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

Our reference:
Your reference:
Date: Wednesday, 4 September 2024

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 12 September 2024 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

S Pregon

Sara Pregon
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 11 July 2024 (Pages 1 - 4)

4. Planning Applications (Pages 5 - 40)

   The report of the Director – Development and Economic Growth

5. Planning Appeals (Pages 41 - 44)

   The report of the Director – Development and Economic Growth

Rushcliffe Borough Council

Email:
customerservices
@rushcliffe.gov.uk

Telephone:
0115 981 9911

www.rushcliffe.gov.uk

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

Membership

Chair: Councillor R Butler
Vice-Chair: Councillor R Walker
Councillors: S Calvert, J Chaplain, A Edyvean, S Ellis, E Georgiou, S Mallender, D Mason, C Thomas and T Wells

Meeting Room Guidance

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

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

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

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

Recording at Meetings

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

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

Rushcliffe Borough Council

MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 11 JULY 2024

Held at 6.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford
and live streamed on Rushcliffe Borough Council's YouTube channel

PRESENT:

Councillors R Butler (Chair), R Walker (Vice-Chair), A Brown, S Calvert, J Chaplain, S Ellis, E Georgiou, S Mallender, D Mason, C Thomas and T Wells

OFFICERS IN ATTENDANCE:

H Knott	Service Manger - Planning
G Sharman	Team Leader
G Elliott	Senior Planning Officer
Bev Pearson	Area Planning Officer
S Bridges	Area Planning Officer
A Walker	Borough Solicitor
E Richardson	Democratic Services Officer

APOLOGIES:

Councillors A Edyvean

5 **Declarations of Interest**

Councillor R Butler and Councillor S Ellis declared a non-pecuniary interest as Ward Councillors for application 23/02298/OUT and would remove themselves from the discussion and vote for this item.

6 **Minutes of the Meeting held on 20 June 2024**

The minutes of the meeting held on 20 June 2024 were agreed as a true record and were signed by the Chair.

7 **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.

24/00476/FUL - Proposed Change of use from C3 dwelling to C2 childrens residential care home - 14 Barry Close Radcliffe On Trent Nottinghamshire NG12 1DY

Updates

In accordance with the Council's Public Speaking Protocol for Planning

Committee, Mr R Bird (Objector), Councillor R Upton (Ward Councillor) and Councillor S Clegg (Parish Councillor) addressed the Committee.

Comments

Members of the Committee expressed concern about the impact on neighbouring residents from vehicles parking at the site and that the allocated parking spaces may not be used as specified and were concerned that staff may park on the road. As such, the Committee asked that a Travel Plan be included as a condition. Members of the Committee asked about options for residents to communicate with staff at the care home, particularly should any problems arise, and asked for an advisory note to be added to the application requesting that a Community Liaison Group be established by the care home to facilitate discussion with residents.

Councillor C Thomas moved to accept the recommendation and approve the application with the additional condition and advisory note and this was seconded by Councillor J Chaplain and the vote was carried.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS, THE DETAILS OF WHICH ARE SET OUT IN THE REPORT PUBLISHED WITH THE AGENDA AND THE ADDITIONAL CONDITION RELATING TO A TRAVEL PLAN THE DETAILS OF WHICH ARE DELEGATED TO THE DIRECTOR DEVELOPMENT AND ECONOMIC GROWTH AND AN ADVISORY NOTE THAT THE CARE HOME SETUP A COMMUNITY LIAISON GROUP TO FACILIATE DISCUSSION WITH THE COMMUNITY

Councillor R Butler and Councillor S Ellis removed themselves from the Committee and did not contribute to the discussion or vote on the following application.

23/02298/OUT - Outline application for proposed residential development of up to 5 no. dwellings with all matters reserved except for access - The Manor House, 1 Owthorpe Road, Cotgrave, Nottinghamshire, NG12 3JE

Updates

In accordance with the Council's Public Speaking Protocol for Planning Committee, Ms N Dear (Agent for Applicant) and Councillor K Chewings (Ward Councillor) addressed the Committee.

Comments

Members of the Committee commented that that the boundary wall to the site had character and aesthetic significance for the area and expressed some concern about the amount of top soil and potential flooding due to the removal of part of it and hoped that aspects such as height and curvature be retained as part of its restoration.

Councillor C Thomas moved to accept the recommendation and approve the

application and this was seconded by Councillor R Walker and the vote was lost.

The Committee adjourned at 20:02 and reconvened at 20:15.

The Chair asked Members of the Committee to reconfirm that they had not been prejudiced by discussions during the break and were still considering the matter with an open mind and all Members confirmed that this was the case.

Members of the Committee sought clarification regarding the number and type of housing for which outline planning permission was being sought and it was confirmed that outline permission was sought for up to five dwellings. Members of the Committee asked for an advisory note to be added stating that the size, mix and type of housing had not been determined at this stage and would be considered as part of the reserved matters stage of the application.

Councillor C Thomas moved to accept the recommendation and approve the application with addition of the advisory note and this was seconded by Councillor D Mason and the vote was carried.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS, THE DETAILS OF WHICH ARE SET OUT IN THE REPORT PUBLISHED WITH THE AGENDA WITH AN ADVISORY NOTE THAT THE SIZE, MIX AND TYPE OF HOUSING HAD NOT BEEN DETERMINED AT THIS STAGE OF THE APPLICATION

Councillor R Butler and Councillor S Ellis rejoined the meeting.

24/00355/FUL - Construction of new cricket practice facility comprising of non turf playing surface with associated net and framing together with associated ground preparation and landscaping works includes soakaway and fencing - west Park Loughborough Road West Bridgford Nottinghamshire

Updates

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr H Lee (Objector) addressed the Committee.

Councillor D Mason moved to accept the recommendation and approve the application and this was seconded by Councillor A Brown and the vote was carried.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS, THE DETAILS OF WHICH ARE SET OUT IN THE REPORT PUBLISHED WITH THE AGENDA

8 **Planning Appeals**

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

The meeting closed at 8.55 pm.

CHAIR

Planning Committee

Thursday, 12 September 2024

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?CommitteeId=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.

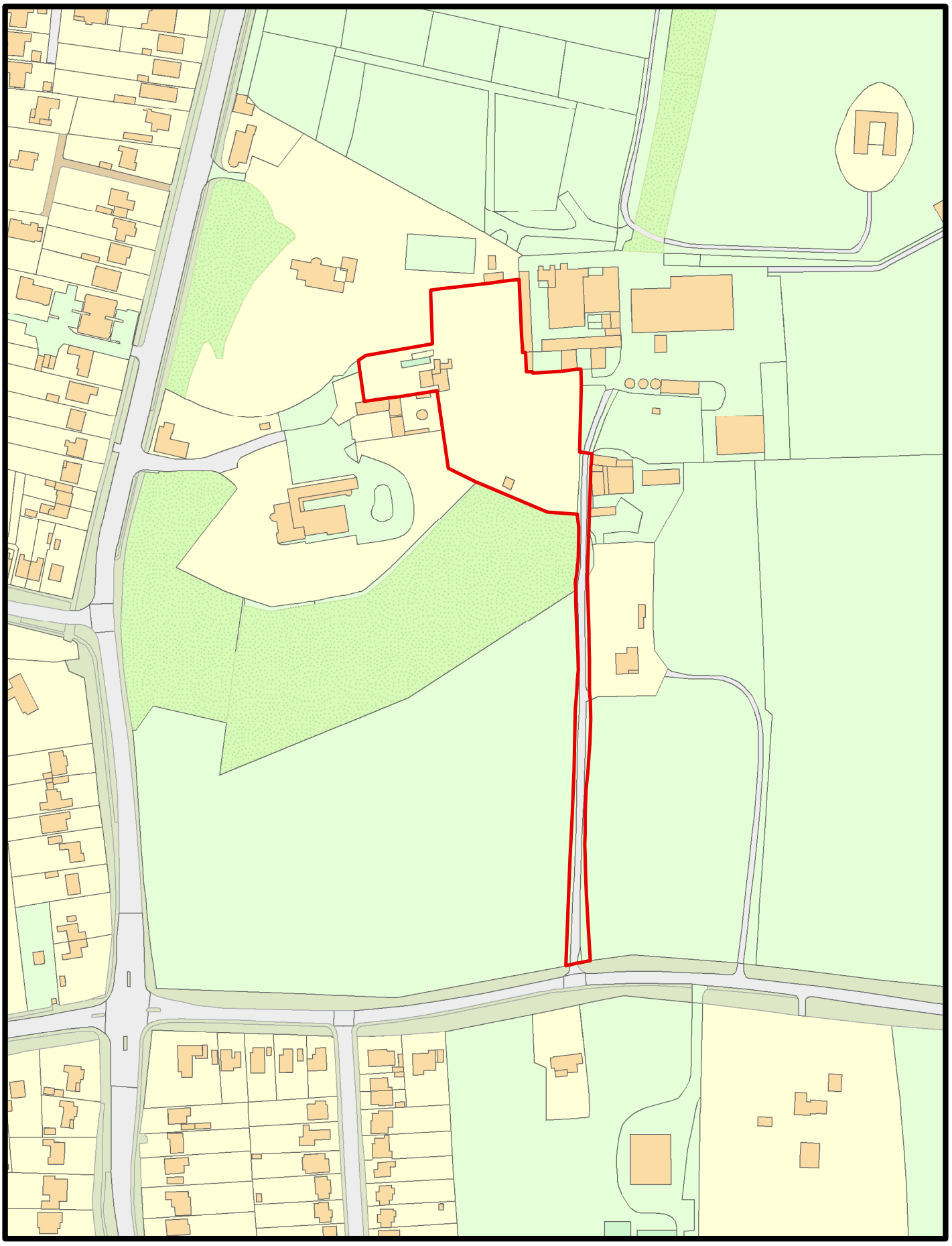
7. The following notes appear on decision notices for full planning permissions: "When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows 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
24/00766/FUL	Easthorpe Gardens, Flawforth Lane, Ruddington, Nottinghamshire NG11 6LG Demolition of existing dwelling, garage and residential outbuildings. Proposed replacement dwelling	7-30
Ward	Ruddington	
Recommendation	Planning permission be refused for the specified reasons	

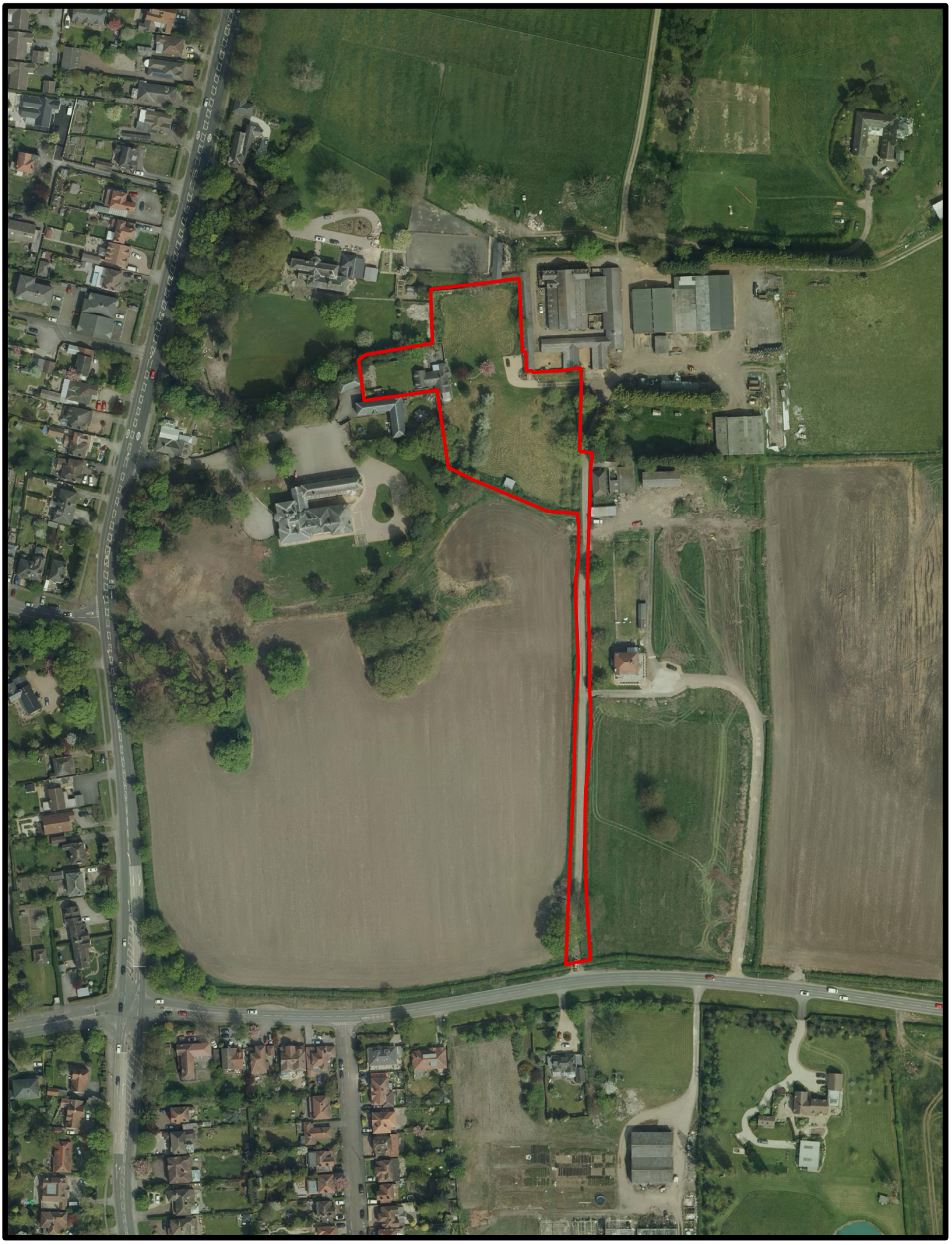
Application	Address	Page
24/01349/DEMOL	Former Islamic Institute Inholms Gardens Flintham Nottinghamshire NG23 5LQ Prior Notification of demolition of former officers mess Islamic school buildings	31-39
Ward	East Bridgford	
Recommendation	Grant prior approval for the demolition of the building subject to conditions	



Application Number: 24/00766/FUL
Easthorpe Gardens
Flawforth Lane
Ruddington
Nottinghamshire
NG11 6LG

scale 1:2500

This page is intentionally left blank



Application Number: 24/00766/FUL
Easthorpe Gardens
Flawforth Lane
Ruddington
Nottinghamshire
NG11 6LG

scale 1:2500

This page is intentionally left blank

24/00766/FUL

Applicant	Mr Kamal Singh Missan
Location	Easthorpe Gardens, Flawforth Lane, Ruddington, Nottinghamshire NG11 6LG
Proposal	Demolition of existing dwelling, garage and residential outbuildings. Proposed replacement dwelling
Ward	Ruddington

Details of the application can be found here.

THE SITE AND SURROUNDINGS

1. Easthorpe Gardens is one of a small cluster of properties located to the east of the built-up part of Ruddington on the east side of Loughborough Road (A60). The property is accessed via a long private access track/drive off Flawforth Lane. Existing residential and commercial properties lie to the north and west of the site. Agricultural properties and fields are located to the south and east.

2. The existing dwelling is a 20th century bungalow with accommodation in the roof. The existing dwelling has varying ridge heights ranging from circa 3.33m to 5.88m. There is a garden located to the rear (west) within which outbuildings are located. The wider site extends to the east of the existing dwelling, with a garage located to the east side of the site, adjacent to the neighbouring farm buildings.

3. The application site is located close to three listed buildings, the Grade II listed Easthorpe House (within 50m), the Grade II listed Stable Block at Easthorpe House Occupied by Pump and Valve Service (sharing a boundary and therefore within less than 5m), and the Grade II listed Animal Pen at Easthorpe House (within 10m). The application site is part of the historic gardens and parkland around Easthorpe House. The site is located just beyond the eastern boundary of the Ruddington Conservation Area.

4. The site is located within the Nottingham-Derby Green Belt. There is a public footpath to the north of the site.

DETAILS OF THE PROPOSAL

5. The application seeks permission for the demolition of the existing dwelling, garage and residential outbuildings, and the construction of a replacement dwelling.

6. The replacement dwelling would be a substantial 2 storey dwelling with the appearance of a neo-classical/Georgian country house. The proposed dwelling

would be located to the north east of the existing dwelling on a currently undeveloped part of the wider site. It would be accessed via the new entrance point off the private lane that was approved under planning reference 23/01940/FUL. This permission has not been implemented at the time of writing.

7. The proposed dwelling would have living accommodation across the ground floor level, with 4 bedrooms to the first floor.

SITE HISTORY

8. 23/01940/FUL - Re-locate and re-instate entrance point and vehicular access to existing dwelling. Erect fence to close existing access. Permission Granted.

9. 22/01167/FUL - Demolition of existing dwelling and outbuildings and construction of new two storey detached dwelling (Resubmission of 21/03048/FUL). Withdrawn.

10. 21/03048/FUL - Demolition of Existing dwelling and Outbuildings and Construction of New Two Storey Detached Dwelling. Withdrawn.

11. 96/01086/FUL - Construct replacement single storey dwelling. Permission Granted.

12. 96/00674/FUL - Construct 2 storey dwelling. Refused.

13. 93/00490/FUL - Construct replacement bungalow (resubmission). Permission Granted.

14. 92/01165/FUL - Construct replacement bungalow. Refused.

REPRESENTATIONS

Ward Councillor(s)

15. Cllr M Gaunt - supports the application.

Town / Parish Council

16. Ruddington Parish Council - raises no objection.

Statutory and Other Consultees

17. Conservation Officer – notes that the proposal site is located close to three listed buildings and is part of the historic gardens and parkland around Easthorpe House. The red brick agricultural outbuildings belonging to Easthorpe Farm to the east represent non-designated heritage asset (NDHAs). The proposal site is located just beyond the Ruddington Conservation Areas eastern boundary. The site is identified on the Nottinghamshire HER.

Advises that the proposal would be intervisible from the listed buildings and the NDHAs. The proposal would not harm the special interest of the Conservation Area as it would not be visible from the public realm within the Conservation Area.

Raises no objection to the demolition of the existing dwelling and advises that There would be a small positive benefit to the setting of the listed buildings and the historic gardens and parkland if these were removed and the removal of the garage would have a small benefit to the adjacent traditional red-brick agricultural outbuildings of the farm complex.

Raises concerns in respect of the proposed replacement dwelling. It would not be subordinate to the listed building in the manner which the existing development is. It would instead have the appearance of a high-status country house with a character and appearance related to that of the listed Easthorpe House and stable block but lacking an authentic historical tie to the listed building, its associated listed stable block or the listed animal pen.

The Conservation Officer advises that as a result the proposal would have the potential that people could confuse the new dwelling for something with an historic relationship to the listed buildings based on architectural style and proximity between structures as well as location within the historic gardens and parkland setting. There would also be a negative impact on the stable block in that it would be possible to perceive both the existing Easthorpe House and the proposed new dwelling as that to which the stable block belongs. Though some architectural elements may be affected by modern building regulations, understanding the building as a modern structure would rely on close-up viewing by someone with detailed knowledge of modern construction or examination of historic maps and these should not be relied upon as a substitute for well-designed developments within the setting of heritage assets.

Whilst there is some screening between the new dwelling and the heritage assets, the Conservation Officer advises that his can only mitigate negative impacts, rather than removing impacts, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets.

Concerns are raised that a lack of garaging for this type of dwelling could lead to pressure for further development on the plot, which would further exacerbate the concerns outlined above.

The harmful impact to the listed buildings is considered to be avoidable and without clear and convincing justification. It is the view of the Conservation Officer that the harm would not be outweighed by the removal of the existing structures related to Easthorpe Gardens. The siting of the proposed dwelling on undeveloped land would have a negative impact to the historic gardens and parkland, by further eroding to a small degree the character of the historic gardens and parkland. This would have a minor harmful effect on the significance of the NDHA.

The Conservation Officer considers that the proposal would cause harm to the significance of the Listed Buildings and their setting. It is not considered that it would harm the character and appearance of the Conservation Area. With regards to the NDHA that is the historic gardens and parkland to which the designated heritage assets relate, it is considered that it would have a minor negative effect upon the heritage assets significance. The harm is considered to be less than substantial harm between the lower to middle end of the scale. As a result, the proposal would fail to achieve the objective described as desirable within Section 66 of the Planning (Listed Buildings and Conservation

Areas) Act 1990 of preserving the building or its setting or any features of special architectural or historic interest which it possesses and would thus engage a strong and statutory presumption against granting planning permission.

As the level of harm is considered less than substantial permission could still be granted if it is concluded that public benefits outweigh harm through application of the test within Paragraph 208 of the NPPF (revised Dec 2023).

In accordance with Paragraph 210 of the NPPF (revised Dec 2023): The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

18. Nottinghamshire County Council as Highway Authority – raises no objection.

19. Rushcliffe Borough Council Ecology and Sustainability Officer – advises that the Summary Ecological Note and Bat Survey Report appears to have been completed according to good practice and are in date until July 2025.

Advises that the proposal is unlikely to have a harmful impact on protected species and no nationally designated sites are likely to be directly impacted by these works.

Recommendations for avoidance and enhancement measures should be conditions of any planning permission granted.

Mandatory biodiversity net gain applies to this application. A BNG metric has been supplied and appears to have been completed according to good practice. Conditions would be required to secure the BNG identified in the metric.

20. Rushcliffe Borough Council Senior Design and Landscape Officer - advises that the proposal would have a detrimental impact on the openness of the Green Belt. The argument that the proposed building may not differ significantly to the house and outbuildings to be removed in terms of volume, however, it will create a higher structure that would be located in the most prominent part of the site where it will be visible from the public rights of way to the north. A such the openness of the Green Belt would be negatively affected. Indicative landscaping is proposed in the rear garden which may help to screen the building, but no details are given, and it is likely the building has been positioned to enable views over the countryside to the north. Concerns are raised regarding future development pressure for a garage given the stature of the dwelling and number of parking bays proposed.

It appears three trees would need to be removed to enable development. No objection is raised to the removal of these trees in principle, although there are no details within the application regarding trees to be removed and retained and no detailed landscaping plan has been provided. If permission was to be granted conditions in respect of tree protection measures and a detailed landscaping plan should be included.

21. Rushcliffe Borough Council Environmental Health Officer - raises no objection subject to condition in respect of potential contamination.

Local Residents and the General Public

22. Letters have been sent to neighbouring residents and a site notice posted at the site. Two letters from members of the public have been received, one supporting the application and one objecting to it.

23. Reasons for support can be summarised as follows:

- It would be an improvement to the current house
- The design is appropriate
- It is a secluded location with no public views, in a large plot with no close neighbours.

24. Reasons for objection can be summarised as follows:

- Overlooking of neighbouring property
- Design considerations have not taken into account boundary neighbour, Woodlands, 143 Loughborough Road
- The plot is extensive and property could therefore be built further south.

Full comments can be found here

PLANNING POLICY

25. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2) and Ruddington Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

26. The relevant policy considerations in the NPPF are:

- Paragraph 11c)
- Chapter 5 (Delivering a sufficient supply of homes)
- Chapter 11 (Making effective use of land)
- Chapter 12 (Achieving well- designed and beautiful places)
- Chapter 13 (Protecting the Green Belt)
- Chapter 15 (Conserving and enhancing the natural environment)
- Chapter 16 (Conserving and enhancing the historic environment).

Full details of the NPPF can be found here.

Relevant Local Planning Policies and Guidance

27. The relevant policy considerations in the LPP1 are:

- Policy 1 (Presumption in Favour of Sustainable Development)
- 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 (The Historic Environment)
- Policy 14 (Managing Travel Demand)
- Policy 17 (Biodiversity).

28. The relevant policy considerations in the LPP2 are:
    - Policy 1 (Development Requirements)
    - Policy 12 (Housing Standards)
    - Policy 18 (Surface Water Management)
    - Policy 21 (Green Belt)
    - Policy 28 (Conserving and Enhancing Heritage Assets)
    - Policy 37 (Trees and Woodlands)
    - Policy 38 (Non-designated Biodiversity Assets and the Wider Ecological Network).

29. The Relevant Policies in the Ruddington Neighbourhood Plan are:
    - Policy 8: Traffic and New Development
    - Policy 9: Parking
    - Policy 10: Conservation Area
    - Policy 11: Non-designated Heritage Assets
    - Policy 12: Views, vistas, landmarks and gateways
    - Policy 16: Ruddington Design Guide
    - Policy 17: Sustainable Design
    - Policy 19: Biodiversity in new developments
    - Policy 21: Green infrastructure network
    - Ruddington Design Guide Part 2: A2, A3, D1, D2, E1, G1, G3.

30. The Rushcliffe Residential Design Guide is also a material consideration.

31. The full text of the policies in the LPP1, LPP2, and Ruddington Neighbourhood Plan together with the supporting text can be found in the Local Plan documents on the Council's website at: Planning Policy - Rushcliffe Borough Council.

32. Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) also requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

33. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a Listed Building or its setting, special regard is to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

APPRAISAL

34. 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.

35. Policy 3 (Spatial Strategy) of the LPP1 identifies the settlement hierarchy for sustainable development which should be focused on the main built-up area of Nottingham; and six Key Settlements identified for growth. Outside of these areas, development should comprise limited infill within settlements to meet local need. Whilst Ruddington is identified as a key settlement for growth, the application site is located in the Green Belt beyond what would be identified as the settlement boundary for the village. However, the proposal is for a replacement dwelling, rather than additional dwellings, and as such it is considered that the proposal would not be contrary to the aims of Policy 3.

36. The main matters for consideration in the determination of this application are therefore whether or not the proposal would be inappropriate development in the Green Belt, design and impact on the character of the area and nearby heritage assets, impact on neighbouring amenity, ecology impacts, and highway safety considerations.

Green Belt

37. The application site is set within the Nottingham-Derby Green Belt. Policy 21 of the LPP2 sets out that applications for development in the Green Belt will be determined in accordance with the NPPF.

38. Paragraph 142 of the NPPF advises '*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.'*

Paragraph 143 advises that *'Green Belt serves five purposes:*

a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'

39. Paragraph 152 of the NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.* Paragraph 153 sets out that when considering any planning application, *'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

40. Paragraph 154 sets out development that should be regarded as exceptions to inappropriate development.

Exceptions to this include

a) buildings for agriculture and forestry;

b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
e) *limited infilling in villages;*
f) *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

- *not have a greater impact on the openness of the Green Belt than the existing development; or*

- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

41. In considering the exceptions listed in paragraph 154 the Planning Statement submitted in support of this application suggests that the replacement dwelling should be considered against criteria d). The NPPF does not define materially larger, and appeal decisions can be found that state even 1% increase in volume can be regarded as materially larger and therefore inappropriate development. In these cases judgement will need to be made on the scale, massing and volume of each individual case.

42. The existing dwelling is a single storey detached property, albeit with accommodation in the roof space, located to the west side of the application site. The proposed dwelling would be located on the northern part of the site, in a location that is currently absent of built form. There is no overlap in respect of the footprint of the existing dwelling and the proposed dwelling.

43. As per the Planning Statement provided with the application, the existing dwelling has a volume of 858m³, with the proposed dwelling to have a volume of 1514m³. The proposed dwelling would therefore be circa 176% of the size of the existing dwelling in volume terms, resulting in a new dwelling that is significantly larger than the existing dwelling.

44. The Planning Statement points to the proposed demolition of a number of outbuildings, notably the garage, outbuilding in the west garden, hen house in the west garden, and pavilion in the south garden, suggesting they form part of the existing dwelling and should therefore be considered when calculating the size of the existing dwelling. The buildings in the west garden are circa 10m from the existing dwelling, the existing garage is approximately 19m from the dwelling and the pavilion is approximately 23m from the dwelling. When these buildings are taken into account as part of the existing dwelling, the existing volume is calculated to be 1181.4m³, and the proposed dwelling would therefore equate to an increase in volume of 28%.

45. The Council does not have any policy regarding what distance an outbuilding must be from the existing building to enable it to be considered as part of the original building for the purposes of determining what size a replacement dwelling could be. It is generally considered that outbuildings within 5m of the main dwelling could count towards the size of the existing building, although in the absence of specific policy on this matter it is a matter of fact and degree to consider on a case by case basis.

46. In this instance the outbuildings identified are all located a considerable distance from the main dwelling. Whilst the outbuildings to the west of the dwelling hold some visual and spatial relationship to the existing dwelling by virtue of being located within the enclosed garden of the dwelling, the garage and pavilion building lack a visual or spatial relationship, with the garage being more closely associated with the farm buildings to the east of the site and the pavilion appearing as a standalone building some 23m from the dwelling. No information has been provided as to when the buildings were erected and as such their relationship with the existing building cannot be established at this time. Therefore, it is considered that the outbuildings identified should not count towards the volume of the existing dwelling of the purposes of establishing whether or not the proposed dwelling would be materially larger.

47. Within the Planning Statement reference is made to a 2022 High Court Ruling of a Warwick District Council decision on the application of National Green Belt Policy to outbuildings in the Green Belt and how they should be considered in regard to the dwelling. The High Court ruling does indeed state that an extension can be detached from the main dwelling. However, this ruling does not require that all outbuildings should be considered to form part of the main dwelling, this is a matter of fact and degree to be considered on a case by case basis. In the judgement case, significant consideration is given to the relationship between the outbuilding and host dwelling in terms of how it is used, how it was built and how it relates to the principal dwelling. Such information is not provided with this application to demonstrate that the outbuildings in question should be considered to be part of the residential dwelling. It is unclear how the outbuildings are used in relation to the existing dwelling, and whether or not the outbuildings are original to the dwelling is also unclear. The garage and pavilion in particular are physically isolated from the dwelling on land that could be regarded as being located outside of the residential curtilage of the dwelling, another factor that has not been clearly demonstrated. As such it is considered that the application fails to demonstrate that the outbuildings should be considered as part of the residential dwelling for the purpose of assessing whether or not the proposed replacement dwelling would be materially larger.

48. Notwithstanding the above, ‘materially larger’ is not defined within the NPPF and such a determination should not be made on a purely volumetric basis, but by taking in a range of considerations such as scale, bulk, massing and footprint of the new dwelling. The existing dwelling is a 1.5 storey building with a limited maximum height of circa 5.8m, with much of the built form being at a lower level. In contrast the proposed dwelling would be 2 storeys, with a maximum height of 7.3m. The design of the building would include a hipped roof, with a reasonably shallow pitch, further enhancing the mass of the proposed building.

49. Whilst the Council's view is that the outbuildings identified should not count towards the volume of the existing dwelling, even if they were to do so the outbuildings are small, single storey structures that are spread throughout the application site. The garage is located in close proximity to the existing buildings associated with the neighbouring agricultural buildings to the east of the site, whilst the buildings to the south and west are positioned tight to the boundary of the site. It is therefore considered that the demolition of these buildings, along with the existing 1.5 storey dwelling, would not be comparable to the added massing and scale of the new dwelling proposed as part of this application.

50. Given the matters as outlined above, the scheme is not considered to be an exception to inappropriate development in accordance with paragraph 154 d) of the NPPF on the basis that the replacement dwelling would be materially larger than the building it is to replace. There are no other exceptions within paragraph 154 or 155 that the proposal would comply with. Furthermore, the replacement dwelling would be located on an undeveloped parcel of land that does not overlap with the footprint of the existing building. The introduction of substantial built form would result in encroachment into the countryside, contrary to one of the purposes of the Green Belt as defined by paragraph 143 c) of the NPPF.

Very special circumstances

51. As advised above the NPPF states at paragraph 153 that *'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

52. A specific case for very special circumstances has not been put forward as part of the application in the event that the proposal is not determined to be an exception to inappropriate development. However, the Planning Statement identifies perceived benefits of the proposal, including an energy efficient design, biodiversity net gain and benefits to existing heritage assets.

53. The Planning Statement advises that the proposed dwelling would result in energy reduction and sustainability improvements by some 80%. This is supported by a document prepared by ALH Building Services Design comparing the energy efficiency of the existing dwelling against the proposed dwelling. The document sets out how the proposed dwelling would be constructed using modern materials that would be more energy efficient than those used on the existing dwelling. It is also proposed to install a ground source heat pump, mechanical ventilation heat recovery system, and solar panels. Whilst the benefits of a more energy efficient dwelling are accepted, the construction of any replacement dwelling regardless of design would require some improvement in this regard due to advances in building materials and building regulations since the existing dwelling was constructed. Whilst the proposed measures to improve the energy efficiency of the dwelling are accepted, they do not include measures that are not already uncommon in modern building practices. As such, the energy efficiency of the proposed dwelling is given limited weight when considering benefits that outweigh harm to the openness of the Green Belt, or any other harm that results.

54. With respect to biodiversity net gain, it is noted the proposal would deliver biodiversity net gains of 46.1% in area habitats, and 117.16% in hedgerow units. However, such gains are not considered to be so significant as to result in benefits that would outweigh the harm identified.

55. With respect to energy efficient design and biodiversity net gains it is considered that the benefits identified as part of this application would not constitute very special circumstances that would outweigh the harm caused to the openness of the Green Belt.

56. The matter of impact on heritage assets is to be addressed in a subsequent section of this report.

57. A Landscape Visual Impact Assessment (LVIA) has been submitted with this application to assess landscape and visual effects in relation to the proposed development. The LVIA concludes that there are no long distance views of the site available, although that the site is visible from local receptors including nearby residences and for users of part of the public right of way to the north of the site.

58. The LVIA concludes that there is an opportunity to positively develop the site in terms of a replacement dwelling, and also to increase the openness of the site due to the proposed removal of outbuildings. The LVIA goes on to state that '*the proposals are very contained and have very limited effect on a small number of landscape and visual receptors.'*

59. In determining that the proposed removal of outbuildings would increase the openness of the site, the LVIA fails to appreciate that the outbuildings are all single storey structures, spread across the site and that the removal of these would coincide with the introduction of a substantial 2 storey dwelling that would be visible from surrounding properties and from the right of way to the north of the site.

60. Overall it is considered that the conclusions of the LVIA do not sufficiently demonstrate that the proposed development would not result in harm to the openness of the Green Belt, or the purposes for including land within the Green Belt as set out in paragraph 143 of the NPPF. Taking this into account along with the limited weight that can be afforded the perceived benefits of the proposal it is considered that the proposed development does not demonstrate that very special circumstances exist that would clearly outweigh the harm to the openness of the Green Belt. As such the proposal would be contrary to the aims of Policy 21 of the LPP2 and Section 13 of the NPPF. Any other harm will be considered below.

Impact on Heritage Assets

61. Policy 11 of the Rushcliffe LPP1 sets out that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Policy 28 Of the LPP2 sets out criteria against which proposals affecting heritage assets will be considered.

62. Policy 10 of the Ruddington Neighbourhood Plan sets out that applications within or adjacent to the Conservation Area will be supported in principle only

where they preserve or enhance its character or appearance and its heritage assets and follows the guidance stated within the Conservation Area Appraisal Management Plan. Policy 11 sets out that planning applications must take into account the impact of development on non-designated heritage assets in the village, seeking to protect and where appropriate enhance them.

63. Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

64. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a Listed Building or its setting, special regard is to be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

65. The application site is located close to three listed buildings: the Grade II listed Easthorpe House (within 50m), the Grade II listed Stable Block at Easthorpe House, occupied by Pump and Valve Service (sharing a boundary and therefore within less than 5m), and the Grade II listed Animal Pen at Easthorpe House (within 10m). It is part of the historic gardens and parkland around Easthorpe House, which is a non-designated heritage asset.

66. The proposal site is located just beyond the Ruddington Conservation Area's eastern boundary. According to the Conservation Area's Townscape Appraisal, the open fields southwest of proposal site are identified as positive open space containing identified significant trees and significant groups of trees, as well as a significant hedge.

67. The existing dwelling is a modest 20th century single storey bungalow with accommodation in the roof space. The bungalow, garden room and garage are of no special architectural or historic significance and as such no concerns are raised in the respect of the demolition of these buildings. Their removal would result in no harm to the heritage assets and there would be a small positive benefit to the setting of the listed buildings and the historic gardens and parkland if these were removed. The removal of the garage would also have a small benefit to the adjacent traditional red brick agricultural outbuildings of the farm complex which are classed as non-designated heritage assets.

68. The proposed dwelling would not be visible from the public realm within the Ruddington Conservation Area and as such it is considered that the proposal would not harm the special interest of the Conservation Area.

69. The proposed dwelling would be a substantial building which would have the appearance of a neo-classical/Georgian country house that cannot be said to be of its time. The neo-classical/Georgian architectural style and design, facing and roofing materials, glazing bar sash windows and detailing of the proposed dwelling would compete with the neo-classical/Georgian early C19 and mid C19 listed buildings at Easthorpe House. The proposed dwelling would not be subordinate to the listed building in the manner which the existing development is. It would instead have the appearance of a high-status country house with a character and appearance related to that of the listed Easthorpe House and stable block but lacking an authentic historical tie to the listed building, its

associated listed stable block or the listed animal pen.

70. The Grade II Listed stable block is located to the south west of the proposed dwelling, and would be approximately equidistant from the proposed dwelling and Easthorpe House. Due to the location and design of the proposed dwelling, it would be possible to perceive both the existing Easthorpe House and the proposed dwelling as the dwelling to which the Grade II Listed stable block belongs to and is historically associated with. Though some architectural elements may be affected by modern building regulations, understanding the building as a modern structure would rely on close-up viewing by someone with detailed knowledge of modern construction or examination of historic maps. However, in general the dwelling would be viewed from a distance whereby such detailed inspection would not be possible.

71. The design and siting of the proposed dwelling therefore has the potential to create confusion by giving the new dwelling the appearance of a property within a historic relationship to the listed buildings based on architectural style and proximity between the structures. Whilst some mature vegetation exists between the location of the proposed dwelling and the heritage assets, and there is potential for more landscaping and screening, such screening can only mitigate negative impacts rather than removing the impacts This would therefore be inadequate justification for development that results in harm to the heritage assets.

72. The harmful impact to the listed buildings is considered to be avoidable and without clear and convincing justification, as advised by the Council's Conservation Officer, the harm would not be outweighed by the potential benefits that would amount from the removal of the existing dwelling and outbuildings.

73. The materials and architectural detailing have been chosen to be in keeping with properties in the surrounding area, such as the nearby Easthorpe House, and as such the proposed materials would not conflict with the requirements of Design Code D1 and D2, which require materials to be justified through a study of local vernacular within the relevant character and relevant context and architectural detailing to be consistent with the immediate character area context. However, the proposed materials and detailing contribute to the appearance of a building that would compete with Easthorpe House.

74. The Conservation Officer is also of the view that the siting of the proposed dwelling on undeveloped land would have a negative impact to the historic gardens and parkland, by further eroding to a small degree the character of the historic gardens and parkland. This would have a minor harmful effect on the significance of the historic gardens and parkland which are non-designated heritage assets. This harm is identified by the Conservation Officer as being at the lower to middle end of less than substantial and as such permission could still be granted if it is concluded that public benefits outweigh harm through application of the test within Paragraph 208 of the NPPF. However, it is considered in this instance that there would be insufficient public benefits to outweigh the harm to the non-designated heritage asset. It is noted that the applicant has submitted a further supporting document referring to previous pre-application advice and comments from the Conservation Officer however the document does not provide any further heritage supporting information which would alter the above consideration.

75. Taking the above into account it is considered that the proposed dwelling, by virtue of its architectural style and design, facing materials and siting, would cause harm to significance and setting of the Grade II Listed Easthorpe House, and the Grade II Listed Stable Block to the south west of the application site, and the historic gardens and parkland which is a non-designated heritage asset. The proposal would therefore be contrary to Policy 11 of the LPP1, Policy 28 of the LPP2, Policy 11 of the Ruddington Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Design and Impact on the Character of the Area

76. Core Strategy Policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions, materials, architectural style and detailing. This is reinforced under policy 1 of the Local Plan Part 2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.

77. Chapter 12 of the NPPF concerns achieving well-designed places. Specifically it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place.

78. The proposed dwelling would be located on an open part of the site that is currently absent of any built form. The proposal would introduce a substantial, 2 storey dwelling that would be visible from the public right of way to the north of the site and with potential glimpses available from Flawforth Lane to the south. Whilst the dwelling would not be prominent from the public realm it would introduce a substantial built form to a currently open part of the site. The openness is a key characteristic of the rural location and the reduction in openness and significant increase in built form is considered to be harmful to this key characteristic. The proposal would therefore fail to reinforce the valued local characteristics which include the openness of the area on which the proposed development would be located.

79. Map 7 within the Ruddington Neighbourhood Plan identifies key views, vistas, landmarks and gateways within the Design Guide area, with Policy 12 setting out that all development should, where relevant, demonstrate how it protects and enhances such aspects. Map 7 identifies key views looking north towards Easthorpe House from Flawforth Lane (view 4). Whilst glimpses of the proposed development may be possible from this location, the proposed dwelling would be located beyond Easthorpe House and as such would not result in the closing of this view. As such the proposed development would not be contrary to Policy 12 of the Neighbourhood Plan on the basis to would not result in the closing of the key views.

80. As set out earlier in this report, it is considered that the proposed dwelling would result in harm to the setting of the Grade II Listed Easthorpe House and

Stables by virtue of its massing, scale, proportions, materials, and architectural styling. Whilst the dwelling has a design that could be considered reasonable in isolation, Policy 10 of LPP1 requires proposals to have regard to the local context and to reinforce valued local characteristics. The proposal fails to acknowledge that in this location a new dwelling should have a clearly subordinate appearance to the important buildings within its surroundings. As such the proposal fails to have regard to its local context and fails to reinforce valued local characteristics.

81. Design Codes A2 and A3 of the Ruddington Neighbourhood Plan relate to building heights and siting of new dwellings. The proposed development would not directly conflict with these design codes when considered in isolation, however, the proposal must be considered in the context of its surroundings which in this respect include the location within the Green Belt and in proximity to the heritage assets.

82. Overall it is considered that due to the siting of the proposed dwelling on an undeveloped area of land, and the design of the proposed dwelling notably with respect to its architectural style, size, massing, proportions and materials, it would fail to have regard to its local context and would fail to reinforce valued local characteristics. The proposal would therefore be contrary to Policy 10 of the LPP1 and Policy 1 of the LPP2.

Amenity

83. Core Strategy policy 10 states that development should be assessed in terms of its impact on the amenity of occupiers and nearby residents. This is reinforced under policy 1 of the Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.

84. The proposed dwelling would be set approximately 6.5m from the west boundary of the application site. The neighbouring property to the west, No. 143 Loughborough Road, is set well in from the boundary with the application property and is set within a large plot. Immediately adjoining the west boundary with the application site is an area of solar panels which provide further separation to any amenity areas for the neighbouring property. As such it is considered that sufficient separation, relative to the size of development proposed would be provided to prevent unacceptable overbearing or overshadowing impacts for the residents of No. 143.

85. There would be first floor windows on the west side elevation facing towards No. 143. These windows would serve Bedroom 1, Bedroom 3 and a bathroom. A balcony serving Bedroom 1 is also proposed. The first floor part of the dwelling would be set in a further 6.5m from the boundary, and the windows serving the bedrooms could be conditioned to be obscurely glazed and non-opening to 1.7m above the floor level as they are secondary windows serving these rooms. The bathroom window could be similarly conditioned given that it would not serve a principal living room. The proposed balcony would be towards the front of the building and as such would be approximately 13m from the west boundary of the site. The vantage point from the balcony to No. 143 would be largely obscured by existing vegetation, which in addition to the additional separation distance would mitigate against unacceptable overlooking.

86. The proposed dwelling would be approximately 18m from the north boundary of the application site. To the north of the boundary is a manège. The separation distance between the proposed dwelling and the north boundary of the site is considered to be sufficient to ensure no unacceptable overbearing, overshadowing or overlooking impacts would result from the proposed dwelling.

87. The proposed dwelling would be approximately 10.5m from the east boundary of the site with Easthorpe Farm, with the separation distance at first floor level being approximately 16.5m. Relative to the scale of development proposed it is considered that this is sufficient to ensure that the proposed development would not result in an unacceptable overbearing, overshadowing or overlooking impact for the residents of the neighbouring property to the east.

88. The proposed dwelling would be located to the north of the site, a considerable distance from the south boundary. As such no concerns are raised in respect to the impact of the proposed development on the amenity of any neighbouring residents to the south.

89. The proposed dwelling would offer a substantial amount of living space with adequate natural light and ventilation. There would also be adequate private amenity space. The proposed dwelling would be in the vicinity of existing residential properties and whilst there are also agricultural uses in the surrounding area it is considered that these would not have an unacceptable impact on the amenity of any future occupiers of the dwelling.

90. The proposal is considered acceptable in terms of occupier amenity and neighbouring amenity and it therefore complies with the relevant aspects of Policy 10 of the LPP1 and Policy 1 of the LPP2.

Highway Safety

91. The proposal has been reviewed by the Nottinghamshire County Council Highway department and no objection has been raised. The proposed access for the dwelling would be via a new access track from the private road, with this driveway having already been approved to serve the existing dwelling under planning application 23/01940/FUL. The access point therefore whilst altered from the existing, is considered acceptable in principle.

92. The proposal is for a replacement dwelling and as such journeys to and from the property would be similar to those that exist at present. Therefore no highway safety concerns would result from the proposal.

93. The property would have 4 bedrooms, and in accordance with the Nottinghamshire County Council Highway Design Guide this would have a requirement for a minimum of 3 parking spaces, with 4 spaces being shown on the proposed site plan as required by Design Code G1 of the Ruddington Neighbourhood Plan. It is noted that the Conservation Officer and Senior Design and Landscape Officer highlight that a dwelling of this size would typically command a garage, which is not proposed as part of this application, thus raising concerns about potential future applications should this be granted. Whilst these are valid points to raise, the application must be considered on the basis of what has been submitted at this time, with potential

future development as identified not being a material consideration in this case. Should permission for the dwelling be granted, any subsequent applications for further development of the site would be considered on the merits of the application at the time.

94. Design Code G3 of the Ruddington Neighbourhood Plan requires that covered and secure cycle parking should be provided. Whilst there is no clear reference to this as part of the application, the proposed dwelling would have ample space within it, for example in rooms such as the utility boot room and plant room, which could be utilised for cycle parking if required.

95. Overall it is considered that the proposal would not result in highway safety concerns.

Ecology

96. Policy 38 of the Local Plan Part 2 states that, where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity.

97. The application is supported by a Summary Ecological Note and Bat Survey Report which confirms no presence of protected species within the buildings. The survey identified two trees with potential to support bat roosts, although these trees would not be required to be removed as part of the proposal. Opportunities for foraging and nesting birds are also present within scrub and trees through the application site. Areas of scrub also provide some limited opportunities for reptiles.

98. The Council's Senior Ecology and Sustainability Officer has reviewed the application and advises that it appears unlikely there would be any significant impacts on these species and uses. No nationally designated sites are likely to be directly impacted by the proposal. Avoidance and enhancement measures are recommended within the Bat Report and such measures should be conditioned if planning permission was to be granted.

99. Overall it is considered unlikely that the development would have a detrimental impact on populations of protected species, subject to the recommended conditions.

100. The application is for a self/custom build dwelling and as such would be exempt from mandatory biodiversity net gain (BNG). However, the application seeks to demonstrate very special circumstances which include the provision of biodiversity net gain and as such a BNG metric has been provided.

101. The BNG assessment demonstrates a 1.25 unit (46.1%) gain in area habitats and 0.23 unit (117.6%) gain in hedgerow habitats, which would meet the requirements of mandatory BNG. Should planning permission be granted a Biodiversity Net Gain Plan/Landscape and Ecology Management Plan and associated landscape plans demonstrating how the gains would be achieved would need to be agreed by way of condition. Additionally a Habitat Management and Monitoring Plan would also need to be approved by way of condition.

102. Subject to the conditions as recommended above the proposed development would result in ecological enhancement across the site and as such would be in accordance with Policy 38 of the LPP2.

Trees

103. It appears that three trees would need to be removed to enable development. whilst no objection to the removal of these trees is raised in principle, no details regarding the removal of these trees has been provided and no further details in respect of trees or landscaping has been provided.

104. Design Code E1 of the Ruddington Neighbourhood Plan requires landscaping plans to be submitted where appropriate, demonstrating use of native species where possible. Should planning permission be granted Details in respect of landscaping and tree removal and protection measures could be conditioned. are required to be submitted by way of conditions.

105. The application site is within the Green Infrastructure Network as identified in Policy 21 of the Ruddington Neighbourhood Plan. In accordance with Policy 21 planning applications should demonstrate that they have preserved or enhanced the network of blue and green infrastructure and schemes that result in a loss of any features which make a significant contribution would normally be refused planning permission.

106. Whilst a landscaping plan has not been provided at this stage, the proposed development does not appear to result in the loss of any key features within the Green Infrastructure Network, and the BNG demonstrated would enable the network to be preserved subject to a suitable landscaping plan being submitted by way of condition.

Flood Risk

107. The application site is located within flood zone 1 and as such is not a risk of flooding. A scheme for surface water drainage could secured by conditioned.

Conclusions

108. For the reasons set out above it is considered that the proposed development would represent inappropriate development in the Green Belt with no very special circumstances demonstrated to justifying considering the proposal otherwise. The application would therefore be contrary to Policy 21 of the Rushcliffe Local Plan Part 2, and Section 13 of the NPPF.

109. The proposed development would also cause harm to the significance and setting of the Grade II Listed Easthorpe House, and the Grade II Listed Stable Block to the south west of the application site, and the historic gardens and parkland which is a non-designated heritage asset. The proposal would therefore be contrary to Policy 11 of the LPP1, Policy 28 of the LPP2, Policy 11 of the Ruddington Neighbourhood Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

110. Furthermore, it is considered that due to the siting of the proposed dwelling on an undeveloped area of land, and the design of the proposed dwelling notably with respect to its architectural style, size, massing, proportions and materials,

it would fail to have regard to its local context and would fail to reinforce valued local characteristics. The proposal would therefore be contrary to Policy 10 of the LPP1 and Policy 1 of the LPP2.

111. Whilst concerns are not raised in respect of impact on neighbouring amenity, highway safety, ecology and flood risk, these are considered to be neutral factors that would not outweigh the harm resulting from the proposed development. It is therefore recommended that planning permission is refused.

112. The proposal was the subject of pre-application discussions and the applicant and agent were made aware of the policy objections which identified unacceptable impacts of the proposed development. The applicant and agent chose to submit the application without making any amendments to the proposal. In order to avoid further abortive costs to the applicant, the application has been considered without further negotiation and it is recommended to refuse planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reasons:

1. **The proposed dwelling would be materially larger than the existing dwelling, and sited on an undeveloped area of land within the application site, thereby resulting in a greater impact on the openness of the Green Belt. The proposed development would therefore not fall within any of the exceptions to inappropriate development in the Green Belt listed under paragraph 154 of the NPPF, nor would it fall within the categories of certain other forms of development listed under paragraph 155 that are also not inappropriate, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.**

   The proposal would constitute an inappropriate and therefore harmful form of development for which 'very special circumstances' have not been demonstrated to clearly outweigh the harm arising. A decision to refuse planning permission would accord with paragraph 152 of the NPPF which states that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

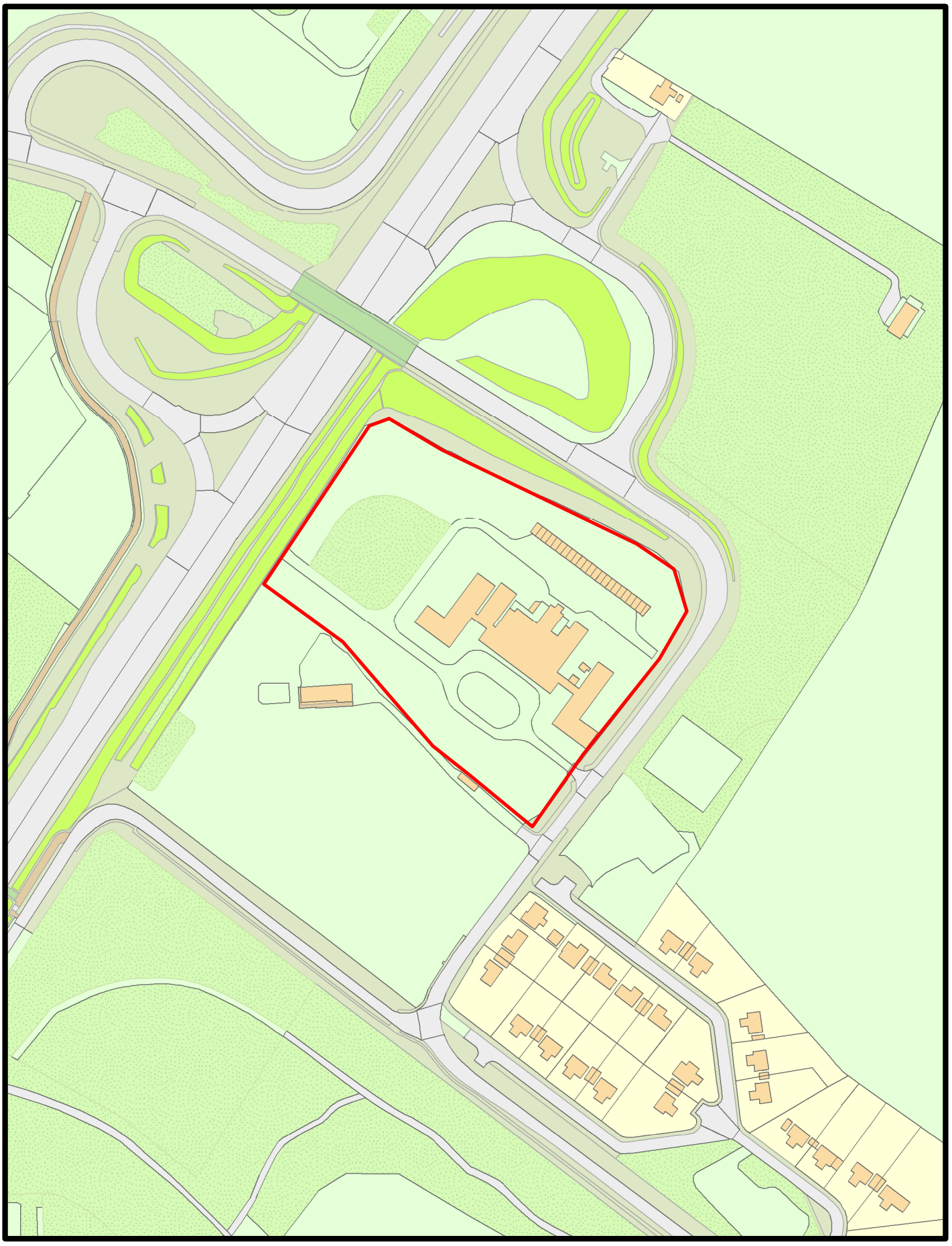
   The application is therefore contrary to Policy 21 of the Rushcliffe Local Plan Part 2 (2019) and the National Planning Policy Framework Section 13, particularly paragraphs 142, and 152 through to 155.

2. **The architectural style, size, massing, proportions, materials and siting of the proposed dwelling are such that it would not appear subordinate to the nearby Grade II listed Easthorpe House and as such could incorrectly be perceived as having a historic relationship with the Grade II Listed Building. Furthermore, the Grade II listed Stable Block at Easthorpe House would be approximately equidistant between the Grade II Listed Easthorpe House and the proposed dwelling and due to the design and appearance of the proposed dwelling it would be possible to perceive both the existing Easthorpe House and the proposed new dwelling as that to which the stable block belongs. The proposal would**

therefore have a harmful impact on the setting of the Grade II Listed Easthorpe House and the Grade II Listed Stable Block and insufficient public benefits have been demonstrated to outweigh this harm. As such the proposal would be contrary to the aims of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 11 of the Rushcliffe Local Plan Part 1, Policy 28 of the Rushcliffe Local Plan Part 2, and Section 16 of the National Planning Policy Framework.

3. **The proposed dwelling would be located within the non-designated heritage asset being the historic gardens and parkland to which the Grade II Listed Easthorpe House and associated buildings relate. The siting of the proposed dwelling on undeveloped land would have a negative impact to the historic gardens and parkland, by further eroding the character of the historic gardens and parkland and as such would be contrary to Policy 11 of the Rushcliffe Local Plan Part 1, Policy 28 of the Rushcliffe Local Plan Part 2, Policy 11 of the Ruddington Neighbourhood Plan, and Section 16 of the National Planning Policy Framework.**

4. **The proposed dwelling, due to its siting on an undeveloped area of land, and design notably with respect to its architectural style, size, massing, proportions and materials, would fail to have regard to its local context and would fail to reinforce valued local characteristics. The proposal would therefore be contrary to Policy 10 of the Local Plan Part 1 and Policy 1 of the Local Plan Part 2.**



Application Number: 24/01349/DEMOL
Former Islamic Institute
Inholms Gardens
Flintham
Nottinghamshire
NG23 5LQ

scale 1:2500

This page is intentionally left blank

Application Number: 24/01349/DEMOL
Former Islamic Institute
Inholms Gardens
Flintham
Nottinghamshire
NG23 5LQ

scale 1:2500

This page is intentionally left blank

24/01349/DEMOL

Applicant	Rushcliffe Borough Council
Location	Former Islamic Institute Inholms Gardens Flintham Nottinghamshire NG23 5LQ
Proposal	Prior Notification of demolition of former officers mess Islamic school buildings
Ward	East Bridgford

Full details of the proposal can be found here

THE SITE AND SURROUNDINGS

1. The application site relates to part of the former Islamic Institute (originally the Officers' Mess attached to RAF Syerston). The buildings on the site are currently derelict. The site is located to the northwest of the village of Flintham and outside of the Conservation Area.

2. The site is adjoined on its south-west side by the Flintham village cricket pitch, to the north-west by the A46(T) and to the south-east by Inholms Gardens, a group of former RAF dwellings.

3. There is a Tree Preservation Order present on the site which include both individual trees and a group of trees.

DETAILS OF THE PROPOSAL

4. The application submitted by Rushcliffe Borough Council Property Services is for a 'Prior Notification of Proposed Demolition'. All the buildings on the site (apart from the recently erected bat barn) are proposed to be demolished.

5. Information submitted with the application states that the demolition is to be completed by the end of November with the spoil cleared as soon as possible once the buildings have been removed. The only material that will be retained on site will be used to infill flooded basements. Removal of any features with bat roost potential will be performed by hand or hand tools followed by remote demolition.

6. Under the Town and Country Planning General Development Order 2015 (as amended) planning permission is not required for the demolition of the buildings (the demolition constitutes permitted development), but it is a requirement of the legislation that an application has to be submitted to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required to the method of demolition and any proposed restoration the site. Under the above legislation the demolition can commence if the application has not been determined within 28 days of receipt and the

applicant has not been informed that the prior approval of the authority is required.

7. Under the terms of the current constitution as the Borough Council is the applicant this application is brought to the Planning Committee for consideration.

RELEVANT SITE HISTORY

8. Outline planning permission (15/03060/OUT) for Redevelopment of the Former Islamic Institute for up to 95 Dwellings was granted in 22/09/2016. This permission has now expired.

9. A S215 Notice (Untidy Land Notice) has previously been served on the site to secure the buildings demolition. Surveys undertaken in connection with this matter revealed that the existing buildings on the site contain bat habitats and therefore compensation for any loss of habitats was required before demolition of the building could be undertaken.

10. Full planning permission (22/01426/FUL) for the construction of a bat barn was granted by the Planning Committee in September 2022. Work has commenced on its construction.

11. None of the steps required by the S215 notice have been complied with and Officers have the authority to pursue works in default of a section 215 notice for the demolition of the building.

12. An outline planning application (24/00981/OUT) is presently being considered for Outline planning permission for up to 114no. dwellings with all matters reserved, except for access. The applicant of the outline application is the owner of the site.

REPRESENTATIONS

Ward Councillor(s)

13. Ward Councillor Simms no comments yet received.

Town/Parish Council

14. Flintham Parish Council support the demolition of the site but would like confirmation that the site will be made safe and secure after demolition, ensuring there are no trespassers.

Statutory and Other Consultees

15. National Highways raise no objections to the proposal. The site is in excess of 30m distant from the nearest link to the Strategic Road Network and will not be adversely impacted by the demolition. The A46/ Flintham junction has spare operating capacity and will accommodate any traffic movements generated by the works.

16. Nottinghamshire County Council as Local Highways Authority have no highway objections.

Rushcliffe Borough Council:-

17. Senior Ecology and Sustainability Officer notes that a Natural England Mitigation Licence is in place for these works, this licence provides evidence that Natural England is satisfied that populations of protected species will not be detrimentally impacted by the works provided the works are completed in compliance with the licence. Therefore, there is no ecological objection to these works being completed in accordance with the Mitigation Licence.

18. Senior Landscape Officer requires a condition to ensure tree protection measures are in place in accordance with best practice. He considers that there is adequate space on site to achieve this so does not object to the proposed demolition. Details of the proposed tree and hedgerow protection has been provided and he raises no objection to the information. It is noted that a single cherry tree is to be removed which is a low quality specimen and due to its location at the heart of the access and demolition zone there is no objection to its removal.

19. Environmental Health Officer requested additional information in the form of a demolition method statement. This has been received and is considered satisfactory in terms of the measures proposed to minimise noise, vibration and dust emissions during the demolition works. It is noted that a crusher is intended on site and the applicant should be reminded that the operator should notify Environmental Health (as the regulator in whose area the mobile plant is to be operated) of where and when the crusher will be used. This will be a requirement of the environmental permit for the mobile crusher.

Local Residents and the General Public

20. A site notice was posted on site by the applicant as required by the legislation. No comments have been received.

PLANNING POLICY/ LEGISLATION

21. The application is to be determined Schedule 2 Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant National Planning Policies and Guidance

22. This is not a type of application that the Council needs to consider against national planning policy.

Relevant Local Planning Policies and Guidance

23. This is not a type of application that the Council needs to consider against national planning policy.

APPRAISAL

24. This is not a planning application, and the principle of demolition is not for consideration. The buildings are not Listed, within a Conservation Area, or within a use that is not permitted under Class B (e.g. drinking establishment,

concert hall, venue for live music or a theatre). The proposed development therefore constitutes 'Permitted Development' under the provisions of the Town and Country Planning (General Permitted Development Order) 2015, Schedule 2, Part 11, Class B .This legislation however requires that a prior notification application is submitted to the Local Planning Authority to determine whether its prior approval is required as to the method of demolition of the existing buildings on the site and the proposed restoration of the site.

25. With regard to the method of demolition following the initial comments of Environmental Health further information has been sought and a demolition method statement has been received. This document includes information such as hours of operation and how noise, vibration and dust will be managed. The Council's Environmental Health Officer has confirmed that this is acceptable.

26. In terms of ecology, it has previously been established that bats are present in the parts of the building and works are being undertaken to ensure the provision of a bat barn on site the details of which were previously granted under planning permission ref 22/01426/FUL. A Natural England licence has been sought and obtained and the Councils Environmental Sustainability Officer offers no ecological objection to these works being completed in accordance with the Mitigation Licence. The proposed method statement also makes reference to methods of demolition to deal with potential bats within the building.

27. There are trees present on site some of which are protected by a Tree Preservation Order. The Council's Landscape Officer has confirmed that the proposed method of protection of the trees and hedgerows during the demolition process is acceptable and a planning condition is proposed to ensure that such measures are complied with. The removal of a single cherry tree close to the building and entrance into the site is considered acceptable.

28. In respect to restoration of the site the applicant has confirmed that apart from some material being used to fill existing basements in the buildings spoil from the site will be removed from the site and the site cleared. This is considered appropriate and will protect the visual amenity of the area. In the interests of sustainability materials will be salvaged and recycled where possible. A condition is considered prudent to secure the site is cleared within the reasonable period of time.

29. The comments of the Parish Council are noted. Security of the site in the long term however remains the responsibility of the landowner.

30. Subject to conditions and to works being carried out in accordance with the submitted details it is considered that prior approval can be granted.

RECOMMENDATION

It is RECOMMENDED that prior approval is considered to be required and granted for the demolition of the building subject to the following conditions:-

1. **The development must be carried out within five years from the validation date of this application, that being the 14 August 2024 (which is the date**

on which the statement that a notice had been posted in accordance with paragraph B.2(b)(iv) was received.

[To comply with the condition contained within Paragraph B.2 (b)(viii)(bb) of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015].

2. **The demolition shall be carried out in accordance with the submitted demolition method statement (Proposed Scope and General Method Statement) received on the 27 August 2024 and the Demolition Works Plan dated June 2024 reference G/122/01.**

   [In order to comply with Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).]

3. **Within six months of the substantial completion of the demolition of the buildings, the site shall be cleared and left in a clean, clear, tidy and safe condition with all plant equipment, machinery and any rubble removed from site unless it has been demonstrated to the Borough Council that the materials are required in connection with any redevelopment of the site.**

   [In order to comply with Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).]

4. **The tree and hedgerow protection measures as detailed on plan reference G/1221/03 and within the method statement document submitted on the 27 August 2024 shall be installed prior to any demolition works commencing on site and shall be retained as approved during the demolition and clearance works.**

   [In order to comply with Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).]

Notes to Applicant

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.

You are reminded of the need to ensure an up to date Natural England License is in place in relation to the potential for disturbance of bats within the building.

It is noted that there is ae intention to use a crusher on Site and we would remind the applicant before operations commence, the operator should notify RBC Environmental Health (i.e. the regulator in whose area the mobile plant is to be operated) of where and when the crusher(s) will be used together with the serial number(s) of the plant involved. This will be a requirement of the environmental permit for the mobile crusher.

This page is intentionally left blank

Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference and link to Appeal decision notice	Comments/ Decision Date
23/01538/OUT	Land Between Old Rectory And Rectory Bungalow Station Road Elton	Outline planning permission for erection of a new dwelling and associated access arrangements with all other matters reserved	Allowed	Delegated	APP/P3040/W/23/3333187	05/07/2024
22/00319/FUL	Land To The West Of Wood Lane And Stocking Lane Kingston Estate Gotham	Installation of renewable energy generating solar farm comprising ground-mounted photovoltaic solar arrays, together with substation, inverter stations, security measures, site access, internal access tracks and other ancillary infrastructure, including landscaping and biodiversity enhancements	Dismissed	Committee	APP/P3040/W/23/3329235	08/07/2024
23/00886/FUL	Land To Rear Of Fieldfare Cottage And Westlands Main Street Thoroton	Proposal to demolish existing timber shed and development of two storey detached dwelling with external works and landscaping	Dismissed	Delegated	APP/P3040/W/23/3334200	16/07/2024

23/01368/FUL	Land To The Rear Of 21 To 23 Main Street Bradmore	Change of use to allow temporary static caravan and associated works	Dismissed	Non Determination	APP/P3040/W/23/3334815	22/07/2024

Planning Ref:	Address	Proposal or Breach	Appeal Decision	Decision Type	Planning Inspectorate Reference and link to Appeal decision notice	Comments/ Decision Date
23/01369/FUL	99 Melton Road, West Bridgford	The development proposed is the erection of a single storey one bedroom dwelling to the rear.	Allowed	Delegated	APP/P3040/W/23/3331860	05/08/2024
24/00234/FUL	39 Stanhome Drive, West Bridgford	Loft conversion includes raising of main roof, side and rear dormers includes windows to second floor side elevation. Single storey side extension with rear hipped roof to rear.	Dismissed	Delegated	APP/P3040/D/24/3344912	23/08/2024

This page is intentionally left blank