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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 28 June 2023

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 6 July 2023 at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

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

Yours sincerely



Gemma Dennis  
Monitoring Officer

## AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
  - a) Under the Code of Conduct
  - b) Under the Planning Code
3. Minutes of the Meeting held on 8 June 2023 (Pages 1 - 14)
4. Planning Applications (Pages 15 - 90)  
The report of the Director for Development and Economic Growth
5. Planning Appeals (Pages 91 - 92)  
The report of the Director for Development and Economic Growth

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8.30am - 4.30pm

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Rushcliffe Borough  
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## Membership

Chair: Councillor R Butler

Vice-Chair: Councillor T Wells

Councillors: A Brown, S Calvert, J Chaplain, A Edyvean, E Georgiou, S Mallender, H Parekh, C Thomas and R Walker

### **Meeting Room Guidance**

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

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### **Recording at Meetings**

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt



## **MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 8 JUNE 2023**

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

### **PRESENT:**

Councillors R Butler (Chair), T Wells (Vice-Chair), A Brown, S Calvert,  
J Chaplain, C Thomas, R Walker, R Bird, S Ellis and A Phillips

### **ALSO IN ATTENDANCE:**

Councillors

### **OFFICERS IN ATTENDANCE:**

E Dodd

Planning Manager - Development  
Lead Specialist

P Cook

Principal Planning Officer

P Taylor

Area Planning Officer

Gaskell

Area Planning Officer

T Pettit

Landscape Officer

Walker

Solicitor

T Coop

Democratic Services Officer

### **APOLOGIES:**

Councillors A Edyvean, E Georgiou, S Mallender and H Parekh

## **1 Declarations of Interest**

Councillor T Wells as the Ward Councillor for Keyworth and Wolds declared a non-pecuniary interest in item 23/00007/TORDER and would not take part in the discussion and vote for this item.

Councillor C Thomas as the previous Ward Councillor for this application declared a non-pecuniary interest in item 22/01468/REM and would not take part in the discussion and vote for this item.

It was noted that the Local Government Boundary Commission for England had recently made changes to some of the ward boundaries within Rushcliffe and consequently this application has moved from Leake ward to Soar Valley Ward.

## **2 Minutes of the Meeting held on 9 March 2023**

The Minutes of the meeting held on 9 March 2023 were approved as a true record and were signed by the Chair.

### 3 **Planning Applications**

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

Councillor T Wells removed himself from the Committee and did not contribute to the discussion or vote on the following application.

#### **23/00007/TORDER – Stanton on the Wolds No1 Tree Order – Stanton on the Wolds Golf Club**

It was **RECOMMENDED** that the Stanton on the Wolds No.1 Tree Preservation Order 2023 be confirmed without modification.

Councillor T Wells re-joined the meeting

#### **22/01468/REM - Application for matters reserved under permission 19/01871/VAR to seek approval for access, appearance, landscaping, layout, and scale of commercial development - Land at former RAF Newton, Wellington Avenue, Newton, Nottinghamshire**

#### **Updates**

Additional representations were received after the agenda was published and these were circulated to the Committee before the meeting. In accordance with the Council's Public Speaking Protocol for Planning Committee, Ms M Goulder (Objector and Chair of Parish Council) and Councillor D Soloman (Ward Councillor) addressed the Committee.

#### **Comments**

Members of the Committee expressed their concerns in respect of HGV's accessing the village via Wellington Avenue and the impact of extra traffic on the amenities of residents in the village and requested whether an additional condition could be added to prevent all vehicles exiting the site from turning right into the village. Members commented on the requirement to widen Newton Lane to accommodate the increased usage of HGV's. Members also commented on the size of the building and whether the applicant could be encouraged to apply solar panels to support the Council's environmental objectives.

#### **DECISION**

#### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby permitted shall be carried out in accordance with the following drawing numbers:
  - 21677-0310-P-08 Site Arrangement Plan
  - 21677-0311-P-03 Building Arrangement Plan

- 21677-0312-P-04 Site Levels Plan
- 21677-0313-P-04 Building Elevations
- 21677-0314-P-03 Hard Surfaces Plan
- 21677-0315-P-02 Boundary Plan
- 21677-0316-P-01 Bin Store
- 21677-0317-P-01 Cycle Stores
- 21677-0319-P-01 Contractors Compound
- RAFNTRP – May 23 Tree Retention and Protection Plan
- 974 01 D Landscape Masterplan
- 974 02 D Landscape Softworks Plan
- 2273 48A HGV and Car Park Access.

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

2. The materials, as specified on drawing number 21677-0313 Revision P-04 shall be used for the external walls and roof of the building hereby approved. However, before the building proceeds above foundation level details of the colour, textures and finishes of the materials shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be undertaken in accordance with the materials as approved. If any alternative materials are proposed to be used, prior to the building affected advancing beyond foundation level, details of any alternative facing and roofing materials to be used on their external elevations shall be submitted to and approved in writing by the Borough Council as a discharge of condition application. In such a scenario the development shall be undertaken in accordance with the revised materials as approved.

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

3. No part of the development hereby permitted shall be brought into use until all the footways, footpaths, the HGV and Car Park accesses has been constructed as shown on drawing number 2273.48A (titled: HGV AND CAR PARK ACCESS TO EMPLOYMENT LAND). The footways, footpaths and accesses shall then be maintained for the life of the development.

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

4. No part of the development hereby permitted shall take place until details of the internal roads, accesses and footways have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting,

drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

[To ensure the development is constructed to adoptable standards in the interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

5. The development hereby permitted must not be commenced until the tree protection measures shown on the submitted drawing number RAFNTRP - May 23 Tree Retention and Protection Plan and within the accompanying methodology described in Section 6 of the BS5837 Tree Constraints, Tree Impacts and Draft Tree protection Method Statement for Commercial Development report prepared by B.J. Unwin Forestry Consultancy have been implemented in accordance with those approved details. Thereafter the approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.

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

6. The hard and soft landscaping shown on the submitted drawing(s) 21677-0314 - *Revision P-03 Building Arrangement Plan, 947-01D Landscape Masterplan and 974-02D Landscape Softworks Plan* including the works outside of the redline, but within the blueline must be carried out and completed in accordance with those approved details not later than 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 5 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.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part

2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework].

7. The development hereby permitted must not be occupied or first brought into use until details of the proposed bunding within the landscaped area at the western end of the site have been submitted to and approved in writing by the Local Planning Authority.

The details should include the following:

- An accurate survey of the existing levels of the site within and adjoining the landscaping area within which the bund is proposed
- An accurate plan detailing the proposed levels either side of the landscaping area within which the bund is proposed
- Detailed plans showing a section and the profile of the proposed bund, broadly in accordance with drawing number 21677-0323-P-00 Proposed Bund Section
- Detailed plans of all dimensions of the proposed bund
- Details of the proposed management and maintenance schedule for all the landscaped areas covered by this application, including details of how the bund will be managed and maintained to ensure its profile, height and dimensions are not depleted by natural erosion, weather events or other circumstances and if it were to be, how and when the profile and dimensions of the bund would be restored to its approved levels
- Plans showing the proposed finished land levels/contours of landscaped areas.

The approved bunding 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, and thereafter be retained and maintained for the lifetime of the development in accordance with the approved details.

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

8. 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 building hereby approved must only be used for **uses within Use Class E(g)(i), (ii), and (iii), and/or Use class B2 and/or Use Class B8** purposes and for no other purpose whatsoever (including any other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987

(or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) without express planning permission from the Local Planning Authority.

[In order that the Local Planning Authority may retain control over any future use the land due its particular character and location, 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)].

9. The building hereby permitted must not be occupied until the Electric Vehicle Charging points (EVCP's) shown on drawing 21677-0310-Revision P-08 Site Arrangement Plan have been installed in accordance with that drawing. Thereafter an EVCP must be permanently retained at the building in accordance with the approved drawing throughout the lifetime of the development.

[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)].

10. Regardless of the details shown on drawing number 2273 48A "HGV and Car Park Access" the building hereby approved shall not be brought into use until details of measures to restrict HGVs exiting the site left onto Newton Lane and accessing the site via a right turn from Newton Lane, have been submitted to and been approved in writing by the Local Planning Authority. Thereafter the measures shall be implemented in accordance with the approved details prior to the building being first brought into use, and thereafter be retained in situ for the lifetime of the development.

[To prevent HGVs existing the site through the residential area in the interests of residential amenity and highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

11. Prior to the building hereby approved first being brought into use details of solar panels to be installed on the roof of the building shall be submitted to and been approved in writing by the Local Planning Authority. Thereafter the solar panels shall be implemented in accordance with the approved details prior to the building being first brought into use, and thereafter be retained in situ for the lifetime of the development.

[To promote sustainable energy 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



## NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7th of 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 uses permitted under condition 8 of this decision notice are not chargeable uses on the Council's CIL. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

The applicant, and any subsequent owner(s) of the site are advised that if, as a result of the S38 process the internal layout and positioning of any highway(s), footway(s), buildings or any other physical built feature should alter from its position shown on the approved layout drawings referred to in condition 1 of this permission that the owners shall contact the Local Planning Authority to advise on the nature of any such change(s) and seek guidance on the appropriate process to regularise any such alteration from the approved drawings. Thereafter the most appropriate form of application to regularise any alterations shall be submitted to prior to any works affecting the changed part(s) of the site commencing. That is to say, the S38 technical approval process shall not be controlled, impacted upon, or influenced by the approval of the planning drawings referred to in condition 1 of this permission.

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/neighbouring land. If any such work is anticipated, the consent of the adjoining landowner(s) 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.

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.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

The applicant is reminded to ensure that any pre-commencement

conditions attached to the outline permission (ref 19/01871/VAR) are formally discharged prior to any development lawfully commencing on the site. Pre-commencement conditions may include matters relating to ecology, works to the highways, construction method statements, travel plan and external lighting amongst others. All other relevant conditions of permission reference ref 19/01871/VAR also need to be complied with. The specific requirement to widen Newton Lane as covered by condition 14 of the outline permission is hereby emphasised.

Councillor C Thomas removed herself from the Committee and did not contribute to the discussion or vote on the following application.

**23/00348/FUL - Erection of new single storey side and rear extension. Provision of 1.8m high boundary fence. Construction of retaining wall and steps to rear – 6 Main Street, Stanford on Soar, Nottinghamshire**

**23/00349/LBC - Demolition of existing lean-to side extension and erection of new single storey side extension. Erection of 1.8m high boundary fence. Works to parapet; replacement of tiles to ground floor and insertion of fire-break to loft space – 6 Main Street, Stanford on Soar, Nottinghamshire**

### **Updates**

Additional representations were received after the agenda was published and these were circulated to the Committee before the meeting. In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr N Cooper (Applicants Agent) and Councillor Lesley Way (Objector) addressed the Committee. Councillor M Barney (Ward Councillor) provided a written statement which was read out to the Committee by the Borough Solicitor.

### **Comments**

Cllr Ellis moved refusal on two grounds:

1. the public benefits of the works to the Listed Building would not outweigh the less than substantial harm occasioned by the proposed extensions
2. The proposed extension would be of a disproportionate size to the host dwelling.

This was seconded by Cllr Brown and the vote was lost

Cllr Wells then moved recommendation to approve as per report and Cllr Butler seconded.

### **DECISION**

**23/00348/FUL**

**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 drawing(s):

- Site Location Plan – dwg. no. 8409\_03\_001 – received 23 February 2023
- Proposed Site Plan - dwg. no. 8409\_03\_004 - received 23 February 2023
- Proposed Ground Floor Plans - dwg. no. 8409\_03\_005 rev. C - received 5 April 2023
- Proposed Elevations - dwg. no. 8409\_03\_006 rev. C - received 5 April 2023.

[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 exterior of the development hereby permitted must be constructed using only the materials specified in the submitted application form and dwg. no. 8409\_03\_006 rev. C received 23 February 2023 and 5 April 2023 respectively. If any alternative materials are proposed to be used, then prior to the development advancing beyond damp proof course level, the details of all alternative external materials must be submitted to and approved in writing by the Borough Council. Thereafter the development must be carried out in accordance with the approved, alternative materials.

[To ensure the appearance of the development is satisfactory having regard to Policies 10 and 11 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 and Policies 1 and 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019].

4. 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 Local Planning Authority.

The LS must provide details of all hard and soft landscaping features to be used and include the following:

- Detailed plans showing the location of all new trees, hedgerows (including details of the replacement hedging to the northern boundary of the site) 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, bin store, surface finishes and any other hard landscaping features;
- Details of the protection measures to be used of any existing landscape features to be retained.

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.

The approved replacement hedgerow on the northern boundary shall be retained and maintained for the life of the development and encouraged to grow to a height of no less than 2.75m and thereafter not reduced in height below 2.75m without the written permission of the Borough Council.

If, within a period of 5 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.

[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 Policies 10 and 11 of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 and 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 of the National Planning Policy Framework (2021)].

## **NOTES TO APPLICANT**

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

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

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

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

The provisions of the Party Wall Act 1996 may apply in relation to the boundaries with the neighbouring properties. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken. You can find more information about the Party Wall Act here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/523010/Party\\_Wall\\_etc\\_Act\\_1996\\_-\\_Explanatory\\_Booklet.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc_Act_1996_-_Explanatory_Booklet.pdf)

**23/00349/LBC**

**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.

[In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51(4) of the Planning and Compulsory Purchase Act 2004.].

2. The development hereby permitted must be carried out strictly in accordance with the following approved drawings and documents:

- Site Location Plan – dwg. no. 8409\_03\_001 – received 23 February 2023
- Proposed Site Plan - dwg. no. 8409\_03\_004 - received 23 February 2023
- Proposed Ground Floor Plans - dwg. no. 8409\_03\_005 rev. C - received 5 April 2023
- Proposed Elevations - dwg. no. 8409\_03\_006 rev. C - received 5 April 2023
- Heritage Statement – Prepared by Manorwood – received 23 February 2023
- Letter from HSSP Architects detailing repair and renovation works – dated 3 April 2023.

[For the avoidance of doubt having regard to Policies 10 and 11 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policies 1 and 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

3. The exterior of the development hereby permitted must be constructed using only the materials specified in the submitted application form and dwg. no. 8409\_03\_006 rev. C received 23 February 2023 and 5 April 2023 respectively. If any alternative materials are proposed to be used, then prior to the development advancing beyond damp proof course level, the details of all alternative external materials must be submitted

to and approved in writing by the Borough Council. Thereafter the development must be carried out in accordance with the approved, alternative materials.

[To ensure the appearance of the development is satisfactory having regard to Policies 10 and 11 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 and Policies 1 and 28 of the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019].

4. Prior to the material completion of the extension hereby approved the following works shall have been completed and photographic evidence submitted to the Borough Council:

- the alterations to the parapet wall to prevent damp and deterioration of the brickwork; and
- creation of the firebreak in the roof void to protect the application property and the neighbouring property from the risk of fire spread across the open roof void.

[To ensure the public benefits are implemented in line with guidance in Section 16 of the NPPF (2021)].

Councillor C Thomas re-joined the meeting.

**23/00673/FUL – Construction of a single storey flat roof extension – The Kiosk, Bridgford Park, Bridgford Road, West Bridgford, Nottinghamshire**

### **Updates**

There were no updates for this application.

### **DECISION**

#### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

2. 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:

- Proposed floor plans Dwg No. G/1202\_05
- Proposed north elevation Dwg No. G/1202\_6
- Proposed east elevation Dwg No. G/1202\_09
- Proposed west elevation Dwg No. G/1202\_11.

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1:

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

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

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

#### 4 **Planning Appeals**

The Committee noted the Planning Appeal Decisions report which had been circulated with the agenda.

The meeting closed at 4.35 pm.

CHAIR

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**Planning Committee**

**Thursday, 6 July 2023**

**Planning Applications**

## **Report of the Director – Development and Economic Growth**

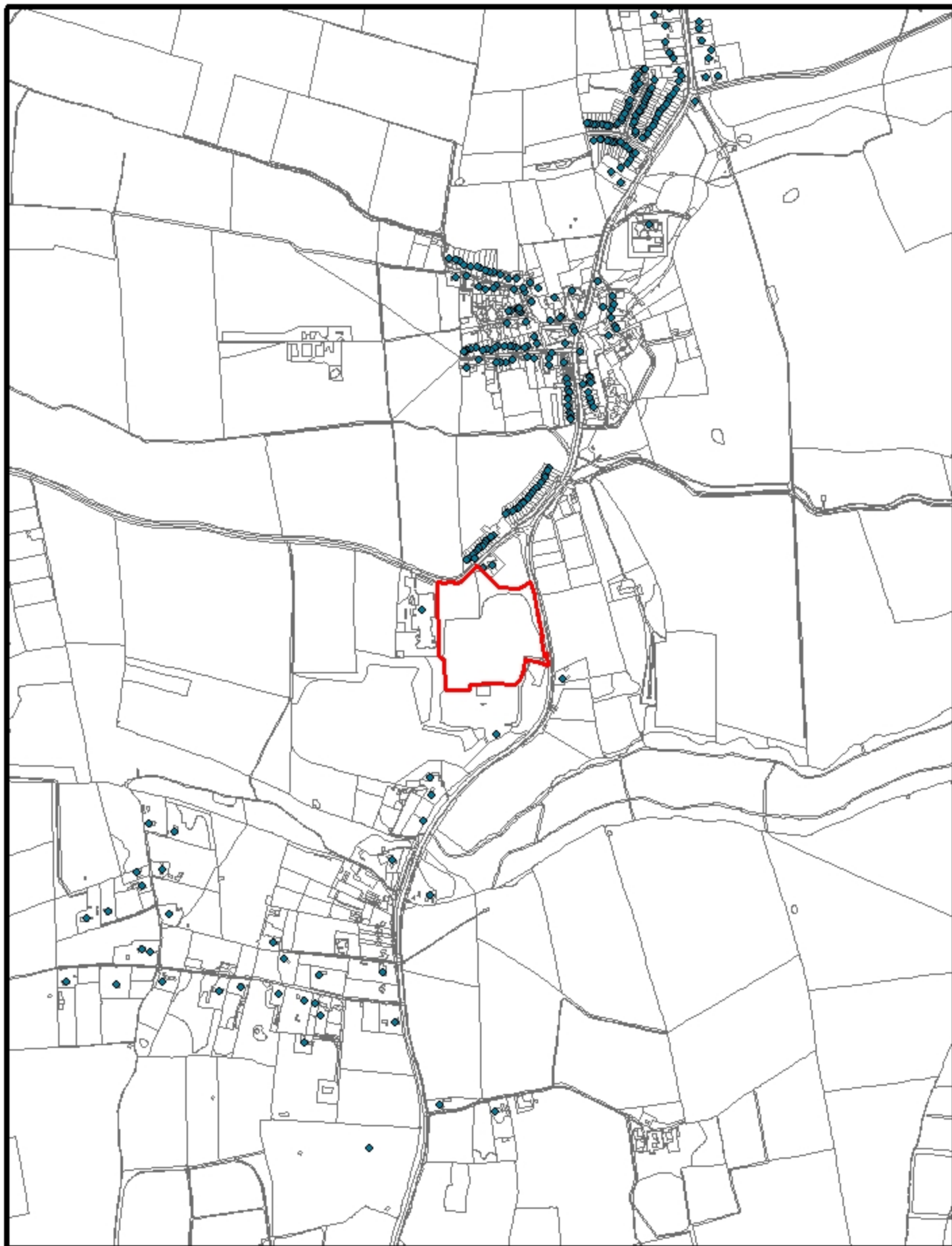
PLEASE NOTE:

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>

<b>Application</b>	<b>Address</b>	<b>Page</b>
<b>21/02109/OUT</b>	Land At Former Bunny Brickworks Site Loughborough Road Bunny Nottinghamshire	17-56
	Outline application for the erection of up to 110 dwellings and up to 5,600sqm of employment units including associated infrastructure, access, roadway, parking and landscape/amenity areas (all matters reserved except for access).	
<b>Ward</b>	Bunny	
<b>Recommendation</b>	Grant planning permission subject to S106 subject to condition	
<b>Application</b>	<b>Address</b>	<b>Page</b>
<b>23/00580/FUL</b>	Land West Of Main Street Thoroton Nottinghamshire	57-78
	Erection of new dwelling with access	
<b>Ward</b>	Thoroton (archive)	
<b>Recommendation</b>	Grant planning permission subject to conditions	
<b>Application</b>	<b>Address</b>	<b>Page</b>
<b>23/00752/FUL</b>	Farleigh Cottage Clifton Lane Ruddington Nottinghamshire NG11 6AA	79-89
	Extension and external alterations to ancillary annexe building	
<b>Ward</b>	Ruddington	
<b>Recommendation</b>	Planning permission be refused subject to the following reason(s)	



**Application Number: 21/02109/OUT**

**Land At Former Bunny Brickworks Site, Loughborough Road, Bunny**



scale 1:2000

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Rushcliffe Borough Council - 100019419

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# 21/02109/OUT

**Applicant** Mr B Thomson

**Location** Land At Former Bunny Brickworks Site Loughborough Road Bunny Nottinghamshire

**Proposal** Outline application for the erection of up to 110 dwellings and up to 5,600sqm of employment units including associated infrastructure, access, roadway, parking and landscape/amenity areas (all matters reserved except for access).

**Ward** Bunny

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

## THE SITE AND SURROUNDINGS

1. The application relates to a 6.79 hectare site located to the south of Gotham Lane and to the west of the A60 that was formerly occupied by Bunny brickworks. The site has been cleared of structures for over two decades and comprises largely of hardstanding to the south of the site with scrub vegetation to the north of the site. There are residential properties to the north on Gotham Lane, commercial premises to the west and an aggregates processing site to the south. The site is inset from the Green Belt. The Bunny Conservation Area is located approximately 300 metres to the north of the site. The site falls within an area of archaeological potential. The site falls within flood zone 1 (low flood risk). Part of the north of the site falls within an area of medium- high risk of surface water flooding.

## DETAILS OF THE PROPOSAL

2. The application seeks outline planning permission with all matters reserved except for access, for the erection of up to 110 dwellings and up to 5,600 sqm of employment units and associated infrastructure, access and landscaping. The indicative layout plans proposes housing served by a new vehicular access off Gotham Lane, and employment uses to the south of the site, taking access from the existing access point off the A60 serving Johnsons Aggregate. The indicative plans show open space and attenuation to the west of the site, landscaping on the A60 frontage and a planted buffer between the residential and commercial uses. The plans show a pedestrian link between the residential and employment areas.
3. The application is accompanied by:
  - Indicative masterplan (revised 6 May 2022)
  - Topographical survey
  - Planning Statement and Design and Access Statement
  - Phase 1 and 2 Geo- Environmental Assessment
  - Tree Survey Plan
  - Tree Constraints Plan

- Preliminary Ecological Appraisal
- Ecological Opportunities and Constraints Plan
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment and associated plans and appendices
- TA update letter- traffic counts
- Archaeology Assessment.

## **SITE HISTORY**

4. 97/00527/OUT- Construct buildings for B1 (business) B2 (general industry) B8 (warehouse) uses; new access road (outline). Approved.
5. 03/00918/OUT- Residential development; realign route/junction of Gotham Lane/Loughborough Road. Refused.
6. 05/00390/OUT- Construct buildings for B1 (business), B2 (general industry) and B8 (warehouse) uses; layout new access roads/parking; realign Gotham Lane. Approved. Reserved matters approved under 08/01289/REM. Application to extend the life of both applications approved under 10/00777/EXT.

## **REPRESENTATIONS**

Copies of all representations can be found [here](#).

### **Ward Councillor(s)**

7. One Ward Councillor (Cllr Edyvean) objects to the application commenting that he believes any application on the site should be accompanied by a master plan given the potential size of the development. An outline application is not acceptable and it is essential that the site is planned as a whole in detail to fully understand the impact of the development.
8. One former Ward Councillor (Cllr Adair) objects to the application on the basis that it is excessive and it requests 110 properties to be built in that part of the village. The proposed infrastructure is not practical to handle that size of development in those surroundings as it does not give the necessary capacity for the area. The Highways proposal falls short of providing suitable traffic flows on an already busy A60, the junctions on to Gotham lane need to be changed so that the residents are protected from the much increased traffic flows.

### **Town/Parish Council**

9. Bunny Parish Council object to the application for the following reasons:
  - a. Planning for development had been refused on the site in 2003
  - b. Access dangers
  - c. Noise pollution at the site access unacceptable
  - d. Restricted view at the access point
  - e. The access/egress is onto a minor road which is already bus
  - f. Traffic entering the village, much of it heavy goods vehicles from British Gypsum, particularly on Gotham Lane, will create the probability of congestion and additional dangers in connection access traffic

- g. Traffic calming.
10. Highways Access Solutions (HAS) have submitted a representation on behalf of Bunny Parish Council. In summary, the concerns raised in the letter are as follows:
- a. Concerns regarding the report date of the Transport Assessment
  - b. Subsequent Transport Assessment Update Letter is brief and does not cover changes to the Nottinghamshire Highway Design Guide, Design Manual for Roads and Bridges and to the NPPF
  - c. Previous concerns on the site have expired and are of negligible relevance
  - d. Reference should be made to LPP2 Policy 14 and the hierarchical approach should be followed for new infrastructure
  - e. Reference made to the traffic impact considerations within the SHLAA
  - f. No meaningful improvements to pedestrian, cycle or public transport infrastructure/ sustainable travel infrastructure
  - g. No mitigation of off- site impacts on the county highway network
  - h. No evidence of recent scoping discussions for the TA
  - i. No reference to substandard footways, crossing facilities, provision for disabled/ partially sighted persons or the location of key local facilities
  - j. No local cycle infrastructure identified or reference to factors which may deter cyclists
  - k. Access distances to bus stops quoted from the site access, access from some parts of the site may be up to 600m, no reference of pedestrian infrastructure to access bus stops
  - l. Likely severe impacts on local network capacity
  - m. Only the half hourly Kinchbus would provide any meaningful public transport
  - n. No reference to multi-modal trip generation data etc to estimate likely demand by sustainable modes. No evidence of local public transport capacity
  - o. No travel plan submitted
  - p. Concern whether the required visibility splay onto the A60 can be delivered or the works required
  - q. Safety concerns regarding a new uncontrolled crossing on the A60.
  - r. No consideration of pedestrian links to Bunny Trading Estate
  - s. Question validity of vehicular tracking
  - t. No road safety audit
  - u. Concerns regarding highway capacity network in terms of baseline date, a lack of reference to committee developments in the study area and the impact on traffic capacity, the validity of 'Reference Case 2' in the TA, concerns regarding traffic modelling of Gotham Lane A60/ Kirk Lane junctions and lack of modelling for the A52 Nottingham Knight junction.
11. The agent has provided a response letter to the above points, received on 13th October 2021.

### **Statutory and Other Consultees**

- 12. Highways England - no objection.
- 13. Natural England - No objection. Based on the plans submitted it is not considered that the development would have an adverse impact on statutorily

protected nature conservation sites or landscapes. General advice is detailed in Annex A attached to their comments.

14. Trent Valley Internal Drainage Board comment that the site is partially within their district. There are no Board- maintained watercourses in close proximity to the site. The alteration/ obstruction of watercourses or any works that increase the flow or volume of water to any watercourse/ culvert requires the Board's consent. Water run-off rates must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
15. The Environment Agency does not object subject to a condition in relation to contamination as detailed in their consultee response.
16. The Lead Local Flood Authority (Nottinghamshire County Council) does not object subject to a condition that a detailed surface water drainage scheme based on the submitted Flood Risk Assessment has been submitted to and approved in writing by the Borough Council.
17. The Highway Authority (Nottinghamshire County Council) initially commented seeking additional information and suggesting conditions.
18. Discussions have taken place with the Highways Authority, Transport Facilities and Transport and Travel Services. The Highway Authority have confirmed that it would not be feasible to require two new bus stops on the A60 and therefore the intention is to improve the infrastructure of the closest existing stops. A number of highway infrastructure improvements are sought as set out in the consultee response.
19. In addition, discussions have taken place with the Highway Authority regarding visibility splays. A copy of the visibility splays provided with the Transport Assessment were forwarded to Highways for their consideration. They confirm that they are happy with the plans and would be happy to agree to the standard condition requiring the visibility splays to be kept clear of obstructions.
20. With regard to the initial query regarding signal modelling, the Highway Authority note that the Kirk Lane signals already have MOVA control and are the subject of an improvement/ mitigation scheme from the Mere Way development and the Signal Team has not requested for additional work to be carried out. No further information is required from the application at this stage.
21. Nottinghamshire County Council Planning Policy provided comments on the application summarised as follows:
  - a. The site falls within a Minerals Safeguarding and Consultation Area for gypsum. There is the possibility of previous underground extraction throughout the MSA/MCA area and the applicant is advised to discuss this with British Gypsum. Subject to no issues being raised by British Gypsum, it is not considered that there will be any impacts on the gypsum mineral resource
  - b. The proposed development would likely be exposed to some environmental impacts from the adjacent active waste management site



i.e. noise. The applicant of the proposed development should ensure appropriate and adequate mitigations are put in place to ensure the established waste facility of Johnsons Aggregates is safeguarded and can continue to operate without additional restrictions being imposed which may render the facility unviable. The applicant has sought to mitigate some of the impact by location the employment element to the south of the site and using landscaping to form a buffer. Whilst these measures are welcomed, there is some concern that the dwellings within the South-eastern corner, which abut the access road used by Johnsons Aggregates and is proposed to be used by the new employment units, could be exposed to environmental impacts such as road noise and dust. The applicant therefore may wish to consider whether appropriate mitigations are in place to protect these dwellings from adverse impacts and if further measures are needed. Mitigation measures should be sufficient to ensure there would be no detrimental effects to the existing waste management site and sterilisation of the site is prevented

- c. It would be useful for the application to be supported by a waste audit as it is likely to generate significant volumes of waste
- d. Planning obligations are detailed in the consultee response with justification set out in Appendix 1.

22. NHS Nottingham and Nottinghamshire CCG/ ICB have provided details of planning obligations that are sought.

23. NHS Nottingham University Hospitals Trust have provided details of planning obligations that are sought.

### **Nottinghamshire County Council**

24. Nottinghamshire County Council Education have provided details of planning obligations that are sought.

25. Nottinghamshire County Council's Archaeology Officer submitted comments on 10 August 2021 noting the archaeological potential of the site and therefore requesting the submission of an archaeological desk based assessment prior to determination. The applicant subsequently submitted an archaeological assessment following which further comments were received on 13 December noting that there are potentially significant prehistoric and roman remains a short distance from the application site. whilst the potential for archaeological remains across the site are low, any remains present could be of regional significance. The results of evaluation should be made available prior to the determination of the application.

26. Discussions took place with the Archaeology Officer to confirm whether the archaeological potential is significant enough that it could preclude the development of the site as a whole, or whether further survey work such as trial trenches could be considered as reserved matters stage. The Archaeology Officer submitted further comments on 19 January 2022 commenting that they do not consider that the archaeological potential of the site is significant enough to preclude development and that further survey work can be considered at reserved matters stage. There are some significant Roman features in the immediate vicinity of the site and the officer wants to ensure that the developer is not going to encounter anything tricky and unexpected on those parts of the site that have not been quarried out.

The likelihood is that any Roman settlement was on the higher ground, but if they were exploiting the mineral resources here there may also be activity on the lower ground, and such activity would have regional significance.

27. Nottinghamshire Wildlife Trust note the submitted surveys for bats and reptiles but they have not seen the (confidential) badger report. Semi-natural vegetation has developed on site which would not be possible to retain resulting in a loss of biodiversity. The ecology survey states that there would be off-site compensation for the loss of Open Mosaic Habitats, however it is unclear how this will be achieved. The submission of a Biodiversity New Gain assessment would be expected, with this they are not convinced that the implementation of the scheme would result in no residual effects on biodiversity.

### **Rushcliffe Borough Council**

28. Senior Ecology and Sustainability Officer comments that the updated ecology report and biodiversity baseline assessment appear to have been carried out in accordance with good practice and are in date. A Biodiversity Net Gain baseline assessment has also been provided. Badgers are supported on the site but no active sets have been identified. The site supports foraging bats and roosting/ foraging birds and invertebrates, and is likely to support hedgehogs and common amphibians. No priority habitats were identified on site. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by the development if appropriate mitigation is taken. A number of recommendations are set out in the consultee response.
29. Environmental Health Officer recommends conditions to control and manage noise impacts and potential nuisance from the proposed development including a Noise Impact Assessment and, Method Statement for construction and demolition, and a method statement for piling. Having reviewed the Phase 1 and 2 Geo-Environmental Assessments, the officer is satisfied with the results of the ground gas monitoring and soil sampling. A number of conditions are recommended in relation to remediation, validation and the importing of topsoil. Conditions are also recommended in relation to the commercial units in relation to lighting, hours of delivery and waste collection, and noise levels for any externally mounted plant or equipment.
30. Waste and Recycling Officer has provided standing advice for waste collection.
31. Communities Officer comment that based on 110 dwellings and an average of 2.3 residents per dwelling, this equates to 253 new residents creating additional demand which cannot be met by existing provision. The consultee response sets out the requirements for the provision of children's equipped play space, unequipped play/ amenity public open space, sports and leisure provision, and allotments.
32. Planning Policy Team - have submitted comments setting out the national and local planning considerations for the application. The main points are as follows:
- a. The site is allocated for around 100 homes
  - b. The development would be subject to the requirements set out in LPP2

Policy 23

- c. The quantum of residential development proposed is considered acceptable
  - d. The use of the southern part of the site for employment would provide a buffer between the residential element and the existing employment uses.
  - e. There is a requirement to increase biodiversity.
33. Strategic Housing Officer - seeks 30% affordable housing on the site equating to 33 dwellings equating to 14 intermediate units, 13 affordable rent and 6 social rent units. A breakdown of affordable housing that should be sought to meet existing and predicted needs is set out in the consultee response. Requirements for affordable housing provision, the definition of affordable housing provision, tenure type and layout requirements are detailed in the consultee response.
34. Further comments were received on 14 February 2023 setting out the requirement for 25% of the affordable housing contribution to be First Homes. A revised breakdown of affordable housing that should be sought to meet existing and predicted needs is set out in the consultee response.
35. Senior Design and Landscape Officer - provided comments on the proposed access off Gotham Lane. The vegetation at the access point is an old hedgerow that has been allowed to grow into a continuous line of scrub, giving it a category C rating as trees of low quality. Despite this, the belt of vegetation does have positive amenity value due to its roadside location and the fact it provides an effective screen. The location of the proposed access seems to have some benefits, providing a better link from the site to the village than an access onto the A60. Due to the bend in the road, the requirement for visibility splays seems to be minimal and does not affect the vegetation to either side of the access. The extent of vegetation removal required should be low and it allows the retention of better quality mature trees along the roadside such as T20. The exact extent of hedgerow removal required to facilitate the access is not detailed and this would need to be conditioned. The reserved matters application would also need to demonstrate how replacement planting elsewhere on the site would mitigate the loss of this section of vegetation. Given that the site is allocated in the local plan, the removal of a short section of vegetation to facilitate access seems reasonable.
36. Emergency Planner- no comments.

**Local Residents and the General Public**

37. 95 representations have been received from neighbours and members of public objecting to the application with the comments summarised as follows:

Highways

- a. A60 already dangerous due to speeding vehicles
- b. Speed limit on Gotham Lane not observed
- c. Access is off Gotham Lane which already has traffic problems
- d. Increased traffic generation
- e. Risk of accidents from vehicles travelling down Bunny Hill
- f. Proposed access is in a dangerous location
- g. Increased risk of accidents from increased traffic

- h. Previous applications proposed a new access from the Bunny Trading Est to A60 higher up Bunny Hill and making Gotham Lane a cul-de-sac
- i. Inadequate pavements on Gotham Lane
- j. Query if pavements from the site to Bunny are to be upgraded
- k. Parking on pavements on Gotham Lane cause pedestrians to walk into the road
- l. Limited visibility at the turn into Gotham Lane off A60
- m. Gotham Lane often single width due to on- street parking
- n. Entrance on a dangerous corner
- o. Traffic survey conducted during August 2020- reduced traffic due to Covid 19 and school holidays
- p. No safe cycling on A60 to Nottingham/ Loughborough
- q. Already an increased volume of HGV's in past 2-3 years
- r. Existing traffic issues on Gotham Lane restricting access from driveways
- s. A large volume of HGV's and agricultural traffic uses Gotham Lane
- t. Access on to Gotham Lane a blind spot
- u. Noise / pollution impact of access on nearby residents
- v. Not safe for HGV's to run right onto the A60 and right again into the industrial site
- w. Cars turning out of the site at risk of collision due to cars parked on Gotham Lane
- x. No mitigation proposed despite the traffic assessment identifying g increased queuing at the A60/Gotham Lane junction
- y. The main site access should be off the A60 with a proper junction i.e., a roundabout
- z. Shared access roads do not feel safe for pedestrians, concern over few footpaths on the site plan
- aa. Increased traffic from other residential development in the area. Traffic data does not appear to take this into account particularly the growth of East Leake
- bb. Appears to be inadequate parking
- cc. Already congestion issues during school drop off/ pick up
- dd. No pedestrian crossing on Gotham Road, lack of safe crossing on A60
- ee. Gotham Lane not safe for cyclists due to parking and limited visibility
- ff. Traffic calming should be conditioned on Gotham Lane.

#### Services/ infrastructure

- gg. School too small to accommodate additional children
- hh. Medical facilities already overstretched
- ii. Insufficient facilities within the village to accommodate houses
- jj. No amenities for the prospective residents
- kk. Would increase village population over 30%
- ll. Drainage and electricity system under strain
- mm. Limited local amenities in the village
- nn. Shopping/ leisure not all accessible by public transport
- oo. Services under pressure from other developments in the vicinity
- pp. A reduction in bus service has been announced
- qq. Lack of recreational facilities for children.

#### Wildlife

- rr. Impact of housing on wildlife
- ss. Close to wildlife area
- tt. Nature has reclaimed the site due to long- term vacancy
- uu. Question if the site is still brownfield

- vv. Known bat roosting sites within the area that could be heavily impacted
- ww. Flooding
- xx. Flood impact of increased runoff from additional housing
- yy. Loss of natural soakaway at the bottom of Bunny Hill
- zz. Impact on Fairham Brook which previously flooded in 2019
- aaa. Surface water discharge into Fairham Brook would be unacceptable
- bbb. Flooding of A60
- ccc. Visual amenity
- ddd. Out of character with the village in size and style
- eee. Loss of green surroundings
- fff. Loss of community feel.

#### Other

- ggg. Impact on future residents/ workers from the Johnsons site (noise/ dust/ odour)
- hhh. Past similar applications on the site have been refused
- iii. Impact on existing residents
- jjj. Contamination
- kkk. High density of development
- lll. Impact of construction vehicles
- mmm. Increased pollution from vehicles
- nnn. Noise/ pollution impacts of proposed employment units
- ooo. Previous refusal on the grounds that the access was too close to an existing exit serving housing
- ppp. An application for a glamping site on Gotham Lane was refused with access being cited as one of the issues
- qqq. Brownfield area of the site should be developed sympathetically to support rural, environmentally friendly & sustainable low impact businesses and small industry
- rrr. Parking spaces should have electric charging points
- sss. Houses need to be carbon neutral to meet the Rushcliffe carbon neutral 2030 criteria
- ttt. Substandard internet provision
- uuu. Houses not for locals/ too expensive
- vvv. Bus service not reliable
- www. Proximity to waste tip, ventilation shafts for dangerous gases, has sufficient work been done to ascertain what is underneath the proposed houses/ employment uses?
- xxx. Scale of development risks undermining the character of the Bunny Conservation Area
- yyy. Foul sewer to which the development would connect runs through private lane, details of widening/ alteration needed
- zzz. Any making food to private land should be paid for by the developer
- aaaa. Further residents should be made aware of working gypsum mine beneath the site
- bbbb. Affordable units should not be sited solely adjacent to the industrial area.

38. Two representations have been received from neighbours/ members of public neither objecting to or supporting the application with comments summarised as follows:
- a. Impact on local environment and road usage must be considered, with mitigation measures
  - b. Need to address safety and traffic situation on Gotham Lane and within Bunny

- c. Pedestrians poorly served on the A60 towards Bunny Hill and on Gotham Lane beyond the houses on the northern side, this needs to be addressed
  - d. Access would be better sited at the existing Johnson's access, with an island to slow traffic down the hill and an extended 30mph speed limit to this and 20mph limit around the school
  - e. Developer should provide a health centre.
39. A representation has been received on behalf of the neighbouring Johnsons Aggregates waste recycling business in objection to the proposal. The full set of comments are on the planning file with the key points summarised as follows:
- a. Conflict with national policy- Paras 187 and 188 of the NPPF and the agent of change principle under para 009 of Planning Practice Guidance
  - b. Conflict with development plan- LPP2 Policy 23 states the southern half of the site must comprise employment uses, only 28% of the site proposed for employment
  - c. No employment buffer between the access to the aggregates site and the proposed residential properties, proximity of HGV route to dwellings
  - d. Housing numbers beyond the 100 recommended in Policy 23
  - e. Insufficient open space provided, insufficient spare space to reconfigure the site so as not to encroach upon the southern half of the site, bringing dwellings closer to the site than policy 23 intends
  - f. Do not consider that the proposed B2 uses as a 'buffer' would soften the impact of the waste management operations on residential properties but rather result in a further loss of amenity
  - g. Planning statement states that existing vegetation is to be retained which is not the case, conflict with LPP2 Policy 23 c). Potential loss of trees which provide a buffer
  - h. Conflict between users of the access for the Johnsons site and those associated with the employment uses
  - i. Does not safeguard the waste management site in accordance with NCC policy
  - j. Previous application 03/00918/OUT for residential development was refused with reasons including conflict with the adjoining waste management operations.

## **PLANNING POLICY**

40. 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), which was adopted on 8 October 2019. Other material considerations include the 2021 National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009).

### **Relevant National Planning Policies and Guidance**

41. A copy of the National Planning Policy Framework (NPPF) 2021 can be found [here](#).
42. A copy of the Planning Practice Guidance can be found [here](#).
43. The relevant national policy considerations for this proposal are those contained within the NPPF (2021) and the proposal shall be considered

within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay.

44. The relevant policies from the NPPF are:
- Chapter 2 (Achieving sustainable development)
  - Chapter 4 (Decision-making)
  - Chapter 5 (Delivering a sufficient supply of homes)
  - Chapter 6 (Building a strong, competitive economy)
  - Chapter 8 (Promoting healthy and safe communities)
  - Chapter 9 (Promoting sustainable transport)
  - Chapter 12 (Achieving well- designed places)
  - 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)
  - Chapter 17 (Facilitating the sustainable use of minerals).

### **Relevant Local Planning Policies and Guidance**

45. Policies in the Local Plan Part 1: Core Strategy can be found [here](#).

46. The relevant policies from the LPP1 are:
- Policy 1 (Presumption in Favour of Sustainable Development)
  - Policy 2 (Climate Change)
  - Policy 3 (Spatial Strategy).
  - Policy 5 (Employment Provision and Economic Development)
  - Policy 8 (Housing Size, Mix and Choice)
  - Policy 11 (Historic Environment)
  - Policy 14 (Managing Travel Demand)
  - Policy 16 (Green Infrastructure, Landscape, Parks and Open Space)
  - Policy 17 (Biodiversity)
  - Policy 18 (Infrastructure)
  - Policy 19 (Developer Contributions).

Policies in the Local Plan Part 2: Land and Planning Policies, can be found [here](#).

47. The relevant policies from the LPP2 are:
- Policy 1 (Development Requirements)
  - Policy 15 (Employment Development)
  - Policy 17 (Managing Flood Risk)
  - Policy 18 (Surface Water Management)
  - Policy 19 (Development Affecting Watercourses)
  - Policy 20 (Managing Water Quality)
  - Policy 23 (Redevelopment of Bunny Brickworks)
  - Policy 29 (Development affecting Archaeological Sites)
  - Policy 32 (Recreational Open Space)
  - Policy 35 (Green Infrastructure Network and Urban Fringe)
  - Policy 37 (Trees and Woodlands)
  - Policy 39 (Health Impacts of Development)

- Policy 40 (Pollution and Land Contamination)
- Policy 43 (Planning Obligations Threshold).

## **APPRAISAL**

48. 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.
49. The application seeks outline planning permission including the approval of the matter of access. Matters of appearance, layout, scale and landscaping are to be considered at Reserved Matters stage should outline planning permission be granted.

### Principle of development

50. The application site is inset from the Green Belt following the adoption of the LPP2. Bunny falls outside of the Key Settlements identified for growth under Policy 3 of the LPP1 and it does not fall within one of the 'other villages' identified in the LPP2 as potentially suitable for a limited level of new housing. However paragraph 7.1 of the LPP2 considers that to support the regeneration of the partially previously developed site, the inclusion of housing and employment on the site is considered sustainable. Accordingly, the site is identified as an allocation for around 100 homes under policy 23 (Redevelopment of Bunny Brickworks) of the LPP2. The development will be subject to the following requirements:
- a. the southern half of the site must be safeguarded and developed for employment purposes (B1, B2 and B8);
  - b. once occupied, the amenity of residents should not be adversely affected by noise, odour or dust resulting from the activities of the neighbouring employment site;
  - c. loss of any priority habitats, including woodland and hedgerow, should be avoided, mitigated, or, as a last resort off-set; and
  - d. it should be consistent with other relevant policies in the Local Plan.
51. Whilst policy 23 sets an allocation for around 100 homes, this is not an absolute figure and Planning Policy consider the proposed figure of up to 110 dwellings to be acceptable. As the application site is a development allocation, LPP2 Policy 22 (Development Within the Countryside) does not apply.
52. In considering criteria a)- b) of LPP2 Policy 23, a key consideration is the relationship between the Johnsons Aggregates site and the proposed residential development. Policy 1(8) of the LPP2 states, inter alia, that planning permission will be granted where the amenity of occupiers or users of the proposed development would not be detrimentally affected by existing nearby uses.



53. The operations at the aggregates site could result in the exposure of future residents to environmental impacts such as noise, which in turn could place pressure on the viable continued operations at the aggregates site. The concerns raised in the letter of objection from Johnsons Aggregates to this effect are noted. Paragraph 210e) of the NPPF states that planning policies should “safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material”. Paragraph 212 states that “Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working”.
54. The County Council in their capacity as the minerals and waste authority consider that “it would be for the applicant of this proposed development to ensure appropriate and adequate mitigations are put in place to ensure the established waste facility of Johnsons Aggregates is safeguarded and can continue to operate without additional restrictions being imposed which may render the facility unviable”.
55. The indicative masterplan shows employment uses to the south of the site with a planted buffer between the employment and residential uses. The proposed employment use would provide a buffer between the residential element and the existing aggregates site and is considered acceptable in principle, subject to Environmental Health considerations including the submission of an appropriate Noise Impact Assessment.
56. The County Council comment that they welcome these measures to provide a buffer between the residential development and the aggregates site, however they have raised some concerns regarding potential noise and dust impacts on the dwellings to the south west corner abutting the access road serving the aggregates site. The letter of representation on behalf of Johnsons Aggregates also raises concerns regarding the siting of dwellings adjacent to the shared access and the potential impact of HGV movements on future occupants which could prejudice future business operations. The submitted layout plan, including the layout of dwellings and public open spaces, is however purely indicative and it would be subject to consideration at reserved matters stage.
57. Further mitigation measures may be needed to protect the amenities of these dwellings, however it is likely that this can be addressed through appropriate design and layout at reserved matters stage. Accordingly, it is not considered that the aggregates site would preclude the residential development of the site of the quantum that is proposed.
58. In considering criterion c) of LPP2 Policy 23, the application site comprises previously developed land with predominantly hardstanding to the south and areas of grassland and scrubland that have become more established to the north. Mature tree cover is predominantly focused along the eastern and northern boundaries.
59. Policy 17 of the LPP1 requires an increase in biodiversity and additionally Policy 18 of the LPP2 requires management of surface water, and require all

developments preserve, restore, and re-create priority habitats in order to achieve net gains in biodiversity.

60. The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. Policy 38 of the LPP2 (Non Designated Biodiversity Assets and the Wider Ecological Network) requires that "where appropriate, all developments will be expected to preserve restore and recreate priority habitats and the protection and recovery of priority species in order to achieve net gains to biodiversity.
61. The application is accompanied by an Ecological Impact Assessment and a Biodiversity Baseline Assessment which appear to have been carried out in accordance with good practice and are in date. The site supports foraging bats and roosting and foraging birds and invertebrates, and is likely to support hedgehogs and common amphibians. No priority habitats have been identified on site. The development provides opportunities for ecological enhancement. The submission includes an Ecological Opportunities and Constraints Plan which shows a 10 metre woodland buffer to the north east of the site, the retention of trees and hedgerow along the A60 frontage, the retention of mature tree T16 within the site and the potential retention of trees T18 and T20 on the Gotham Lane frontage. The Indicative masterplan identifies a large attenuation pond, and other areas intended to improve biodiversity which have the potential to provide priority habitats. In accordance with Policy 38 of the LPP2, the creation of these areas and retention of hedgerows provide an opportunity to deliver multiple benefits for both residents and wildlife and ensure a net-gain in biodiversity is achieved. These matters would be subject to a suitable landscaping scheme at reserved matters stage.

#### Matter of access

62. The proposal falls to be considered under criterion 2 of Policy 1 (Development Requirements) of the LPP2, which states that: Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the following criteria are met:
- 2. 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.*
63. The application seeks the formation of a new access off Gotham Lane to serve the proposed residential development. The employment uses to the south of the site would be served from the existing access point off the A60 serving Johnsons Aggregate. The TA includes plans to show the visibility splays from both access points. The new access on to Gotham Lane would be onto a section of road covered by a 30mph speed limit although it would be close to the transition to national speed limit to the west. The TA shows that the proposed access could achieve a visibility splay of 2.4x 215m to the west which is commensurate to a vehicular speed of 62 mph, thus allowing sufficient visibility of vehicles approaching the 30mph zone from the national speed limit. To the east a visibility splay of 2.4x 90 metres is shown which is sufficient for a 30mph speed limit. The TA shows that the existing access

point can achieve a visibility splay of 2.4x 160m in both directions across the frontage verge, commensurate to the 50mph speed limit. The Highway Authority are satisfied with the proposed access arrangements subject to ensuring that the proposed visibility splays are kept obstruction-free for the lifetime of the development.

64. In terms of pedestrian access, the originally submitted indicative layout plan showed the residential area accessed from Gotham Lane and the commercial area accessed from the A60, with no pedestrian linkage between the two. The Highway Authority raised concerns regarding the substandard footway along the A60 and clarified that they would not seek new bus stop provision close to the A60 access, due to the lack of ability to provide safe crossing facilities at this location on a 50mph road. Accordingly, the Highway Authority seek improvements to the existing bus stop provision, and pedestrian linkage through the site to the commercial element, with the intention that pedestrians would access the commercial and residential uses along Gotham Lane rather than via the A60. Discussions took place and a revised indicative layout plan was provided showing a pedestrian link between the residential and commercial area of the site.
65. Policy 14(1) of the LPP1 (Managing Travel Demand) state that “The need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments”. The site does not fall within one of the Key Settlements identified for growth in LPP2 Policy 3, however it is an allocated site in the LPP2. Various highway improvements are sought, to facilitate access from the site to the closest bus stops and Bunny village comprising the following:
- Widening the footway to 2m width on the south side on Gotham Lane from the residential access road of the development to about 200m, at a location where an informal crossing facility can be provided
  - Widening the existing narrow footpath to 2m width, linking Gotham Lane to the A60 Loughborough Road
  - Widening the footway to 2m width on the west side of the A60 Loughborough Road from the footpath to the informal crossing north of the A60 Loughborough Road
  - Re-aligning the road markings at the junction of A60 Loughborough Road and Gotham Lane to extend the right turning lane to accommodate more vehicles turning right into Gotham Lane.
66. It is considered that appropriate access arrangements and infrastructure improvements could be secured through the imposition of suitable conditions and S278 agreements.
67. The application is accompanied by a Transport Assessment (TA) produced in December 2019. An update letter has been provided dated March 2021 which states that the TA was based on traffic surveys dated November 2019 and as such unaffected by the Covid19 pandemic. It states that transport counts are normally taken as valid for a period of five years unless there has been a significant development in the local area.

68. Paragraph 113 of the NPPF states that: All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Part 5.1 of the submitted TA sets out the requirements for a Travel Plan. Should planning permission be granted, a condition shall be imposed requiring the appointment of a residential travel plan co-ordinator who would be responsible for the monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan.
69. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is not considered that the proposal access arrangement would result in a severe highway safety impact.
70. In terms of visual amenity, the proposed Gotham Lane access would require the removal of a section of frontage vegetation. This comprises an old hedgerow that has been allowed to grow into a continuous line of scrub. The submitted Arboricultural report identifies the belt of planning as a category C rating as trees of low quality. The Design and Landscape Officer notes that the belt of vegetation has a positive amenity value whilst providing an effective screen. However it is noted that there are benefits that would arise from a vehicular access in the proposed location compared to forming an additional access off the A60, for example by providing better linkage to the village. Due to the location of the proposed access on the outside of a bend, the visibility splays would be minimal and would not likely impact on the vegetation to either side of the access. The proposed access would not impact upon the 'moderate' category B tree T20 or any other category A-B trees. Should planning permission be granted, details of the exact extent of hedgerow removal required to facilitate the access shall be secured by way of a condition. Landscaping is a matter to be considered at reserved matters stage. Any reserved matters application would need to demonstrate how replacement planting elsewhere on the site would mitigate the loss of this section of vegetation. The Design and Landscape Officer considers that the removal of a short section of vegetation to facilitate access seems reasonable given that the site is allocated in the local plan.
71. In terms of residential amenity, the proposed Gotham Lane access would be approximately 50 metres from the closest residential property to the north of Gotham Lane. Based on the indicative layout plan, the Gotham Lane access would solely serve the residential element of the development. Environmental Health have not raised any noise/ disturbance concerns regarding the use of the access.
72. The Highway Authority initially commented that the traffic impact of the development on the A60- Kirk Lane junction should be considered, taking into account the committed developments at Asher Lane, land opposite Mere Way and on Wilford Road. Additional information was sought with regards to the modelling outputs for the signal junction. The Highway Authority subsequently provided further comments noting that the A60- Kirk Lane signals already have MOVA control and are the subject of an improvement/mitigation scheme from the Mere Way development and no additional work is sought as part of the current application.

### Design and amenity

73. The application is for outline planning permission with appearance, landscaping, layout and scale reserved for subsequent approval and therefore only the broadly principle of the development of the site is to be considered at outline stage. The northern boundary of the site is stepped back to the north east corner which abuts a wooded area. There is a neighbouring property immediately abutting the site to the north east at 57 Gotham Lane and properties to the north on the opposite side of Gotham Lane. The submitted indicative masterplan shows a green buffer along the boundaries with Gotham Lane and No. 57. Based on the indicative layout plan, the separation distance between No. 57 and the closest dwelling would be approximately 25 metres, with a separation distance of approximately 55 metres from the closest opposite- facing property. A development based on this indicative layout would likely provide sufficient separation distance to avoid an undue overbearing impact, overshadowing or loss of neighbouring privacy subject to an appropriate design, scale and massing.
74. Discussions have taken place with the agent following the receipt of comments from Community Development setting out our open space requirements comprising 0.139 hectares of unequipped play/ amenity public open space and 0.063 hectares of children's play. A revised indicative layout plan has been submitted which demonstrates how these open space requirements could be accommodated within the site.
75. The indicative layout of the residential appears to incorporate only limited landscaped areas and open spaces within the site, however members are advised that the application is for outline planning with access being the only matter considered at this stage. Careful consideration would need to be given to the layout and design of the scheme at reserved matters stage.

### Landscape character

76. LPP2 Policy 1(7) states, inter alia, that planning permission will be granted where there are no significant adverse effects on landscape character. The site abuts an aggregates site to the south. Currently views of the aggregates site are obscured on the southern approach from Bunny Hill due to the topography, landscaped bund and vegetation screen along the highway frontage and accordingly it is likely that a suitably designed mixed use scheme would have limited prominence on the southern approach due to the screened, low- lying nature of the site.
77. There is a mound to the north of the A60 access along with frontage tree cover of approximately 6-8 metres in height screening views into the site from the A60. To the west of the site there are a collection of industrial buildings at Bunny Trading Estate which would limit views of the proposed development from the open countryside to the west. The site partly abuts Gotham Lane to the north although the neighbouring pocket of woodland north east of the site would screen views from the Gotham Lane- A60 junction. Clear views into the site would likely limited to the section of the site abutting Gotham Lane and proposed new access. Based on the indicative layout plan, it appears that a section of the existing bunding may require removal to form the

employment use access road. This may open up limited views of the proposed development from the existing A60 access.

78. It is considered that a development of an appropriate scale and height could be accommodated with without resulting in a significant adverse effect on landscape character subject a robust landscaping scheme. With reference to the commercial element, it is proposed that the maximum height of the buildings is limited to 10.2 metres as per the maximum building heights set out in the plans submitted under previous application 05/00390/OUT.

#### Contaminated Land

79. The application is accompanied by Phase 1 and 2 Geo-Environmental Assessments and the Borough Council's Environmental Health Officer is satisfied with the results of the ground gas monitoring and soil sampling. Should planning permission be granted, conditions are proposed in relation to appropriate Remediation Scheme, Verification Report and the assessment of imported aggregate and topsoil.

#### Archaeology

80. The site falls within an identified area of archaeological potential. Despite the previous brickworks development, there is the potential that archaeological layers survive. Paragraph 194 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
81. The submitted Archaeological Report notes that whilst made ground and infill covers two-thirds of the southern site area, some of the northern part of the site may contain original historical ground levels. There are potentially significant Prehistoric and Roman remains a short distance from the application site. While the potential for archaeological remains across the site is low any remains that are present could be of regional significance and therefore the report recommends trial trenching.
82. The Archaeology Officer initially submitted comments stating that such investigation should be carried out prior to the determination of the application. As the application is outline with all matters reserved except for access, the siting of the dwellings and layout of the scheme would be considered at reserved matters stage. Accordingly, the agent queried whether archaeological investigation works could also be considered at reserved matters stage. Discussions took place with the Archaeology Officer to ascertain whether the archaeological potential of the site would be significant enough to preclude development as a whole. It was confirmed that this was not considered to be the case, however the developer should be mindful of the potential to encounter remains and the implications of this. Accordingly should outline planning permission be granted, a condition is proposed requiring further archaeological investigation to be carried out prior to commencement.

### Employment use

83. The site is allocated for employment as part of a mixed-use development under paragraph 1) f) of Policy 15 (Employment Development) of the LPP2. Paragraph 2 of this policy states that planning permission will be granted for the expansion, conversion or redevelopment of land and premises for employment uses provided the following criteria are met:
- a. the employment use is within Use Classes B1, B2 or B8, or is an employment generating use which is compatible with its surrounding uses;
  - b. the employment use provides facilities and services which support the functioning of the employment site provided they are of an appropriate scale; and
  - c. the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers
- b) The employment mix would be considered at reserved matters stage, however it would be limited to use classes B1, B2 and B8 and required by Policy 23 of the LPP2.
84. In considering residential amenity, the indicative plans show a buffer between the proposed residential and commercial areas. The impact of the commercial uses on the amenities of the residential properties would need to be carefully considered at reserved matters stage through appropriate design and noise/ disturbance mitigation measures. To minimise potential nuisance, conditions are proposed in relation to the installation of lighting, external plant and equipment, and hours of operation should planning permission be granted.

### Flooding and drainage

85. Section 14 of the NPPF relates to 'Meeting the challenge of climate change, flooding and coastal change' and advises that Major development should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. The systems should:
- a) Take account of advice from the lead local flood authority;
  - b) Have appropriate proposed minimum operational standards;
  - c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) Where possible, provide multifunctional benefits.
86. The application is accompanied by a Flood Risk Assessment and Drainage Strategy. The site falls within flood zone 1 (low flood risk). Part of the north of the site falls within an area of medium- high risk of surface water flooding. The FRA seeks to address flood risk from surface water in the northern part of the site by raising ground levels in that area by up to 0.5 metres. It is not considered that the raised land levels would preclude residential development within the northern part of the site, however the design of the dwellings would need to be carefully considered at reserved matters stage to ensure that they do not become excessive in height as a result of the elevated land levels. The Lead Local Flood Authority does not object subject to a condition requiring evidence of how the on-site surface water drainage systems would be maintained and managed after completion and for the lifetime of the development. Details of surface water disposal shall be secured by way of a condition should planning permission be granted.

### Health and wellbeing

87. Chapter 8 of the NPPF, Policy 12 of the LPP1 (Local Services and Healthy Lifestyles), and Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy support the promotion of healthy communities through the creation of safe and accessible environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services as a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.
88. The provision of open and green space, including an equipped area of play is proposed as part of the development, which would support these policy ambitions. Details of the layout and specification of equipped and unequipped spaces would be sought as part of the reserved matters. The Highway Authority request improvements to the existing bus stop infrastructure along with improvements to the pedestrian footway along Gotham Lane, encouraging alternative sustainable modes of transport to car use.

### Contributions

89. The Borough Council adopted the Community Infrastructure Levy (CIL) on 7th October 2019. The proposed residential element would be CIL chargeable. In line with paragraph of the Planning Practice Guidance on Planning Obligations, affordable housing planning obligations would be sought as it comprises a major development, defined in the NPPF as development of 10 or more homes or a site area of 0.5 hectares or more.
90. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
91. The applicants have, agreed the Heads of Terms that have been put to them and a draft S106 Agreement has been received by the Borough Council. The heads of terms includes provisions for on site public open space and equipped play space; and contributions towards primary education, health and bus stop improvements.

### Summary

92. The site is allocated for a mixed use residential and employment development under policy 23 of the LPP2. It is considered that the proposed access arrangements are acceptable. The overall principle of development is acceptable subject to the submission of an appropriate scheme at reserved matters stage in terms of appearance, landscaping, layout and scale.



93. For the reasons set out above it is considered that the development accords with the general national and local planning policies considered above and accordingly the approval of planning permission is recommended.
94. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.
95. 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.
96. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the grant of planning permission.

## **RECOMMENDATION**

It is **RECOMMENDED** that planning permission be granted subject to Section 106 subject to the following condition

1. **An application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission and the development shall commence no later than two years from the date of the approval of the last reserved matter.**

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

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

- i) **Appearance**
- ii) **Landscape**
- iii) **Layout and**
- iv) **Scale.**

**The areas identified for residential use and employment uses shall in be broadly in accordance with the areas shown on the submitted Indicative Layout received on 6 May 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. **No development shall be carried out until a Phasing Plan including details of phasing for the approved development has been submitted to and approved in writing by the local planning authority. The phasing plan shall include details of:**
  - a. **the timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;**

- b. the timing of biodiversity, SUDS and landscaping features; and
- c. the timing of the provision of on-site recreation/open play space provision in relation to the provision of any new residential units.

The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

[To ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities and to promote biodiversity on the site and to comply with Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition to enable consideration to be given in a coordinated manner to all the key components of the scheme].

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. the parking of vehicles of site operatives and visitors
  - b. loading and unloading of plant and materials
  - c. storage of plant and materials used in constructing the development
  - d. the erection and maintenance of security hoarding including
  - e. decorative displays and facilities for public viewing, where appropriate
  - f. wheel washing facilities
  - g. details of techniques for the control of noise, dust and vibration during demolition and construction
  - h. a scheme for recycling/disposing of waste resulting from demolition
  - i. and construction works
  - j. The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation.

The approved Statement shall be adhered to throughout the construction period.

[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. This is a pre-commencement condition to mitigate negative impacts on neighbouring properties during construction].

5. No development shall take place in the relevant phase (other than for the access to approved by under this permission) until details of the following in respect of that phase have been submitted :-
- a. A detailed layout plan of the proposed development
  - b. The siting, design and external appearance of the proposed buildings;

- c. details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land
- d. Cycle and bin storage facilities;
- e. Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- f. The means of enclosure to be erected on the site;
- g. The finishes for the hard-surfaced areas of the site;
- h. The layout and marking of car parking, servicing and manoeuvring areas;
- i. Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the application site, and this shall include details of drainage, surfacing and lighting;
- j. The means of access within the site;
- k. Details of the means of foul and surface water drainage;
- l. The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of number of bedrooms and proportion of houses and flats and tenure;
- m. Details of how renewable/ energy efficiency, climate change proofing has been incorporated into the phased to include a scheme for the provision of electric charging points and measures to conserve and recycle water;
- n. A statement providing an explanation as to how the design of the development has had regard to the Design and Access Statement submitted with the application and include an assessment the development against the Building for Life Standards
- o. Details of connectivity between the residential and employment areas
- p. Details of on-site recreation space/facilities to serve the proposed development. Details to be submitted shall include landscaping, planting and any equipment to be provided on the proposed amenity spaces with equipment for the proposed LEAP
- q. A Noise Impact Assessment prepared by a suitably qualified acoustician providing a survey of existing noise levels within and around the site; a prediction of the level of noise impact on the proposed development as a result of existing noise sources; and proposed mitigation measures to protect future occupiers of the development from existing noise generated off the site.

The development shall thereafter be undertaken in accordance with those approved details.

[To ensure an adequate form of development in the interests of highway safety, to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition to ensure details are satisfactory and avoid abortive works at a later stage].

- 6. No part of the development hereby permitted shall commence until details of the new accesses, internal new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction

of the Local Planning Authority.

[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. This is pre-commencement condition to ensure that the internal roads and access are constructed to the appropriate highway standards].

7. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development.

The scheme submitted shall provide evidence or details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

[This is a pre-commencement condition to ensure that the development does not give rise to flooding or adverse impacts on watercourses during construction, and to accord with the aims of Policy 18 (Surface Water Management 2) of the Local Plan Part 1 Rushcliffe Core Strategy].

8. No development shall take place in any relevant phase until the existing trees and/or hedges which are to be retained in or adjoining that phase have been protected in accordance with details to first be submitted and approved by the Borough Council. The approved scheme of protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.

[To ensure the appearance of the development is satisfactory and to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition to mitigate harm to trees that are have amenity value and provide screening].

9. No development shall take place in any relevant phase until such time that a scheme of archaeological investigation relevant to that phase including a program of trial trenching has been submitted to and approved in writing by the Borough Council and the scheme of investigation shall be carried out strictly in accordance with the details and methodology as approved.

[This is a pre-commencement condition to mitigate impacts on potential archaeological remains during construction and to comply with Policy 29 Development affecting Archaeological Sites of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction ecological management plan (CEMP) incorporating Reasonable Avoidance Measures (RAMs) has been submitted to and approved in writing by the local planning authority. The CEMP shall include a pre-commencement Badger Survey. The CEMP shall build upon the recommendations of:
- Ecological Impact Assessment (Weddle Landscape Design- October 2021) Section 5.2
  - Preliminary Ecological Appraisal (Weddle Landscape Design- March 2021) - Section 5
  - Badger Survey (Weddle Landscape Design- May 2021)- Section 5
- [confidential]

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[This is a pre-commencement condition to ensure that the construction works ensure measures to mitigate harm to protected species and to comply with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. No development shall take place until an Employment and Skills Strategy for the construction phase of the approved development shall be produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citb framework and will provide opportunities for people in the locality to include employment, apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[This is a pre-commencement condition in order to promote local employment opportunities from the start of development in accordance with Policies 1 and 5 and 24 of the Rushcliffe Local Plan Part 1: Core Strategy].

12. No development shall commence in any relevant phase (excluding any demolition) until a detailed Remediation Scheme (RS) for that relevant phase has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:
- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
  - the proposed remediation objectives and criteria; and,
  - a verification plan.

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

**[To ensure the future occupiers of the site are not exposed to contamination risks associated with the sites previous use in accordance with Policy 40 of Local Plan Part 2. This condition requires discharging prior to commencement to safeguard neighbouring properties and future occupiers from potential contamination risks].**

- 13. Prior to the occupation or first use of the development in any relevant phase, the relevant part of the site shall be remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.**

**[To ensure the future occupiers of the site are not exposed to contamination risks associated with the sites previous use in accordance with Policy 40 of Local Plan Part 2].**

- 14. 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 local planning authority 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.**

**[To ensure the future occupiers of the site are not exposed to contamination risks associated with the sites previous use in accordance with Policy 40 of Local Plan Part 2].**

- 15. No development shall take place in any relevant phase (other than for the access approved under this permission) until the details of the landscaping scheme for that phase, to include those details specified below, have been submitted to and agreed in writing by the Borough Council:**

- a. the treatment proposed for all ground surfaces, including hard areas;**
- b. full details of tree planting;**
- c. planting schedules, noting the species, sizes, numbers and densities of plants. Measure to provide habitat enhancements should be adopted including the use of native fruiting species within landscaping and retention and gapping up hedgerows, new hedgerows, retention of mature trees and the use of bat and bird boxes / tubes.**
- d. finished levels or contours;**
- e. all existing trees, hedges and other landscape features, indicating clearly those to be removed;**
- f. details of all boundary treatments including height, design, location, materials and finish; and**
- g. details of how the landscape proposals comply and compliment the ecological requirements set out in the other relevant conditions**
- h. details of minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting)**

- i. **proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines).**

**The works shall be carried out as approved. Any trees or planting which die, are removed or become seriously damaged or diseased within 5 years of completion of the development within that phase shall be replaced in the next planting season with others of a similar size and species**

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

16. **Prior to the commencement of development, an addendum update to the Ecological Impact Assessment (Weddle Landscape Design- October 2021) shall be submitted to and approved in writing by the Borough Council. Any mitigation measures or further surveys required shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.**

**[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. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].**

17. **No development in any phase shall take place (other than for the access approved under this permission) until a landscape and ecological management plan for that phase (LEMP) has been submitted and approved in writing by the Borough Council. This plan shall cover all public open space, ecological enhancement areas and Green/blue infrastructure. The agreed mitigation and enhancements shall be implemented in accordance with the agreed works and timetable for implementation set out in the approved management plan and shall allow for the means to implement this plan in perpetuity.**

**[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. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].**

18. **No development shall take place in any relevant phase (other than for the access approved under this permission) until the technical approval under S38 has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within that phase of the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling in that phase shall be occupied until the roads necessary to serve that property have been constructed to base level.**

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

- 19. No dwelling or commercial unit shall be occupied or brought into use until the associated access driveways and parking areas for that part of the development have been constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.**

**[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].**

- 20. No dwelling shall be occupied until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with the Highway Authority and the following highways works have been completed:**
- a. Widening the footway to 2m width on the south side on Gotham Lane from the residential access road of the development to suitable a location where an informal crossing facility can be provided**
  - b. Widening the existing narrow footpath to 2m width, linking Gotham Lane to the A60 Loughborough Road**
  - c. Widening the footway to 2m width on the west side of the A60 Loughborough Road from the footpath to the informal crossing north of the A60 Loughborough Road**
  - d. Re-aligning the road markings at the junction of A60 Loughborough Road and Gotham Lane to extend the right turning lane to accommodate more vehicles turning right into Gotham Lane.**

**[To make sure that a satisfactory means of access is provided, in the interests of road safety to promote sustainable travel and to comply with policy 10 (Design & Enhancing Local Identity), Policy 14 (Managing Transport Demand) and Policy 15 (Transport Infrastructure Priorities) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].**

- 21. The residential development shall not be occupied or be brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a travel plan coordinator, to be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan, whose details shall be provided and shall continue to be provided thereafter to the Borough Council.**

**[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].**

- 22. The travel plan coordinator shall submit reports to and update the TRICS**



database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period that shall have categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

23. The travel plan coordinator shall within 3 months of occupation of the final dwelling produce or procure a full travel plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

24. If trees T16 and T101 and offsite tree T24 as shown on drawing BWB01 received on 17 July 2021 are to be impacted by the development a further Bat Roost Assessment must be undertaken, the results of which shall be submitted to and the mitigation measures approved in writing prior to the commencement of works on these identified trees.

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

25. No non-residential unit shall be occupied until a scheme has been submitted to and agreed in writing by the Borough Council to cover the following:

- a. hours of operation of those premises
- b. hours of deliveries and waste collection
- c. details of delivery handling equipment and industrial processes to be undertaken;
- d. details of externally mounted plant, equipment, tools and machinery or internally mounted plant, equipment, power tools and machinery which vents externally;
- e. associated structural planting and external and internal buffer zones to mitigate any noise generated;
- f. details of refuse collection and bin storage and servicing arrangements;
- g. details of security lighting or flood lighting to be installed on the employment premises or associated open areas including lux plot of estimated illumination and designed, located and installed so as not to cause nuisance to neighbouring residents or to users of

- the highway and to avoid significant impacts on foraging commuting bats;
- h. hours of deliveries taken at or dispatched from and waste collection;
  - i. details of any outdoor storage or display of goods or materials.

The units shall thereafter be used, and any plant/equipment shall be installed, and retained in accordance with the approved scheme.

[To protect the amenities of nearby residents and the visual amenities of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

26. The commercial buildings shall not exceed a height of 10.2 metres above the existing ground levels and the total floor area shall not exceed 5,600sqm.

[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].

27. 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 building hereby approved must only be used for uses within Use Class E(g)(i), (ii), and (iii), and/or Use class B2 and/or Use Class B8 purposes and for no other purpose whatsoever (including any other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any Statutory Instrument revoking and/or re-enacting that Order with or without modification) without express planning permission from the Local Planning Authority.

[To confirm the extent of the permission and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

28. 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].

29. The residential part of the development shall comprise no more than 110 dwellings.

[To clarify the extent of the permission and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

**Note-**

Having regard to the above and having taken into account matters raised  
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**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, and the amount payable will be calculated following approval of any subsequent Reserved Matters application. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 08449 808080 for further information.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

The development makes it necessary to construct/reinstate vehicular crossings over a footway/verge of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at [licenses@viaem.co.uk](mailto:licenses@viaem.co.uk) to arrange for these works to take place.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

This 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.

- A demonstrated biodiversity net gain should be provided 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 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 and those provided by the consultant ecologists in table 3.
- 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-andlighting> for advice and a wildlife sensitive lighting scheme should be developed and

implemented.

- Permanent artificial bat boxes / bricks / tiles and wild bird nests (for example Swallow/swift cups and sparrow terrace / boxes and barn owl box) should be installed within / on buildings or predator pole if possible.
- New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodlands and wetlands and ponds.
- 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). See <https://www.rushcliffe.gov.uk/conservation/trees/hedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))
- Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit and managed appropriately in the long term.
- 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 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.

No removal of hedgerows, trees or shrubs shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful,

detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
<b>Public Open Space and SUDS</b>	<p>Layout, provision and maintenance would need details of management company, and plan.</p> <p>Area of at least 0.13915 hectares required for unequipped play/ amenity public open space equivalent.</p>		<p>Maintenance to be provided by management company or nominated organisation – funded through service charge on properties</p>	<p>To be secured by way of a planning condition – details of long term maintenance secured by S106</p> <p>Trigger to be agreed</p>
<b>Equipped play space</b>	<p>RBC Leisure Facilities strategy requires 0.25 HA of equipped play area per 1000 population.</p>		<p>Based on 110 dwellings with an average of 2.3 residents per dwelling this equates to 253 new residents. Therefore on site provision of 0.06325 hectares is required.</p>	<p>Proposed to be secured by planning condition and S106 – Developer to provide or provided through S106 contributions.</p> <p>Long term Maintenance secured by S106.</p> <p>Trigger to be agreed</p>
<b>Allotments</b>	<p>RBC Leisure Facilities Strategy requires 0.4 hectares per 1000 population. Therefore 0.1012 hectares are required.</p>	<p>Preference for off- site provision.</p>	<p>No capacity for off- site provision/ improvements, therefore on-site provision requested in line with RBC Leisure Facilities Strategy</p>	<p>Trigger to be agreed</p>

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
<b>Education</b>	<p>Primary: development would generate 23 primary place school pupils. There would be a shortfall of 13 spaces.</p> <p>A contribution of £228,969 is sought (based on 13 pupils x £17,613 per place).</p>		<p>As set out in the requirement – contribution is justified</p> <p>Off-site contribution towards the costs of providing additional places</p>	Triger to be agreed
<b>Affordable Housing</b>	30% affordable housing is required.		<p>30% houses equating to 33 affordable units.</p> <p>Housing mix (rounded up/down):                      First Homes – 8 units (25%)                      Social Rent – 6 units (19%)                      Intermediate / Affordable Homes for Sale – 10 units (29%)                      Affordable Rent – 9 units (27%)</p>	Triggers to be agreed
<b>Highways</b>	<p>Bus stop improvements – The County Council seek £50,000 towards bus stop infrastructure.</p> <p>The requested</p>		<p>To ensure the appropriate facilities are provided to encourage the use of sustainable transport options. The current bus stop facilities do not meet the standards set out in the County Councils Public Transport Planning Obligations Funding</p>	Prior to the occupation of the development



Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	improvements are: <ul style="list-style-type: none"> <li>• RU0458 Gotham Lane – Real time bus stop poles &amp; displays including electrical connections, electrical lighting, raised kerbs</li> <li>• RU0446 Gotham Lane – Raised kerbs</li> <li>• New bus stop - Nottingham bound - Polycarbonate shelter, real time bus stop poles &amp; displays including electrical connections, raised kerbs, solar lighting</li> <li>• New bus stop - Loughborough bound - Real time bus stop poles &amp; displays including electrical connections, raised kerbs.</li> </ul>		Guidance for Prospective Developers.	
<b>Waste management</b>	£7,494.46 sought for a contribution to meet additional demand on recycling centres.		Likely not justified- clarification sought	

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
<b>Monitoring Fee</b>	TBC – in accordance with our monitoring fees schedule			
<b>Indexation</b>	All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate			
<b>Legal Costs</b>	TBC			

DRAFT



**Application Number: 23/00580/FUL**  
**Land West Of Main Street. Thoroton**



scale 1:2000

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Rushcliffe Borough Council - 100019419

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# 23/00580/FUL

**Applicant** Claire Garton

**Location** Land West Of Main Street Thoroton Nottinghamshire

**Proposal** Erection of new dwelling with access

**Ward** Thoroton (archive)

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

## THE SITE AND SURROUNDINGS

1. The application relates to a parcel of grass land situated to the rear of a pair of semi-detached houses known as The Jays and Lilac Cottage (1 Crown Cottages). The site is set back approximately 45m from Main Street in the centre of Thoroton and within the Conservation Area. The access to the site is grassed and rises slightly from the roadside towards the site. A public footpath (Thoroton FP2) runs alongside the access to the site and is separated off by fencing on either side.
2. The site is approximately level, grassed and at the time of undertaking a site visit had an old garden shed and chicken enclosure on it. The site is bound by a mix of hedging and fencing on all boundaries. To the south east are The Jays and Lilac Cottage, to the south west The Gables, north east Long Meadow, and north west Roter Adler and 8 Thoroton Farm. All properties are two storey in height, with the exception of Long Meadow and are of a variety of ages and finishes. The closest properties (building to building) are The Jays and Lilac Cottage approximately 18.5m to the south east, then The Gables 20.5m to the south west, Long Meadow 28.5m to the north east, 8 Thoroton Farm 30.5m to the north west and Roter Adler 49m to the north west.
3. Thoroton as a settlement has an essentially linear character and where there is development in depth it is usually of modest depth, often focused on historic farmsteads. In more recent years there has been modern development which has resulted in incidence of in-filling and backland development and this is apparent to the immediate west of the site where development of 8 properties was approved in approximately 2016. Further new build dwellings are located to the south of the proposed site notably The Gables forming the end property of a row of three which were constructed at a similar time.
4. Land to the north west of the site between Roter Adler and the Thoroton Farm development is open and agricultural and in separate land ownership to the proposed development site as indicated by the submitted location plan. As part of the emerging conservation area appraisal, the view up the grassed

track from Main Street towards the open countryside beyond is identified as a key view.

## **DETAILS OF THE PROPOSAL**

5. The application seeks planning permission for the erection of a two storey dwelling with access.
6. The property would be set back from Main Street by approximately 45m. It is proposed to be approximately 10.5m wide, 11.9m deep and have a ridge height of approximately 7.6m. The scale of the property has been reduced during the lifetime of the application, to address concerns raised by officers and neighbouring properties. The property would have a dual pitched roof with gables to the front and rear. A single storey garage is proposed to the side of the property.
7. Materials are proposed to be red brick with a clay pantile roof.

## **SITE HISTORY**

8. 15/02167/FUL - Construction of three new dwellings with garages and two new accesses with removal of existing trees (revised submission of 13/00369/FUL) Approved 2015 – indicated the proposed site area to be retained as grass land.
9. 13/00369/FUL - Construct three new dwellings with garages and two new accesses. Removal of Existing Trees. Approved 2013 – indicated the proposed site area to be retained as an orchard and wildflower meadow.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

10. One Ward Councillor (Cllr Grocock) - Objects on the following grounds:-
  - a) The principal objection is that the proposed house, irrespective of its design merits, contravenes Core Strategy Policy 3. This policy explicitly requires demonstrable local needs for additional housing within Thoroton, a condition that is lacking in this case
  - b) Size and scale of proposed house wouldn't meet local need
  - c) Moreover, considering that the Council can demonstrate a 5-year housing land supply, there are no overriding material circumstances that would warrant deviating from the local plan policies. It is vital that the weight of non-compliance with Policy CS3 is duly considered, leading to the refusal of the application
  - d) Application site is a greenfield site in agricultural use. In the National Planning Policy Framework (NPPF), agricultural land is excluded from the definition of previously developed land. Thus, the proposal cannot be accorded the same substantial weight as brownfield sites, as outlined in paragraph 120 of the NPPF. Moreover, the fact that the application site is located within an 'Other village' at the bottom of the Rushcliffe Core

Strategy Policy 3 Settlement Hierarchy further weighs against the application's approval

- e) Thoroton has no amenities and existing public infrastructure is in a poor state, therefore the development is not sustainable and should be refused.

11. The former Ward Councillor (Cllr S Bailey) - No objection.

Members and consultee Full Comments are available [here](#).

## **Statutory and Other Consultees**

### **Rushcliffe Borough Council**

12. The Borough Councils Team Manager (Planning, Monitoring and Implementation) who is also a qualified heritage professional has no objection. (Henceforth referred to within the report at 'The Conservation officer')

- a) The site is located within the Thoroton Conservation Area, the site itself would be a backland plot to the rear of The Jays and Lilac Cottage and in a position where development in depth already exists both to the North of the site (Roter Adler) and to the south (the 'Thoroton Farm' development)
- b) None of the neighbouring properties (The Jays, Lilac Cottage, Roter Adler, Long Meadow, The Thoroton Farm development or The Gables) are identified as positive buildings within the conservation area, and those nearest to the south of the site are themselves modern additions built since the adoption of the most recent conservation area appraisal. A revised appraisal is under development and has been subject to public consultation, however that document in draft does not propose to recognise any of the neighbouring properties to this plot as positive buildings. The plot itself is not prominent within the public realm and the proposed building would be hidden in views from the public right of way to the northwest by the intervening property at Roter Adler
- c) There are no listed buildings immediately adjacent the site, there is Thoroton Hall and an associated former stable/blacksmiths/coach house associated with the hall (both grade II listed) to the south of the site on the opposite side of Main Street. To the east there is also Manor Farm (GII) and the Parish Church (GI). In all cases these listed buildings are some distance from the site and are separated from the site by intervening development such that direct visual impacts would be limited. In the case of the parish church this building is set back from Main Street, such that there would be several buildings between the churchyard and the site including The Old Orchard, The Hayloft and Lilac Cottage. The churchyard itself has an enclosed and intimate feel and provides the primary setting for the church. Whilst the spire is prominent in wider views over some significant distances in some instances given the context and other buildings nearby the proposed development wouldn't adversely impact on any existing longer ranged views of the church spire

- d) Thoroton Hall has a grand street facing frontage as well as an outlook over former parkland to the southeast. The application site would be separated from the hall itself both by the separately listed former stables building that fronts the roadside and existing properties in the form of The Gables on the opposite side of Main Street
- e) The one point that is raised is that the emerging revised conservation area appraisal now identifies a view along the access and adjoining right of way out into surrounding countryside as a key view. This is largely in recognition of the reduction of open land on this side of Main Street such that remaining glimpse views into countryside are of increasing value. The position of the house itself would not limit this view, but the change in the nature of the access from existing grass track to paved driveway would alter the character of this view, the retained hedge and public right of way would not be sufficient in isolation to retain the character of this view. Limited weight can be given to the revised appraisal as it is not yet adopted, but it has been through public consultation so would have some weight attached. The key view would represent a positive feature of the conservation area loss of which would have to be treated as harmful by virtue of paragraph 207 of the NPPF
- f) Given the overall scale of the conservation area it is considered that the harm from this would be less than substantial but given the increasing rarity of rural views to this side of Main Street it is considered that the harm would be modest rather than minor. It may be possible to design an access so that it remains a more rural character which might better allow the character and value of the view to be retained but that's something that we would need to be shown convincing detail of and we would need to ensure that it secures an adequately usable access to avoid first occupant coming in for a concrete/tarmac driveway because whatever the alternative might be is considered inadequate
- g) The harm identified would give rise to a strong and statutory presumption against granting planning permission via section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, this could potentially be departed from if sufficiently weighty public benefits were identified to apply via the test in paragraph 208 of the NPPF, however for a clear and convincing justification to be demonstrated we would need to be satisfied that all options to minimise harmful impact had been explored, this comes back to ways of detailing access that could better retain the character of the rural landscape glimpse view

#### Further comments in relation to the proposed access

- h) My initial comments were that a hard surfaced driveway would alter the rural nature of this view in a way which would harm the value of that key view. I can see from these plans that a much softer approach to surfacing has been adopted such that only the wheel tracks would be surfaced in gravel for the majority of the length of the route, with only the section nearest the highway and turning area hard surfaced as would be unavoidable for wearing and highways safety



- i) In my view this would comply with the 4th step in best practise guidance on assessing impact on the setting of heritage assets which suggests that all steps to minimise harm and maximise benefit should be explored. This approach to access minimises any adverse impact and would result in a view that, whilst changed, would retain a broadly rural/agricultural character and would not have the appearance of a domestic driveway
- j) As such I would not maintain an objection to the amended scheme and am satisfied that this would serve to avoid causing harm to the conservation area as a designated heritage asset.

13. The Borough Councils Environmental Sustainability Officer has no objection

Please note, in order to demonstrate Biodiversity Net Gain it is necessary to carry out a baseline assessment of the current biodiversity value using an appropriate metric and a prediction of the future value based on the proposed enhancement.

It is unlikely the proposed development will negatively impact on the conservation status of a protected species at this time.

14. The Borough Councils Environmental Health Officer has no objection subject to a condition in relation to unexpected contamination.

15. Representations have been received from 12 individual properties and a letter from an agent on behalf of 4 properties, 1 of which also made their own individual representation. These comments are summarised as follows:-

- a) Concerned that Cllr Bailey hasn't visited the site and that her comments were submitted on the day of the elections. It is requested that comments are sought from the new ward councillor given that the reductions highlighted by Cllr Bailey have not resolved neighbours concerns
- b) Loss of privacy
- c) Overbearing
- d) Loss of wildlife
- e) Over intensive backland development
- f) No local need
- g) Not infill, not in line with concept of linear village
- h) The proposal would further drain limited resources in the village
- i) Strain on neighbours that once again would have to endure building work
- j) The council recently engaged with the village to strengthen the conservation area, this proposal seeks to reduce wild areas within the village and cannot be approved
- k) Noise from vehicles going up the drive and from air source heat pumps
- l) The proposal would be on land which was supposed to be an orchard/flower meadow and the land should be left open. If the land was required as an amenity feature in the 2013 application, why wasn't this carried through in the 2015 consent or secured via S106?
- m) The village has no facilities except the church and a sporadic bus service. New development in Thoroton is therefore not considered to be sustainable and contrary to local and national policy

- n) Local housing need is not defined in the core strategy and the LPA must therefore rely upon the glossary in the NPPF and consequently by the provision of policy 3 of the core strategy. Given the council can now demonstrate a 5 year housing land supply there is no requirement to consider approving development within lower order settlements
- o) During the period 2015-2022 20 dwellings appear to have been granted in the village which is proportionately very large compared to the existing housing stock. The current application should be refused given that Rushcliffe can now demonstrate a 5YHLS
- p) If the LPA chooses to grant planning permission for this application it would render the decision liable to a potential S.288 legal challenge under the provision of the Town and Country Planning Act 1990
- q) Over the last 10 years 16 new properties have been built in the village, planning has been approved for 2 more and should this application be approved and all be built this would be close to a 50% increase in housing in the village and total overdevelopment
- r) A bungalow would be a better option but there is insufficient space
- s) Proposed access road will be extended to build more properties between Thoroton Farm and Roter Adler on land that was again proposed to be planted with trees as stated by the developers when Thoroton Farm was developed
- t) The proposal would dwarf properties to the front; The Jays and 1 Crown cottages
- u) There are no other examples of houses being built so close to existing dwellings
- v) Why isn't it reorientated to face the road?
- w) The 3 houses to the front of the site were allowed as they were considered to complement the existing linear form of the village. The site was designated within this application as grassland and an orchard. The proposal would be contrary to the supporting text in the design and access statement for these 3 dwellings and the officers report at the time
- x) The proposal will result in loss of light, amenity and privacy to The Jays, 1 Crown Cottages and Long Meadow. We in Roter Adler will lose privacy in our garden and to some extent our house as bedroom windows will have views of our house and we will be able to see into the garden of the property from our house
- y) Out of character with existing properties
- z) The view contrary to the planning statement from Main St is a view of importance in the 2023 Conservation Area review.

16. The Borough Councils Policy Officer has no objection

- a) The local need for housing within Rushcliffe Borough is for the Borough as a whole under the provisions of Policy 3 of Local Plan Part 1, its housing trajectory and the distributive hierarchy set out within that policy. Windfall development on sites within the built up area of 'other villages' such as Thoroton form an integral part of Rushcliffe's borough-wide housing land supply which comes from a wide variety of different sources: from major urban extensions down to single windfall plots in smaller villages. All these various sources collectively contribute to meeting the housing needs of Rushcliffe on an ongoing basis and over the whole of the plan period up to 2028 (and then beyond), and also in providing for a mix of housing sites (as required by paragraph 69 of the

## National Planning Policy Framework (NPPF))

- b) Numerous single dwelling and other small scale windfall sites within many of Rushcliffe's 'other villages' (including in Thoroton) have to date already secured planning consent within the plan period, thereby contributing already to meeting local housing needs. Moreover, it is very much expected (within Rushcliffe's latest housing land supply trajectory) that they will continue to fully contribute to meeting both the five year housing land requirement and the housing target overall
- c) If suitable single dwelling and other small scale infill sites within the Borough's 'other villages' were not to continue to come forward because, for instance, it was deemed they do not form part of meeting local housing needs, then this would fundamentally undermine maintaining sufficient ongoing housing land supply (as required by the NPPF) and meeting Borough-wide housing targets. It should be noted that the Borough's latest 'five year housing land supply' calculation incorporates an allowance for windfall development on small sites in 'other villages'. This is one of the reasons why any arguments that small infill sites in other villages are not required because Rushcliffe can currently demonstrate that it has in excess of five years of housing land supply are totally without merit

## Local Plan Part 2: Policy 11 and 22

- d) The village of Thoroton is located beyond the Green Belt, and as such the principle of whether this proposal is acceptable will depend on whether the site is considered to be within the built-up area, where Policy 11 applies, or, beyond the physical edge of the settlement, within the countryside, where Policy 22 will apply
- e) If determined to be within the village, Policy 11 contains a number of criteria that are pertinent to this application
- f) If determined that the site is located within the countryside, part 2 of Policy 22 identifies uses that will be permitted beyond the physical edge of the settlement

## Conclusion

- g) Whether the proposal complies in principle with the adopted local plan rests on whether the site is located within the built-up area and complies with Local Plan Part 2 Policy 11 or is beyond the physical edge of the settlement. If it is determined that the site is within the countryside, it would be contrary to Local Plan Part 2 Policy 22.

## **Nottinghamshire County Council**

17. Nottinghamshire County Council as Highways Authority have no objection subject to conditions in relation to entrance surfacing, verge crossing and parking as indicated being provided.

18. Nottinghamshire County Council Rights of Way Officer have no objection subject to information notes regarding the Thoroton Footpath No 2 that runs inside the southern edge of the site.
19. Nottinghamshire County Council Archaeology Officer has no objection.
20. The Ramblers support the comments of the Rights of Way Officer.

## **PLANNING POLICY**

21. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009 and the Thoroton Conservation Area Appraisal and Management Plan (Sept 2009). A review of the Conservation Area Appraisal is currently taking place and public consultation has been undertaken. The revised document has not yet been adopted.
22. The full text of the Council's policies are available on the Council's website [here](#).
23. Section 38(6) of the Planning and Compulsory Purchase Act, 2004, requires that regard is to be had to the development plan in the determination of an application under the planning acts. Determination must be made in accordance with the adopted development plan unless material considerations indicate otherwise.

## **Relevant National Planning Policies and Guidance**

24. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social, and environmental.
25. The relevant sections of the NPPF are:  
  
Section 2 – Achieving Sustainable Development  
Section 5 – Delivering a Sufficient Supply of Homes  
Section 12 – Achieving Well Designed Places  
Section 19 – Conserving and Enhancing the Historic Environment.

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

## **Relevant Local Planning Policies and Guidance**

26. Under the Local Plan Part 1 the following policies are considered relevant:

- Policy 1 (Presumption in Favour of Sustainable Development)
- Policy 2 (Climate Change)
- Policy 3 (Spatial Strategy)
- Policy 10 (Design and Enhancing Local Identity)
- Policy 11 (Historic Environment)
- Policy 14 (Managing Travel Demand)
- Policy 16 (Green Infrastructure, Landscape, Parks and Open Space)
- Policy 17 (Biodiversity).

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

27. Under the Local Plan Part 2 the following policies are considered relevant
- Policy 1 (Development Requirements)
  - Policy 11 (Housing Development on Unallocated Sites within Settlements)
  - Policy 18 (Surface Water Management)
  - Policy 22 (Development within the Countryside)
  - Policy 28 (Conserving and enhancing heritage assets)
  - Policy 29 (Development affecting archaeological sites)
  - Policy 35 (Green Infrastructure Network and Urban Fringe)
  - Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network)
  - Policy 40 (Pollution and Land Contamination).

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

## **APPRAISAL**

### Principle of Development

28. Policy 3 (Spatial Strategy) of the Core Strategy indicates the settlements where major residential and employment development should occur. It also states that outside of those identified key settlements there will be a need for development in other villages in the Borough for local needs. The settlement of Thoroton is not identified in Policy 3 (Spatial Strategy) for housing (or employment) development. Paragraph 3.3.17 of Local Plan Part 1 clarifies that these 'local needs' will be delivered through small scale infill development or on exception sites or through small scale allocations as appropriate to provide further for local needs (where allocated by Local Plan Part 2 or neighbourhood plans). It is not an established requirement under this policy that a local need survey is required to support applications within settlements, or that a local need is required to be directly demonstrated to support applications within 'other settlements', except where these are brought forward as exception sites. Indeed it is acknowledged that within main built areas of 'other villages' such as Thoroton windfall development, in addition to the anticipated large urban extensions will form an integral part of the Rushcliffe wide housing land supply.
29. Policy 11 (Housing Development on Unallocated Sites within Settlements) of the Local Plan Part 2 states that planning permission for development on unallocated site, within the built-up area of settlements should be granted planning permission provided a series of criteria are fulfilled. Given the sites location with residential dwellings to the north east and north west and

immediately to the south as detailed in the site description, it can reasonably be considered that the proposed development is located within the settlement and not on its fringes nor within the open countryside. The site is therefore considered to be located within the built-up area of the settlement and policy 11 is applicable.

30. The criteria of Policy 11 require the development to be of a high standard and not to adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials. The scale and design of the dwelling have been amended to overcome concerns raised by officers in relation to amenity and these will be discussed in greater detail below.
31. The dwelling would be located to the rear of The Jays and Orchard Cottage. Officers note that there are examples of other "backland" developments within the settlement, including on land immediately to the south west and to the north beyond Roter Adler. It is therefore considered that the proposal would not adversely affect the character or pattern of development that currently exists within the settlement. The proposal is for a single, two-storey dwelling, with the design and materials not dissimilar to that already in the area.
32. Comments received from residents in the vicinity of the site in relation to previously identified uses of the site are noted. The initial application for the 3 dwellings to the south of the site identified the land as an 'orchard/wild flower meadow' and a management plan was subsequently submitted as part of discharge of conditions. A subsequent application seeking to revise the design of the dwellings in 2015 (15/02167/FUL) omitted the land from the red line site location plan and detailed the land as 'grassland'. From review of the officer reports, whilst the proposed orchard/wildflower meadow' was considered a positive addition to the character of this part of Thoroton it was put forward voluntarily by the applicant at the time, with no formal requirement to provide an area of open space for 3 dwellings, which all have appropriate private garden areas. It is understood that the intention was that the land be conveyed to the village, however again there was no formal requirement for this to be done, this would have been the applicants decision. The land appears to have remained in private ownership by the applicant and has been used for keeping chickens and grazing. It is not considered that previous inclusion of the site within red line and later blue lines of the applications for the 3 dwellings to the south of the site prejudice the ability for a subsequent application on the site to be considered.
33. Considerations of visual impact, residential amenity, access and parking will be discussed in greater detail below, however officers are comfortable that subject to appropriate conditions the proposal would not detract from the character of the area or wider conservation area and would have an acceptable relationship with neighbouring.
34. Overarching local concerns that the settlement is not a sustainable location for development are noted, however policy 3 of the LPP1 and Policy 11 of the LPP2 do allow for small scale infill development within 'other settlements' such as Thoroton, and given the assessment as outlined above, the development of this site would not be considered to conflict with the spatial policies of the development plan which still seek to support an appropriate level of sustainable growth within these settlements. Whilst it is noted that the

village has experienced new build development in the recent years and that the council is now able to robustly evidence an in excess of 5 year housing land supply, it is considered in this instance that the provision of one further family sized dwelling within the centre of the village would not be unacceptable and the proposal is considered to accord with the requirements of Policy 3 of the Local Plan Part 1 and Policy 11 of the Local Plan Part 2, and therefore the principle of development on this site is considered to be acceptable.

#### Relationships to Neighbouring Dwellings and Future Occupier Amenity

35. A number of letters of representation have been received primarily from properties which flank the proposed development site. In discussion with the applicant revised plans have been received which have sought to overcome initial concerns raised by officers. The scale and footprint of the dwelling has been reduced to seek to better relate to neighbouring properties. The ridge is now proposed to be 7.8m, 1.2m lower than initially submitted. The initially submitted two storey double garage has been reduced to a single storey, single garage and the depth of the wings to the rear have again been reduced.
36. The closest existing dwellings to the proposal are The Jays and Lilac Cottage located to the east of the site. The main body of the two storey property would be set just over 8m from the existing rear garden boundary for these properties, with no side facing windows orientated towards these dwellings. The building to building separation would be between 12m and 17m. The property would be situated to the west of these dwellings with the ridge of the garage proposed to be just over 5m and the dwelling 7.8m. Given the separation distance, proposed ridge height and orientation of the proposed development with these properties it is not considered that such a undue overbearing or overshadowing impact would result that would warrant a refusal of the application.
37. The Gables is the next closest dwelling situated to the south with a building to building separation of approximately 20.5m at the closest point. Three 1<sup>st</sup> floor windows would be orientated towards the rear garden of the property serving 2 bedrooms and a landing; however, the separation distance would be in excess of 28m to the private patio/seating area, which is considered to be an acceptable degree of separation to ensure no significant overlooking would occur. The proposed dwelling would be located almost due north and given the orientation and degree of separation it is not considered that the proposal would result in any significant overbearing impact or loss of light.
38. Long Meadow a single storey property would be approximately 28m to the north east at the closest point. The detailed letters of representation received and concerns raised have been noted. The proposed dwelling located approximately 28m to the south west of Long Meadow could result in some modest loss of light to the garden area of the dwelling in winter months, however the proposed degree of separation is not considered to result in any significant overbearing. In relation to potential overlooking; two windows are proposed at first floor level in the rear elevation of the dwelling serving bedrooms. The window to window separation to Long Meadow would be approximately 30.5m and the angle severely oblique at approximately 90°. Long Meadow benefits from a large rear garden area and the distance from

the closest proposed first floor windows to the most private patio area would be approximately 33m. it is therefore not considered that the proposal would result in a significant loss of amenity to current occupiers of this property.

39. No. 8 Thoroton Farm is located approximately 31m to the north west. Given the degree of separation it is not considered that the proposed dwelling would significantly overbear or result in loss of light to residents of No. 8. In relation to overlooking; the closest 1<sup>st</sup> floor window in the property would be that in bedroom 4 with a window to window separation distance of approximately 34m and on an oblique angle. The property benefits from a generous garden area and distances into the garden are in excess of 25m and as such the proposal is not considered to result in a significant loss of amenity through overlooking.
40. Finally, Roter Adler is situated approximately 50m to the west and set in a generous garden area. Given the degree of separation it is not considered that the proposed dwelling would result in any undue overbearing impact or loss of light to Roter Adler. Overlooking of the dwelling would be minimal with the separation distance generous and existing tree cover limiting views. Views into the garden area of the property would be possible with the separation distance at the closest point approximately 15m, however this is the very bottom of a very generous garden area and it is not considered that such overlooking of the bottom area of the garden would significantly impact upon residential amenity to warrant a refusal on these grounds.
41. The comments raised regarding noise from air source heat pumps is noted; this has been discussed with the applicant and they have stated that at present they have not decided how the property will be heated and air source heat pumps do not form part of the proposal. Should the applicant decide to heat the property via air source heat pumps then they could either be covered by Class G of Part 14 GPDO or via further application that would be considered in consultation with colleagues in environmental health.
42. In conclusion it is not considered that the proposed development would significantly impact upon the amenity of existing neighbouring properties. The dwelling would provide a private rear garden area of in excess of 250m<sup>2</sup> which is considered acceptable given the scale of the proposed dwelling and exceeds that recommended in the Rushcliffe Residential Design Guide. Limited information has been provided in relation to proposed boundary treatments and a condition requiring precise finishes and landscaping details to be submitted and agreed will further improve relations with neighbouring dwellings.
43. The use of the proposed driveway by a single property is unlikely to give rise to any undue increase in noise and disturbance to warrant a refusal of planning permission on these grounds.
44. The proposal is therefore also considered to comply with the requirements of Policies 1, 8, and 10 of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

#### Impacts upon the Character of the Conservation Area

45. As previously stated, the proposal site is within the Thoroton Conservation



Area and the view from Main Street towards open countryside beyond is identified as a 'key view' in the emerging revised Conservation Area Appraisal. Some weight should be given to this document. As acknowledged by the Conservation Officer, the proposed siting of the dwelling to the rear of The Jays and Lilac Cottage, would largely screen views of the site from Main Street and this is demonstrated on the submitted street scene elevation. Negotiations in relation to the surfacing of the driveway have been undertaken to seek to address concerns initially raised by the Conservation Officer. A plan has been received which indicates the use of crushed stone or gravel either side of a retained grass centre, with the grass verges retained either side. This has been reviewed by the Conservation Officer who considers that this approach would broadly retain the rural character of the site to the benefit of the wider conservation area. A condition is recommended to require precise details to be submitted and agreed.

46. The siting, scale, mass and finish of the proposed dwelling are considered to be acceptable and the development would preserve the character of the conservation area, a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Highway Safety

47. The proposal has been considered by the County Council as the Highway Authority. No objection has been raised subject to further details relating to provision of a hard bound finish for the 1<sup>st</sup> 5m beyond the edge of the highway, vehicular verge crossing details and precise finish of the drive and parking/turning area, all which can be secured via condition. Subject to securing this further information it is not considered that the proposal would impact on highway or pedestrian safety. The proposal therefore complies with the requirements of Policies 1, and 10 of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 1, of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

#### Ecology

48. The site is a grassed paddock with a chicken coop present at the time of undertaking the site visit. No ecological appraisal has been submitted and given the sites make up officers do not consider one to be necessary. The Brough Council's Ecologist considers it unlikely that the provision of a single dwelling would negatively impact on the conservation status of protected species. It is however recommended that biodiversity net gain be secured by way of a suitably worded condition for details to be submitted and agreed.
49. Officers are therefore satisfied that the proposal complies with the requirements of Policies 1, and 17 of the Rushcliffe Local Plan Part 1: Core Strategy, and Policies 1, and 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

#### CONCLUSION

50. It is acknowledged that Section 38(6) of the Planning and Compulsory Purchase Act, 2004, requires that regard is to be had to the development plan in the determination of an application under the planning acts. Determination must be made in accordance with the adopted development

plan unless material considerations indicate otherwise. Officers consider that for the reasons cited above the proposal is not considered to conflict with the relevant policies in the Rushcliffe Local Plan Part 1 and 2, the National Planning Policy Framework, or the guidance in the Rushcliffe Residential Design Guide. Due regard has been paid to the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 taking into account current and emerging Conservation Area Appraisals.

51. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

## **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted subject to the following 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:**

**Proposed site plan Dwg No. 2375/3 Rev C ( apart from driveway details)  
Proposed floor plans Dwg No. 2375/5 Rev D  
Proposed elevations and sections Dwg No. 2375/6 Rev E  
Proposed site plan Dwg No. 2375/7 Rev C  
Proposed site elevation Dwg No. 2375/11 Rev -**

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

3. **The development hereby permitted must 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 Local Planning Authority.**

**The development must only be constructed in accordance with the approved materials.**

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

4. The development hereby permitted must not be occupied until precise details of the proposed vehicle parking area and driveway finish to serve the dwelling have been submitted to and approved in writing by the Local Planning Authority. The submitted details must show:
  - o The proposed surface of the parking area and drive to be used (to include the retention of grass verges and unbound materials were possible ( as indicated on drawing no 2375/4 ( Rev D).);
  - o The means of access and retaining features to the parking areas;
  - o The finished land level, drainage and any proposed lighting.

The vehicle parking area and drive way must be constructed in accordance with the approved details before the development hereby permitted is occupied. Thereafter the vehicle parking areas 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.

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

5. The dwelling hereby permitted must not be occupied until the optional requirement for water efficiency (i.e: 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 the dwelling.

[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].

6. The construction of the dwelling hereby permitted must not proceed above damp proof course level until a scheme for the provision of Electric Vehicle Charging Point(s) (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The dwelling hereby permitted must not be first occupied until the EVCP has been installed in accordance with the approved details. Thereafter an EVCP must be permanently retained on the site in accordance with the approved scheme throughout the lifetime of the development.

[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 112 of the National Planning Policy Framework (July 2021)].

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.

[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. Prior to the development progressing above Damp Proof Course (DPC), details of ecological enhancements to provide biodiversity net gain shall be submitted to and approved in writing by the Borough Council. The biodiversity enhancements shall be implemented in accordance with the approved details prior to the first occupation 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 179-180 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy].

9. The approved dwelling shall not be occupied until the driveway has been surfaced in a hard bound material for a minimum distance of 5m behind the highway boundary and has been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The hard bound surfacing and drainage measures shall thereafter be retained for the life of the development.

[To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), and to ensure surface water from the site is not deposited on the public highway causing dangers to road users].

10. The approved dwelling shall not be occupied until the driveway is fronted by a suitably constructed vehicular verge crossing, in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[In the interests of highway safety].

11. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it
  - a) must be reported to the Local Planning Authority within (48 hours). All development on the site must cease immediately and must not recommence until a written scheme for the investigation and risk assessment of the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework July 2021) and must be in accordance with the

**Environment Agency's 'Land Contamination Risk Management' (LCRM)**

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

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

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

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

12. 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 local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

[To ensure that all soil or soil forming materials brought onto the site are free from contamination so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in

**Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 177 of the National Planning Policy Framework (July 2021)].**

- 13. The development hereby permitted must not be occupied or first brought into use until a written scheme the hard (including means of enclosure) and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted) has been submitted to and approved in writing by the Local Planning Authority.**

**Thereafter the scheme 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 brought into use, whichever is sooner.**

**If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved scheme 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.**

**[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)].**

#### **NOTES TO APPLICANT**

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to arrange for these works to take place.

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/>

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

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

In order to prevent nuisance to neighbours, you are advised to agree with the Borough Council's Head of Environmental Health, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction. If the use of a crusher is required, this should be sited as far as possible from nearby dwellings and be operated in accordance with its process authorisation.

In the interests of amenity, all demolition and construction works, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

- o Monday - Friday 0700 - 1900 hours
- o Saturday 0800 - 1700 hours
- o Sunday/Bank Holidays No work activity

Good practice construction methods should be adopted including:

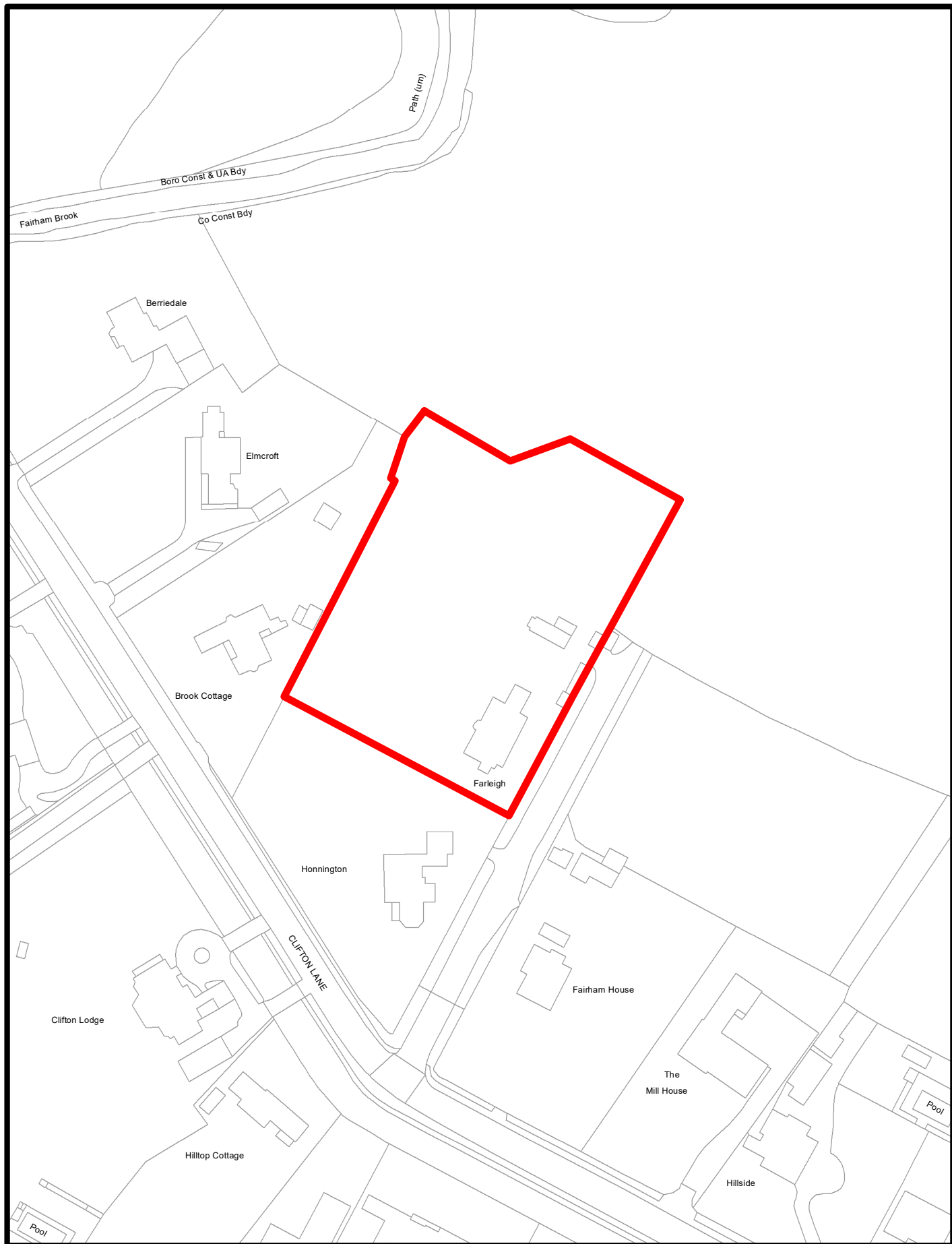
- o Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- o All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, 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.
- o 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.
- o 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.
- o Pollution prevention measures should be adopted

Consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability including electric vehicle charging points and cycle storage, management of waste during and post construction and the use of recycled materials and sustainable building methods.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats and lighting.html](http://www.bats.org.uk/pages/bats%20and%20lighting.html) for advice.

The applicant/developer should be aware and make the future owner aware of the following responsibilities: 1) to ensure that the footpath is not impacted by the hedge and that it is cut back regularly, 2) that the fence alongside the path and the gate giving access to the path maintained to a safe and suitable standard.





**Application Number: 23/00752/FUL**

**Farleigh Cottage  
Clifton Lane  
Ruddington  
Nottinghamshire  
NG11 6AA**



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**23/00752/FUL**

**Applicant**

Mr and Mrs Elenor

**Location**

Farleigh Cottage Clifton Lane Ruddington  
Nottinghamshire NG11 6AA

**Proposal**

Extension and external alterations to ancillary annexe building

**Ward**

Ruddington

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

### **THE SITE AND SURROUNDINGS**

1. The application relates to 1 1/2 storey building located within the grounds of Farleigh, which is a large imposing two-storey dwelling. The site is accessed off Clifton Lane, Ruddington via an unadopted road serving Farleigh and two other residential properties located to the south of the site known as Honnington and Fairham House.
2. The building itself appears to be the original coach house serving Farleigh and was converted to a Granny Annex in the 1990's. It currently comprises of the following accommodation; a kitchen/ living area, bathroom, a conservatory and porch to the ground floor and 2 bedrooms and balcony area to the first floor.
3. The annex building has a separated private amenity space that is segregated from the gardens associated with Farleigh via 1.8 metre close bordered fencing.

### **DETAILS OF THE PROPOSAL**

4. The current application seeks planning permission for the erection of a single storey side extension to the granny annex. The ground floor would result in the following accommodation; living area, conservatory, kitchen, two bathrooms and a bedroom to ground floor and two bedrooms at first floor level. The proposal also includes fenestration changes to the annex including the insertion of two windows to the front elevation and insertion of bifold doors to the western side elevation.

### **SITE HISTORY**

5. 89/00814/K2P - Convert coach house to form ancillary accommodation; construct 2 double garages (REFUSED).
6. 91/00242/K2P - Construct double garage (GRANTED).
7. 92/00687/K2P - Convert garage to form granny annex. Granted subject to the following condition; ' The accommodation to be formed as a result of this

development shall not be occupied as a separate dwelling unit independently from Farleigh'. The reason for this condition was 'The site is in the Nottinghamshire Green Belt where permission for a new unrestricted dwelling would not usually be forthcoming, and is also served by a substandard vehicular access'.

8. 96/00018/VAR - Application to remove condition 2 imposed on 92/00687/K2P to permit unrestricted occupation of granny flat. Refused on the following grounds;
  1. The site is within the Nottinghamshire Green Belt in a location where permission for new unrestricted dwellings would not usually be forthcoming. To permit unrestricted occupation of the granny flat would create a precedent following which it would be difficult to resist applications for the construction of new dwellings in the immediate locality
  2. The proposed development would result in an intensification of use of an unmade access road with limited forward visibility for the eastbound traffic as its junction with Clifton Road, and substandard visibility to the northwest. The proposal would thus create traffic difficulties and dangers to the adjoining highway.
9. 16/00200/FUL - Single storey side and rear extensions; dormers to roof. Refused for the following reason; The existing domestic outbuilding is currently subordinate to Farleigh, both in terms of its size, scale and design and its use. The proposed extensions would be of such a scale that they would be disproportionate over and above the size of the original building, which would no longer appear subservient in character or appearance to Farleigh. Furthermore the increased accommodation would be capable of being occupied entirely independently from Farleigh, which would result in a potential intensification of use and activity on the site.
10. The proposal is therefore inappropriate development in the Green Belt, which would detract from the open character of this Green Belt location, contrary to the guidance contained within paragraphs 79- 89 of the National Planning Policy Framework, and policies GP2 (Design and Amenity Criteria) and EN19 (Impact on the Green Belt and Open Countryside) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.

## **SITE CONSTRAINTS**

11. The site is located within the Green Belt.

## **REPRESENTATIONS**

### **Ward Member**

12. One Ward Councillor (Cllr J. Walker) supports the proposal. A summary of the comments is set out below (the full response is available to view on the Council's website [here](#)):
  - Considers that special circumstances exist for the family wanting to make adaptations

- Considers that the proposal would not harm or encroach to the extent that it would damage the Greenbelt and lead to urban sprawl
- The Greenbelt policies seem to disproportionately favour house developers when considering 'very special circumstances'.

### **Parish Meeting and Adjacent Parish Councils/Meetings**

13. No representations have been received.

### **Statutory and Other Consultees**

14. No representations have been received.

### **Local Residents and the General Public**

15. No representations have been received.

### **PLANNING POLICY**

16. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.

17. The full text of the Council's policies are available on the Council's website [here](#).

### **Relevant National Planning Policies and Guidance**

18. 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.

19. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:

- Chapter 2 - Achieving Sustainable Development
- Chapter 12 - Achieving Well Designed Places
- Chapter 13 -Protecting Green Belt land.

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**

20. 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 4 – Nottingham-Derby Greenbelt
- Policy 10 - Design and Enhancing Local Identity.

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

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

- Policy 1 - Development Requirements
- Policy 21 – Green Belt.

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

## **APPRAISAL**

22. 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.

23. The main material planning considerations in the determination of this planning application are:

- Whether the proposed development constitutes 'inappropriate' development within the Green Belt
- The impact of the proposed development on the openness of the Green Belt
- Whether there are any 'very special circumstances' to outweigh any other harm to the Green Belt
- Other potential harm arising from the proposed development
- Other matters.

### Whether the proposed development constitutes 'inappropriate' development within the Green Belt

24. Consideration has to be had to whether the proposal is acceptable in relation to development in the Green Belt. If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

25. Policy 21 of the Local Plan Part 2 states that applications will be determined in accordance with the NPPF. Exceptions to inappropriate forms of development are set out under paragraph 145 of the NPPF and this includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

26. There is no definition of 'disproportionate' in either national or local policy, and each case must be assessed on its own merits. Case law suggests that footprint, height, scale, volume and design should all be taken into consideration in the consideration of such applications, and that each case should be assessed on its own merits.
27. The guidance specifically refers to 'original building', therefore any previous extensions (post 1948) must be included in the assessment of 'disproportionate'. The building was granted planning permission in 1992 for the conversion to an annex.
28. The Council does not prescribe what % increase would be considered proportionate but as a guide up to 50% has been accepted depending on the overall scale and massing of the development. When the volume calculations are considered solely based on additions to the original building, the proposed extension and the previous conservatory extension would result in a 45% increase to the building. Whilst the volume added to the building would be below 50%, this is not the sole determining factor for whether the proposed additions would be 'disproportionate'. The proposed addition to the annex would add a significant amount of footprint to the building and would seek to increase the building to a three-bedroom building, with two bathrooms, a living room, sun room and kitchen at ground floor level. Officers consider that the proposed extension would be of a scale and massing that would make the annex appear as a separate unit to Farleigh, which would no longer be an ancillary building.
29. When taking all of the above into account it is considered that the works would result in a significant and disproportionate increase over and above the size of the original building. The proposal would therefore constitute an inappropriate and thus be a harmful form of development in the Green Belt contrary to the exception set out in paragraph 149c) of the NPPF. Consequently, officers consider that the development does not comply with Policy 21 of the LPP2.

#### The impact of the proposed development on the openness of the Green Belt

30. The impact on the openness of the Green Belt is implicitly taken into account in the exception in the NPPF paragraph 149c). However, having established that the proposal is inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land.
31. The NPPF identifies (para 137) the essential characteristics of the Green Belt as being its openness and permanence. The word 'openness' is generally held to mean an absence of built development and the concept of openness has both spatial and visual aspects to it. Consideration therefore has to be had on whether it would have a greater impact on the openness of the Green Belt.
32. Paragraph 138 states that the Greenbelt serves 5 purposes:
  - a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;

- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

33. The proposed extension is located on the south-western side elevation of the annex building, which is the closest elevation to the host dwelling known as Farleigh Cottage. It is considered that the proposed extension is contained within the existing development on the site and, as such, would have limited impact upon the openness of the greenbelt in visual terms.
34. However, the consideration of the effect on openness is not solely a matter of visual impact. Officers recognise that the site is significantly set back from Clifton Lane. However, in spatial terms, the proposed development would be read as a separate dwelling to Farleigh and, as such, officers consider that this fail to preserve the openness of the Greenbelt. This adds to the harm caused as a result of being inappropriate development.
35. Notwithstanding the extent of the visual impact, the proposal would still result in further development in the countryside in excess of that which already exists. It is also considered that if the committee were minded to grant the current application, this may set a precedent for further development within this Greenbelt location which would further harm the permanence and openness of the Green Belt. It would, therefore, be contrary to the non-encroachment purpose of including this land in the Green Belt. This constitutes additional harm to be weighed against the proposal.

Whether there are any 'very special circumstances' to outweigh any other harm to the Green Belt

36. Paragraph 148 states 'Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.
37. The applicant has argued that the development is needed to provide accommodation for an elderly relative (one parental couple) to benefit from associated inter-generational care and support. The annex has previously been granted permission for use as a annex, which currently consists of 2 bedrooms, conservatory, living room, kitchen and bathroom. It does not appear that further alternatives, such as a lift to these bedrooms, has been explored along with possible reconfiguration of the existing internal layout.
38. Officers consider that it has not been demonstrated why the existing building could not be adapted to cater for the accommodation needs. No robust evidence has been provided to demonstrate that the development proposed is the only approach to achieving the benefits they seek. No evidence has been provided as to why the existing dwelling or the existing annex accommodation cannot be adapted to meet the needs of the applicant's relatives. Therefore, officers considered that it has not been demonstrated that suitable alternative accommodation is not available on the site which could achieve the same ends without causing harm to the Green Belt.
39. Moreover, officers do not consider that the preference for the elderly relatives to live within the grounds of Farleigh is the only option available to the



applicant. Whilst officers understand the preference to live in close proximity to immediate family, there is nothing to suggest this is necessary in order for an appropriate level of care to be provided. There is also no evidence provided which demonstrates that there are no facilities or opportunities elsewhere in the local vicinity that would allow similar levels of care while still allowing regular contact with immediate family. In addition, little information has been provided which indicates where care is currently being provided, why this is not satisfactory or why it could not continue.

40. Personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances no longer apply. This seems a particularly important factor in the context of the Green Belt and the objective of keeping land permanently open. While the applicant has indicated the development has been designed specifically for the family member(s), there appears to be nothing that would prevent it from being used as a separate dwelling if or when personal circumstances change. Even if controlled as an annexe, the personal circumstances used to justify the development are likely to change over time. However, the harm to the Green Belt would be permanent.
41. The Planning Practice Guidance (PPG) states that the use of a condition to grant planning permission solely on the grounds of an individual's personal circumstance will scarcely ever be justified in the case of permission for a permanent building. It would not therefore be appropriate to grant a temporary or personal permission, given the permanence of the development. While officers sympathise with the applicant's situation, there is insufficient evidence to suggest that the development is the only reasonable option available.
42. As such, taking all relevant matters into account, officers have given only limited weight to the personal circumstances identified by the applicant and officers, therefore, do not consider this to represent 'very special circumstances' that would outweigh the harm caused to the Greenbelt by the proposal.

#### Other potential harm arising from the proposed development

##### *Impact on the character of the area*

43. Core Strategy policy 10, Design and Enhancing Local Identity, 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, materials, architectural style and detailing. 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.
44. Chapter 12 of the NPPF (2021) 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. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place.

45. Whilst the proposed extension would not be visible from the public highway or public vantage points, officers consider that due to the proposed resulting accommodation of the annex and the capability of it being used as a separate unit to Farleigh, the proposed development would cause harm to the rural and open character of the greenbelt and, as such, would cause harm to the character of the area.
46. The harm arising to the Green Belt by virtue of the inappropriateness of the development is not clearly outweighed, as such, the proposed outbuilding is considered inappropriate development and thus be a harmful form of development in the Green Belt. Consequently, the development does not comply with Policy 21 of the LPP2.

#### *Impact on neighbouring amenity*

47. The proposed extension would not be within close proximity to neighbouring properties. The building is located approx. 46 metres from the north-western boundary, shared with Brook Cottage and it is positioned 11.4 metres from the south-eastern boundary which is bounded by a shared access driveway. Officers consider that the proposed extension would not cause undue impacts to neighbouring amenity in terms of overlooking, overshadowing.
48. In light of the above it is considered that the proposed building would be in conformity with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policies 1 (Development Requirements). However, this does not outweigh the harm to the Green Belt identified above.

#### *Impact on highways/ parking*

49. The proposed development would result in 3 bedroomed accommodation that has the capacity to be lived in separately. The Nottinghamshire County Council Highways Design Guide 4.1 Residential Parking states that 2-3 bedroomed residential properties require 2 parking spaces per dwelling.
50. It appears from the Design and Access Statement submitted with the application states that the current parking arrangement for the dwelling (and annex) is located off-road and adjacent to the annex. It is considered that the existing parking arrangement is not suitable for the increased accommodation proposed as it would not meet the NCC Highways Design Guide.
51. Officers consider that the increase in parking from a 3 bedroomed property would add further harm to the openness of the greenbelt. This constitutes additional harm to be weighed against the proposal.

#### Other matters

52. The comments from Cllr Walker in terms of the Greenbelt policies disproportionality favouring housebuilders are noted. However, every application for very special circumstances has to be considered on the merit of the application. As mentioned previously, it is very rare for personal circumstances to be considered 'very special circumstances' to outweigh the

harm to the Greenbelt. As such, officers have given this very little weight in the planning balance.

### Conclusion

53. The proposal would result in inappropriate development in the Green Belt. By definition, this would be harmful to the Green Belt and the Framework indicates that such harm should be given substantial weight. Officers have also given substantial weight to the adverse impact on the openness of the Green Belt and the resulting encroachment into the countryside.
54. However, officers consider that the personal circumstances of the applicant above do not clearly outweigh the substantial weight to be given to the totality of the harm to the Green Belt and other harm arising from the development. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly, there would be conflict with Local Plan Part 2: Land and Planning Policies, Policy 21 and paragraph 149 of the Framework which seek to resist development in such circumstances. For these reasons officers recommend that the application is refused.
55. Given the significant policy concerns identified by officers and in order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions which cannot resolve the reasons for refusal. The recommendation to committee has been made in a timely fashion.

### **RECOMMENDATION**

It is RECOMMENDED that planning permission be refused subject to the following reason(s)

1. **The proposed extensions would be of such a scale that they would be disproportionate to the original building, which would no longer appear subservient in character or appearance to Farleigh. Furthermore, given its location the proposed resulting building would impact on and cause harm to the openness of the Green Belt, that being one of its essential characteristics.**

**The proposal would result in an inappropriate and therefore harmful form of development in the Green Belt. It would not meet any of the exceptions set out in paras 149 or 150 of the National Planning policy.**

**It has not been demonstrated that 'very special circumstances' exist that would be sufficient to outweigh the harm to the Green Belt. The development would therefore be contrary to paragraphs 147, 148 and 149 c) of the National Planning Policy Framework and Policy 21 of the Local Plan Part 2.**

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Planning Ref: and link to Appeal decision notice	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference	Comments/Decision Date
22/01589/FUL	Garden Lodge, 252 Melton Road, Edwalton	Construction of two storey front, side and rear extensions, remodelling of dwelling roofs, external alterations to include cladding and render	Dismissed	Delegated	APP/P3040/D/23/3317238	20/06/2023

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