assessment, with a demonstrated gain should be

provided as recommended by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments, with the gains implemented and maintained in the long term and agreed by the local planning authority, this may require support from a Landscape and Ecological Management Plan (LEMP). A simplified BNG assessment is available from Natural England for use in householder and small developments. BNG is likely to become mandatory under law in the near future.

A construction ecological method statement (CEMP) incorporating reasonable avoidance measures (RAMs), should be agreed and implemented, including the good practice methods below:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or ecologically sensitive areas.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles and the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted.

Other recommendations include:

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and if lighting is required a wildlife sensitive lighting scheme should be developed and implemented.
- Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.

- Permanent bat boxes and bird boxes (including swifts) should be incorporated into buildings and / or where appropriate on retained trees. Hedgehog corridors, access and enhancements should be provided within and through site boundaries. Invertebrate enhancements (e.g. bee bricks and Insect hotels) should be provided as appropriate. Where amphibians are found locally, hibernacula or other enhancements should be provided.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds. For amenity grassland, flowering lawn seed mixes are recommended.
- Any existing hedgerow / trees should be retained and enhanced; any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides.
- It is recommended that consideration should be given to energy efficiency, alternative energy generation, climate change impacts (including increased temperatures and increased rainfall), water efficiency, travel sustainability (including, travel planning, electric vehicle and cycle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

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Application Number: 22/00854/FUL
Corner of Ashley Road and Church Drive, Keyworth



scale 1:1000

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22/00854/FUL

Applicant Mr Daniel Asher

Location Land To The Corner Of Ashley Road And Church Drive, Keyworth
Nottingham Nottinghamshire NG12 5FJ

Proposal Erection of single storey dwelling including associated landscaping,
parking and access works

Ward Keyworth And Wolds

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

THE SITE AND SURROUNDINGS

1. The application site is located on the corner of Ashley Road and Church Drive, comprising part of the garden to the south side of 46 Ashley Road. The highway boundaries currently comprise a c. 2 metre high hedge with a mature tree on the Church Drive frontage. The host property comprises a two storey semi- detached dwelling faced in brick with a render frontage and a brick garage to the side.

DETAILS OF THE PROPOSAL

2. The application seeks planning permission for the erection of a 1 bed single storey detached dwelling with a new access off Church Drive. One off- road parking space is proposed. The dwelling would be faced in red brick with a tiled pitched roof. The dwelling would be sited on land to the south of No. 46 which currently comprises part of the curtilage of this property. No. 46 would retain a c. 85 sqm rear garden. The existing front and side boundary hedge is shown to be retained.
3. The plans have been amended during the course of the application comprising the addition of a canopy to the entrance, the addition of window headers and cills, changes to the proportions of the kitchen window in the east elevation and the addition of a glazed apex above the patio doors in the east elevation.

SITE HISTORY

4. 21/01216/FUL- Erect two storey dwelling (infill scheme). Application refused.
5. 21/03032/FUL- Erection of 2 storey dwelling with parking and associated works. Application refused.

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr Edyvean) objects to the application commenting that he fails to see how this further application addresses the previous refusal reasons, particularly that such a development is out of character with the

existing surroundings and the lack of amenity space to the proposed dwelling and a loss of amenity space to the adjacent dwelling.

Town/Parish Council

7. Keyworth Parish Council object, commenting that whilst they welcome the improved plans, they still consider it to be over-intensive for the plot. The proposal would be classed as garden grabbing which goes against Parish Council planning policy. The Parish Council do not believe the development would be consistent with the building line of either road.

Statutory and Other Consultees

Nottinghamshire County Council

8. As Highways Authority refer to standing advice.

Local Residents and the General Public

9. Objections have been received from 6 neighbours/ members of public with the comments summarised as follows:
 - a. insufficient parking.
 - b. proximity of access to a busy junction.
 - c. no provision for a second car/ visitor parking.
 - d. projection forward of building lines on both roads.
 - e. loss of on- street parking due to new access.
 - f. impact of increased on- street parking on traffic flows, congestion.
 - g. footprint too large for the plot.
 - h. would result in 'garden grabbing'.
 - i. loss of mature trees to the corner of the site.
 - j. no details of retained hedge height.
 - k. Part of the hedge forms the boundary to 5 Church Drive and it is the responsibility of this neighbour, permission to remove or alter it would be refused.
 - l. assurance sought that the frontage hedgerow would not be removed in future.
 - m. single infill developments not required given the large new- build developments in progress.
 - n. loss of amenity to No. 46, the plot would not provide space for a suitability sized dwelling and adequate outside space.
 - o. proximity to existing dwellings, particularly 5 Church Drive which has four windows on the eastern elevation.

PLANNING POLICY

10. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy LLP1 and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), the adopted Keyworth Neighbourhood Plan and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

11. The relevant policies from the NPPF are:
- Chapter 2 (Achieving sustainable development).
 - Chapter 4 (Decision-making).
 - Chapter 12 (Achieving well- designed places).
 - Chapter 14 (Meeting the challenge of climate change, flooding and coastal change).

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

Relevant Local Planning Policies and Guidance

12. The relevant policies from the LPP1 are:
- Policy 1 (Presumption in Favour of Sustainable Development).
 - Policy 2 (Climate Change).
 - Policy 3 (Spatial Strategy).
 - Policy 10 Design and Enhancing Local Identity.

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

13. The relevant policies from the LPP2 are:
- Policy 1 (Development Requirements).
 - Policy 11 (Housing Development on Unallocated Sites within Settlements).

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

14. The Keyworth Neighbourhood Plan (referred to herein as KNP) has been adopted. Paragraph 30 of the NPPF states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. The following policies are of relevance to the application:
- H1- Housing Strategy.
 - TA3- Parking Standards.

The Keyworth Neighbourhood Plan can be viewed [here](#).

APPRAISAL

15. 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.
16. 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.
- d. Amenity of Future occupiers.
- e. Highways and parking.
- f. Other.

Principle of Development:

17. The proposal falls to be considered under LPP2 Policy 11 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted for development on unallocated sites subject to compliance with the criteria listed under part 1 of this policy. Of specific relevance are criteria a, b, c, f, and g whereby planning permission will be granted provided:
 - a. the proposal in terms of scale and location is in accordance with Local Plan Part 1: Core Strategy Policy 3 (Spatial Strategy);
 - b. the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials;
 - c. the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;
 - f. the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
 - g. appropriate provision for access and parking is made.
18. In terms of the principle of development, the site falls within the built- up area of Keyworth, identified as a Key Settlement for growth, and therefore a residential development in this location be in accordance with LPP1 Policy 3 (Spatial Strategy). As such the principle of development is considered acceptable subject to detailed considerations.

Design/ character and appearance of the street scene:

19. Planning permission was previously refused for the erection of a part two storey dwelling and part single storey dwelling under planning reference 21/03032/FUL. The application was refused on the basis that the design, layout, scale and massing was considered to fail to respect the character of the site and surrounding area, appearing as a cramped and over-intensive development.
20. The current application seeks planning permission for a single storey dwelling on the same footprint as the previous application. The dwelling would be modest in height measuring 2.35 metres to the eaves and 3.5 metres to the ridge. The dwelling would project c. 1.2 metres forward of 46 Ashley Road, with a frontage broadly in line with the neighbour at 5 Church Drive. Accordingly, it would not project significantly forward of the general building line of either road. The dwelling would be set back 6 metres from Ashley Road, maintaining a degree of openness on the corner of the Ashley Road-Church Drive junction.
21. The existing boundary hedgerow treatment is to be retained except for where the new access off Church Drive is to be formed. The hedge would act to soften the appearance of the dwelling in the street scene. Due to the set-back of the proposed dwelling and the retention of the hedge, the green character

of the corner of the site abutting the junction would be retained. Should planning permission be granted, it is proposed that the retention of the hedge shall be secured by way of a condition.

22. In terms of design, it was considered that the previous application did not relate well to either highway frontage due to the proportions and positioning of windows and the lack of a clear legible main entrance. Discussions took place with the applicant during the course of the current applicant and amendments were made to the design of the dwelling to improve its relationship with the street scene. These amendments included the addition of a canopy to define the main entrance. Window header and cill brick detailing is proposed to improve the appearance of the window openings, along with the addition of a glazed apex over the glazed doors on the Ashley Road frontage, and changes to the proportions of the kitchen window on the Ashley Road frontage to better match the dimensions of the other windows.
23. It is considered that the amendments have address the previous design concerns and it is not considered that the dwelling would result in harm to the character of the street scene.

Impact upon residential amenity:

24. The proposed dwelling would have a broadly 'L' shaped footprint with the rear- projecting section set back 3.8 metres from the side boundary with No. 46, and the side- projecting element extending up to the boundary with this neighbour. The side- projecting part of the dwelling would abut the garage adjoining No. 46 which forms a blank side wall on the boundary. The rear- projecting element would extend 2.3 metres beyond the rear of No. 46. Given the set- back of the rear- projecting part of the dwelling from the boundary with No. 46 and its fairly modest height, it is not considered that there would be an undue overbearing or overshadowing impact on this neighbour.
25. The proposed dwelling would be set back 3.8 metres from the boundary with the neighbour at 5 Church Drive. This neighbour has ground floor windows and a clear- glazed first floor window that faces the application site. There would be no windows in the end gable facing this neighbour and it is not therefore considered that there would be a loss of neighbouring privacy. Given the modest single-storey height of the revised scheme and the separation distance, it is not considered that there would be an undue overbearing or overshadowing impact on this neighbour.

Amenity of future occupiers:

26. The Rushcliffe Residential Design Guide sets out guidelines for rear garden sizes, whereby a detached dwelling should be served by a garden of 110 sqm in area or 55sqm for a 1-2 bed dwelling. Where this is not achievable, justification should be provided as to why a smaller garden is acceptable. The revised scheme proposes a smaller 1 bed dwelling and therefore the lower guideline garden size applies. The scheme achieves a 42 sqm rear garden, there is also a large garden area on the Ashley Road frontage that would remain private due to the retention of the hedge. The two garden areas combined would exceed the minimum garden standards for the proposed dwelling.

27. The existing property at No. 46 would retain 84.7 sqm of rear garden space. This would fall short of the guideline minimum garden size of 90sqm for a semi-detached property but not significantly so. Nevertheless the plot has been subdivided already, and the property at 46 Ashley Road now falls within separate ownership from the application site. As such the plot size for 46 Ashley Road now represents an existing situation.

Highways and Parking:

28. In terms of matters of access and parking, policy TA3 of the KNP states that proposals for schemes of 10 or less dwellings should demonstrate an appropriate level of parking based on consideration of accessibility and location, the type of development, the availability of public transport, the likely peak time number of visitors and local employees and local car ownership levels.
29. Policy H1 of the KNP states that "Applications for infill development, or on previously developed sites within the settlement boundary, will be supported subject to compliance with other Development Plan policies and provision of suitable vehicular access and sustainable links to shops and services".
30. The application would comply with part 4.1 of the NCC Highway Design Guide which states that 1 or more spaces should be provided for a 1 bed dwelling. The site is located close to shops/ services and public transport and therefore the level of parking provision is considered sufficient. The proposal is therefore considered to comply with Policies TA3 and H1 of the KNP.

Other:

31. The LPP2 sets out in policy 12 that all new dwellings should meet the higher 'Optional Technical Housing Standard' for water consumption as Rushcliffe being an area that has been identified as having moderate 'water stress' (i.e. scarcity). It would therefore seem reasonable to condition the dwellings meet this standard, which will require any developers to notify building control who will in turn ensure the building meets the higher standards as part of their process. A note to applicant regarding this process would seem reasonable.
32. It is also considered prudent to secure the provision of electric vehicle charging points to the site car park to comply with the aims of Policy 41 – Air Quality of the LPP2 and part 11 of policy 1 (Development Requirements) of the LPP2. The Borough has identified that local air quality issues are largely caused by 'tail pipe' emissions from vehicles, and as such the support and encouragement for electric vehicle usage would provide the infrastructure for future users to adopt more sustainable transport modes.
33. The site lies within flood zone 1 and is therefore at the lowest risk of flooding. With regards to surface water, mapping suggests no surface water flooding issues on or close to the site. Surface water is proposed to be dealt with by discharge to a nearby watercourse (as identified within the application form). No evidence has been submitted to either demonstrate this or show that surface water cannot be dealt with otherwise in accordance with the sustainable drainage hierarchy as required by policy 18 of the LPP2. As such it is considered that notwithstanding the assertion in the application form, a condition be imposed requiring a surface water drainage strategy and

assessment be submitted to show consideration for the drainage hierarchy and advocate a SUDS first approach.

34. The development is not considered to raise any concerns in relation to the conservation status of any protected species given the site parameters. Nevertheless a condition requiring the integration of biodiversity enhancements is considered prudent in the interests of ecology, and in accordance with policy 38 of the LPP2.

Conclusions:

35. The revised scheme would be a modest single storey dwelling that would not harm the character of the street scene due to its siting, design and the retained boundary hedgerow planting. For the reasons set out above it is considered that the proposal accords with the general national and local planning policies considered above and accordingly it is recommended that Planning Permission is granted.
36. Negotiations have taken place during the consideration of the application to address concerns identified by officers. Amendments have been made to the proposal, addressing the concerns, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0260-1-01-00 (Location and Block Plan), received on 4 May 2022; 0260-3-08-00 Rev C (Site Plan), and 0260-3-11-00 Rev F (GA Floor Plans), received on 27 June 2022; and 0260-3-21-00 (GA Elevations), received on 8 July 2022.

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

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

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

4. The dwelling hereby permitted shall not be occupied until the driveway parking space has been provided in accordance with drawing 0260-3-08-00 Rev C (Site Plan) and fronted with a suitably constructed dropped kerb access in accordance with Highway Authority specifications. The driveway shall be surfaced in a bound material with provision to prevent the unregulated discharge of surface water onto the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

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

5. With the exception of the section of hedge to be removed to for the new vehicular access, the boundary hedge on the Ashley Road and Church Drive frontages shall be retained in accordance with drawing 0260-3-08-00 Rev C (Site Plan) for the lifetime of the development. Any part of the retained hedge dying, being severely damaged, becoming seriously diseased, or otherwise removed, shall be replaced with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[To ensure a satisfactory appearance of development and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

6. Prior to the development progressing beyond damp proof course level, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancements shall be implemented prior to the development being brought into use and shall thereafter be retained for the lifetime of the development.

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

7. Notwithstanding the details contained in the application form, the development shall not progress beyond damp proof course level until a surface water drainage scheme showing compliance with the drainage hierarchy has been submitted to and approved in writing by the Borough Council. The development shall only be carried out in accordance with the approved surface water drainage scheme, which shall thereafter be maintained throughout the life of the development.

[This is pre-commencement to ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy, and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The 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].

9. The development hereby permitted shall not proceed above foundation level until a scheme for the provision of an electric vehicle charging point has been submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging point to serve the dwelling. Thereafter, unless it has been demonstrated that the provision of an electric vehicle charging point is not technically feasible, the use shall not commence until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

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

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

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

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

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and 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 CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation

within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

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

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

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

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

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

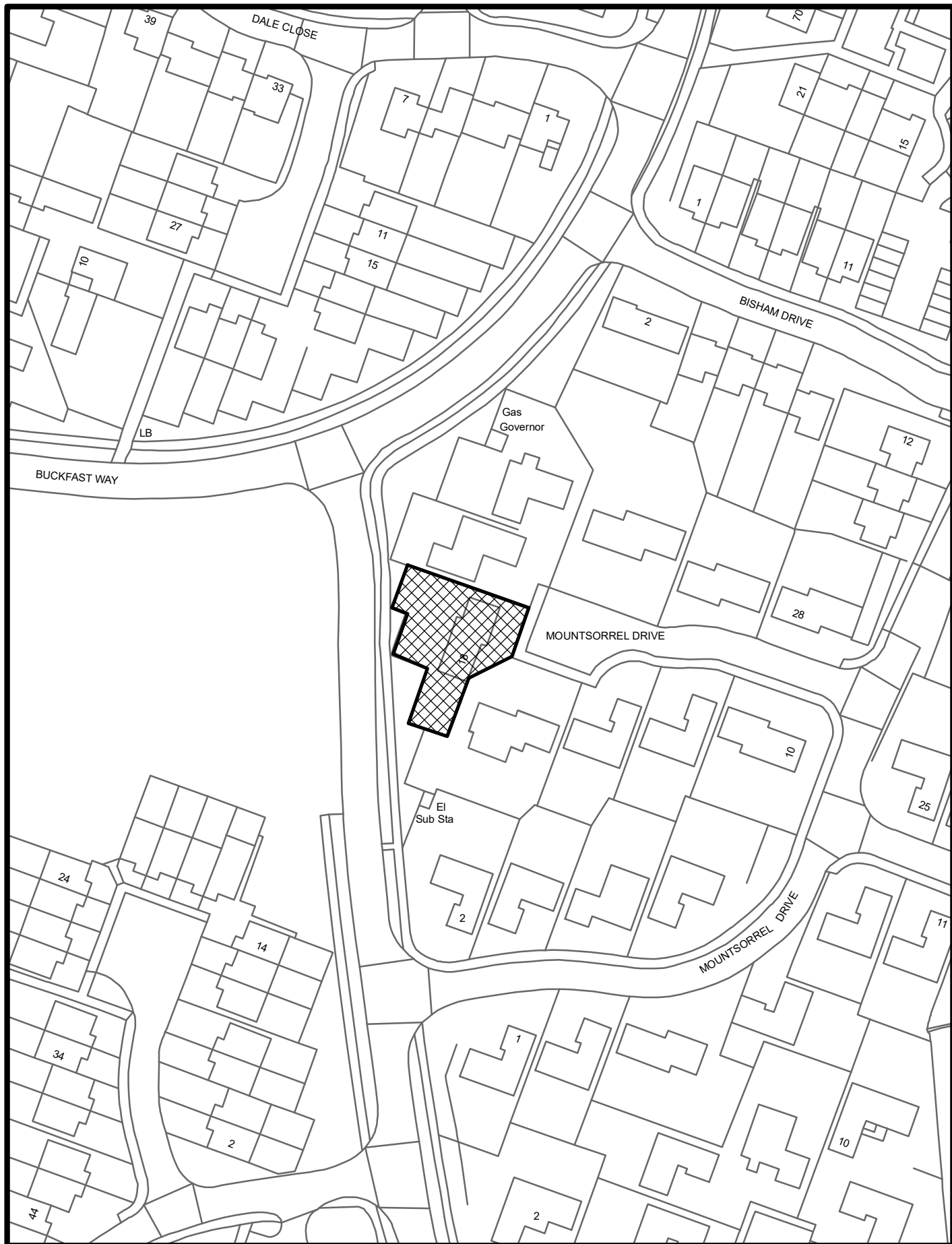
- A demonstrated biodiversity net gain should be provided where possible as recommended by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments, with the means to implement in the long term, supported by a simple Landscape and Ecological Management Plan (LEMP) and agreed by the local planning authority.
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good practice points below.
- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Permanent artificial bat boxes / bricks and wild bird nests (including Swallow/swift cups and sparrow terrace / boxes) should be installed within / on buildings.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See

<https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).

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

- Condition 9 requires the new dwellings 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.

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Application Number: 22/00774/FUL
18 Mountsorrel Drive, West Bridgford



scale 1:1000

page 79

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Rushcliffe Borough Council - 100019419

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22/00774/FUL

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 submitted during the course of determination due to the originally submitted plan being inaccurate.
5. A revised Location (i.e., redline/ application boundary) Plan was also submitted during the course of determination at the request of the Planning Officer/ in response to queries regarding the location of the rear boundary. Statutory consultees and neighbours were consulted for a period of 10-days.
6. 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).
7. 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.

8. 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.
9. 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.
10. 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.
11. 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.
12. 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).
13. 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

14. 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)

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

15. Councillor B. Buschman does not object to the scheme.

16. 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."

17. 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."

18. 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."

19. Further comments were provided by Councillor P. Gowland on 07/08/2022, as follows:

"Object –

Overbearing on number 20

Not enough amenity space

I am also not clear about the rear boundary on the block plan."

Statutory and Other Consultees

20. None sought.

Local Residents and the General Public

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

21. 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

22. 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

23. 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.
24. 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

25. 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](#).

26. 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

27. 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.

28. 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

29. 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.

30. 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.

31. 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

32. 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.
33. 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.
 34. 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.
 35. 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.
 36. 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.
 37. 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.
 38. 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.

39. 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.
40. 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

41. 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.
42. 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.
43. 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 Mounsorrel 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.

44. 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.
45. 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.
46. The property benefits from a relatively large rear garden and it is considered that sufficient residential amenity space would remain.

47. 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

48. 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:
49. 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'.
50. 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.
51. 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.
52. 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'.
53. 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.
54. 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'.
55. 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

56. 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.
57. 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.
58. 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

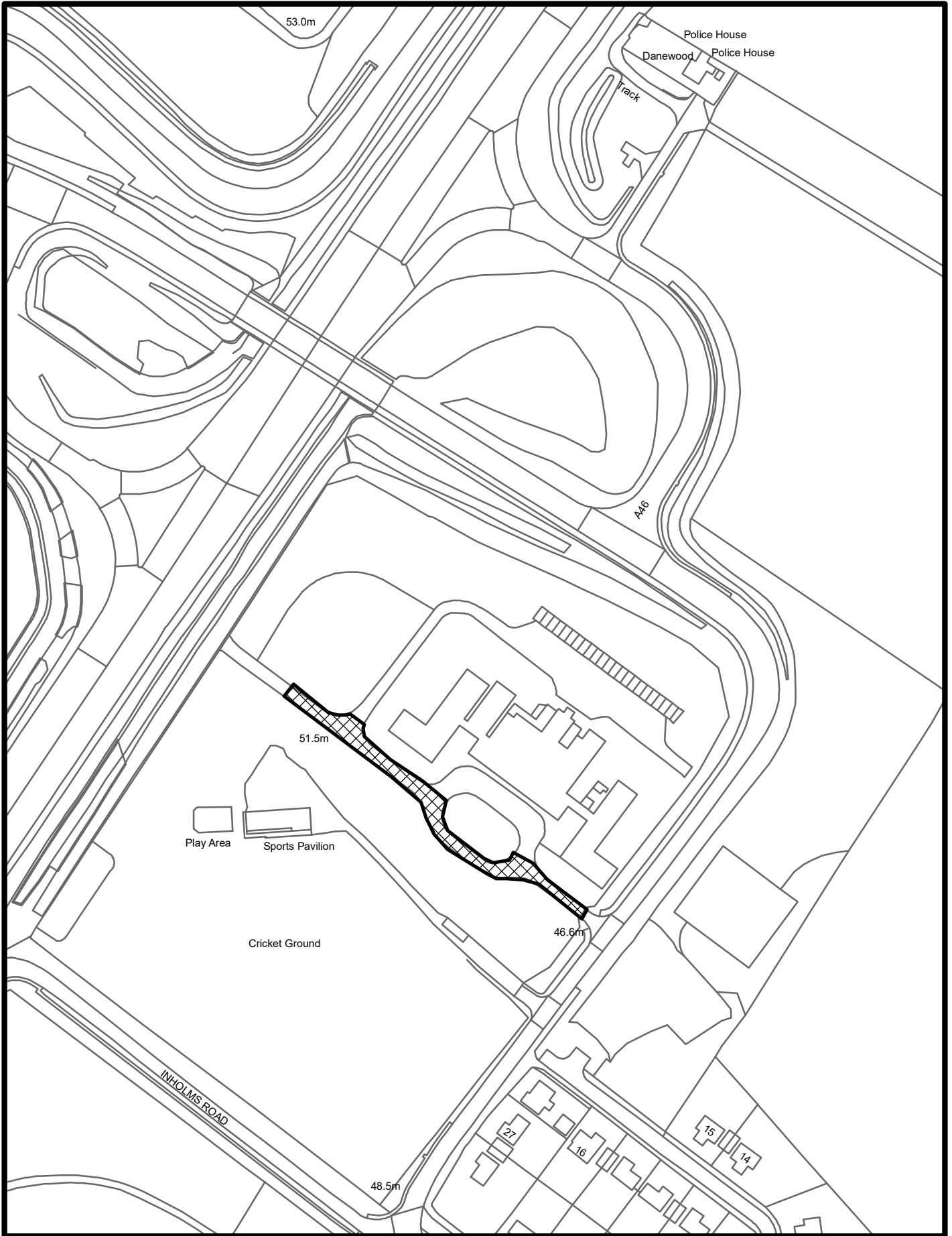
Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as the additional floorspace being created is below the relevant thresholds. 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.



Application Number: 22/01426/FUL
Former Islamic Institute, Inholms Gardens, Flintham



scale 1:2000

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22/01426/FUL

Applicant Rushcliffe Borough Council, Property Services

Location Former Islamic Institute Inholms Gardens Flintham Nottinghamshire
NG23 5LQ

Proposal Construction of Bat Barn

Ward Thoroton

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

THE SITE AND SURROUNDINGS

1. The application site relates to part of the former Islamic Institute (originally the Officers' Mess attached to RAF Syerston) The buildings on the site are currently derelict. The site is located to the northwest of the village of Flintham and outside of the Conservation Area.
2. The site is adjoined on its south-west side by the Flintham village cricket pitch, to the north-west by the A46(T) and to the south-east by Inholms Gardens, a group of former RAF dwellings.
3. There is a Tree Preservation Order present on the site which include both individual trees and a group of trees.

DETAILS OF THE PROPOSAL

4. Full planning permission is sought for the erection of a bat barn. Revised plans have been provided since the submission of the application to allow the size of the building to accord with the recommendations within the accompanying Ecology report. The structure as revised would have a maximum height of 5.6m with a pitched tiled roof with an internal loft height of 2.8m. The external dimensions of the building are approximately 5.2m x 5.2m.
5. The structure would comprise of a red faced brickwork to all walls under a pitched roof covered in a dark grey plain tiles. The plans propose horizontal waney edged sawn timber cladding to be applied to both gable ends. A single access door is proposed on the south west elevation. The building would incorporate features to encourage use by bats including bat access gaps, bat box and a ridge tile access.
6. The information submitted with the application confirms that this structure is required to provide mitigation for the potential loss of habitats within the existing derelict buildings on site proposed to be demolished.

7. The proposed structure is proposed to be located towards the western boundary of the site adjacent to a group of trees to provide protection and shelter both for the building and the intended occupants.
8. The application is supported by an ecology report which concludes that the existing buildings on the site contains both day roosts of bats and a maternity roost of common pipistrelle bats. It acknowledges that as no new structures are proposed for the foreseeable future on the site any demolition of the buildings will require the construction of a separate bat loft to compensate for the loss of the habitats.
9. The application is before the Planning Committee because the Borough Council is the applicant

SITE HISTORY

10. Outline planning permission (15/03060/OUT) for Redevelopment of the Former Islamic Institute for up to 95 Dwellings was granted in 22/09/2016. This permission has now expired.
11. A S215 Notice (Untidy Land Notice) has previously been served on the site to secure the buildings demolition. Surveys undertaken in connection with this matter revealed that the existing buildings on the site contain bat habitats and therefore compensation for any loss of habitats was required before demolition of the building could be undertaken.

REPRESENTATIONS

Ward Councillor(s)

12. Cllr Bailey supports the application.

Town/Parish Council

13. Flintham Parish Council fully support the construction of the Bat Barn.

Statutory and Other Consultees

14. Nottinghamshire County Council has local highways authority have no objections.
15. National Highways have no objections.
16. RBC Ecology and Sustainability Officer notes that the surveys are in date and have been carried out in accordance with good practise. The report demonstrates that the proposed Bat Barn is as recommended and therefore there is no reasonable likelihood of protected species, habitats or sites being affected adversely within the application site provided avoidance measures are followed. It is concluded that the favourable condition of populations of protected species will benefit by the proposed development.
17. RBC Landscape Officer confirms that the barn will not impact on any TPO trees located within the vicinity of the site and an unprotected Oak and Silver Birch which will be located to the east. Tree protection measures would be

appropriate in accordance with BS5837.

18. Natural England have been consulted on the original and revised plans and have not made any comments.

Local Residents and the General Public

19. A site notice has been posted in close proximity of the site and no comments have been received.

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).

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 The NPPF requires the minimisation of impacts on biodiversity and net gains in biodiversity in order to halt the overall decline in biodiversity.
- 23 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.

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

Relevant Local Planning Policies and Guidance

- 24 The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are relevant:
 - a. Policy 1 – Presumption in Favour of Sustainable Development.
 - b. Policy 10 -Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014).
 - c. Policy 17 – Biodiversity.

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

- 25 Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:
 - Policy 1 - Development Requirements.
 - Policies 37 - Trees and Woodlands).

- Policy 38 Non designated Biodiversity Assets and the wider ecological network.

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

APPRAISAL

- 26 This application is only to consider the erection of the bat barn and does not require the consideration of the demolition of the existing buildings or any potential future use of the site. The site is located outside of the village of Flintham but within a brownfield site occupied by existing substantial structures. The proposed development addresses a known constraint on the development of the site/ demolition of the buildings, i.e., a confirmed bat roost for Brown Long-eared bats and Common Pipistrelle bats (and potentially others) and has been designed to address that issue. Bearing in mind that there are no current redevelopment proposals on the site to allow alternative provision to be found a new separate building can be justified on that basis and this is confirmed within the Ecologists report. The building has been designed to accord with the Ecologists recommendations to encourage the use of the building and the Borough Councils ecologist has agreed that this is appropriate and necessary.
- 27 As the building has been located adjacent to a group of trees and towards the western boundary of the site this will ensure that it is not unduly prominent. Its location will also not prejudice any future redevelopment of the site that may come forward. It is considered that the building is of an acceptable design and functional in its form.
- 28 The building is located on and accessed from an internal access road and the siting has been reviewed by the Borough Councils Landscape Officer who is satisfied that the building will not impact on trees covered by a Tree Preservation Order. Details of tree protection measures whilst building works are taking place have been received and a condition is proposed to ensure that they are implemented.
- 29 It is concluded by the Borough Councils Ecologist that the favourable condition of populations of protected species will benefit by the proposed development. It is therefore considered that the building is necessary to compensate for the loss of habitat for existing protected species on the wider site therefore accords with the relevant development plan policies.
- 30 Demolition of the existing buildings will require a licence from Natural England and this structure would be required as part of the compensation process for the loss of an original roosting site through demolition of a building.
- 31 Revised plans have been sought since the submission of the application to ensure the building is to the dimensions recommended by the ecologist and to obtain details of tree protection measures. The submission of this information has allowed a favourable recommendation to be put before the Planning Committee in a timely manner.

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 shall be undertaken in accordance with the following approved plans G_1183 REV A and G_1183_02 REV A, Tree Protection Plan and the structural and design recommendations as set out in section 5 and appendix G of the Elite Ecology Report.

[For the avoidance of any doubt and to ensure an acceptable development in accordance with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

3. The development hereby permitted must not commence until the approved Tree Protection Measures have been erected and they shall thereafter be retained whilst construction works are taking place.

[To ensure the adequate protection of the existing trees on the site during the construction of the development having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (February 2019).]

Note to 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.

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Planning Committee

Thursday, 8 September 2022

Planning Appeals

Appeal decisions between April 2022 and August 2022

This is a list of appeal decisions made between the 1st April and 30th August 2022 for noting. The full appeal decision can be found at the link attached to each appeal listed.

Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference and link to pages where full decision can be found.	Comments
21/02439/FUL	60 Firs Road, Edwalton NG12 4BX	Refurbishment and extension of existing detached property comprising a single storey rear extension, attic conversion and additional gable features".	Appeal dismissed	Officer Delegation	APP/P3040/D/22/3292248	

21/02873/AGRIC	Ruddington Hall Estate, Land to the East of Loughborough Road, Ruddington, Nottinghamshire, NG11 6LL,	General-purpose agricultural building.	Allowed	Officer Delegation	APP/P3040/W/21/3289438	
22/00230/FUL	2 Maple Close, Radcliffe on Trent, Nottingham NG12 2DG	Erection of safe, secure and aesthetically pleasing garden perimeter fence constructed of wood panels with concrete posts to enable 1) convenient, safe access for a disabled member of the household and 2) to be in-keeping with the pleasant surroundings of the area'.	Appeal Dismissed	Officer Delegation	APP/P3040/D/22/3301210	
21/01309/RELDDEM	Linden Lea, School Lane, Colston Bassett NG12 3FD	Demolition of ground floor bathroom and construction of two storey side extension to provide kitchen with ensuite bathrooms and dressing room over.	Allowed	Officer Delegation	APP/P3040/W/21/3287418 Appeal A	

		Reconstruction of existing garage to incorporate 'store', to provide 'high bay' camper access. Widening of existing gateway to 12 feet.				
21/01441/FUL	Linden Lea, School Lane, Colston Bassett NG12 3FD	Demolition of ground floor bathroom and construction of two storey side extension to provide kitchen with ensuite bathrooms and dressing room over. Reconstruction of existing garage to incorporate 'store', to provide 'high bay' camper access. Widening of existing gateway to 12 feet'.	Dismissed	Officer Delegation	APP/P3040/W/21/3288443 Appeal B <u>(See 21/01309/RELDEM)</u>	
21/02568/FUL	Linden Lea, School Lane, Colston Bassett NG12 3FD	Single storey rear extension and a two storey side extension to existing house.	Dismissed	Officer Delegation	APP/P3040/W/21/3289931 Appeal C (See 21/01309/RELDEM)	

Enforcement Notice	Peacock Lodge, Cotgrave, Nottingham NG12 3HB	The breach of planning control as alleged in the notice is the material change of use from a dwelling house to the commercial letting of the land for use as holiday accommodation.	Dismissed	N/A	APP/P3040/C/21/3284007 Appeal A (See 21/01588/FUL)	Appeal against the issue of an Enforcement Notice
21/01588/FUL	Peacock Lodge, Cotgrave, Nottingham NG12 3HB	Change of use from dwellinghouse (Use Class C3) to holiday let (Sui Generis) with parking.	Dismissed	Officer Delegation	APP/P3040/W/21/3283031 Appeal B	
21/02870/FUL	245 Loughborough Road, West Bridgford, Nottingham NG2 7EG	'Raise roof to form 3rd storey; Single storey rear extension; Single storey front extension'.	Dismissed	Officer Delegation	APP/P3040/D/22/3294818	
21/01947/FUL	Greenview, Owthorpe Lane, Kinoulton, Nottinghamshire NG12 3EH	Change of use from annex to holiday let accommodation.	Dismissed	N/A	APP/P3040/W/21/3289855	Appeal against non-determination
21/00082/BUILD	Granby Hall, Chapel Lane, Granby, Nottinghamshire NG13 9PW	The breach of planning control alleged in the notice "Without planning permission, the erection of a boundary wall and	The appeal is allowed, the enforcement notice is	N/A	APP/P3040/C//22/3292434	Enforcement Appeal

		an associated access gate in the location shown by a bold green line on plan 2 attached to the notice, which is adjacent to the highway and which exceeds 1m in height. Also without planning permission, development to the boundary wall, namely increasing the height of the wall to 1.8m in the location shown by a bold blue line on the plan 2 attached to the notice, which is adjacent to a highway".	quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out.			
20/00810/FUL	Overgrown Acres, Cotgrave Road, Normanton-on-the-Wolds, Nottingham, Nottinghamshire NG12 5PE	'Seasonal change of use. Erection of 3 tipis each 10metre radius as a triangle in the corner of grass grazing paddock from 1st May to 30th September annually	Dismissed	Committee decision	APP/P3040/W/21/3281233	Committee overturned officer recommendation to approve the proposal

		to allow for 28 events to be held e.g. wedding/anniversary plus pagoda for wedding ceremonies’.				
21/01886/FUL	18 Meadow End, Gotham, NG11 0HP	Side extension and alteration of roof to provide first floor bedrooms.	Allowed	Officer Delegation	APP/P3040/D/22/3293537	
21/01276/FUL	Springfield, Radcliffe Road, Holme Pierrepont, Nottingham NG12 2LF	<p>Appeal against condition 2 The development hereby permitted shall be carried out strictly in accordance with the planning statement submitted on the 22nd April 2021, and revised plans submitted on the 17th September 2021.</p> <ul style="list-style-type: none"> • The reason given for the condition is: For the avoidance of doubt and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land 	Dismissed	Officer Delegation	APP/P3040/W/21/3289327	Appeal against a condition imposed on the planning permission. Award of Costs applied for by RBC but refused.

		and Planning Policies.				
21/02577/GDOTEL	Radcliffe Road, Lady Bay, West Bridgford NG2 5DU	'Proposed 15m phase 8 Monopole c/w wraparound cabinet at base and associated ancillary works'.	Dismissed	Officer Delegation	APP/P3040/W/21/3288058	
21/01795/FUL	Ragnal Farm, Coachgap Lane, Langar NG13 9HP	Two storey 4 bedroom house with biophilic design elements	Dismissed	Officer Delegation	APP/P3040/W/21/3284787	
21/01604/PAQ	Building and Land At Browns Lane, Stanton on the Wolds, Keyworth, Nottinghamshire NG12 5BN	Conversion of agricultural building to a single dwelling house.	Dismissed	Officer Delegation	APP/P3040/W/21/3284200	
21/01567/FUL	27 Belton Drive, West Bridgford NG2 7SJ	Single-storey front extension and two-storey rear extension.	Dismissed in part, Allowed in part	Officer Delegation	APP/P3040/W/21/3284981	Planning permission granted for single storey front extension and refused for two-storey rear extension.

Should Members wish to discuss the appeal decision, please contact the case officer after the meeting, details of which can be found on the Rushcliffe Borough Council's website under the planning application reference given.

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