

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

Our reference:
Your reference:
Date: Wednesday, 6 September 2023

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 14 September 2023 at 6.00 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

[Link to further information in the Council's Constitution](#)

3. Minutes of the Meeting held on 10 August 2023 (Pages 1 - 14)
4. Planning Applications (Pages 15 - 84)

The report of the Director – Development and Economic Growth

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

Rushcliffe Borough
Council Customer
Service Centre

Fountain Court
Gordon Road
West Bridgford
Nottingham
NG2 5LN

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

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





Rushcliffe
Borough Council

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MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 10 AUGUST 2023

Held at 6.00 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, E Georgiou, S Mallender, H Parekh, R Walker, P Matthews and
L Way

ALSO IN ATTENDANCE:

72 Members of the Public

OFFICERS IN ATTENDANCE:

P Cook	Deputy Planning Officer
G Sharman	Team Manager Area Planning (Central)
J Mountain	Area Planning Officer
A Walker	Solicitor
T Coop	Democratic Services Officer

APOLOGIES:

Councillors A Edyvean and C Thomas

9 Declarations of Interest

Councillor Calvert stated that, while he had no declaration of interest to make, he wished it to be noted that he had declined to take up an invitation to visit the site made by a Parish Councillor as it was his understanding that the advice was that site visits should be conducted by officers and not Ward or Parish Councillors.

10 Minutes of the Meeting held on 6 July 2023

The minutes of the meeting held on 6 July 2023 were approved as a true record and were signed by the Chairman.

11 Planning Applications

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

22/1989/FUL - Erection of Roadside Service Area (RSA), including a single storey RSA building, four island petrol filling station forecourt and canopy, Electric Vehicle (EV) charging bays, HGV fuelling facilities, canopy and parking, a drive thru/coffee unit and associated development, including car parking, circulation space and new access from the A606,

on-site and perimeter landscaping, drainage infrastructure including attenuation ponds and swales and boundary treatment - Land at Junction of A606 Widmerpool and Fosse Way Hickling Pastures

Updates

Additional representations had been 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 G Welton (Applicant Agent), Mr I Rowe (Objector) and Councillor T Combellack (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern about the increase in traffic and the impact this would have on cyclists and pedestrians, also the lack of a regular bus service for employees working at the service station. Members of the committee were also concerned about surface water management and the impact of extra water flowing to the Fairham brook. It was proposed that two additional conditions be added one relating to the need for a travel plan and the second for a surface water management plan which included a review of the efficiency of the surface water drainage system every 5 years. The Committee also requested an informative, liaison group be set up with local residents.

Decision

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

- Soft landscaping plan Dwg No. (96)001 Rev J
- Tree protection plan Dwg No. P2622 Rev 03
- Proposed block plan Dwg No. 201232-4-F
- Proposed site layout sheet 1 Dwg No. 201232-5-E
- Proposed site layout sheet 2 Dwg No. 201232-6-E
- Proposed site layout sheet 3 Dwg No. 201232-7D
- Proposed site elevations Dwg No. 201232-8-G
- Proposed site elevations sheet 2 Dwg No. 201232-9-I
- Proposed building layout and elevations coffee shop Dwg No. 201232-10-B
- Proposed building layout and elevations RSA Dwg No. 201232-11-H
- Tracking layout Dwg No. 201232-12-E

- Ancillary detail Dwg No. 201232-13C
- EVC ancillary detail Dwg No. 201232-14A
- Auto canopy layout Dwg No. 201232-15
- HGV canopy layout Dwg No. 201232-16
- Materials schedule Dwg No. 201232-MS1
- Lighting layout Dwg No. DM161.1
- Lighting layout Dwg No. DM161.2V3
- Proposed sections Dwg No. 201232-Sketch-02
- Site sections Dwg No. 201232-17-B
- General arrangement plan option 2 Dwg No. 0002 Rev P8
- Potential future mezzanine expansion Dwg No. 291232-18-A

[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 tree and hedge protection measures contained within the approved tree protection plans (P2622 Rev 03) shall be carried out prior to the commencement of development and retained until such time as development is complete.

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

4. The exterior of the development hereby permitted must be constructed using only the materials specified in the submitted materials schedule received 1/3/23. 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 policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

5. Development shall only be undertaken in accordance with the approved lighting plan (Lighting layout Hickling services DM161.1) unless otherwise agreed in writing with the Local Planning Authority

[In the interests of amenity and to ensure a satisfactory finish to the development and to accord with policy 1 of the LPP2]

6. 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 to be submitted shall provide:

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- A surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence to demonstrate the ponds would maintain a baseline water level.
- A management plan and strategy to monitor and review the efficiency of the implemented drainage regime on a 5 yearly basis from the date of 1st operation and for the lifetime of the development. Should any deficiency in operation be identified, a scheme of remediation shall be submitted to and approved in writing by the LPA and implemented thereafter as approved.

[A detailed surface water management plan is required to be submitted prior to commencement to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.]

7. No part of the development hereby approved shall commence until a detailed foul 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 and Environment Agency. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all foul water from the site.

[A detailed foul water management plan is required prior to commencement to ensure that the development is in accordance with NPPF and local planning policies and to ensure that the proposal does not increase the risk of flooding off-site.]

8. Prior to the commencement of development a construction ecological management plan (CEMP) shall be submitted to and agreed with the local planning authority. This plan should take into account any pre-start survey requirements or results including an updated badger survey, and build upon the recommendations contained within the submitted ecology reports. The development shall thereafter only proceed in accordance with the approved CEMP.

[To ensure adequate consideration of the impact on protected species has been undertaken in accordance with Policy 38 of the Rushcliffe Local Plan Part 2. This is required to be submitted prior to commencement to ensure species are protected early in the process.]

9. No development shall take place, including any engineering operations, 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:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - wheel washing facilities
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - The routing of deliveries and construction vehicles to site and any temporary access points.
 - Interim drainage strategy to control surface water run-off and pollution whilst construction phases are undertaken.
 - include reference to the mitigation measures required to address potential dust emissions as detailed in the air quality assessment undertaken by SLR consulting dated September 2022.
 - Details of any temporary site lighting.

[In the interest of highway safety, and to minimise disruption to users of the public highway and protect the amenity of residents and to accord with policy 10 of the LPP1. This is required to be submitted prior to commencement to ensure effects of construction are mitigated at an early stage]

10. No part of the development hereby permitted shall take place until the full details of the new access junction and proposed road layout of the A606 Melton Road have been submitted to and approved in writing by the Local Planning Authority, including longitudinal and cross-sectional gradients, construction details, street lighting, Traffic Regulation Orders, 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 accord with policy 10 of the LPP1. This information is required to be submitted prior to commencement to ensure the detailed arrangements accord with the submitted plans]

11. Notwithstanding the hard surfacing finishes as indicated on the approved block plan (201232-4-F), prior to the installation of any external hard surfacing finishes, a revised hard surfacing plan shall first be submitted to and approved by the local planning authority. The development shall thereafter be completed only in accordance with the approved hard surface finishes, with the finishes to be fully installed in accordance with the approved plan prior to the first use of the site hereby approved commencing. The approved hard surfacing finishes shall thereafter be retained and maintained for the lifetime of the development.

[In the interests of ensuring a satisfactory finish to the site and to accord with policy 1 of the LPP2]

12. Prior to their construction, the precise design and finish of the two attenuation ponds, the two ornamental ponds and the swale on the southern boundary of the site shall be submitted to and agreed in writing with the Local Planning Authority. The ponds shall be designed to be water retaining features.

[In the interests of promoting biodiversity net gain on the site and to accord with policy 38 of the LPP2]

13. Prior to the first operation, a HGV management plan including precise details of electrical plug in points for parked refrigerated vehicles, shall be submitted to and agreed in writing with the Local Planning Authority. Any refrigerated vehicle which park on site overnight shall switch off its engine for the duration of its stay and appropriate signage shall be displayed to advise drivers of this.

[In the interests of amenity and to accord with policy 1 of the LPP2]

14. The details contained within the soft landscaping plan ((96)001 Rev J) hereby permitted shall be carried out and completed 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.

[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 (2021)].

15. Prior to the 1st operation of the development hereby approved, a biodiversity management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall have reference to the recommendations as detailed in sections 3 (opportunities), 4 and appendix 2 and 3 of the survey by CBE Consulting dated 13/3/23. The site shall thereafter be implemented and managed in accordance with the approved management plan.

[In the interests of promoting biodiversity net gain on the site and to accord with policy 38 of the LPP2]

16. Details of waste bin storage points, including positions, size and details of any enclosures or canopies and a management plan for managing litter created by the site, shall be submitted to, and agreed in writing by, the Local Planning Authority prior to the site being first brought into use. The approved scheme shall then be implemented as agreed on site prior to the first use of the site. The approved details shall be retained thereafter and the site managed in accordance with approved management plan for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

[In the interests of the amenities of the area and to ensure adequate servicing in accordance with Policy 1 of the Local Plan Part 2 and 10 of the Local Plan Part 1: Core Strategy]

17. Prior to first use of the development hereby approved a car park management plan shall be submitted to and agreed in writing with the Local Planning Authority. The site shall thereafter be managed in accordance with the approved management plan.

[In the interests of local amenity and to accord with policy 1 of the LPP2]

18. The 20 Electric vehicle charging bays as indicated on the approved block plan (201232-4-F) shall be operational at the time of the site first being brought into use and shall be maintained in a good working order for 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 110 of the National Planning Policy]

19. The Roadside Services Building shall not be first brought into use until such time as the associated car parking and re-fueling areas and HGV parking and re-fueling areas have been made available for use.

[In the interests of ensuring that the development is carried out holistically and the provision of a roadside services building without the associated car and HGV parking and re-fueling facilities would not meet any identified need and therefore would be unacceptable in an open countryside location and to accord with policy 22 of the LPP2]

20. The coffee shop hereby approved shall not be first brought into use until such time as the RSA building and all supporting infrastructure has been provided and made available for public use.

[In the interests of ensuring that the development is carried out holistically and the provision of a coffee shop facility without the RSA would be unacceptable in an open countryside location and to accord with policy 22 of the LPP2]

21. The car parking and HGV parking areas shall not be first brought into use until such time as the boundary fences to the south of the HGV parking and western edge of the site have been erected in accordance with the approved details. These features shall thereafter be retained and maintained for the lifetime of the development.

[In the interests of highway safety and pollution in accordance with policies 1 (Development requirements) and 40 (Pollution and land contamination) of the LPP2].

22. Prior to the installation of any external plant or equipment, or internal equipment which vents externally (including air conditioning, extraction/ventilation, fans etc), full details of the equipment including technical specifications and details of the external design and finish shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment and plant shall only be installed and maintained strictly in accordance with the approved details.

[In the interests of visual and residential amenity and to accord with policy 1 of the LPP2]

23. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the 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 February 2019) 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.

[Reason: In the interests of amenity and to accord with policy 40 of the LPP2]

24. The food and retail uses within the RSA building shall only be implemented in accordance with the approved floor plans, and there shall be no sub-division or amalgamation of or between the units as identified on the approved floor plans without the express permission of the local planning authority.

[To ensure the facility continues to serve the demand for the facility as a RSA, and to ensure that the retail offering does not evolve beyond the anticipated scope of the permission to cause any retail impacts which may affect surrounding centres if a larger retail unit were to be established, in accordance with policy 27 (Main Town Centre Uses outside District Centres and Local Centres) of the LPP2].

25. The development hereby permitted must not be first brought into use until a Staff Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan must set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for

monitoring of progress of the proposals. The approved Travel Plan shall be implemented in accordance with the timetable set out in that Plan.

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

NOTES TO APPLICANT

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works. (www.nottinghamshire.gov.uk/transport/roads/highway-design-guide)

In order to carry out the off-site works, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake these works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. Furthermore, any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

Although separate to the planning regime we would advise the applicant an environmental permit is required under the Environmental Permitting (England & Wales) Regulations 2016 (as amended) for the unloading of petrol into storage, and motor vehicle refuelling, at service stations. If there are any queries regarding this requirement we would recommend the applicant contact us via: envhealth@rushcliffe.gov.uk or 0115 981 9911

External lighting on the site shall not be visible from the A46. Should lighting in winter months be visible due to a lack of intervening vegetative cover, the applicant in conjunction with the National Highways Authority shall seek to review the lighting for the site to ensure it is fit for purpose.

The applicant is reminded that this decision is for planning permission only and does not grant any express advertisement consent for advertisements the applicant might wish to display in connection with the development hereby permitted. The applicant is advised to contact the planning department at planning@rushcliffe.gov.uk to discuss any plans they might have to display an advertisement or advertisements on the land in the future.

The applicant is advised to seek to establish communication with neighbouring parish council(s) to seek to set up a liaison/management group to discuss and address any matters that should arise during construction and operation of the facility hereby approved.

22/01585/FUL - Remodel of existing dwelling; construction of front and rear extensions and upward extension to create first floor accommodation. Addition of external wall insulation, render and timber/timber effect cladding to all elevations – 137 Shelford Road, Radcliffe on Trent, Nottinghamshire NG12 1AZ

Updates

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr D Smith (Applicant), Ms A Mcleod (Objector) and Councillor N Clarke (Ward Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern for the established tree to the front of the bungalow and asked whether a condition could be added to protect the tree during the construction work.

Decision

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan: 1173 (08) 101 Rev C.

[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 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 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. Prior to the commencement of any development the tree to the front of the site (SW boundary) shall be protected in accordance with the

recommendations of BS5837:2012 2012 [Trees in relation to design, demolition and construction: Recommendations]. No excavations for services, storage of materials, or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place inside the fenced off or otherwise protected. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

[In the interests of protecting the tree, which is considered to positively contribute towards the character of the street and to accord with policy 37 of the LPP2].

Note:-

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

NOTES TO APPLICANT

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

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

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

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

12 **Planning Appeals**

The Committee noted the Planning Appeals Decision report which had been circulated with the agenda.

The meeting closed at 8.21 pm.

CHAIR

DRAFT

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Planning Committee

Thursday, 14 September 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>

Application	Address	Page
22/02311/FUL	Land At Hillside Farm, South Of Bunny Lane, Keyworth, Nottinghamshire	17-68
	Erection of 73 dwellings including landscaping, public open space and associated infrastructure	
Ward	Keyworth And Wolds	
Recommendation	Grant planning permission subject to conditions	

Application	Address	Page
23/00910/FUL	Numbers 49 To 55 Trent Boulevard West Bridgford Nottinghamshire	69-83
	Demolition of bungalows and construction of 6 apartments and 2 new dwellings, including erection of bike store and bin store, boundary wall and associated car parking	
Ward	Lady Bay	
Recommendation	Grant planning permission subject to conditions	



Application number: 22/02311/FUL

Land At Hillside Farm,

South of Bunny Lane,

Keyworth

scale 1:2000



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22/02311/FUL

Applicant Mrs Charlotte Henson

Location Land At Hillside Farm, South Of Bunny Lane, Keyworth,
Nottinghamshire

Proposal Erection of 73 dwellings including landscaping, public open space
and associated infrastructure.

Ward Keyworth And Wolds

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

THE SITE AND SURROUNDINGS

1. The application site is located on the western edge of Keyworth and comprises a rectangular area of 3.10ha of predominantly greenfield agricultural land with a dwelling, known as Hillside Farm House and an agricultural building at the north west of the site. A hedgerow and road ditch form the northern boundary to the site with Bunny Lane beyond and a post and rail fence and hedgerow forms the boundary to the east of the site adjacent to a ditch and the rear gardens of the properties on Roseland Close.
2. To the west of the site are a range of agricultural/livestock buildings associated with Hillside Dairy Farm and a property known as Lynwood. On the southern boundary is a hedgerow with a ditch and Public Footpath (Footpath Keyworth - FP4) beyond. The land slopes steeply (a drop of around 10-14.5m) from the north to the south west corner of the site.
3. A Sewage Treatment Work is located approximately 150-200m from the south western corner of the site.
4. The application site is allocated for residential development within the Local Plan Part 2 under policy 4.4 (Hillside farm) for around 70 dwellings.
5. The proposed site layout is largely the same as that previously refused at planning committee (20/02670/FUL; contrary to officer recommendation) in November 2021, the key differences being: the reduction in number of dwellings from 77 to 73, the re-siting of the attenuation basin from the south west to the south eastern boundary and the undertaking of additional survey work in relation to noise, odour and dust.

DETAILS OF THE PROPOSAL

6. The proposal seeks the erection of 73 dwellings, of which 20.5% (15) of the dwellings would be affordable homes, with landscaping, public open space, and associated infrastructure.

7. A new single vehicular access would be formed from Bunny Lane and a number of off-site improvements are proposed including pedestrian access along the frontage, provision of a bus stop and a contribution towards junction improvements to Pendock Lane. An area of open space would be retained to the west of the site and this would incorporate a play area (LEAP). A 3m high acoustic fence is proposed along the western boundary, adjacent to the agricultural buildings. A drainage and attenuation basin is proposed on the south eastern boundary. A 5m landscape buffer is proposed to the eastern periphery of the site adjacent to the boundary ditch and the rear of existing residential properties of Roseland Close with access for future maintenance.
8. The Design and Access Statement advises that *“The site will comprise of a mix of houses, which will include bungalows linked semi-detached and detached types. The vast majority of buildings will be two storeys in height, reaching around 7.2m to 8.8m. Bungalows along the eastern boundary are approximately 5.6m in height. There will be a proportion of 2.5/3 storey buildings, reaching to a maximum of 10.5m. The majority of the 2.5/3 storey townhouse buildings are located along the Main Street facing the public open space. The varying heights of buildings will be used subtly to create a varied roofline across the development.*
9. *Elevational detailing will include; Georgian style bay windows, mock stone cills, brick stretcher heads and cills, brick corbel detailing & projecting eaves, which will reflect the traditional qualities of Keyworth Main Street. Material selection will be mainly of variations of red and multi red brick, with contrasting string brick course, reflecting the typical materials used in the locality. Buff bricks, render and weatherboarding will be used on feature buildings to aid legibility.”*
10. The application is supported by a range of documents and plans, and further documents and plans have been submitted during the consideration of the proposal, providing additional information and clarification over certain elements of the development. All of the submitted documents are available to view on the Council’s website.

SITE HISTORY

20/02670/FUL – Erection of 77 dwellings with landscaping, public open space and associated infrastructure (revised scheme) – refused 2021.

19/02526/FUL - Construction of 97 dwellings with landscaping, public open space and associated infrastructure. Withdrawn.

There are also a number of applications which relate to the farm site to the west, including:

Application 19/00719/FUL - Erect multi-purpose agricultural building. Permitted Condition 4 requires the submission of a waste Management Scheme.

Application 17/01575/FUL - Erect agricultural building (agricultural building two), formation of yard area. Permitted. Condition 4 requires the submission of a waste Management Scheme.

Application 17/01570/FUL - Erect multi purpose agricultural building, formation of yard area. Permitted. Condition 5 (Waste Management) details were discharged 6 July 2018 on the basis that it was confirmed that the animal waste would be heaped in the fields at least 150m from residential properties as recommended by EHO.

REPRESENTATIONS

Ward Councillor(s)

11. Cllrs J Cottee, R Inglis, A Wells– Object

- a) Road widths within the site should be a minimum of 6.75m to avoid access issues for emergency services and refuse collection vehicles
- b) Gradients within the site could create issues for the less mobile and wheelchair users
- c) Changes in level between some properties are up to 4.5m which could lead to overlooking and potential water flow/flood risk
- d) Its unclear if the 5m drainage is along the full extent of the eastern boundary
- e) The 3m acoustic fence is not a sympathetic addition in the landscape and would not prevent flies coming into the site
- f) Residents on the Bloor development to the north have raised concerns regarding flies, noise and odour and I am therefore struggling to accept the conclusions put forward
- g) The applicant has not demonstrated that the farm will not impact on the amenity of residents
- h) The sewer system has recently been overloaded in heavy rain with raw material expelled onto the street. This will only be exacerbated by further housing.

12. Cllr A Edyvean (former ward cllr) – Object

- a) I continue to object to this application and do not consider the applicant has satisfactorily demonstrated compliance with the conditions of the local plan part 2 placed on the site by the inspector, primarily relating to noise, odour and nuisance from flies
- b) Complaints have been received from neighbouring properties further away from the site, these complaints negate the reports claiming their will be no impact
- c) The 3m noise abatement fence is something you would find alongside a motorway and not on the edge of the Green Belt. The structure is considered harmful to the openness of the Green Belt and this eyesore should not be allowed
- d) I'm surprised the applicant can't see the reputational damage they may do to themselves when it becomes proven that the farm has an impact on resident's amenity, should consent be granted
- e) I see no evidence that receiving watercourses will be capable of managing surfacing water without flooding occurring
- f) As yet there have been no comments from NCC to refute traffic issues on Bunny Lane.

Town/Parish Council

13. Keyworth Parish Council - Object

- a. Nothing has changed since this was last unanimously refused
- b. This is an unnecessary development, Keyworth already had 600 new homes built and RBC has a 9 year land supply
- c. There is no mention of the testimony of new occupiers of the Bloor development in relation to flies and odour
- d. There is no 10m buffer to the watercourse as required by policy 19 of the LPP2
- e. The attenuation pond has been relocated when it was previously indicated that the sw corner was the lowest point on the site
- f. It is indicated that surface water can be drained via a sewer requisition, but there is no approach to negotiate with the land owner to allow construction across a domestic garden
- g. They dismiss the presence of great crested newts despite confirmed sightings being recorded
- h. Consultations have been missed on Roseland Close
- i. The estate remains poorly designed with poor amenities for new occupiers, with some dwellings having gardens set down by over 4m resulting in overshadowing
- j. Additional measures are required to address noise
- k. 23m gap to properties on Roseland Close is too tight
- l. The proposal is too close to working farm, flies don't respect fences
- m. If approved the PC have no intention of maintaining the play or public areas
- n. The site has poor disabled access due to the gradients
- o. The revised plans do not address concerns of the council and we are unclear why RBC are keen for this site to be developed and previous comments still stand.

Statutory and Other Consultees

- 14. Bradmore Parish Council – No objection
 - a. We would want to see a footpath installed between Loughborough Road, Bradmore and Cherry Lane garden centre to mitigate against safety risks for villagers walking to the garden centre given the increase in traffic likely due to this site
 - b. No development works should commence until the roundabout at Pendock Lane is completed.
- 15. The Borough Environmental Health Officer – No objection subject to the recommended mitigation measures being secured via condition
- 16. The Borough Strategic Housing Manager – No objection the proposed quantum of affordable housing is considered to be acceptable
- 17. The Borough Planning Policy Team – No objection development should deliver 20% affordable housing and should be undertaken in accordance with local and national policy guidance
- 18. The Borough Ecologist – No objection subject to the recommended mitigation and biodiversity net gain measures being secured via condition

Comments in relation to letter regarding potential for presence of Great Crested Newts:

I note the applicants consultant ecologists has stated that impacts on the potential habitat will be temporary and replaced by better habitats on completion of the works.

It can be concluded that at this time a "known and quantifiable" impact on a protected species has not been established.

The applicants consultant ecologists has suggested precautionary methods be adopted that would "avoid potential impacts on GCN" namely "supervision of vegetation removal of minor areas of sub-optimal habitat such as field margins and scrub by a GCN licenced ecologist, timing of works" [note: timing has not been detailed] "and leaving any overnight excavations with an escape ramp. In the unlikely chance GCN are found at the Site during construction works, all works will stop, and a DLL will be applied for"... "a further protected species survey to be undertaken prior to the commencement of development. Any mitigation arising from the further survey can be submitted to and approved by the Local Planning Authority and implemented accordingly".

It is likely that these precautionary methods are sufficient to ensure that this development will not have a detrimental impact on populations of protected species.

These precautionary methods should be detailed within a method statement, and a condition of any planning application.

19. The Borough Conservation officer– No objection

20. The Borough Communities manager– No objection

Precise details relating to the following should be secured by condition: the proposed play equipment, surfacing, benches, means of enclosure.

21. The Borough Landscape officer– No objection

Relocating the balancing pond to the south east corner combined with a landscape buffer along the southern boundary is positive as it gives the boundary hedge more space.

The landscape plan for the site is appropriate and if approved should be conditioned to ensure implementation and retention.

I note the roadside frontage hedgerow is to be removed and replaced with an 'instant' hedgerow. My preference would be for it to be retained and gapped up. I understand the removal is to enable new site levels and if this is necessary I wouldn't object to its removal as the replacement planting will have some initial effect and should create a long term replacement. I think it would be prudent for us to ensure that the replacement planting of hedge isn't left until the end of the development and is planted when the properties on the frontage are constructed.

The hedgerow protection is also appropriate and we should condition it is implemented.

22. The Borough CIL Officer –The likely CIL liability for this development (prior to indexation would be in the region of £592,000
23. The Borough Emergency Planner – No comment to make
24. The Environment Agency– No objection the site is within flood zone 1
25. Nottingham County Council Highways – No objection
Comments based on current plans – no comments to make

Comments based on revised layout -13/6

- a. Parking provision for a number of properties has been reduced and does not now comply with parking standards as set out in the design guide. The under provision of parking has the potential to result in displaced parking on-street.

Initial comments:

- b. The Principle in terms of traffic impact and access from Bunny Lane has already been considered and accepted under the previous application
 - c. A junction improvement scheme will be required at the A60/Pendock Lane junction to mitigate the impacts of development in the area. The scheme that has been identified proposes the conversion of the junction into a 3-arm mini-roundabout, together with associated change in speed limit on the southern approach to the roundabout from 40mph to 30mph
 - d. A contribution will also be required from the current applicant to part fund the works secured by legal agreement
 - e. In addition the following need to be secured: a 2m footway on the northern frontage with associated crossing points, pedestrian infrastructure improvements to include dropped kerbs and tactile paving on the southern side of Bunny Lane from the application site to Nottingham Road, reinstatement of redundant vehicular access on Bunny Lane.
26. National Highways– No objection
 27. Nottingham County Council Lead Local Flood Authority – No objection subject to precise surface water management details being secured via condition
 28. Nottingham County Council Planning Policy – No objection comments made in reference to minerals and waste, highways and flood risk, transport and travel services, libraries, education and public health. The following shall be secured via legal agreement (Unilateral/S278) contribution towards library provision, bus taster ticket provision, provision of bus stop infrastructure and contributions towards education secured via CIL funding.
 29. Nottingham County Council Archaeology – No objection subject to further archaeological investigation being secured via condition
 30. Nottingham County Council Rights of Way Officer – No objection

Keyworth FP4 runs adjacent to the southern boundary of the site. Perhaps a link to the footpath could be considered with the agreement of the neighbouring landowner to break through the hedge to create an access.

31. Nottinghamshire Police – No objection
The applicant's attention is drawn to Secured by Design (SbD) 2023 which can be found at:
https://www.securedbydesign.com/images/HOMES_GUIDE_2023_web.pdf.
32. Severn Trent – No objection
33. Sport England – No objection
34. NHS Nottingham University Hospitals
A contribution of £64,626 is sought towards secondary healthcare provision.

Local Residents and the General Public

168 representations have been received, of which 26 are in support of the application and 141 letters of opposition.

35. Comments in support:
 - a. The site is within the local plan and a good location for further housing, close to the main square and seems a natural extension to the village and will provide a variety of housing including affordable dwellings
 - b. More houses are needed in Keyworth to make it a vibrant village
 - c. Best submitted plans to date, showing consideration for both the farm and neighbours to the site. A balance to the village is welcomed, as the majority of new development has been on the eastern side. Many comments regarding odour are noted but I've lived here nearly thirty years and not had a problem
 - d. A well planned out site, the green buffer between residential development and the farm ensure a good barrier. Good to see a comprehensively planned recreational area along the western site boundary
 - e. The site shows a good clear safe access road onto Bunny Lane and does not necessitate residents having to travel through the village to get to the A60
 - f. This application will encourage people to walk/cycle more, support local businesses
 - g. I've never experienced smell, dust and flies. Housing plan has been very sympathetically designed to include high fence and barrier to the adjacent farm buildings.
36. Comments objecting to the proposal have been summarised into the following headings:
37. Principle of development
 - a. Contrary to the neighbourhood plan and inappropriate location
 - b. Proposed development is not required
 - c. Further developments built on green fields.

38. Impact on Amenity – Noise, Dust, Odour etc

- a. As residents of the Keyworth Rise Bloor Estate opposite Hillside Farm (221 houses) when we moved in we were aware of a background farmyard odour. Over time this became worse and during the Summer of 2022 was so bad residents were forced to complain to Rushcliffe Environmental Health. At times the smell was so bad that windows had to remain closed during the very hot weather. It was not possible to enjoy the use of our gardens during these times. The proposed new houses would of course be very much closer
- b. The location of the farm on the neighbouring site means that any future residents will be plagued by dust, odour, noise and flies, rats and pigeons! They would also be so close - closer than the 150m stipulated - to heaps of manure
- c. The site is too close to a working farm (which is both noisy and a source of flies in the warmer months such that nearby homes already have to keep their windows closed for long periods
- d. The site is too close to the local sewerage treatment works with the significant risk of unpleasant odours affecting homes on the proposed site
- e. Significant loss of amenity for new and existing residents, by overlooking. The properties on Roseland Close / Bunny Lane will look down into many properties on the proposed plans. As close as 23m looking directly into each-others properties with gardens totally overlooked. There is no meaningful buffer (despite them using the words) to existing properties as required by Keyworth Neighbourhood Plan
- f. Pressure on local amenities particularly Medical Centre and schools given all the recent developments that have gone through
- g. The farm remains noisy until late at night (often 11/12pm even on Friday nights and weekends) and begins again early in the morning (even at weekends)
- h. The farm has become noisier since a new barn was erected, more plant is being used than previously
- i. Animal Waste held in farm barns and spread on land within 33 meters of proposed amenity for new homes
- j. The overlay plan provided is helpful, however they are wrong in relation to the siting of plots 44 & 45
- k. The statement provided supporting the overlay plan illustrates how non site-specific surveys have managed to find no nuisance when everyone who lives near is aware of it
- l. If approved I want to ensure that development does not adversely affect the continued operation on my farm. The Council and Local Plan Inspector recognised the concerns I raised at the time of the Local Plan Examination and the allocation Policy was specifically amended with an additional requirement that the scheme does not prejudice the operation of my farm
- m. I am very concerned that because of the position and use of my cattle barns, future residents (if situated too closely and without appropriate mitigation as is the case with this application) will complain about noise, odour and dust from the farm, which would be to the detriment of their amenity and cause issues for the Council and my farm operation. I am also concerned that the very close proximity of residents will create added fire safety issues at the farm as well as greater disturbance to my cattle.

39. Infrastructure

- a. Keyworth is already under pressure with the additional three sites in the Village - Bloor Homes, Miller Homes and Redrow. Another new estate would put unnecessary pressure on Schools, roads, dentists & the medical centre. Increased traffic flow through the village, limited parking and result in poor conditions for residents
- b. The impact on utilities and sewage will be extensive and the village is already not coping under the strain of the 3 new housing estates.

40. Impact on Highway Safety/Access

- a. We have witnessed one crash and numerous close misses outside the Bloor site on Bunny Lane. Should the proposed new development be allowed, the entrance would be in a very difficult position opposite parked cars outside a row of historic cottages. The traffic exiting Keyworth on Bunny Lane accelerates quickly at this point. We have many residents with young children and elderly and presumably the proposed estate would have the same
- b. The exit from the proposed site is onto a piece of road which has poor or nil visibility which will result in problems for cyclists and pedestrians
- c. The traffic on Bunny Lane has increased considerably in the last 12 months and any planned further dwellings will make the situation worse and add to traffic congestion in the village. There is too much traffic on Bunny Lane already
- d. The amount of traffic this will bring to a Lane that is currently not very well marked or lit south of the farm. There is not even a GIVE WAY sign at the bottom of the lane where it meets Pendock Lane / Wysall Road or any street lighting / traffic lights
- e. No capacity to increase traffic on Bunny Lane, there is no road crossing at the top of Bunny Lane and pedestrians need access to the nearby primary school, doctors' surgery + shops
- f. The entrance to the proposed site on to Bunny Lane is difficult being on rising ground and dangerous
- g. the crests and it is very steep. I have observed many cyclists struggling with the severity of these gradients, resulting in more wobbling than usual and several cyclists dismounting to push their bikes over the steepest parts. This presents a clear danger to life which would be exacerbated by vehicles entering or leaving a residential site
- h. Bunny Lane is a main route out of the village and cannot cope with even more traffic. It is a narrow road with dips and bends and was not made for excessive traffic
- i. Bunny Lane and Pendock Lane suffer from significant congestion at their key junctions. The additional traffic associated with this development would lead to further deterioration in journey times and air quality
- j. The site also has poor disabled access due to the gradient of the site.

41. Drainage/Flood Risk

- a. Land liable to flooding
- b. Policy 19 of the local plan requires a 10-metre buffer for the water course on the eastern and southern boundary for wildlife and maintenance. This should be enforced and not disregarded

- c. Drainage in the field is poor. Building on this land will further destroy what little natural drainage exists
- d. Drainage in the previous plan was at the lowest part of the site on the southwestern corner. In this plan it now appears to be on the south-eastern corner. This apparent change in an understanding of major topology questions the understanding of the land
- e. Rainwater drainage from this land that slopes considerably, however you try to retain it will end up in the Fairham brook which floods regularly during winter covering Wysall Lane and parts of Bunny village this being the lower land area
- f. Drainage from the site to lower fields and positioning of pond not at lowest point
- g. The houses along the southern boundary and the low ground towards the middle of the site are liable to suffer flooding due to the degree of surface sealing across the whole site 'channelling' surface water runoff along this natural runoff routeway
- h. Serious problems with the sewage system. In May during heavy rain, the manholes on Bunny Lane poured raw sewage along the pavement, into the road, and down some peoples drives. This included toilet paper and other items
- i. The proposed development would bring housing closer to the treatment plant and add additional loading to a clearly inadequate water treatment facility. There is a clear need for the wastewater treatment plant to be substantially improved before any additional development is approved. Overflowing sewage contaminates local drainage ditches and streams which eventually flow into the river Trent.

42. Design & Density

- a. The estate remains badly designed with poor amenities for new residents
- b. Some properties will only be 23 meters apart and will look directly into each other living rooms and bedrooms
- c. Rushcliffe has in excess of a 5 year land supply and over 600 dwellings have been provided in Keyworth. The design and layout is poor and should be resisted.

43. Ecology

The surveys presented on Great Crested Newts would appears cursory and not subject to any scientific rigour. Crested Newts sightings are registered where they propose to dig the Storm sewer for the entire site.

PLANNING POLICY

- 44. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1), the Rushcliffe Local Plan Part 2: Land and Planning Policies (October 2019) (LPP2) and the Keyworth Neighbourhood Plan (2018). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (2009).
- 45. The full text of the Council's policies are available on the Council's website at: [Rushcliffe - Planning Policy](#).

Relevant National Planning Policies and Guidance

46. 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.

47. The relevant sections of the NPPF are:

Section 2 – Achieving Sustainable Development

Section 7 – Ensuring the vitality of town centres

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 12 – Achieving well designed places

Section 15 – Conserving and enhancing the natural environment.

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

48. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - these regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances.

49. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

50. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:

- 1) There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
- 2) there is no satisfactory alternative; and
- 3) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Relevant Local Planning Policies and Guidance

51. Relevant policies of the Rushcliffe Local Plan Part 1: Core Strategy:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Climate Change
- Policy 3 - Spatial Strategy
- Policy 4 - Nottingham-Derby Green Belt .
- Policy 8 - Housing Size, Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 11 - Historic Environment
- Policy 12 - Local Services and Healthy Lifestyles
- Policy 14 - Managing Travel Demand
- Policy 15 - Transport Infrastructure Priorities
- Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
- Policy 17 - Biodiversity
- Policy 19 - Developer Contributions.

52. Rushcliffe Local Plan Part 2: Land and Planning Policies.

Policy 4.4 Housing Allocation – Hillside Farm, Keyworth, allocates the site for residential development;

“The area, as shown on the policies map, is identified as an allocation for around 70 homes. The development will be subject to the following requirements:

- a) the amenity of residents should not be significantly affected by noise, odour or dust resulting from the activities of the neighbouring farm;*
- b) the continuation of agricultural operations within the neighbouring farm should not be prejudiced as a result of adverse effects on the amenity of residents;*
- c) a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham); and*
- d) it should be consistent with other relevant policies in the Local Plan.”*

53. Other relevant policies with Local Plan Part 2:

- Policy 1 - Development Requirements
- Policy 12 – Housing Standards
- Policy 16 - Renewable Energy
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 19 - Development affecting Watercourses
- Policy 20 - Managing Water Quality
- Policy 28 - Conserving and Enhancing Heritage Assets
- Policy 29 - Development affecting Archaeological Sites
- Policy 32 - Recreational Open Space

- Policy 33 - Local Green Space
 - Policy 37 - Trees and Woodlands
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
 - Policy 43 - Planning Obligations Threshold.
54. The Keyworth Neighbourhood Plan was adopted 1st June 2018 and now forms part of the development plan for Rushcliffe when dealing with applications in the Keyworth area (unless they are not in accordance with those policies in the LPP2).
- Policy CF1 - Protection and enhancement of community facilities;
 - Policy CF2 - New Community Facilities;
 - Policy LR1(A) - Local Green Spaces;
 - Policy LR1(B) - Provision of new open spaces;
 - Policy LR2 - Improved pedestrian and cycle access;
 - Policy SR2 - Public Realm Strategy for Retail Areas;
 - Policy TA1 - Sustainable modes;
 - Policy TA2 - Highways and Access;
 - Policy TA3 - Parking Standards;
 - Policy H1 - Housing Strategy;
 - Policy H2 - Type and Tenure;
 - Policy H3 - Design requirements for new development;
 - Policy E1 - Green and Blue Infrastructure;
 - Policy E2 - Environmental and Habitats; and
55. Other Material Planning Considerations
- RBC Residential Design Guide 2009.
56. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Councils Corporate Priorities.
57. The full text of the policies in the LPP1 and LPP2, together with the supporting text, and the Residential Design Guide can be found in the Local Plan documents on the Council's website at:

<https://www.rushcliffe.gov.uk/planningpolicy/localplan/>

APPRAISAL

58. 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.

59. The main issues in the consideration of the application are: the principle of development, impact on the character of the area, impact upon highway safety, impact on amenity and neighbouring land users, the amenities of future occupiers, impact on drainage/flood risk, impact on ecology and impact on the historic environment.

Principle of Development

60. 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.
61. The site is an allocated housing site within the adopted Local Plan Part 2 under Policy 4.4, for around 70 dwellings of which 20% should be affordable homes. The principle of residential development on the site is therefore established, subject to compliance with the 4 criteria of the policy and other material planning considerations, which shall be considered below.
62. Criteria a) of policy 4.4 requires that the amenity of residents should not be significantly affected by noise, odour or dust resulting from the activities of the neighbouring farm. This is discussed in greater detail in the amenity section of the report. It is accepted that there will be some impact given the position of neighbouring farming operations, Bunny Lane and residential development. However, the planning application has been carefully considered by the Council's Environmental Health Officer and independently reviewed by external Environmental Health consultants. Both professional consultants agree that the proposal, subject to the mitigation measures stipulated within the submitted reports, would result in an acceptable standard of amenity for future occupiers and the proposal is considered to accord with criteria a) of the allocation policy.
63. In respect of criteria b) the continuation of agricultural operations within the neighbouring farm should not be prejudiced as a result of adverse effects on the amenity of residents. Appropriate mitigation and adequate separation is provided in the form of measures including acoustic fence, boundary treatments; green buffer; property siting and site layout and it is considered that the submission provides sufficient information to ensure that the adjacent agricultural operations are not prejudiced.
64. Criteria c) requires a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham). Comments provided by the National Highways Authority based on the proposed 73 dwellings do not necessitate the provision of a financial contribution in this instance. The Memorandum of Understanding only relates to developments which have an impact of 30 or more trips on a junction in any peak hour. The development of 73 dwellings, when examined does not generate this level of impact and as such does not need to comply with the requirements of the MoU. It is, therefore considered that a departure from criteria c) of this policy is justified and this requirement has fallen away.

65. Criteria d) seeks to ensure that the development is consistent with other relevant policies in the Local Plan. These matters are discussed further in the following paragraphs.
66. It is, therefore, considered that, in relation to the specific site requirements set out, that the application for 73 dwellings does comply with the requirements of policy 4.4 of the Local Plan Part 2 (LPP2), provided that other material planning considerations which will be considered below are satisfied. As such the proposal is considered to be acceptable in principle.
67. The Keyworth Neighbourhood Plan forms part of the development plan and therefore careful consideration is given to the policies within it. Although, as the LPP2 was adopted after this document it overrides the Neighbourhood Plan where there is a conflict. The site is not indicated for future development within appendix 3 of the Keyworth NP, however as clarified in the NP, appendix 3 does not form part of the development plan and is illustrative only. As detailed above the site is allocated for residential development in the adopted LPP2 and the principle of residential development on the site is therefore established.
68. It is considered that the site will assist in the continued vitality and viability of the village. The site is within walking distance of the Local Centre. Policy H1 of the KNP recommends that 'sites should be delivered (either as a result of planning permissions or allocated through the Local Plan: Part 2) to ensure that housing delivery is divided between the east and west of the settlement, to ensure that impacts on the landscape setting of the settlement are minimised and that traffic generation is spread throughout the network' and 'where necessary to mitigate the impact of development, and subject to viability considerations, contributions for improvements to local road junctions and pedestrian and cycle links to the shopping areas will be negotiated'. It is considered that the proposal broadly accords with the local plan and Neighbourhood Plan and that where the Highways Authority have deemed necessary, the applicant will ensure highway/pedestrian and cycle links are achieved.
69. In respect of Policy H1 (Housing Strategy) it is acknowledged that, at the time of preparation of the Neighbourhood Plan, the numbers of residential dwellings envisaged by the Parish Council was lower (although the number identified in the Core Strategy was as a 'minimum' of 450) and the plan sought to avoid a single site of 400 dwellings requiring the development to be on a number of sites so that the direct impacts of development are spread across the village. The Local Plan Part 2 determined that the amount of land proposed to be allocated in this key sustainable settlement resulted in the delivery of new housing above these minimum targets and the sites that were identified are across the village. The spatial strategy indicates housing to the east and west of the village being preferred and, therefore, as set out above the development is considered to be in general accordance with the housing strategy.

Property Mix

70. Policy H2 (Type and Tenure) should be applied to residential schemes in excess of 10 dwellings. This seeks (subject to viability) to secure 25%-30% of 2 bedroom homes, 15-20% of 2 bedroom bungalows, 20-25% 3 bedroom

family homes and 30-40% of 4 or more bedroom family homes, on the basis that no more than 10% of the total market homes should be larger than 5 or more bedrooms.

71. The mix and types of dwellings across the scheme is broadly in accordance with the requirements of Keyworth Neighbourhood Plan Policy H2 although there is a slightly higher percentage of 3 bedroom units compared to 2 bedrooms. The layout proposes a mixture of 2, 3, 4 and 5 bedroom homes including both open market and affordable bungalows. The challenges for this site are indicated in LPP2 Policy 4.4 and a planning balance is considered appropriate taking into account the proposals composition, design, size, type and mix of market (and affordable) housing. The proposed market housing equates to the following: 2 bedroom bungalows - 4 units, 3 bedroom family homes - 23 units, 4 bedroom family homes - 27 units and 5 bedroom family homes – 4 units, totalling 52 open market dwellings. 15 affordable dwellings are proposed 8 x 2 bed and 7 x 3 bed (20.5% of the total provision).

Affordable Dwellings

72. The application proposes the provision of 20.5% (15) affordable units in line with Policy 8 of the Core Strategy and the Borough Council's strategic housing requirements. The scheme has been reviewed by the Strategic Housing Officer who has not raised any objection to the proposed development in respect of the housing mix and location of affordable dwellings on the site.
73. The proposal is not in complete accordance with the Neighbourhood Plan in respect of policy H2, however it is considered to be in accordance with the overall vision, objectives and various policies in the Neighbourhood Plan. The proposal is an allocated housing site and there is no objection in principle subject to the below further considerations.

Highway Implications

74. Policy 1 (Development Requirements) of the LPP2 requires that a suitable means of access to the development is achieved without detriment to the amenity of the adjacent properties or highway safety, and the provision of parking is in accordance with the advice provided by the Highways Authority.
75. The application is supported by a Transport Assessment, details of site access and layout. This concludes that the proposal can achieve a safe and suitable access by all modes of travel and the proposal would not result in a severe impact. The application and supporting information have been considered by NCC as the Highway Authority, who resolved to raise no objection to the proposal. NCC Highways have commented that 'the principle of development in terms of traffic impact and access from Bunny Lane have already been considered and accepted under the previous application at the site. The scale of development has been reduced and there are no material changes that are considered to require further assessment'. Therefore, the proposed development would accord with the requirements of the relevant policy and the aims of the NPPF.

76. Whilst concerns have been raised by residents in relation to increased traffic to the highway network and highway safety issues, it is considered that a robust assessment of the application on highway grounds has been undertaken, and with the imposition of suitable conditions and S278 agreements, to secure the provision of localised highway improvements, there are no highway safety reasons to refuse the planning application. In particular, the NPPF makes it clear in para 111 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.
77. The TA considers the impact of housing growth in the area on the wider highway network and on the A60/Pendock Lane junction. As a result of this development proposal and that of the allocated and now commenced development on the northern side of Bunny Lane, the capacity and performance of the junction has been predicted to deteriorate. Improvements to this junction in the form of a mini roundabout were required in connection with the development to the North under application reference 18/02515/FUL and a contribution will also be required from the current application to part fund the works secured by Legal Agreement.
78. In addition, contrary to the allocation policy, it is also not considered necessary to mitigate the impact of the development on the Main Road/A606 Melton Road junction and the A52. Highways England have confirmed that the level of trips does not justify a financial contribution in accordance with the Memorandum of Understanding between Highways England, Rushcliffe Borough Council and Nottinghamshire County Council.
79. Regarding the internal layout of the site; the applicant has indicated that the to comply with the Highways Design Guide the access gradient would be up to 1:25 for the first 10 metres from Bunny Lane and then a maximum of 1:17 gradient thereafter. The majority of internal roads will be 'flatter' than this latter gradient and this is illustrated on the submitted street scene drawings and visual. The Highways officer has advised that this is acceptable, however a condition is proposed to ensure that the internal layout is checked at the technical stage.
80. Consideration has also been given to the impact of the access arrangements on the amenity of nearby residents and the visual amenity of the area. Whilst it is acknowledged that the access arrangements onto Bunny Lane would result in some visual change, the provision of the access and associated visibility splays and footpath frontage of the site, would be short lived and landscaping is proposed, no highway concerns are raised by the County Council and the Landscape and Design officer has raised no objections. Furthermore, given the position of the access in relation to existing residential properties, it is not considered that the proposal would significantly adversely impact on the amenities of nearby properties. The comments raised by Bradmore PC are noted, however it is not considered reasonable in this instance in the interests of highway safety to seek to secure the provision of a footpath in proximity to the Cherry Lane garden centre as a result of this proposed development.
81. The internal layout plan has been marginally revised from that initially submitted, particularly in relation to a 'managed lane' to serve 12 dwellings

which was proposed in the south west corner of the site. Whilst no formal objection was raised by County Highway colleagues to the lane, Officer's raised concern that the privately managed lane could result in future concerns for the Local Authority, County Highways and local residents. The applicant has undertaken a number of revisions to seek to address this area of the site and the plan currently being considered now seeks larger elements of adopted highway and 6 properties served from 2 separate private drives, which county highway colleagues have raised no objection to. In relation to parking provision, no objection has been raised by the parish council in relation to policy TA3 of the KNP and the requirements this sets out. The comments regarding the under provision of on-plot parking is noted and this relates to plot 14 where officers requested the applicant remove a parking space from the frontage and provide landscaping to soften the appearance of the development. The property would still provide 2 off-street parking spaces and a single garage and given the location within the centre of the site should any overspill parking on the street frontage occur it is not considered to result in a highway safety concern.

82. Subject to finer details in relation to road construction, footpaths, crossings and the provision of a contribution towards the A60/Pendock Lane junction improvements the proposal is considered to accord with local and national policy in relation to highway safety matters.

Design and Amenity

83. In considering the design and amenity criteria listed under Policy 1 of the LPP2, the main consideration is the impact upon the residential amenities of occupiers of Roseland Close and the properties opposite the site on Bunny Lane. In addition to the impact to and from the proximity of the development to the neighbouring farm site for future occupiers.
84. Policy H3 of the KNP relates to issues of design, layout and architectural styles and requires planning applications to demonstrate how the design of the new development will make a positive contribution towards the identity and character of the village, setting out criteria for consideration. The KNP stipulates local design principles and requires that 'all new developments should reinforce valued local characteristic'. It is considered that the designs proposed are acceptable, in particular it is noteworthy that the Parish Council has not commented on the design of the dwellings. The surrounding properties comprise a mix of styles, materials, heights and orientation and it is considered that the proposed dwellings would tie in with this existing character. The proposed dwellings seek to provide variety and interest as illustrated on the site fly through. No precise palette of materials has been provided; however a broad indication has been made that properties would be finished in a mix of red, dark red and buff bricks with elements of render and weatherboarding and a mix of red and grey roof tiles. In the interests of ensuring a successful development, precise material finishes shall be secured via condition.
85. It is considered the application has demonstrated that the proposed development can achieve good design and is broadly in accordance with the Keyworth Neighbourhood Plan. The layout and design ensure that there would not be any material overbearing, overlooking or overshadowing impact

on existing neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings.

86. Separation distances to properties on Roseland Close are annotated as being no less than 25 metres away from a window to window arrangement between proposed dwellings and existing, with up to 31 metres window to window arrangement occurring in places between proposed dwellings and existing dwellings on Roseland Close. Residents have raised concern that the plans do not reflect as built or as extended properties however, it is considered that there would still be sufficient back to back distance maintained. In the majority of cases the proposed dwellings closer to the eastern boundary would be at a lower level than those on Roseland Close. It is considered that the resulting relationships would not result in a development that would lead to significant adverse overlooking/loss of privacy either within the development or from and to the properties adjacent to Roseland Close.
87. In terms of the properties on Bunny Lane, opposite the site access, the location is such that it would be to the side of no. 50 and rather than directly facing the property it would face their parking area (and that associated with no. 48). In addition, there would be a distance of 16m from the junction to the facing property elevation with the property being in a slightly elevated position to Bunny Lane and the application site. It is considered that the location of the access would not result in a significant adverse impact despite the incline on the access road. The Highway Authority has not raised any objections to the point of access on the basis of highway safety or impact on the properties accesses. Therefore, due to the distances involved and the intervening boundary treatment, it is not considered that undue adverse impacts would arise on the occupiers of the properties opposite despite the gradient of the access road.

Amenity of future occupiers of the site;

88. The application for similar development to that currently being considered was refused at committee in November 2021 for the following reason:

“It has not been adequately demonstrated that there would be adequate mitigation for the odour/noise/dust and flies created by the neighbouring farm and sewage treatment plant. This would result in an unsatisfactory level of amenity for occupiers of the proposed new housing plots and would be contrary to Policy 4.4, part a) of the Rushcliffe Local Plan Part 2: Land and Planning Policies which states; “the amenity of residents should not be significantly affected by noise, odour or dust resulting from the activities of the neighbouring farm;”

89. This pending application is supported by further survey work in relation to noise, odour, dust and flies in relation to the neighbouring farm and sewerage works located beyond the south west boundary. The survey work has been reviewed by RBC Environmental Health officers and no objection raised to the proposal, subject to development being undertaken in accordance with the recommended mitigation measures. In the interests of completeness, the Council has also sought to have the submitted survey work independently reviewed. Miller Goodall (MG) an independent acoustic and air quality

practice have reviewed the applicants submitted survey work and provided the following comments and conclusions:

Odour/flies

90. 'Miller Goodall has completed a FIDOL (frequency, intensity, duration, offensiveness and location) assessment for the risk of odour associated with Hillside Farm and the Keyworth WWTW (waste water treatment works) and is in agreement with the Wardell Armstrong (WA) (applicants assessor) classification of the odour potentials for Hillside Farm and Keyworth WWTW'.
91. WA undertook 15 sniff test observation visits around the proposed development site between Nov 2018 and March 2023 and a further visit was undertaken in July 2023, with temperatures on undertaken visits peaking at 19°C on the June 2022 visit.
92. The site visits recorded no significant odour impact at the proposed development site. There were several locations at the development site which recorded multiple slight odour impacts, however there are no proposed residential dwellings at locations which recorded more than 1 slight odour impact.
93. 'On balance whilst the sniff tests completed by WA could have been more extensive, we consider that they are adequate given prevailing wind direction and potential sources'.

Dust

94. Dust was assessed during the sniff test visits and no dust emissions reported.
95. The application site includes a 3m acoustic barrier between the proposed development and Hillside Farm and this should act as a barrier to dust.
96. MG conclude that 'given the types of activities taking place on the site, it is considered that the WA assessment of dust is appropriate.'

Noise

97. The closest properties to Hillside Farm are between 36 and 39m to the east with a 3m acoustic fence proposed on the boundary in addition to planting and vegetation. All properties with the exception of plot 44 have garden areas to the rear of the dwellings.
98. The original noise report concluded that the following would be required to mitigate noise from Hillside Farm:
 - Dwelling facing the farm should have gardens to the rear;
 - A 3m acoustic barrier should be provided on the western boundary ;
 - Dwellings with living and bedrooms on the western façade facing the farm should have secondary glazing and alternative ventilation so that windows can be closed when worst case operations are underway on the farm, this includes use of a milling machine.

99. MG conclude that 'the WA noise assessments appear to have been completed appropriately and robustly'.
100. MG conclude that 'there appears to be no reason to refuse permission based on the effect of noise, dust or odour from surrounding land uses, providing adequate mitigation is in place and maintained'. The recommended means of mitigation can be secured via condition.
101. In conclusion, concerns expressed from residents regarding the proximity of the development to the adjacent farm enterprise and the Severn Trent Water Treatment Plant are noted. The Environmental Health Officer and independent assessment by Miller Goodall have considered the submitted and updated reports regarding noise, odour and dust and have concluded that the mitigation measures put forward are acceptable in terms of the amenity of the proposed properties and shall be secured via condition.
102. The comments from the neighbouring farm raising concern that the proposed residential development could limit future farming operations are also noted. Officers are mindful of Para 187 of the NPPF which advises that: *'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'*. Given that officers and independent assessors have concluded that the amenity of future occupiers would be acceptable, subject to condition, it follows that the impact from the residential development on the farming enterprise is also considered satisfactory and that matters of nuisance should not arise. Severn Trent Water have been consulted regarding the proposal and they have not, in their response, raised any concern regarding future network capacity or potential impacts on site operations. As a result, it is considered that the interrelationship of these adjacent sites and the residential development proposed has been considered and no significant adverse impacts are expected and the proposal would not prejudice existing operations on the neighbouring Hillside Farm.

Layout and gardens

103. Due to the levels through the site, a number of plots within the site will need to have retaining structures and boundary fencing between the plots in order to provide private amenity space between proposed units. Retaining walls are highlighted on the site layout plan and range from approximately 300mm to 3750mm, generally finished with a further 1800mm of close boarded fencing. This results in the highest boundaries to the rear of plots 14-39 which range from 4800mm (including fence) to 5550mm. Officers acknowledge that the site is sloping and have sought to engage with the applicant to seek to reduce means of enclosure wherever possible, particularly for properties in the centre of the site which are proposed to have the most extreme means of enclosure and north facing gardens. Requests to seek to tier the gardens have been made, however the applicant has stated that their customers prefer level garden areas. Officers have reached an impasse with the applicant, with officers seeking to grade gardens to reduce what are

considered to be stark, oppressive, means of enclosure. In the interests of seeking to progress the application the applicant has requested that final garden finishes for plots 14-29 be resolved via condition, which on balance officers are supporting.

104. In relation to garden areas for future occupiers; policy H2 (type and tenure) of the KNP seeks to ensure gardens of 40sq.m for 2 bed or less and all other dwellings to have access to in excess of 80sq.m of private garden area. In the case of the current proposal out of the two bedroom properties, 10 out of 12, i.e. 83% achieve a minimum of 40 sqm 'size of private garden' with the 2 dwellings (51 & 52) averaging 35.5sqm. In relation to larger properties 3,4 and 5 bed) 38 out of 61 i.e. 62% would achieve a minimum of 80+ sqm. For members awareness there are a handful of gardens in particular plots 7 and 8 (detached 3 bed dwellings) with 55sqm gardens and 17-24 (3-4 bed semi's) with 40-60sqm rear gardens, which are also enclosed with relatively substantial retaining walls. 66% of overall garden areas would comply with the requirements of the KNP and as such are in the main compliant. As highlighted a number of units would have unduly small garden areas, partially enclosed by relatively imposing retaining walls. However, it is acknowledged that the site is sloping which has resulted in some awkward relationships between units and the applicant is seeking to provide an area of public open space on the western boundary of the site with play facilities. No objection was raised in relation to garden sizes on the previously submitted application. Given the presence of open space on site, on balance it is considered that a relaxation of the requirements relating to garden area can be accepted and an element of future buyer beware would be required when it came to purchasing a property which had an enclosed modest garden area.
105. It is, therefore, considered that the development details ensure that the amenity of neighbouring properties is not unduly or unacceptably affected. Thus, it is considered that the application accords with Policy 10 of the Core Strategy, Neighbourhood Plan policies and Policy 1 and 4.4 of LPP2, and the updated NPPF which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved.

Land contamination

106. The Environmental Health Officer has reviewed the submitted phase I and II reports and considers them satisfactory. A condition is recommended should additional topsoil be required to be brought onto site to ensure it is suitable for use. Matters of ground conditions and slope stability would be addressed through an application for building regulations.

Landscaping

107. The submitted arboricultural report advises that the *"proposal will require the removal of 3 low quality trees and 2 hedgerows. There will be the requirement to remove and part removal of 2 moderate quality hedgerows. The removals can be mitigated with increased planting in accordance with a landscape scheme secured through and appropriately worded planning condition from the LPA. All retained trees and hedgerows will be protected with Tree Protection Fencing in accordance with a Tree Protection Plan."*

108. A Landscape and Visual Appraisal has been submitted with the proposal which concludes that, *“the proposal would have some localised impacts on landscape character and visual receptor. These impacts will be limited through mitigation. The proposal would not result in the loss of features of significance. The front northern hedge would be largely removed and replaced. A green space is proposed on the western edge. Soft landscaping will help assimilate the proposal and help break up the form. the proposal is low density. The view of fields will be changed by adjacent residential properties to the north and east.”*
109. Policy E1 of the KNP details that proposals which include the provision of new green space and provide high quality landscape solutions will be supported. The proposal has been considered by the Council’s Landscape Officer. Concern has been raised by officers in relation to the removal of the northern hedgerow and revisions have been sought to seek to retain this. However, following discussions with County highway colleagues it is understood that the hedge is required to be removed to facilitate formation of the new access, frontage footpath and potential future bus stop. Replacement planting has been proposed along the site frontage to mitigate the removal.
110. Indicative landscaping plans have been provided which indicate the provision of planting along the northern, southern and western boundaries, to assist in softening the appearance of the development and views into and out of the site. No planting plans have been provided indicating planting within the site itself, however precise details relating to on-plot landscaping and means of enclosure can be secured via hard and soft landscaping conditions.
111. The boundary hedge to Bunny Lane is proposed to be removed and officers have sought to seek to retain this in the interests of softening views of the site. However, it has been acknowledged that due to levels on the site and the requirement to provide visibility splays and a new footpath to the frontage regrettably it has to be removed. Replacement planting has been indicated, which as per the guidance of the landscape officer can be conditioned to be planted once development on the front element of the site is complete.
112. The comments from the Rights of Way Officer regarding the provision of access to the footpath on the southern boundary of the site are noted, however this would involve land outside of the applicant’s ownership and at this point in time is not something which is being pursued.
113. Subject to precise details regarding hard and soft landscaping, protection of existing hedgerows and means of enclosure, including the acoustic fence being secured by condition the proposal is considered to be acceptable.

Ecology

114. The site is a sloping parcel of grass land enclosed by hedging with ditches on three of the boundaries and a scattering of trees. An ecological appraisal of the site has taken place in addition to Great Crested Newt and Badger surveys. The assessments have been reviewed by the borough ecology officer and no objection raised to the methodologies and findings. No protected species were recorded as part of the surveys and the officer

concludes that there are no protected or priority species that are likely to be impacted.

115. As part of the undertaken ecological assessment a search for ponds within 500m of the site was undertaken to assess for the presence of Great Crested Newts (GCN). A pond is situated 360m north east of the site boundary and records indicate the presence of a pond 30m south east of the site in the garden of 9 Roseland Close. The applicant indicates that attempts were made to contact the owner of 9 Roseland Close to directly assess the pond but these were unsuccessful. To establish the presence of GCN within vicinity of the site an environmental DNA (eDNA) survey has been undertaken of the ditch on the eastern boundary of the site. The survey results were negative and therefore it is unlikely that GCN are present within the vicinity of the western boundary of the site. Wider assessment of suitable habitats has been undertaken and only 1 body of water is present within approximately 60m, which is the new attenuation basis serving the Bloor development on the northern side of Bunny Lane. The comments from the Borough Ecologist are noted and as part of condition 13 (landscape and ecology management plan) a pre-commencement walk-over survey is recommended in relation to protected species. This is consistent with the approach taken on the previous application.
116. Recommendations are made in the supporting surveys in relation to biodiversity enhancement and a net gain metric has been submitted which indicates a site gain of 9.7% and hedgerow gain of 32.6%. No watercourse units are identified as the development is more than 5m from a ditch.
117. Subject to condition to secure the recommended mitigation as detailed in the submitted reports and enhancement measures as outlined in the net gain metric the proposal is considered acceptable in relation to protected species and would accord with the aims of the Framework and the provisions of Policy 17 of the Core Strategy.

Archaeology & Historic Environment

118. The site has been the subject of archaeological investigation via a desk-based assessment, geophysical survey and written scheme of investigation for evaluation trenching. The undertaken geophysical survey was hampered by a large amount of magnetic disturbance, which could be masking features of potential archaeological interest. The follow-on archaeological evaluation report has been reviewed by County Archaeology colleagues and the site concluded to be of negligible archaeological interest and no further survey work is therefore required.
119. The submission includes an assessment of the impact of the proposal on heritage assets (listed buildings, archaeology) and non-designated heritage assets. The Conservation Officer has raised no concerns regarding the impact on heritage assets.

Drainage

120. 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.

121. A site-specific Flood Risk Assessment and Sustainable Drainage Statement has been submitted with the application. The site is within Flood Zone 1 (lowest risk of flooding) on the Environment Agency Flood Zone Maps. The site falls from the northern boundary to the south, with levels range from 76.5m AOD at the north western corner, to 62.5m AOD at the south western extent. The existing drainage regime comprises of overland flow to the drainage ditch on the southern boundary and natural infiltration into the ground. A network of drainage ditches are present to the site boundaries - the highway ditch to the northern boundary, one to the eastern and one to the southern boundaries. Due to the unfavourable underlying ground conditions, it is not feasible to dispose of surface water via infiltration. The proposed method of surface water discharge is to the southern ditch due to the topography of the site. The Flood Risk Assessment summarises that the South Drain has significant flow capacity.
122. An attenuation pond is proposed to the south eastern corner of the site. The development proposal requires a restricted runoff rate, provided by attenuated storage to balance the excess volume in a safe manner within the site. It is suggested that a minimum of 1375m³ of attenuated storage will be provided to cater for the maximum anticipated runoff volume for all storm durations up to the 1 in 100-year return period storm, including a 40% climate change allowance and future urban creep. However, it is envisaged that the final required attenuated storage volume will be determined during the detailed design stage, once the development layout and drainage areas are fixed. It is proposed to discharge the runoff from the development at a rate equivalent to the mean annual flow rate (QBAR) under greenfield conditions.
123. The proposed drainage plan has been reviewed by NCC as the Lead Local Flood Authority and no objection raised, subject to precise details being secured via condition.
124. The proposed scheme seeks to retain and enhance open drainage ditches that are present along the eastern and southern (site) boundaries. Neither fall within the application site and are therefore not within the applicants control however the development would not prejudice them in respect of their role and function. Respective water flows along the eastern and southern site boundaries are field drainage ditches. They are not considered to be designated watercourses in Environment Agency (EA) terms. As a result, it is considered that a balanced approach to the safeguarding and future maintenance and ecological value has to be had.
125. Policy 19 of the LPP2 seeks a minimum 10 metre buffer where physically feasible between the top of a watercourse and a development site which is free of built development, and also requires the long-term landscape and ecological management plan for such buffers. In this regard the ditches such as that on the eastern boundary of the site are not considered to represent a watercourse and therefore it is not reasonable to require a full 10m buffer. That said a buffer strip of 5m is proposed to give access from the application site to/from the 'west bank' of the eastern ditch. A long term management regime is to be secured and approved as part of the legal agreement and condition though it is intended to be implemented by a Residents

Management Company alongside the remainder of the 'green infrastructure' on site. This is considered a reasonable compromise to ensure that ongoing maintenance of the eastern ditch can be secured and achieved long term for the adjacent properties that have existing responsibilities in this regard.

126. There is an existing hedge to the southern boundary of the site that is to be supplemented and gaps filled. On the southern side of this southern ditch are open fields which ensures that the ditch can continue to be maintained. No buffer is proposed along this boundary. Public Footpath No. 4 lies approximately 6.0m beyond the southern site boundary which is accessible from the neighbouring field to the south of the application site and therefore outside their control. The development does extend in part up to this site boundary but as it is accessible for maintenance from the field side it is considered to be acceptable.
127. The proposal does not indicate an intensification of surface water discharge to the eastern and southern field drainage ditches. In 'storm conditions' the rate of discharge from the proposed Balancing Pond/Attenuation Facility to the southern ditch would be regulated to be no more than current agricultural 'run off'. The applicant therefore considers that the development would not result in the respective ditches obtaining an 'enhanced status'.
128. With regard to foul water, it is proposed to discharge to the existing foul water manhole beyond the southern site boundary. The submitted drainage plan indicates that a slight re-grading of the ditch would be required to achieve acceptable gravity outfall. The comments received regarding the existing treatment works being at capacity have been raised with Severn Trent and no concerns have been raised.
129. It is acknowledged that Section 94 of the Water Industry Act 1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve its systems for collecting and treating foul and wastewater drainage so as to effectually drain its areas and effectually deal with the contents of its sewers. The planning authority must also take into account that the developer has the absolute right to connect to the public sewerage system under section 106 of the Water Industry Act. Any improvements considered necessary to improve existing capacity will be undertaken by Severn Trent under their separate legal obligations.

Planning obligations

130. 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 (as amended) and as policy tests in the National Planning Policy Framework.
131. The developer has opted for a Unilateral Undertaking to address the infrastructure requirements arising from the proposal including affordable housing, open space and SUD provision and maintenance, play space, landscape buffer, offsite roundabout highway improvements.

132. The Borough Council has adopted a Community Infrastructure Levy (CIL) and the associated charging schedule, including the associated instalment policy and payment in kind policy came into force on 7 October 2019. This covers certain contributions for infrastructure, including secondary education, health care provision and contributions for indoor and outdoor leisure. The total CIL liability for the development is likely to be in the region of £653,000. Social Housing Relief for the affordable units shown would give a relief amount of around £77,850, leaving an anticipated CIL receipt of £575,150. Of this, £402,500 would go towards items on the Borough Council's Strategic Infrastructure List, with £143,750 towards the Keyworth Neighbourhood CIL and £28,750 towards CIL Admin.
133. The CCG have made a request for approximately £16,790 to be secured via s106, however officers as per the previous application consider that this will be met via CIL contributions.
134. The NUH NHS trust have requested a contribution of £64,626 in relation to the provision of health care. It is accepted that health care provision is a material planning consideration that is referenced in chapter 8 of the NPPF (Promoting Healthy & Safe Communities). Whilst the Council are therefore supportive of the principle of such a contribution, a number of queries and issues arise from the request, in particular that the contribution sought relates solely to secondary/acute care rather than wider healthcare infrastructure, particularly primary care (GP provision). There are also queries regarding the basis of the calculation being used to arrive at the figure requested and reassurances required that any monies sought would be spent on healthcare provision reasonably and directly related to occupants of this development. In the absence of these matters being satisfactorily resolved, is not therefore considered that the requested NUH NHS Trust contribution should be sought in this case.

Waste

135. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works. On a development on this size it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of waste for items which are not covered by the Borough Council's kerbside collection service, e.g. glass and textiles. It is considered that adequate provision for storage facilities at residential premises are achieved by ensuring that there is sufficient and discrete provision for bins. The road layout ensures that adequate provision for servicing of the development would be achieved.
136. The submission is supported by a sustainability statement in which it is confirmed that it is the developers "policy for reducing waste and increasing efficient use of materials mirrors the waste management hierarchy of reduce, re-use, recycle and results in significantly reduced amounts of waste produced on site, as well as excellent diversion from landfill rates." Homes are designed with energy efficiency as a key design consideration with the fabric first approach with an average EPC value of B, which is a SAP score in

the 80's. The developer has also confirmed that they are now targeting water usage below 110 Litres per person per day to address issues of water shortage and the Gas Boilers used have a NOx Classification of Class 5 and a Water Heating Energy Efficiency Classification of Class A.

137. The site has been tracked to ensure a refuse collection vehicle can access the site and this has been reviewed and considered to be acceptable by County Highways colleagues.

Gypsum Minerals Safeguarding

138. The submitted Mineral Resource Assessment advises that *“the proposed development site is in a mineral safeguarding area for gypsum which is locally abundant in this area. The nearest mine to Keyworth is Marblaegis Mine, but the planning permission boundary does not extend to Keyworth. The proposed site is on the urban fringe of Keyworth, so it is highly unlikely that gypsum would ever be worked beneath the site due to environmental constraints.”*
139. The County Council has confirmed that the Gypsum Minerals Safeguarding and Consultation Area covers the site. They also confirmed that the prior extraction is not practical at the proposed development site. Future extraction is therefore unlikely at this location. They comment though that the Mineral Resource Assessment did not detail whether the applicant discussed the proposal with British Gypsum, this is recommended as the County Council does not have detailed mapping of areas previously mined. Overall, the County Council does not wish to raise any objections to the proposal from a mineral's perspective. British Gypsum has advised that they have no comments to make as the site sits outside of the gypsum outcrops.

Economic Impact

140. The development would provide direct and indirect employment benefits supporting new jobs and creating economic growth resulting in expenditure to the significant benefit of the settlement and local area, supporting local retail and leisure services. In line with policy 5 (7) of the Core Strategy, during the construction phase of the development, the Council will work with the developer to implement and deliver employment and training opportunities for local residents and a planning condition is recommended to achieve this. Taking into account the above it is, therefore, considered that the application satisfies the requirements of Policy 5 of the Core Strategy and satisfies the aims of the NPPF in relation to the economic role of planning, and the corporate priority of supporting economic growth to ensure a sustainable, prosperous and thriving local economy.

Health and Wellbeing

141. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), 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.

142. The provision of open and green space, including an equipped area of play is proposed as part of the development, would support these policy ambitions, as well the development's proximity to existing countryside. The Community Development Manager confirmed that the plans meet the criteria for on-site children's play provision. Precise details relating to the proposed equipment, surfacing, means of enclosure and benches shall be secured via condition.
143. Improvements to footpaths in the vicinity of the site are sought by NCC Highways, as is the provision of a bus stop on the southern side of Bunny Lane to support a proposed new bus route.
144. It is considered that this development is likely to have a largely positive health impact and no significant specific issues have been raised that need addressing.

Conclusion

145. The site is an allocated housing site located within Keyworth, one of the Borough Council's identified key rural sustainable settlements identified for growth, where a minimum of 450 houses are proposed in the Core Strategy. As Keyworth is an inset Green Belt village, it was always envisaged that such development would necessitate development in/release of the current Green Belt with the identification of sites to be formulated through Part 2 of the Local Plan. To ensure the Borough Council is able to meet its housing delivery requirements the number of homes to be delivered in Keyworth increased to around 600.
146. Whilst the number of local objections to the proposed development are noted there are no objections to the proposal from any statutory consultees. Subject to conditions as outlined it is considered that the proposed development would comply with relevant policies in the Development Plan, in particular the site specific policy 4.4 and relevant parts of the Neighbourhood Plan and the NPPF.
147. 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. For these reasons, the scheme accords with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee support the resolution to grant planning permission, subject to the completion of a Unilateral Undertaking in respect of contributions for infrastructure, affordable housing and site maintenance issues.

RECOMMENDATION

It is RECOMMENDED that the Director for Development and Economic Growth be authorised to grant planning permission subject to: a) the prior completion of a satisfactory S106 Unilateral Undertaking; and b) 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:

Boundaries

2010/DET/213 1200mm Timber Post & Rail
2010/DET/216 450mm Knee Rail
2010/DET/220 1200mm - Various Topped Railings
DB-SD-13-004 1.8m High Boundary Wall Type 1 Rev D
DB-SD-13-006 1800mm Close Boarded Fence Rev B
NM-SD13-04B 2.6m High Boundary Wall Type 1A
NM-SD13-06A 2.6m High Timber Fence
NM-SD13-06B 3m High Timber Fence
NM-SD13-013 1.8m High Boundary Wall Type 3

Garages

LDG2H8 DS02 6 x 3m 2 Double Garages
LDG1H8 DS02 6 x 3m Double Garages Rev 02
LSG1H8 DS00 6 x 3m Single Garages
SDG1--H8 DS03 Standard Double Garages Rev C
SDG2--H8 DS03 Standard Shared Double Garages Rev C
SSG1-H8 DS03 Standard Single Garages Rev C

Housetypes

H456 R3X7 Avondale with render Rev NM11
H588 XRG7 Henley with Render Rev DS00
H469 3WH7 Holden with Weatherboard Rev NM07
SH69 Type 69 Reduced roof pitch to 35' Plot 36
SH69 -EH7 Type 69 Planning FF render
SH69 -I-7 Type 69 FF render
SH74 -E-7-S Type 74 Special

P382 XEH7 ARCHFORD Rev DS00
H456 X-G7 AVONDALE Rev DS00
DWB2 1E-7 BURLEIGH Rev DS01
H497 X-H7 CHELWORTH Rev DS00
H351 X-H7 ECKINGTON Rev DS00
P331 XDH7 FAIRWAY Rev DS00
T322 XEG7 GREENWOOD Rev DS00
P341 XDG7 HADLEY Rev DS00
H588 X-G7 HENLEY Rev DS00
H469 X-H7 HOLDEN Rev DS00
H429 X-H7 MERIDEN Rev DS00
T427 XEG7 PARKIN Rev DS00
SH67 -EH7 Type 67 Rev DS00
SH67 -I-7 Type 67 Rev DS00
SH69-EH7 Type 69 Rev DS00

Landscape Visual Assessment and Design Code

GL1437 03 Soft Landscape Proposals Rev K
GL1437 04 Soft Landscape Proposals Rev K

Materials and Boundaries Plan

H6519-06B Bunny Lane Materials Layout Scheme 2 Rev D

Planning Layout

H6519/101B Bunny Lane Planning Layout Scheme 2 Rev G

PV Layout

H6519-22 Bunny Lane Proposed PV Layout Rev C

Roads & Tracking

PJS19-33-501 Drainage General Arrangement Rev D
PJS19-33-502 Highway General Arrangement Rev C
PJS19-33-507 Swept Path Analysis Refuse Vehicle Rev B
PJS19-33-508 Swept Path Analysis Fire Tender Rev B

Street Scenes and Cross Sections

H6519/0501B Cross Section Sheet 1 Rev D
H6519/0502B Cross Section Sheet 2 Rev D

[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. Notwithstanding the materials layout plan H6519/06 Rev B 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 Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

4. No development shall be carried out until a Phasing Plan, providing details of phasing for the approved development, has been submitted to and approved in writing by the local planning authority. The phasing plan shall contain details of:
 - o 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;

- the timing of biodiversity, SUDS and landscaping features;
- the timing of the provision of on-site equipped play space provision in relation to the provision of any new residential units;
- the timing and provision of internal footpaths/cyclepaths;
- the timing of connections of internal footpath/cyclepaths to the North western part of the site, to Bunny Lane; and
- details of the timing of the erection of boundary treatment (other than that relating to specific house plots).

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, in accordance 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].

5. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a site specific Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP must have regard to the LS, CEMP and LEMP approved under conditions 11, 13 and 21 and include details outlining:
 - appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors;
 - areas for loading and unloading plant and materials;
 - the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - measures/techniques to control the emission of noise, dust, dirt and vibration during demolition and construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - Hours of operation (including demolition, construction and deliveries);
 - A scheme to treat and remove suspended solids from surface water run-off during construction; and
 - An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;
 - A surface water management plan for the control of surface water run-off during the construction phases of development.

The approved CMP must be adhered at all times throughout the construction period for the development.

[In the interests of highway safety and to protect the amenities of the area, to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management 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). This is a pre-commencement condition that is required to ensure that residential amenity and wildlife and ditches surrounding the site are protected during construction].

6. The development shall not be brought into use unless or until the following works have been provided in accordance with plans previously submitted to and approved in writing to the satisfaction of the Local Planning Authority:

- The A60/Pendock Lane highway improvement works, to include the conversion of the junction into a 3-arm mini-roundabout, together with associated change in speed limit on the southern approach to the roundabout from 40mph to 30mph
- ii. The proposed Village Gateway on Bunny Lane to include marker posts, hazard centre line, clock type signs in the verges to either side and supplementary VA sign
- iii. The proposed new site access junction on Bunny Lane
- iv. A 2m footway along the northern frontage of the site, together with associated crossing points
- v. Reinstatement of the redundant vehicular access on Bunny Lane
- vi. Pedestrian infrastructure improvements to include dropped kerbs and tactile paving at the junctions on the southern side of Bunny Lane from the application site to Nottingham Road i.e. all the way east to the town centre.

[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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

7. No development shall take place, excluding topsoil strip, earthworks to form balancing ponds and foul sewer diversions, survey works in connection with ecology in respect of other conditions, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site and the following have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. All details shall comply with the County Councils current Highway Design and Parking Guides:

- tactile paving;
- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking (surfaced in a bound material);
- vehicular turning arrangements;
- manoeuvring arrangements;
- access widths, longitudinal and cross-sectional gradients;

- construction specification;
- surfacing;
- street lighting;
- structures;
- visibility splays;
- drainage and outfall proposals;
- provision of and diversion of utilities services; and
- any proposed structural works.

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

[To ensure the access is not too steep for vehicles to stop in icy conditions without entering the highway, to ensure the development hereby permitted is served by an appropriate access from the public highway, that the estate streets serving the development are at an acceptable standard 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). This is a pre-commencement condition that is required to ensure that the internal roads are acceptable to the County Council]. This is a pre-commencement condition that is required to ensure that the internal roads are acceptable to the County Council].

8. No dwelling hereby permitted shall be brought into use until all drives and parking areas required to service that dwelling are surfaced in a bound material (preference for blocks and not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material 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)].

9. No dwelling shall be brought into use until the access driveways and parking areas serving that dwelling are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

10. Prior to first occupation the developer of the site shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery, monitoring and promotion of the sustainable transport initiatives set out in the Framework Travel Plan (2021)

to be submitted and approved prior to development taking place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

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

11. Prior to the commencement of the development hereby permitted a scheme of on plot and public open space landscaping shall be submitted to and approved in writing by the Local Planning Authority. The Landscaping Scheme (LS) shall include:

- An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed;
- Details of a Tree/hedgerow Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained;
- Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012;
- Written specifications including cultivation and other operations associated with tree, plant and grass establishment;
- 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 and proposed numbers/densities);
- Existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
- Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure (including the acoustic fence, which shall be anti-climb), surface finishes and any other hard landscaping features;
- A timetable/phasing for implementation and completion of the landscaping scheme;
- A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including a scheme for the 3m eastern buffer and the 3m high fence on the western boundary);
- Details of how the landscape proposals comply and compliment with the ecological requirements under condition 13 and 16; and
- Details of the footpath/cyclepath connections within the north western part of the site to Bunny Lane to the north.

The development shall not commence until the approved tree/hedgerow protection scheme has been implemented. The approved scheme shall be carried out in accordance with the approved details and implemented and completed in accordance with the approved timetable.

The tree protection measures protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any

excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

[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 (2021). This is a pre commencement condition to ensure that existing features to be retained are identified and protected].

12. Prior to the occupation of any dwelling hereby approved, details of the equipped play area shall be submitted to the Local Planning Authority for written approval. The area shall include a minimum of 5 pieces of equipment/play features with ancillary equipment. The equipment in the equipped play area shall replicate, rocking, sliding, swinging, rotating and imaginative play and be designed taking into account the Fields Trust National Playing Fields Association General Principles Guidance and the topography of the site. The total area of equipped play should be a minimum of 0.042 hectares. The development shall be implemented in accordance with the approved details and the play area and their provision shall be in accordance with the phasing submitted and approved in condition 4.

[To make sure that adequate open space is provided within the development and to comply with 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 (2021)].

13. No development shall take place until a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning authority. The LEMP shall have full regard to the mitigation, general precautionary working measures and enhancements together with the summary and conclusions of the Preliminary Ecological Appraisal Report, Crestwood Environmental Ltd, May 2021, received 22 July; Badger and Bat Activity Survey Report, Crestwood Environmental Ltd received 28 October 2020; Badger Monitoring Report, 23 June 2021, by Crestwood Environmental Ltd received 22 July 2021; Great Crested Newt Environmental DNA (eDNA) Analysis Survey, 13 July 2021, by Crestwood Environmental Ltd received 22 July 2021 and any additional information submitted in respect of the advice from the Borough Ecology Officer that has been previously submitted and

agreed by the local planning authority (or as amended/ updated as part of the discharge other conditions) and shall include:

- Description and location of features to be created, planted, enhanced, and managed;
- Details of habitat creations and enhancement of hedgerows;
- Aims and objectives of management;
- Prescriptions for management actions;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten year period);
- Ongoing monitoring visits, targets, and remedial measures when conservation aims and objectives of the plan are not being met;
- Locations of bat boxes, bird boxes, hedgehog highways (and any other enhancements/mitigation) including specifications & installation guidance;
- Bird and bat boxes shall be integrated into the building fabric (the former targeting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their garages;
- Ongoing management of the SUDS, landscaped areas and buffers for the benefit of wildlife and biodiversity;
- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance;
- A pre-commencement walkover survey for badgers, reptiles and Great crested newts by an appropriate ecologist;
- Reasonable Avoidance Measures (Ram)s by engaging an Ecological Clerk of Works (ECoW) to supervise works in sensitive areas and producing a method statement in respect of reptiles prior to and during development;
- Survey of the site by an appropriate ecologist prior to works to ascertain appropriate mitigation measures for the impact on the loss of habitat/ fragmentation of habitat of Brown Hares and any recommendations followed.

The development shall be undertaken and thereafter managed in accordance with the approved LEMP.

[To ensure the appropriate wildlife protection is provided during development. To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

14. Prior to the commencement of development relating to plots 14-29 the precise finish of rear garden areas including levels, landscaping, drainage and means of enclosure shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

[To ensure the properties afford a good standard of amenity for future

occupiers and to accord with policy 1 of the LPP2].

15. 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.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance, 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)].

16. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted a further protected species survey shall be carried out, prior to work commencing on site, and submitted to and approved by the Local Planning Authority in writing. Any mitigation measures recommended by the survey shall be implemented in accordance with approved details and in line with other conditions.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2021). This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

17. Prior to installation of any lighting, a bat-sensitive lighting scheme should be submitted and approved in writing by the local planning authority. The lighting scheme should be in accordance with Conservation Trust (2018) "Bats and artificial lighting in the UK. The scheme shall include details of lux plots of the estimated luminance. The scheme shall be designed to minimise skyglow. The lighting scheme shall be implemented in accordance with the approved details and maintained thereafter.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2021).

18. No part of the development hereby approved shall commence until a detailed surface water drainage scheme (SDS) based on the principles set forward by the Flood Risk Assessment, September 2019, by BWB Revision P03,

Sustainable Drainage Statement, September 2019, by BWB revision P02 and Drainage Technical Note from PJS consulting dated 26/5/22 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme to be submitted shall also include:

- Information about the design storm period and intensity;
- Confirmation that any basin design includes a baseline water retention;
- Management of overland flows from within the site and surrounding land;
- The method to be employed to delay and control the surface water discharged from the site;
- Measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Proposals for bank protection across watercourse on eastern side of development; and
- Provide a management and maintenance plan for the lifetime of the development which must include arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

The development hereby permitted must not be occupied or first brought into use until the surface water drainage system has been carried out and completed on the site in accordance with the approved SDS.

Thereafter surface water drainage system must be maintained in accordance with the approved SDS throughout the lifetime of the development.

[A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site. To ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 14 of the National Planning Policy Framework (2021). This is a pre commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

19. The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted must not be occupied or first brought into use until the drainage scheme has been implemented and completed in accordance with the approved details.

[To ensure a satisfactory standard of development in terms of the disposal of foul water and to ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 14 of the National Planning Policy Framework

(2021). This is a pre commencement condition to ensure that flood risk and sewage capacity requirements are mitigated and the measures can be incorporated in to the build phase].

20. No development shall commence until details of the finished floor and ground levels in relation to a fixed datum point, existing site levels and adjoining land levels has been submitted and approved in writing by the Local planning Authority. For the avoidance of doubt this should include all landscaped areas and such details shall have regard to the drainage strategy for the site. The development shall be undertaken in accordance with the approved details.

[To ensure a satisfactory development in the interests of amenity, accessibility and highway safety and to ensure the satisfactory appearance of the development in respect of its relationship to adjoining properties having regard to policies 10 (Design and Enhancing 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 of the National Planning Policy Framework (2021). This is a pre commencement condition to ensure that the development is undertaken with agreed levels from the outset].

21. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) will be carried out in accordance with the mitigation and enhancements and summary and conclusions of the Preliminary Ecological Appraisal Report, Crestwood Environmental Ltd, May 2021, received 22 July; Badger and Bat Activity Survey Report, Crestwood Environmental Ltd received 28 October 2020; Badger Monitoring Report, 23 June 2021, by Crestwood Environmental Ltd received 22 July 2021; Great Crested Newt Environmental DNA (eDNA) Analysis Survey, 13 July 2021, by Crestwood Environmental Ltd received 22 July 2021 and any additional information submitted in respect of the advice from the Nottinghamshire Wildlife Trust as contained in their letter of the 30 July 2021 that has been previously submitted and agreed by the local planning authority (or as amended/updated as part of the discharge of other conditions) and shall include the following:

- Risk assessment of the impact of construction activities on biodiversity;
- Identification of "biodiversity protection zones";
- Practical measures (both physical measures and sensitive working practices) to reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the

construction period in accordance with the approved details.

[To ensure the appropriate wildlife protection is provided during development and that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2021). This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

22. 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.

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

23. Prior to occupation each dwelling within the development hereby permitted must have been provided with a full fibre broadband connection.

[To ensure the provision of advanced high quality and reliable communications infrastructure that can enable working from home initiatives that reduce travel demand, supports economic growth and helps to promote social well-being having Policy 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 13 (Health Impacts of Development) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 114 of the National Planning Policy Framework (2021)].

24. Prior to the construction of any dwelling on the site proceeding above damp proof course level, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. If any plots are not to be served by an EVCP then it must be demonstrated why the provision of an EVCP would be not be technically feasible. None of the dwellings on the site shall be occupied until all EVCP's serving it have been installed in accordance with the approved scheme. Thereafter EVCP's must be permanently retained on each dwelling 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 (2021)].

25. None of the dwellings within the development hereby permitted shall 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 each dwelling on the site.

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

26. 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.

[In the interests of occupier amenity and to accord with policies 1 and 40 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

27. The development shall be undertaken in full accordance with the mitigation measures to protect future occupiers of the proposed development from existing noise generated off the site (adjacent Farm and Bunny Lane) as stipulated within the submitted Noise Assessment Noise Assessment Report, 0004 V0.2 dated September 2022, by Wardell Armstrong. Such measures include:

- Good acoustic design so that gardens are located on the screened side of dwellings, a 3.0 metre acoustic fence running along the western boundary to Hillside Farm, a 2.0 metre high close boarded fencing between dwellings and a 1.8 metre high fencing at garden boundaries as per Drawing No. LD10096/005 Rev B dated 06/07/2022 to Appendix C
- The ground floor living rooms and bedrooms to all properties on the western facade that face Hillside Farm are to be fitted with enhanced glazing and ventilation as per Drawing No. LD10096/008 Rev A dated 06/07/2022, Drawing No. LD10096/009 Rev A dated 06/07/2022 and Drawing No. LD10096/010 Rev A dated 06/07/2022 to Appendix C
- The ground floor living rooms and bedrooms to all properties on the northern façade that face Bunny Lane are to be fitted with enhanced glazing and ventilation as per Drawing No. LD10096/005 Rev B dated 06/07/2022, Drawing No. LD10096/006 Rev B dated 24/06/2022 and Drawing No. LD10096/007 Rev B dated 06/07/2022 to Appendix C.20/07/2021.

These measures shall be retained for the life of the development.

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

28. Notwithstanding any such permitted development that may from time to time exist under Class AA of Part 1 or Class AC and Class AD of Part 20 Schedule 2 of the General Permitted Development Order 2015 (as amended) the dwellinghouses hereby approved shall not benefit from the enlargement of a dwellinghouse by construction of additional storeys, or new flats on terrace buildings in use as houses or new flats on detached buildings in use as houses for the life of the development.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

29. Notwithstanding the provisions of the Schedule 2 Part 1 Class A, B, C, D, E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no enlargement, porches, or any other alteration including to the roof of the dwelling(s) and including the insertion of windows, shall be carried out to the dwelling(s) hereby permitted and no outbuildings or other structures shall be erected, and no alterations to garden levels shall be constructed or undertaken within the curtilage of the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling, the character of the area and 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) and Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies Policy 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 of the National Planning Policy Framework (2021)].

30. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure, other than those authorised by this permission, shall be erected on the site and no alterations shall be made to any retaining structures authorised by this

permission, without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over future means of enclosure that may harm the amenities of neighbouring properties or the character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

31. Details of any substations shall be submitted to the Local Planning Authority for written approval prior to their installation/construction. The substation shall be constructed in accordance with the approved details.

[To ensure the development creates a visually attractive environment 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 (2021)].

32. No part of the development hereby permitted shall be brought into use unless or until plans denoting the location of one new bus stop, westbound on Bunny Lane, have been made submitted to and agreed in writing with the Local Planning Authority and shall include: Bus stop pole including flag; raised boarding kerb; enforceable bus stop clearway; lowered access kerbs; additional hard stands and footways.

Bus stop facilities should be provided that meet the access standards set out in the Council's Highway Design Guide with bus stop facilities that meet standard set out in the Appendix to the Council's Public Transport Planning Obligations Funding Guidance.

The approved facilities shall be installed in accordance with a timetable to be submitted and agreed in consultation with NCC.

[To promote sustainable travel and to accord with policy 1 of the LPP1].

NOTES TO APPLICANT

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

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/>

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

In relation to soil management details, you are advised to refer to DEFRA Construction Code of Practice for the sustainable use of soils on Construction sites.

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

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

Section 38 Agreement (Highways Act 1980) - The applicant should note that, notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

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

Section 278 Agreement (Highways Act 1980) - In order to carry out the off-site

works required, you will be undertaking work in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and, therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Jan Witko on telephone number 0115 9774364.

In order to satisfy the requirements of condition 7 the Highway Authority will need to undertake a full technical design check of the detailed design drawings. Discharge of any conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted.

Travel Plan - Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774323. Correspondence with the Highway Authority should be addressed to:

Highway Development Control Section
Highways South
Nottinghamshire County Council
County Hall
West Bridgford
Nottingham, NG2 7QP

In respect of any conditions relating to drainage:

- The developer must produce a comprehensive drainage strategy for the site
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means
- Surface water should be drained using sustainable techniques
- Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and

ii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- The strategy shall also demonstrate how any land drainage issues will be resolved
- A hydraulic modelling study may be required to determine if the proposed flows can be accommodated within the existing system and if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage
- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water

to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

In respect of ecology:

- The orchard should be retained and enhanced
- Mature trees should be retained where possible
- The hedgerows should be largely retained and enhanced
- Hedgerow's should be buffered with a flower rich grassland strip
- New wildlife habitats should be created where appropriate, including wildflower rich neutral and / or wet grassland and / or wetlands and ponds should be created and hedgehog corridors
- Artificial wild bird nest sites should be installed within buildings (including for swifts and sparrow terraces) and roost / nest boxes on retained trees (including for tree sparrows).

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.
- No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.

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

Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal.

Night working should be avoided.

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details: Openreach: Nicholas Flint 01442208100, nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812, daniel.murray@virginmedia.co.uk.

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

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

It is understood that there may be a covenant on this property which could prevent the use/development authorised by this permission.

You are reminded that this decision relates to planning law only and does not override the terms of any covenant.

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
Public Open Space and SUDS	<p>Layout, provision and maintenance would need details of management company, and plan.</p> <p>Area of at least 0.0924 hectares required for unequipped play/ amenity public open space equivalent.</p>		Maintenance to be provided by management company or nominated organisation – funded through service charge on properties	<p>To be secured by way of a planning condition – details of long term maintenance secured by UU</p> <p>Prior to the commencement of development</p>
Equipped play space	RBC Leisure Facilities strategy requires 0.042 HA of equipped play area.		0.042 HA of equipped play area proposed	<p>Proposed to be secured by planning condition and UU.</p> <p>Long term Maintenance secured by UU.</p> <p>Prior to the commencement of development</p>
NCC Libraries	Contribution of £2,574 towards library provision		Contribution to be secured via UU	Prior to occupation
Affordable Housing	20% affordable housing is required.		<p>20% houses equating to 15 affordable units.</p> <p>Housing mix (rounded up/down): First Homes – 8 units (53%) Social Rent – 3 units (20%)</p>	Prior to occupation of more than 35 market dwellings 6 affordable units shall be provided and then on occupation of 52 market units all

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
			Affordable Rent – 4 units (27%)	remaining affordable units shall be provided.
Highways	A contribution equivalent to 25% of the cost of off-site roundabout improvement works at the A60/Pendock Lane junction is sought		Shall be secured as part of the UU	Prior to the occupation of the development
Monitoring Fee	TBC – in accordance with our monitoring fees schedule			
Indexation	All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate			
Legal Costs	TBC			



Application Number: 23/00910/FUL
Numbers 49-55,
Trent Boulevard
West Bridgford



scale 1:2000

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Rushcliffe Borough Council - 100019419

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23/00910/FUL

Applicant Mr Nigel Turpin

Location Numbers 49 To 55 Trent Boulevard West Bridgford Nottinghamshire

Proposal Demolition of bungalows and construction of 6 apartments and 2 new dwellings, including erection of bike store and bin store, boundary wall and associated car parking

Ward Lady Bay

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

THE SITE AND SURROUNDINGS

1. The application site comprises a pair of interwar semi-detached brick and rendered bungalows with hard surfaced driveways to the front and gardens to the rear, located in a predominantly residential area with some commercial and other non-residential properties. The two adjacent properties on Trent Boulevard (nos. 47 & 57) have rear and side elevation habitable room windows close to and facing the site boundary.
2. Properties in the area are predominantly red brick Victorian semi-detached houses, with a number of inter-war, mid to late 20th century, and early 20th century brick and rendered dwellings, many with hard surfaced driveways to the front.
3. The site is in Flood Zones 2 and 3 on the Environment Agency's Flood Zone maps.

DETAILS OF THE PROPOSAL

4. Planning permission is sought for the demolition of the bungalows and the Construction of a three storey building to accommodate 6 apartments (4 two bedroom, 2 one bedroom) and 2 detached three storey four bedroom houses (with second floor accommodation in the roof spaces).
5. The design and appearance would be traditional, incorporating front elevation bay windows, dormers and gable features, and rear dormers. The ground floor levels would be around 0.7m above ground level (to minimise flood risk to future occupants), with steps to the front & rear entrances of the houses, and rear elevation of the apartment building. A single storey building to accommodate a bike/bin store would be constructed to the rear of the apartment building.
6. The external materials would be a combination of red brick & smooth off-white render for the walls, re-constituted stone window cills & heads, and grey slate roof tiles.

7. A tarmac surfaced parking area would be formed to the front of the buildings, with 2 spaces for each of the houses, and 5 spaces for the apartments.
8. A Flood Risk Assessment and Bat Survey Report have also been submitted.

SITE HISTORY

9. Permission was refused in 2019 for the demolition of the bungalows and erection of 4 detached dwellings, boundary wall and associated parking, and an appeal was subsequently dismissed in 2020 (ref. 19/00478/FUL).
10. An application for demolition of the bungalows and erection of 4 detached dwellings, boundary wall and associated parking (resubmission) was withdrawn in 2021 (ref. 20/01180/FUL).
11. Permission was refused in 2021 for the demolition of the bungalows and construction of 6 apartments and two dwellings including erection of bike store and bin store, boundary wall and associated parking (ref. 21/01719/FUL).
12. Permission was refused in 2022 for demolition of the bungalows and construction of 6 Apartments and two dwellings including erection of bike store and bin store, boundary wall and associated parking (Resubmission of 21/01719/FUL), and an appeal was subsequently dismissed earlier this year (ref. 21/02848/FUL).

REPRESENTATIONS

Copies of all representations can be found [here](#); however, summaries of all comments received are set out below.

Ward Councillor(s)

13. Cllr R Mallender objects on grounds summarised as follows.
 - a. The proposed development is substantially the same as the previous refused application, and still represents over-development of the site;
 - b. The siting, scale, form and pastiche Victorian design are unsympathetic to the character of the Trent Boulevard street scene, and would appear cramped;
 - c. Adverse impact on 47 Trent Boulevard with respect to sunlight/daylight;
 - d. The application forms states that there would be no increase of flood risk to existing properties which is incorrect;
 - e. Insufficient space for 9 parking spaces, bins, steps and for car doors to be opened which would be a hazard to the public, and it is likely that cars would overhang the pavement;
 - f. No bin storage to the front of the apartment building and insufficient space for them to be manoeuvred along the side of the building, which would inevitably result in bins being left at the front of the building/on the pavement;
 - g. The cycle/bin store to the rear is welcome, but feels it could become additional living accommodation;
 - h. Trent Boulevard is already dangerous with respect to parking & traffic (partly in connection with the Forest ground) with regular

- confrontations/impasses between vehicles, and reversing on to the road is already hazardous;
- i. Demolishing the bungalows and building with new materials is a waste of resources, and Lady Bay needs bungalows for aging residents;
 - j. Does not demonstrate the meeting of carbon neutral targets or sustainability.

Statutory and Other Consultees

14. Borough Council Senior Ecology and Sustainability Officer – comments that the Bat Survey includes surveys undertaken in May 2023 and is in date, and appears to have been completed accordance to good practice. The survey confirmed no protected species are using the building, although the site may have potential for nesting birds. The survey includes recommendations, including reasonable avoidance measures, for birds & bats, and enhancements, including the provision of bird/bat boxes, which should be implemented and made a condition of any planning permission. It is unlikely that the development would have a detrimental impact on populations of protected species.
15. The Nottinghamshire County Council as Highway Authority note that the parking provision falls short of the standards in the Nottinghamshire Highway Design Guide, and no further justification on the level of provision has been provided. That said, it is acknowledged that the site is in a sustainable location with good public transport links and Traffic Regulation Orders are in place to prevent problematic on-street parking. Considering the typical car ownership of similar properties in the area, the proposal is considered unlikely to result in overspill parking that would create a highway safety concern. On-street parking is already prevalent in the area, and the proposal is not considered to result in a significant change to the current situation. The Local Planning Authority may wish to consider the impact any overspill parking may have on the amenity of adjacent residents. The Highway Authority has no objections but recommends conditions to ensure that the development is not occupied until the parking area has been provided and dropped kerb crossings have been constructed.
16. The Nottinghamshire County Council as Lead Local Flood Authority have no comments regarding surface water drainage as the application is not for a major development.
17. The Environment Agency comment that the proposal would include ground floor sleeping accommodation which does not comply with the Greater Nottingham Strategic Flood Risk Assessment. However, they have reviewed their Hydraulic Model (Greater Nottingham River Trent Climate Change Scenario 2016) which shows the proposed ground floor levels are set 300mm above the design flood, including during a breach of the flood defences. It is for the Borough Council to decide whether ground floor sleeping accommodation is acceptable. The development will only comply with the National Planning Policy Framework if a condition is imposed to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment.
18. Severn Trent Water recommend a condition is imposed to ensure that the development is not brought into use until drainage plans for the disposal of

surface water and foul sewage have been submitted to and approved by the Borough Council, and the approved scheme has been implemented.

Local Residents and the General Public

19. Written representations have been received from 27 local residents/neighbours raising objections which are summarised as follows.
- a. Not in keeping with local character;
 - b. Over-intensive development;
 - c. Loss of light & privacy and overbearing impact;
 - d. Increase in noise and disruption;
 - e. Adverse impact on highway safety with too many cars parked on Trent Boulevard and increase in congestion and danger to pedestrians;
 - f. Insufficient/inadequate parking spaces;
 - g. Contravenes priority of sustainability and achieving net zero;
 - h. Increase in pollution from emissions and impact on air quality;
 - i. Unsuitable location and not required;
 - j. Increase in flood risk and drainage problems;
 - k. Adverse impact on protected bat population.

PLANNING POLICY

The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2). Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide (PPG).

20. The Borough Council's Residential Design Guide (RRDG) is also relevant.
21. The full text of the Council's policies are available on the Council's website [here](#).

Relevant National Planning Policies and Guidance

22. 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.
23. The following sections of the NPPF are relevant to the application.
- Section 12: 'Achieving well designed places'
 - Section 14: 'Meeting the challenge of climate change, flooding and coastal change'

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

24. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances.

Relevant Local Planning Policies and Guidance

25. The following policies in The Core Strategy are relevant.
- Policy 1: Presumption in Favour of Sustainable Development
 - Policy 2: Climate Change
 - Policy 3: (Spatial Strategy)
 - Policy 8: (Housing Size, Mix and Choice)
 - Policy 10: (Design and Enhancing Local Identity)
 - Policy 17: Biodiversity.
26. The following policies in Local Plan Part 2 are relevant.
- Policy 1: (Development Requirements)
 - Policy 12: Housing Standards
 - Policy 17: (Managing flood risk)
 - Policy 18: Surface Water Management
 - Policy 38: (Non-designated biodiversity assets and the wider ecological network).
27. The appeal decision on 21/02848/FUL is a material consideration in the determination of the current application.

APPRAISAL

28. 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.
29. The site is located within the built-up area, within a highly sustainable location, close to services and transport links. In terms of the strategy for delivery of housing within the Borough (see Policy 3 of the Core Strategy), the location of the site sits at the highest level of the locational hierarchy. The site has a long established use for residential purposes, albeit accommodating a less intensive number of units to that currently proposed. It is considered that the existing bungalows do not have any particular architectural or historic merit and, whilst the shortage of bungalows is noted, a refusal on grounds of the loss of two bungalows could not be justified.

Having regard to these factors, the redevelopment of the site for residential purposes is considered acceptable in principle.

30. As referred to in the site history section above, permission has been refused on three occasions in recent years, and two appeals have been dismissed. 19/00478/FUL was refused on grounds that the scale & layout of the development would result in a cramped appearance which would be unsympathetic to the street scene and character of the area, and due to unacceptable overshadowing & loss of light to neighbouring properties, particularly 47 Trent Boulevard. The inspector who determined the appeal considered that the development would not have a cramped or unsympathetic appearance, although he agreed with the Borough Council regarding the impact on 47 Trent Boulevard. 21/01719/FUL was subsequently refused on design, amenity, flood risk and ecology grounds.
31. 21/02848/FUL was refused on grounds that, due to its scale & design, the proposal would represent a visually dominant and incongruous addition which would fail to respect or enhance the street scene and built environment along Trent Boulevard, and because it had not been demonstrated that there are no protected species or priority habitats on site that would be affected by demolition of the bungalows. The appeal inspector commented that:

'...although the proposal would be of three-storey, it would maintain the established predominant scale of the buildings in the area and would not appear out of place within its surroundings. In addition, the proposal's traditional design, including front facing gable features and projecting bay windows, would complement the traditional character of the local area.'

and:

'The proposal would respect the building line of the existing built form and the plot widths would accord with nearby dwellings. In views from Trent Boulevard, the proposal would appear adjacent to the existing buildings and would not appear overly dominant or obtrusive.'

In my judgement, the proposal would improve the visual balance and rhythm of development when viewed from the street. This is because there is currently a mismatch in scale between the height and width of the existing bungalows and the neighbouring properties. The proposal would address this uneven design by rebalancing the form and shape of the built form, which would improve the appearance of the street scene. Taken together with the external materials, the proposal would relate well to the existing dwellings along Trent Boulevard and would not be detrimental to the character and appearance of the area.'

and concluded that the development:

'...would make a positive contribution to the street scene and the character and appearance of the area.'

32. The inspector did, however, agree with the Borough Council with respect to the matter of protected species/priority habitats.

33. The siting, scale, design and materials proposed under the current application are the same as under 21/02848/FUL. In view of the recent (28 March 2023) appeal decision, and the analysis and conclusions of the inspector relating to the impact of the development on the street scene and character of the area, a further refusal on such grounds could not be justified.

Ecology

34. An up-to-date Bat Survey has been submitted with the current application which has been reviewed by the Borough Council's Senior Ecology and Sustainability Officer. The survey confirms no protected species are using the building, although the site may have potential for nesting birds, and it is unlikely that the development would have a detrimental impact on populations of protected species. To ensure biodiversity enhancements, it is considered that a condition is necessary to require bird/nesting boxes to be incorporated into the development.

Amenity

35. With respect to the impact on the amenities of neighbouring properties, parking provision, flood risk and refuse collection, the inspector commented that:

'...these factors are not in dispute between the main parties and were addressed in the Officer's Report, with the Council concluding that there would be no material harm in these regards. No substantiated evidence has been submitted that leads me to any different view.'

36. Regarding the impact on the amenities of neighbouring properties, particularly 47 & 57 Trent Boulevard, the plans submitted with 21/02848/FUL (and the current application) have been amended to a degree which, it is considered, would not result in a significant adverse impact on amenity in terms of overshadowing/loss of light, overlooking/loss of privacy and overbearing impact. To protect the amenities of neighbouring properties, conditions are considered to be necessary to remove permitted development rights for external alterations/additions to the two dwellings, and to ensure that certain windows to flats 4 & 6 and plot 3 are obscure glazed and/or have restricted openings. (Any external alterations/additions to the apartment building would require planning permission).
37. It is noted that the submitted plans show steps from the rear elevation on the apartment building, the top one of which is quite broad and could, therefore give rise to people standing/sitting out which in turn may cause some loss of privacy to the adjacent property. As such a condition is recommended that prior to the steps being constructed further details are provided including privacy screening.
38. Comments are noted regarding the cycle/bin store and that due to its size it could be used as additional living accommodation. The application must be considered as submitted, and the building is clearly labelled as a cycle and bin store. Nonetheless it is considered prudent include a condition to ensure it is retained as such for the lifetime of the development.

Highway implications/parking provision

39. The comments in the written representations relating to parking provision and impact on highway safety are noted. The site is in one of the most sustainable locations in the Borough in terms of access to local services/facilities in Lady Bay and West Bridgford own Centre which are within a reasonable walking distance. The site is also on a bus route. In view of the above, and in the absence of an objection from the Highway Authority, a refusal on grounds of insufficient parking and impact on highway safety could not be justified. Contrary to the comments of Highway Authority, and whilst it may be an inconvenience, vehicles parked in the public highway preventing individuals from parking close to their own property or properties they are visiting, is not an amenity issue. It is also the responsibility of vehicle owners/users to drive and park in a safe and responsible manner.

Flood Risk

40. Flood risk was also fully assessed under previous applications. Evidence has been provided by the applicant to demonstrate that the sequential Test and Exceptions test have been passed.
41. The comments of the Environment Agency (EA) relating to ground floor sleeping accommodation are acknowledged. However, with respect to 21/02848/FUL, the EA did not raise this matter and, as they acknowledge, the proposed ground floor levels are set 300mm above the design flood, including during a breach of the flood defences which is in accordance with their guidance. In view of the above, and with a condition to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment, it is considered that the development should be safe for its lifetime without increasing flood risk elsewhere.

Conclusion

42. The outstanding issue highlighted by the Planning Inspector regarding ecology has been satisfactorily addressed. The current application is largely the same as that previously considered by the Inspector and which was found acceptable in all matters other than ecology. The site history and previous appeal decision is a material consideration that must be given significant weight.
43. The application was not subject to pre-application discussions, and it was not necessary to contact the applicant during processing of the application other than to provide updates. Officers are satisfied that the proposed development would be in accordance with the Development Plan and national planning guidance and, accordingly, recommend that planning permission is granted subject to conditions as set out below.

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 shall be carried out in accordance with the following approved plans: 002 Revision L; 004 Revision M; 003 Revision K; 005 Revision L; 007 Revision L; 008 Revision L; 009 Revision J.

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

3. The development shall not commence until a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction works has been submitted to and approved by the Borough Council, and the construction of the development shall be undertaken in accordance with the approved details.

[The condition needs to be discharged before work commences on site as this information was not included in the application and it is important to agree these details in order to minimise the impact on adjacent and nearby residents during demolition and construction of the development, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

4. The development hereby permitted shall be carried out in accordance with The submitted Flood Risk Assessment by Swish Architecture & Planning dated October 2021 and the following mitigation measures it details:
 - Finished floor levels in the detached properties shall be set no lower than 24.39 metres above Ordnance Datum (AOD) and the Finished floor levels in the Apartment complex shall be set no lower than 24.69m AOD
 - Flood resilience measures as detailed in Section 6 of the Flood Risk Assessment.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements, and the mitigation measures shall be retained thereafter throughout the lifetime of the development.

[To ensure that occupants are safe for the lifetime of the development and to comply with policy 17 (Managing flood risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

5. Construction of the development hereby permitted shall not proceed beyond damp proof course until details of materials to be used on all external elevations, including dormers, and roofs have been submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the

Rushcliffe Local Plan Part 2: Land and Planning Policies]

6. None of the apartments or dwellings hereby permitted shall be occupied until the driveways/parking areas have been surfaced in a bound material and provided with drainage to prevent the discharge of surface water on to the public highway in accordance with details to be previously submitted to and approved in writing by the Borough Council. The driveways/parking areas shall thereafter be retained available for parking at all times for the lifetime of the development.

[To ensure that sufficient off street parking is provided and retained in the interests of highway safety, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

7. The development shall not proceed above foundation level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and to comply with policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

8. An Electric Vehicle Charging Point shall be provided for the use of each apartment and for both dwellings hereby approved and shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014)].

9. The apartments and dwellings hereby approved shall be designed and constructed 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 Local Plan Part 2: Land and Planning Policies (2019)]

10. None of the apartments or dwellings hereby permitted shall be occupied until bat roosting and bird nesting boxes have been installed into the construction of the development in accordance with details to be previously submitted to and approved in writing by the Borough Council. Thereafter the bat roosting / bird nesting boxes shall be retained for the lifetime of the development.

[To ensure the incorporation of features that benefit biodiversity, and to

comply with 38 (Non designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

11. No apartments or dwellings shall be occupied until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies

12. Flat 4, flat 6 and the dwelling at Plot 3 shall not be occupied until the following works have been carried out:

- The bathroom window to flat 4 has been installed with glazing obscured to Group 5 level of privacy or equivalent and a mechanism to restrict opening by no more than 20cm
- The roof lights to flat 6 have been installed with a mechanism to restrict opening by no more than 20cm
- The first and second floor en-suite windows to plot 3 have been installed with glazing obscured to Group 5 level of privacy or equivalent and a mechanism to restrict opening by no more than 20cm.

The windows and roof lights shall be retained to the above specifications for the lifetime of the development.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. Neither of the ground floor apartments or the two dwellings shall be occupied until full details of steps to gain access from the rear external doors to the rear gardens together with details of privacy screens to be installed either side of the steps have been submitted to and approved in writing by the Borough Council, and the steps and privacy screens have been installed in accordance with the approved details. Thereafter the steps and privacy screens shall be retained for the lifetime of the development.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

14. Notwithstanding the provisions of Schedule 2, Part 1 Class A - C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings, including no alteration to or insertion of windows other than those shown on the plans, without the prior written approval of the Borough Council.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe

Local Plan Part 2: Land and Planning Policies]

15. The outbuilding hereby approved shall only be used for the storage of refuse bins and bicycles in connection with the approved apartments, and shall not be used for any other purpose.

[For the avoidance of doubt, and to safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

NOTES TO APPLICANT

The development makes it necessary to construct a vehicle crossing over a footway of the public highway, and you should contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or licences@viaem.co.uk to arrange for these works to be carried out. If any street furniture needs to be relocated, this will be at the applicant's expense.

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

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

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

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

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

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council

(0115 977 2019). Alternatively, you can obtain an asbestos fact sheet from their website www.nottinghamshire.gov.uk.

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

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

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