

When telephoning, please ask for: Martin Elliott
Direct dial 0115 914 8511
Email constitutionalservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 7 March 2018



**Rushcliffe Community
Contact Centre**
Rectory Road
West Bridgford
Nottingham
NG2 6BU

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 15 March 2018 at 6.30 pm in the Council Chamber - Rushcliffe Arena, Rugby Road, West Bridgford, Nottingham, NG2 7QP to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Glen O'Connell'.

Glen O'Connell
Monitoring Officer

AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
 - a) Under the Code of Conduct
 - b) Under the Planning Code
3. Minutes of the Meeting held on 15 February 2018 (Pages 1 - 8)
4. Planning Applications (Pages 9 - 120)

The report of the Executive Manager - Communities is attached.
5. Planning Appeals (Pages 121 - 126)

The report of the Executive Manager - Communities is attached.

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor J Stockwood
Councillors: B Buschman, N Clarke, R Jones, J Greenwood, Mrs M Males, S Mallender, M Edwards, Mrs J Smith and J Thurman

In person
Monday to Friday
8.30am - 5pm
First Saturday of
each month
9am - 1pm

By telephone
Monday to Friday
8.30am - 5pm

Telephone:
0115 981 9911
Email:
customerservices@rushcliffe.gov.uk

www.rushcliffe.gov.uk

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



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.



**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY 15 FEBRUARY 2018**

Held at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

Councillor R L Butler (Chairman)
Councillor J A Stockwood (Vice-Chairman)

Councillors B R Buschman, J N Clarke M J Edwards, R Hetherington
(substitution for J E Greenwood), R M Jones, S E Mallender, Mrs J A Smith
and J E Thurman

OFFICERS IN ATTENDANCE

T Coop	Constitutional Services Officer
E Dodd	Principal Area Planning Officer
M Elliott	Constitutional Services Team Leader
I Norman	Legal Services Manager
A Pegram	Service Manager – Communities

ALSO IN ATTENDANCE

Councillor R Upton
20 members of the the public

APOLOGIES FOR ABSENCE

Councillors J E Greenwood and Mrs M M Males

34. DECLARATIONS OF INTEREST

17/02292/OUT – Land off Lantern Lane, East Leake – Councillor Thurman declared a non-pecuniary interest as he personally knew the owner of the land.

17/02812/FUL – 58 Crosby Road, West Bridgford – Councillor Jones declared a non-pecuniary interest as he personally knew the resident at 56 Crosby Road who had objected to the application.

17/02812/FUL – 58 Crosby Road, West Bridgford – Councillor Mallender declared a non-pecuniary interest as the ward Councillor for Lady Bay and as she personally knew the resident at 56 Crosby Road who had objected to the application.

35. MINUTES

The Minutes of the Meetings held on Thursday 11 and Thursday 25 January 2018 were confirmed as a correct record and signed by the Chairman.

36. PLANNING APPLICATIONS

The Committee considered the written report of the Executive Manager - Communities relating to the following applications, which had been circulated previously.

Councillor Thurman who had declared an interest in the following application left the room and did not take part in the subsequent discussion or vote. Councillor Hetherington as ward Councillor for Leake withdrew from the committee at this point.

Item 1 – 17/02292/OUT - Outline planning application for the erection of up to 195 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Lantern Lane LE12 6QN. All matters reserved except for means of access. - Land Off Lantern Lane, East Leake, Nottinghamshire.

Updates

Representations received from the from three local residents objecting to the application, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Carys Thomas (objector), and Councillor Ron Hetherington (ward Councillor on behalf of Councillor Mrs Marie Males) addressed the meeting.

DECISION

REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS

1. The proposal would comprise residential development of a greenfield site outside of the built up part of the settlement. The site is not allocated for development in the development plan and, although East Leake is identified as a key settlement for growth in Policy 3 of the Rushcliffe Core Strategy, the development would exceed the minimum target of houses to be provided in and around East Leake by over 150% when considered cumulatively with schemes already granted planning permission. This level of housing delivery for East Leake would be contrary to the Council's housing distribution strategy set out in Policy 3 and would lead to the unplanned expansion of development significantly beyond the established built edge of the village with resultant adverse impact on its rural setting and adverse impact on access to services.
2. It has not been demonstrated that a suitable access to serve the new development can be provided or that the traffic generated by the proposed

development would not result in an unacceptable increase in danger to the users of the highway due to the use of the access. The proposal would therefore be contrary to the provisions of Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan, which states that planning permission for changes of use and new development will be granted provided that, inter alia;

- b) A suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety, the provision of parking is in accordance with the guidance in the County Council's parking provisions for new developments and the design of the proposal accords with guidance produced by the Highway Authority

Councillor Thurman and Councillor Hetherington re-joined the meeting at this point.

Item 2 – 17/02829/FUL - Single storey rear extension, extension of raised terrace, new front wall and sliding gate, replacement windows and Juliet balcony. - 101 Wilford Lane West Bridgford Nottinghamshire NG2 7RN.

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mr Stephen Duckworth (objector) addressed the meeting.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT 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: 11224/10 (Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Roof Plan), received on 28 November 2017; and 11224/11A (Proposed Front Elevation, Proposed Rear Elevation, Front Wall and Entrance Detail), 11224/18B (Proposed Block Plan), and 11224/12A (Proposed Side Elevations), received on 22 January 2018.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The replacement first floor windows to both side elevations of the dwelling shall be rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. Prior to the extension and raised terrace hereby approved being brought into use, a close boarded fence with a height of 1.8 metres above the level of the terrace shall be erected on the south west and north east boundary along the full depth of the terrace, as shown on drawing number 11224/18B. Thereafter the fence shall be retained and maintained for the life of the development.

[To ensure a satisfactory development in the interests of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to 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.

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

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

Item 3 – 17/02884/FUL - Proposed car port, widening of driveway and associated works - Weir House Main Street Hickling Nottinghamshire LE14 3AQ.

Updates

There were no updates reported.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT 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 materials to be used on the proposed development shall be as described in the application as amended by the e-mail from the applicant's agent dated 23rd January 2018, confirming that the car port would be finished in white.

[To ensure the appearance of the development is satisfactory and to comply with Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

3. No development shall take place 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 EN13 (Landscape Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of the development in advance of the submission of a landscaping scheme could result in insufficient space being available to carry out a satisfactory scheme].

4. The development shall be carried out in accordance with the submitted plans 134/01/C and 134/03/D and the email from the applicant's agent dated 23rd January 2018, confirming that the car port would be finished in white.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Councillor Jones and Councillor S Mallender who had declared an interest in the following application, left the room at this point and did not take part in the subsequent discussion or vote.

Item 4 – 17/02812/FUL - Single storey rear extension, internal alterations and raised deck/patio to rear. - 58 Crosby Road West Bridgford Nottinghamshire NG2 5GH.

Updates

There were no updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee, Mrs Hannah Nicols (applicant), and Mrs Rosalind (objector) addressed the meeting.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT 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(s): 504 002 rev E.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The extension(s) hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The windows in the southern elevation of the extension hereby approved (excluding the roof-lights) shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter the windows shall be retained to this specification unless otherwise agreed in writing by the Borough Council. No additional windows shall be inserted in this elevation without the prior written approval of the Borough Council.

[In the interests of the amenities of neighbouring properties and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

NOTES TO APPLICANT

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

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.

Councillor Jones and Councillor S Mallender re-joined the meeting at this point.

Item 5 – 17/02962/FUL - Two storey rear extension, single storey extension to front of garage, insert window in side elevation. - 129 Main Street Willoughby On The Wolds Nottinghamshire LE12 6SY.

Updates

There were no updates reported.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT 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(s): 362.03A, 362.04A and 362.05A.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].


3. The extension(s) hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

The meeting closed at 8.12pm.

CHAIRMAN

This page is intentionally left blank

 <p>Rushcliffe Borough Council</p>	<p>Planning Committee</p> <p>15 February 2018</p> <p>Planning Applications</p>	<h1>4</h1>
---	---	------------

Report of the Executive Manager – Communities

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 <http://www.rushcliffe.gov.uk/councilanddemocracy/meetingsandminutes/agendasandminutes/>. 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 Executive Manager - Communities, 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
17/02658/FUL	21 Kendal Court, West Bridgford, Nottinghamshire, NG2 5HE Demolition of bungalow and erection of 10 apartments with associated parking.	13 - 33
Ward	Abbey	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
17/02871/OUT	Land To North of Cliffhill Lane, Aslockton, Nottinghamshire Outline application for the erection of up to 9 dwellings together with associated access, landscaping and other infrastructure works.	35 - 58
Ward	Cranmer	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
17/02703/OUT	Land East of 6 Orston Lane, Orston Lane, Whatton, Nottinghamshire Erection of 3no. residential dwellings and associated vehicular access.	59 - 71
Ward	Cranmer	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		

Application	Address	Page
17/02907/FUL	White House, Nicker Hill, Keyworth, Nottinghamshire, NG12 5EA	73 - 83
	Erection of a detached, one-bedroomed dwelling with integral garage.	
Ward	Keyworth and Wolds	
Recommendation	Planning permission be refused	
17/01855/FUL	OS Field 0004 Partial Flintham Lane, Sibthorpe, Nottinghamshire	85 - 100
	Erection of building for the storage of agricultural vehicles, machinery and equipment for the repair of agricultural machinery and implements.	
Ward	Thoroton	
Recommendation	Planning permission be granted subject to conditions	
17/02327/FUL	Bunnistone Cottage, 1 Bunnison Lane, Colston Bassett, Nottinghamshire, NG12 3FF	101 - 110
	Single storey extension to north west elevation to create dining area and dormer extension above, addition of small store attached to garage, 2 roof lights to south east roof slope	
Ward	Nevile and Langar	
Recommendation	Planning permission be granted subject to conditions	
17/02936/FUL	5 Harby Lane, Colston Bassett, Nottinghamshire, NG12 3FJ	111 - 119
	Demolish existing garage and construct two storey side extension.	
Ward	Nevile and Langar	
Recommendation	Planning permission be granted subject to conditions	

This page is intentionally left blank



Application Number: 17/02658/FUL

21 Kendal Court, West Bridgford

scale 1:1000



This page is intentionally left blank

17/02658/FUL

Applicant Mr Kevin Hard

Location 21 Kendal Court, West Bridgford, Nottinghamshire, NG2 5HE

Proposal Demolition of bungalow and erection of 10 apartments with associated parking.

Ward Abbey

THE SITE AND SURROUNDINGS

1. The application relates to a triangular site located within the main built up area of West Bridgford which is currently in residential use housing a single bungalow and detached garage. The site's northern boundary adjoins the Grantham Canal, its southern boundary adjoins Kendal Court, a private residential cul-de-sac, and its remaining boundaries are shared with neighbouring residential properties within Kendal Court. The application site contains the only bungalow on Kendal Court, the predominant building type is two storey semi-detached properties split into four maisonette style flats.
2. The bungalow appears to have been empty for some time, there are gardens to the front and rear of the property. The rear garden is laid mainly to lawn with some shrub planting along the boundaries. The front garden has more structured planting and a small green house located adjacent to a detached garage. The site has a frontage onto the canal towpath of approximately 70m in length. A hedge located along part of this boundary has recently been cut down and a timber fence has been removed. There is a dwarf wall with timber panels above located along the boundary with Kendal Court.
3. Kendal Court is a private road, laid to hard standing and there are no parking restrictions along it. The maisonette properties are served by shared garage blocks. Kendal Court is accessed off Radcliffe Road, the A6011.

DETAILS OF THE PROPOSAL

4. The application seeks full planning permission for the demolition of the bungalow and the erection of 10 apartments with associated parking. The scheme has been amended from the original submission to include a replacement hedge along the northern boundary with the Grantham Canal and increase the building's articulation along the elevation to the canal frontage.
5. The apartments would be split between two blocks. The buildings would be two storey, with second floor accommodation predominantly within the roofspace, and measure a maximum of 11.7m in height to the ridge. The roof is proposed to be dual pitched with side gables. Fibre cement roof tiles and cladding on the upper floor is proposed, the walls would include mainly facing brickwork with some fibre cement panels. It is proposed to provide one parking space per apartment on site, located to the south of the proposed western apartment block with vehicular access achieved via Kendal Court. A

bin storage area would be located between the two apartment blocks. Private amenity space would be provided in the form of private terraces and balconies as well as a shared garden located in the eastern corner of the site.

SITE HISTORY

6. There is no recent planning history in respect of the site. Planning permission ref.88/02791/AP3 was granted in 1988 for the erection of a bungalow and garage.

REPRESENTATIONS

Ward Councillor(s)

7. One Ward Councillor (Cllr Bushman) objects to the application, he has received a number of complaints from residents in Rutland Way (sic) that the new buildings would overlook their properties.
8. The adjacent Ward Councillors (Cllr S Mallender and Cllr R Mallender) have declared an interest in the application.

Statutory and Other Consultees

9. The Canal and River Trust does not object to the principal of the proposed development. They are concerned about the removal of the existing hedge and would like to see some form of 'green buffer' preferably in the form of a hedge located between the proposed development and the canal. Due to its proximity to the canal the proposal has the potential to cause land instability, in this instance they consider that provided the foundation design and means of construction takes full account of the proximity to the canal, a suitable solution that minimises risk of damage to the canal should be possible. They are happy with the overall design of the proposal, the way it engages with the canal and that the increased level of natural surveillance over the canal may encourage greater use of the towpath. The contemporary approach taken is generally considered to be acceptable. The canal towpath is characterised by hedgerow of varying heights and thicknesses. It is disappointing that the hedge has been removed and some compensatory planting should be considered along this boundary. They advise that a low hedge, even if combined with breaks for walls/railings or pedestrian access points could help with both the biodiversity interest and value of the canal corridor and create a softer edge to the development which would reflect the edge of settlement character of the area.
10. In response to the amended scheme the Canal and River Trust in summary note that even if the hedge removed was not of high ecological value its removal was disappointing. The replacement native species hedge will help offset the loss of biodiversity and provide some improvement to the current condition of the Grantham Canal Local Wildlife Site (LWS). They assume the hedge will be located immediately within the application site boundary and not on the Trust's land. They recommend that the local planning authority (LPA) is satisfied that there is adequate space to plant the hedge without it encroaching onto the Trust's land and for the hedge to establish itself. If planting the replacement hedge needs to involve the Trust's land, their prior consent would be required. They recommend the replacement hedge is

secured by planning condition, including a requirement to identify the exact location and species to be used, the long term management and maintenance arrangements and a minimum height of between 1.2-1.5m be retained once its established.

11. Nottinghamshire Wildlife Trust objects to the proposal on the grounds that the Preliminary Ecology Survey submitted identified the hedgerow, of all the habitats on site as having the highest value. They find it extremely disappointing that at least some of this habitat has been removed. The buildings would be built immediately adjacent to the towpath with no vegetation buffer, an approach they view as unacceptable as it would have a detrimental effect on the adjacent Local Wildlife Site (LWS), reducing its ecological connectivity and potentially increasing disturbance through light pollution and noise impacts, both during and after construction.
12. In response to the amended plans Nottinghamshire Wildlife Trust welcome the reinstatement of the hedgerow along the canal boundary which would go some way to addressing their concerns relating to the ecological functionality of the Grantham Canal LWS. They remain concerned about the proposed layout. In order for the new hedgerow to thrive it would need adequate space and light on both sides.
13. The Environment Agency do not object to the proposal but comment that: *“The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.”* These measures are detailed in condition 14 within the recommendation below.
14. Nottinghamshire County Council as Local Highway Authority does not object. In summary they comment that traffic generated by the development is anticipated to have a negligible impact on the local highway network, the site would be served off a private access with no works within the highway to facilitate the access and any overspill parking could be accommodated off the highway. When questioned about the level of on-site parking proposed they confirmed that one space per apartment was an acceptable level within West Bridgford and other developments had provided less parking than this.
15. Nottinghamshire County Council (Planning Policy) does not object to the proposal. Their nature conservation specialist notes the objection made by Nottinghamshire Wildlife Trust but wishes to add nothing further *“...to their [The Wildlife Trust’s] comprehensive response, which appears to identify the key issues presented by the proposal.”*
16. The Borough Council’s Environmental Health Officer has no objections to the application. They agree with the Geodyne Phase 1 assessment submitted and confirm a Phase 2 assessment is required, secured by a planning condition. They also suggest conditions to control demolition and construction, in particular noise and dust, are included.
17. Borough Council’s Design and Landscape Officer does not object to the application. In summary he comments that the hedge would be planted close to the towpath and without regular pruning it could easily cause an obstruction. It is not clear who will maintain the hedge and there could be a

risk that different parties would want to see contradictory maintenance regimes. Some of the species could cause a nuisance if they were allowed to outgrow the location. Native hedgerow is desirable as a wildlife habitat and would help maintain the character of the towpath but they feel it isn't in keeping with the proposed development and suggest that a native hedgerow will outgrow the space available and not be suitable alongside the residents paved areas where space is at a premium. Given the limited space available they suggest other forms of planting should be explored to soften the boundary such as climbing plants or amenity shrubs which are less likely to outgrow their location.

18. The Borough Council's Environmental Sustainability Officer does not object to the application. They note that an ecological survey and assessment has been supplied, this has been completed in 2017 and is, therefore, current and appears to have been completed according to best practice. The site is located adjacent to a Local Wildlife Site (LWS). The only protected species identified within the site were wild birds. They advise that the recommendations made in the supplied report are followed and where appropriate secured by planning conditions, including *"the integrity of the adjacent LWS should be maintained, including the retention / enhancement of the boundary hedgerow."*

Local Residents and the General Public

19. A total of 107 comments have been received objecting to the proposal including from local residents and users of the adjacent canal. In summary their grounds for objection include:
 - a. Over development of the site.
 - b. Out of keeping with the scale, style and design of buildings in the area, at the very least the development should not be taller than the current surrounding houses.
 - c. Detrimental impact on the integrity of the canal bank and undermine the stability of the canal.
 - d. Block light to canal users and residents on the opposite side of the canal.
 - e. Detrimental impact on wildlife and biodiversity.
 - f. Spoil enjoyment of the canal, any buildings planned so close to the canal would be so detrimental to the amenity value of the canal towpath.
 - g. The hedge along the canal towpath has been removed without permission, want it to be replaced.
 - h. Object to the redevelopment of the canal including draining it and building on it.

- i. Increase traffic on Radcliffe Road which is already busy, congestion on Kendal Court and road safety issues at junction with Radcliffe Road.
- j. No social housing is included.
- k. The ecology report is not detailed enough.
- l. No arboricultural report has been submitted.
- m. Previous planning applications of smaller mass and bulk - and therefore lesser impact - all have been refused.
- n. Loss of privacy to neighbouring properties from proposed terraces and balconies.
- o. The security of local resident's properties will be compromised.
- p. Goes against recent initiatives by local residents, which is to preserve the heritage and natural environment of the Canal.
- q. This is one of the few green spaces left with wildlife habitat that provides a vital area for people to walk and enjoy the outdoors, these little strips of green in suburbia is exactly what makes Lady Bay so special.
- r. Privacy and safety of canal users would be compromised.
- s. Will see overspill parking into the area where the current residents have the right to park, one space per property. Overspill parking also raises the issue of access for current resident's vehicles, emergency vehicles and bin lorries.
- t. Replacing a single dwelling with 10 dwellings will impact on emissions in an area already suffering from unacceptable air pollution.
- u. If approved it will open the door to other similar developments in the area.
- v. Construction vehicles will damage road and properties.
- w. Site is located within the flood plain, the proposal will increase flood risk in the area.
- x. No dustbins appear to have been provided.
- y. Disregard for the planning system represented by the removal of the hedgerow prior to the submission of the application after the Preliminary Ecology Appraisal (PEA) recommended its retention.

- z. Negative impact on value of properties on Kendal Court.
 - aa. Development should be set back from the canal towpath.
 - bb. Additional noise created by replacing a single bungalow with 10 flats.
 - cc. Recent study published in the international medical journal, The Lancet, that the pollution effect from walking near roads negates the physical and mental health benefits of the exercise.
 - dd. The whole site is vulnerable to vandalism.
 - ee. Loss of view over canal.
 - ff. Disruption during the construction phase including to traffic, parking and general noise and disturbance.
 - gg. Section 106 money should be provided to improve the surface of Kendal Court.
20. Comments have been received from 3 local residents in support of the application, in summary, for the following reasons:
- a. The design looks great.
 - b. It will provide much needed housing for the area.
 - c. Good for everyone.
 - d. The abundance of schools and healthcare facilities locally make this a good decision.
 - e. This does not set a precedent for building along the canal, brownfield sites should be used before destroying beautiful green areas in Lady Bay.

PLANNING POLICY

- 21. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
- 22. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
- 23. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

24. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It states that Local Planning Authorities should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
25. Paragraph 7 of the NPPF confirms that there are three dimensions to sustainable development; economic, social and environmental. Paragraph 8 of the NPPF goes on to clarify that these three dimensions should not be undertaken in isolation, because they are mutually dependent and that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Paragraph 9 expands on this stating: *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):*
- *making it easier for jobs to be created in cities, towns and villages*
 - *moving from a net loss of bio-diversity to achieving net gains for nature*
 - *replacing poor design with better design*
 - *improving the conditions in which people live, work, travel and take leisure*
 - *widening the choice of high quality homes.”*
26. The NPPF, at Paragraph 17 states the overarching roles that the planning system ought to play, setting out 12 principles of planning. These include to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”*, *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”* and *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”*.
27. In terms of housing, paragraph 47 of the NPPF requires local planning authorities to identify a five year housing supply with an additional 5% buffer to ensure choice and competition. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
28. Paragraph 58 of the NPPF states, *“...Planning policies and decisions should aim to ensure that developments... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;...”*
29. Paragraph 64 of the NPPF states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

Relevant Local Planning Policies and Guidance

30. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 deals with The Presumption in Favour of Sustainable Development, Policy 2 deals with Climate Change, Policy 3 deals with Spatial Strategy, Policy 8 deals with Housing Size, Mix and Choice, Policy 10 with Design and Enhancing Local Identity, Policy 16 deals with Green Infrastructure, Landscape, Parks and Open Spaces and Policy 17 deals with Biodiversity.
31. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application, where they are consistent with or amplify the aims and objectives of the Core Strategy and have not been superseded. The following policies of the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) are relevant to the consideration of this application.
32. Policy GP1 (Delivering Sustainable Development), Policy GP2 (Design and Amenity Criteria), Policy GP3 (Development Requirements), Policy EN11 (Features of Nature Conservation Interest), Policy EN12 (Habitat Protection), Policy EN13 (Landscaping Schemes) and Policy HOU2 (Development on Unallocated Sites).

APPRAISAL

33. The site is located within the main built up area of the settlement of West Bridgford, which is identified in the Rushcliffe Local Plan Core Strategy Policy 3 'Spatial Strategy' as part of the main built up area of Nottingham. As outlined in this policy approximately 7,650 new homes will be provided in or adjoining the main built up area of Nottingham (within Rushcliffe) to serve the identified housing need in the Borough and greater Nottingham. The proposal is for the redevelopment of a brownfield site, currently housing a single bungalow which would be demolished and replaced by a block of 10 apartments with associated parking and amenity space. The Core Strategy's Spatial Objectives include the provision of high quality housing by ensuring "*brownfield opportunities are met*". The provision of new housing on a brownfield site within the main built up area of Nottingham is, therefore, acceptable in principle.
34. One of the key site constraints is its location within the Environment Agency's flood zone 2 and 3a, taking into account current flood defences the site is within the equivalent of flood zone 1 and 2. The majority of West Bridgford is located within flood zones 2 and 3. The NPPF seeks to direct development away from areas at highest risk of flooding, but does allow for development if it can be made safe without increasing the risk of flooding elsewhere.
35. The Strategic Flood Risk Assessment confirms that the existing flood defences would protect West Bridgford, including the application site during a 1 in 100 year flood event. A more vulnerable use such as the proposed residential development is acceptable in this location. However, the site is classified as being within flood zones 2 and 3a, therefore, the applicant has carried out a comprehensive review of available sites within West Bridgford

which concludes that there are no sequentially preferable sites available. A full Flood Risk Assessment has been submitted to support the application which demonstrates that *“the development can be constructed in a manner that ensures that the buildings and future occupants will not be placed at risk of flooding, from either fluvial flood waters or surface water flooding.”* The Environment Agency initially objected to the proposal, however, the scheme was amended to raise the internal floor level of the building and their objection was withdrawn. It is, therefore, considered that the site passes the Sequential Test, would not place future residents at risk from flooding or result in an increased risk of flooding elsewhere, in accordance with the aims of the NPPF and local plan policies.

36. The proposal is for 10 apartments, including 8 two bedroom and 2 three bedroom units. Parking provision of 10 off street parking spaces is proposed, one space per apartment. The level of parking proposed is consistent with other similar residential developments within West Bridgford as well as the existing situation of residents on Kendal Court, where each two bedroom property has access to a single parking space. It is noted that the Local Highway Authority considers the level of parking provision proposed to be acceptable. The site is located within a sustainable location close to local services, including within 0.6 miles of West Bridgford Centre, as well as good public transport links with bus stops a 5 minute walk away on Radcliffe Road, also secure cycle parking would be provided on site.
37. Access to the site would be via Kendal Court which is a private road. Any overspill parking on Kendal Court would not, therefore, interfere with the operation of the highway but would be an amenity issue. The Local Highway Authority has raised no concerns in relation to the impact of the development on the Kendal Court/ Radcliffe Road (A6011) junction. They state, *“In terms of traffic generation, the additional traffic generated on the local network is anticipated to be negligible when compared to the existing flows on Radcliffe Road.”* It is therefore considered that the proposal raises no highway safety concerns.
38. The proposed apartment building would measure a maximum of 11.7m in height over two stories with accommodation predominantly within the roof. Habitable room windows would be included in all of the building’s elevations but they would be concentrated in its northern elevation which faces the canal. There would be no habitable room openings facing the closest residential properties 9 to 12 Kendal Court.
39. The residential properties most impacted upon by the proposed development are 9 to 12 Kendal Court, a block of four maisonettes. The amenity space serving these properties is located to the south of the block which is located between it and the proposed development. These properties have large living room windows and smaller kitchen windows facing the application site, which would be located 15m from the south elevation of the proposed apartment block. The proposed building would be located to the north of these properties, its north-west corner would measure 8m in height which would allow evening sunlight through to these neighbouring properties. The proposal would lead to a loss of outlook from the habitable room windows in the front elevation of the neighbouring residential block 9 to 12 Kendal Court, yet it is considered that, given the orientation and design of the building, it would not lead to an undue loss of light. The loss of a view over the Canal,

which was obtained across privately owned land, is not a material planning consideration and so cannot be afforded any weight. The windows in the south elevation of the proposed building, opposite 9 to 12 Kendal Court, would be obscure glazed to prevent undue overlooking and loss of privacy.

40. Ground, first and second floor openings serving habitable rooms and a second floor terrace/balcony are proposed in the building's west elevation. These openings would be located a minimum of 14m from the side elevation of 22 and 23 Kendal Court, across a driveway. There are openings in the adjacent side elevation of these properties but they do not serve habitable rooms. The proposed openings would also face the side boundary of the neighbour's amenity space. A privacy screen would be located along the second floor balcony/terrace restricting views to the south and west. A privacy screen would also restrict views to the south and east from the second floor balcony/terrace in the building's west elevation.
41. Concerns have been raised by some residents of Rutland Road, reiterated by Cllr Bushman, that the proposal would lead to overlooking, loss of privacy and overshadowing to their properties which are located on the opposite side of the Grantham Canal. The proposed building would be located at least 17m from the rear/southern boundaries of these properties across the canal. The distance between the north elevation of the proposed building and the rear/southern elevations of the properties on Rutland Road would in most cases exceed 50m except for 284 Rutland Road. The rear elevation of this property, measured from their conservatory extension, is located 34m from the proposed development. The Rushcliffe Residential Design Guide (RRDG) recommends that where separation distance is the sole determining factor a distance of 30m would prevent undue overlooking and loss of privacy in the case of a two storey property with an additional 3m required for every additional storey. The proposal, therefore, would exceed the 33m minimum separation distance outlined in the RRDG. The proposal would be located to the south of the properties on Rutland Road but given the separation distances outlined above, it is considered that the proposal would not lead to undue overshadowing.
42. It is considered that the proposal would not lead to undue harm to the residential properties on Rutland Road. The proposed development would be visible from these properties and their rear gardens but given the separation distances, the proposal would not result in overshadowing, overlooking or loss of privacy. The impact of the proposal on the residential amenity of properties on Kendal Court, in particular the outlook from 9 to 12 is more finely balanced. However, given the orientation, separation distances and the fact that the windows facing these properties would be obscure glazed, it is considered that the proposal would not lead to undue harm to the residential amenity of the neighbouring properties and so would accord with RNSRLP policy GP2 (Design and Amenity).
43. The existing maisonettes on Kendal Court measure 8.4m in height, 3.3m lower than the proposed apartments. They are modern red brick houses, circa 1970's with dual pitched roofs. Slightly further along the canal to the west is 69 Radcliffe Road and The Canal House which measure 9.8m and 9.3m in height. These properties are built adjacent to the canal towpath, there is a timber fence along the shared boundary with these properties and the canal some 118m in length. On the opposite side of the canal are

predominantly detached early to mid-century houses built in red brick with slate or rosemary tile roofs. There is a group of 3 storey apartments at 73 Radcliffe Road known as Spring Court, to the south of the site on the main road.

44. The design of the proposed buildings, although contemporary, would reference the traditional late 19th and early 20th century red brick houses visible in the area. Despite concerns raised by local residents that the proposed buildings are too big the scale, massing and form of the proposed apartment blocks are considered appropriate in the context of this location. The proposal would have little impact upon the street scene as it would be predominantly screened from the public realm by neighbouring buildings. It would, however, be visible from adjacent canal towpath.
45. The buildings have been designed to address the canal maximizing views over it and increasing natural surveillance. It is considered that this would enhance the safety and security of the canal towpath rather than reduce it which is a concern raised by some local residents and towpath users. Parking and refuse storage areas would be located between the two blocks and appear to be quite well-screened from view from the canal.
46. The scheme has been amended to improve the articulation along the canal side elevation, resulting in the proposal appearing as four distinct blocks. In addition a replacement hedge is proposed along the boundary with the canal which provides a green buffer, softening the overall visual impact of the development. It also provides a clear demarcation between the canal and the application site, creating a more defensible private space for future occupiers, whilst still maintaining views out over the canal. In addition to the hedge the scheme includes native climbing plants around the proposed balconies on the canal side elevation and a tree would be planted between the two blocks. On balance it is therefore considered that the proposal would be sympathetic to the character and appearance of the area, in accordance with the aims of RNSRLP policy GP2 (Design and Amenity).
47. The adjacent section of the Grantham Canal is a Local Wildlife Site (LWS). The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution. One of the main concerns raised in objections received was the loss of the hedge along the sites boundary with the canal towpath. The removal of this hedge did not in itself require planning permission, however, although the hedge was not considered to be of high ecological value it still had the potential to provide bird nesting and bat foraging opportunities. Concerns over the loss of the hedge and the contribution it made to the wider LWS were also raised by the Canal and River Trust and Nottinghamshire Wildlife Trust.
48. As already mentioned the scheme has been amended to include a mixed native species hedge along the canal boundary which has been welcomed by both the Canal and River Trust and Nottinghamshire Wildlife Trust. It is considered that there would be sufficient space provided to allow the hedge to thrive but that it would be important to include a management scheme to maintain the hedge as it could, if not maintained, cause an obstruction to the

adjacent towpath. Native climbing species are also proposed for the canal side balconies which, in addition to their nature value, would provide amenity value to future residents. Conditions requiring a landscaping scheme including details of the hedge planting and a management scheme/maintenance plan for the hedge to retain it at between 1.2m and 1.5m in height, as advised by the Canal and River Trust, have been suggested.

49. Nottinghamshire Wildlife Trust remains concerned that the proposal, due to its proximity, would have a detrimental impact on the ecological functionality of the Grantham Canal LWS by potentially increasing disturbance through light pollution and noise impacts both during and after construction, which they feel would be particularly harmful to the local bat population. The site is located within a built up area, the proposal would replace an existing residential property and there are other residential properties to the west of the site of a similar height, located a similar distance from the canal with windows overlooking it. There are also residential properties located on the opposite side of the canal and a main 'A' classified road crosses the canal approximately 160m to the south east of the site.
50. No external lighting is proposed on the building's north elevation, therefore, the only lighting that will impact upon the LWS is ambient lighting from within the building. The level of noise generated by the proposed residential use is unlikely to be significantly greater than the level already experienced in the area. On balance it is, therefore, considered that the proposal would not result in a significant increase in light pollution and noise impacts to the detriment of the ecological functionality of the adjacent LWS. Conditions and notes to applicant have been suggested to cover the mitigation and compensation recommendations outlined in the Ecology Report, as advised by Nottinghamshire Wildlife Trust and the Borough Council's Sustainability Officer. The proposal is, therefore, considered to be in accordance with the overall aims of the NPPF and local plan policy 17 'Biodiversity' and RNSRLP policies EN11 (Features of Nature Conservation Interest), EN12 (Habitat Protection) and EN13 (Landscaping Schemes).
51. Concerns have been raised by local residents relating to the impact of the proposal on air quality. The site is not located within an air quality management area but it is within a smoke control area, as is much of West Bridgford. It is not anticipated that the proposal would give rise to concerns about air quality. Neither the Environmental Health Officer nor The Environment Agency has raised concerns relating to air quality specifically. The Borough Council's Environmental Health Officer has recommended the inclusion of conditions to control noise, dust and vibration during the demolition and construction periods to mitigate disturbance to neighbouring residential properties.
52. Local residents have also raised concerns relating to land stability. In accordance with the NPPG, the role of the planning system is to minimise the risk and effects of land stability on property, infrastructure and the public, and helping to ensure that various types of development should not be placed in various locations without various precautions. However, it notes that *"Planning works alongside a number of other regimes including Building Regulations which seeks to ensure that any development is structurally sound."* The Canal and River Trust has commented that due to its proximity

to the canal, the proposal has the potential to cause land instability but in this instance they consider that, provided the foundation design and means of construction takes full account of the proximity to the canal, a suitable solution that minimises risk of damage to the canal should be possible. A condition relating to detailed construction measures has been suggested.

53. Photo-voltaic panels are proposed on the southern roof slope which would provide renewable energy for the building. Electrical vehicle charging points would be installed to serve each of the car parking spaces. To maximise the energy and water efficiency of the development the flats would be fitted with energy efficient appliances and water saving features. The inclusion of renewable and energy saving features as part of this scheme is welcomed.
54. The proposal would result in a net gain of 9 residential properties and has a site area of less than 1000 square meters, as such there is no requirement to provide any affordable housing on site in accordance with local plan policies and guidance in the National Planning Practice Guidance. Furthermore, the number of units falls short of the threshold where section 106 contributions could be sought for infrastructure improvements.
55. Despite the concerns raised by some residents, the proposal does not involve infilling the canal and building over it. Concerns raised relating to property prices is not a material planning consideration and cannot be afforded any weight.
56. The Core Strategy identifies West Bridgford as a settlement for housing growth. The application site, whilst not allocated for housing, is a brownfield site currently in residential use which is not significantly constrained by any local or national designation. Issues relating to flood risk have been addressed resulting in no objection from The Environment Agency. It is considered that harm to the adjacent Local Wildlife Site can be largely mitigated through the installation of a replacement hedge. It is, therefore, recommended that planning permission is granted.
57. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice. Further negotiations have taken place during the consideration of the application to address concerns raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation for approval.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan 249(02)001
Block Plan 249(08)001 Rev.C
Proposed Ground Floor Plan 249(08)002 Rev.G
Proposed First and Second Floor Plans 249(08)003 Rev.E
Proposed Elevations Sheet 1 249(08)004 Rev.F
Proposed Elevations Sheet 2 249(08)005 Rev.F

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. The development hereby permitted shall not be commenced until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the 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 GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. It is considered that materials should be approved prior to commencement as the development is a large, prominent building and no specific details have been submitted as part of the application to allow the Local Planning Authority to determine if any chosen materials are considered to be acceptable.]

4. Prior to the occupation of the apartments hereby permitted details of any external lighting to either the building, its grounds or the car park area shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Thereafter the lighting shall be installed only in accordance with the approved details.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. Prior to the occupation of the apartments hereby permitted a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Borough Council:

- (a) the treatment proposed, including a schedule of the proposed materials for all ground surfaces, including hard areas;
- (b) full details of any proposed new tree and hedge planting noting the species, sizes, numbers and densities of trees;
- (c) planting schedules, noting the species, sizes, numbers and densities of plants;
- (d) details of the size, height, materials and finishes of any structures to be erected or constructed in the grounds, including the bin store area;
- (e) details of the proposed design, height, materials, positioning and

- specifications of all the proposed boundary treatments;
- (f) details of a minimum of three traditional and two open fronted boxes installed on new buildings and/or retained trees for nesting birds;
- (g) bat boxes; and
- (h) a landscape management plan and schedule of maintenance.

The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of the development and 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.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. Prior to the commencement of development details of the siting and appearance of any contractor's compounds including the maximum heights and locations of any buildings/structures/cabins; location of and maximum heights of stored materials; boundary treatment and parking areas for contractors vehicles and specification of any lighting to be used during the construction period together with measures for the restoration of any disturbed land shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details approved.

[To protect the amenity of the neighbouring occupiers during the development phase and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. It is considered that details of the compound and materials/plant/machinery storage area(s) should be approved prior to commencement to ensure the protection of the amenity of the neighbouring occupiers on Kendal Court as no such details have been provided as part of the application.]

7. Before development is commenced, a Detailed Investigation Report shall be submitted to and approved in writing by the Borough Council. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required to be submitted and approved in writing prior to development commencing. The development shall be carried out in accordance with the approved details.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The Contaminated Land Report is required prior to development commencing because it may be necessary to carry out remediation measures which could not be carried out once development has commenced.]

8. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during construction shall be submitted to and approved by the Borough Council. The

method statement shall have regard to the guidance given in:

- BS5228:2009; Code of practice for noise and vibration control on construction and open sites, Part 1 Noise and Part 2 Vibration.
- The control of dust and emissions from construction and demolition Best Practice Guidance; Greater London Authority, November 2006.

Thereafter the works shall be carried out in accordance with the approved method statement. If the use of a crusher is required, this should be sited as far as possible from nearby dwellings and be operated in accordance with its Environmental Permit.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition as no details have been submitted and commencement prior to agreeing such details could result in an unacceptable impact on the amenity of neighbours.]

9. Notwithstanding condition 5 above, the proposed hedgerow along the northern boundary of the site shall be maintained at a height not lower than 1.2m and not higher than 1.5m for the lifetime of the development.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. Prior to the commencement of development a Method Statement detailing the means of construction of the buildings hereby permitted, including the design and means of constructing foundations and any other proposed earthmoving and excavation works required in connection with its construction, shall first be submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify whether any stand-off distances for operation of construction plant and machinery need to be established to protect the adjacent Grantham Canal and towpath. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

[In the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which would adversely affect the structural integrity of the adjacent Grantham Canal and towpath, in accordance with the advice and guidance on land stability contained in paragraphs 120-121 of the National Planning Policy Framework and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development commences as it is required to ensure that all development and construction operations take full account of these matters from the outset.]

11. Prior to the first occupation of the apartments hereby approved the parking/turning areas shall be provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking spaces shall not be allocated to individual flats and the parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles and shall be retained for the life of the

development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

12. Prior to the first occupation of the apartments hereby approved the windows in the south elevation of the building at first and floor level serving apartment 5 and the stairwell between apartments 5 and 6 shall be permanently obscure glazed to grade 5 level of obscurity and top-hung-opening only. Thereafter, the windows serving these rooms within these specified apartments shall be retained as such for the lifetime of the development.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

13. Prior to the first occupation of the apartments hereby approved the southern and western sides of the balcony serving apartment 9 and the south and eastern sides of the balcony serving apartment 10 shall be permanently obscured with privacy screens to a minimum height of 1.7m above the surface of the balconies, in accordance with a specification to be submitted to and approved by the borough Council. Thereafter, these privacy screens shall be retained as such for the lifetime of the development and in accordance with the agreed specification.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

14. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 17-0533/FRA Revision A written by BSP consulting and dated December 2017 and the following mitigation measures detailed within the FRA:

1. Finished floor levels (FFL) are set at 24.0 m above Ordnance Datum (AOD) in line with the FRA section 4 and Appendix F.
2. Occupants of the site sign-up to flood warnings.
3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
4. A flood evacuation plan is produced and followed by occupants of the site in line with FRA section 4.4 and Appendix G.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme and thereafter retained for the lifetime of the development.

[To protect the development from flooding and ensure the finished floor level is the specified distance above the breach level in this area and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

15. The mitigation measures referred to in the preliminary ecology survey dated October 2017 (6.1.2 a-e inclusive) to carry out any construction works according to methodology provided to minimise direct impact to mammals, reptiles, amphibians and breeding birds shall be complied with during the demolition and construction period. Indirect impacts to the adjacent canal must also be avoided during demolition and construction works (see 6.1.1, 6.1.2b, 6.1.2c and 6.1.2f). The mitigation measures required shall be implemented in accordance with the survey to the satisfaction of the Borough Council.

[To ensure that adequate compensatory measures are undertaken and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to Applicant

The applicant/developer is advised to contact the Canal & River Trust to ensure that any necessary consents as may be required for access to, or oversailing of, the Trust's land during any construction or other operations can be obtained and that all works conform to the Trust's current Code of Practice for Works Affecting the Canal & River Trust. Please contact Paul Gaughan, Works Engineer, on 07767 321062 for further advice.

The applicant/developer is advised that any new access onto the adjacent Grantham Canal towpath will require the prior consent of the Canal & River Trust in the form of a commercial agreement. No windows adjoining the northern site boundary should open outwards over Trust land unless the prior consent of the Trust has first been obtained. Please contact Steve Robinson, Estates Surveyor, at steve.robinson@canalrivertrust.org.uk or on 07710 175114 for further advice in the first instance.

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

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

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees, hedgerows and vegetation concerned it is recommended that works including felling/surgery should be carried out between September and January if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

For further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk.

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done: <http://swift-conservation.org/Nestboxes%26Attraction.htm> Advice and information locally can be obtained by emailing: carol.w.collins@talk21.com

Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats, etc) Regulations 1994. These statutory instruments protect both the species themselves and their associated habitats.

If great crested newts are discovered during work on the development, the relevant work should be halted immediately and English Nature should be notified and further advice sought. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of upto £5,000 or to imprisonment for a term not exceeding six months or both.

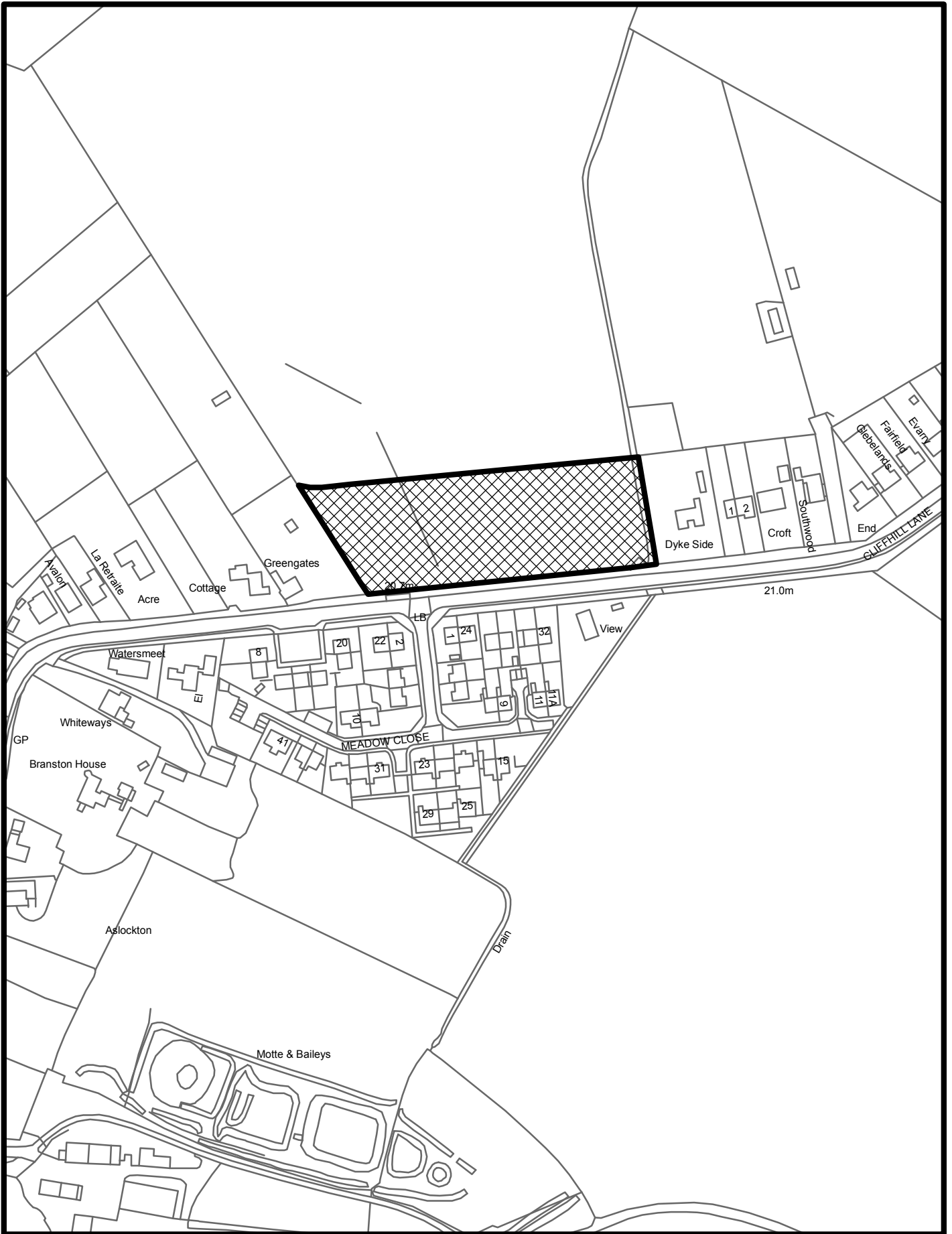
Consideration should be given to energy efficiency, water sustainability, management of waste during and post construction and the use of recycled materials and sustainable building methods.

You are advised that, prior to the demolition of the existing building on the site, a demolition asbestos survey should be carried out to determine the location, type and condition of asbestos containing materials (ACMs). If the development affects those parts of the buildings where ACMs have been found these materials should be removed (by a licensed asbestos removal contractor if asbestos insulation, or asbestos insulation board [AIB] are present) before the demolition phase begins. Certain types of work with or disturbance of asbestos have to be notified to the Health and Safety Executive and the Borough Council before such work commences.

More information about asbestos in general, and the notification requirements can be found on the HSE website (www.hse.gov.uk). Information about refurbishment and demolition surveys can be found in Asbestos: The survey guide, which can be freely downloaded at: <http://www.hse.gov.uk/pubns/priced/hsg264.pdf>

For further information on the content of Contaminated Land Reports, please refer to the Councils Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both the Rushcliffe Borough Council's website: www.rushcliffe.gov.uk (use the A-Z search for Contaminated Land) or by contacting the Environmental Health Service directly or use the following link: <http://www.rushcliffe.gov.uk/media/rushcliffe/media/documents/pdf/environmentandwaste/Notts%20developers%20guide%202013.pdf>

This page is intentionally left blank



Application Number: 17/02871/OUT
North of Cliff Hill Lane Aslockton



scale 1:2500

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

17/02871/OUT

Applicant Mr John Breedon

Location Land To North Of Cliffhill Lane, Aslockton, Nottinghamshire

Proposal Outline application for the erection of up to 9 dwellings together with associated access, landscaping and other infrastructure works

Ward Cranmer

THE SITE AND SURROUNDINGS

1. The 0.82 hectare site comprises the southern part of a level agricultural field in arable use, located on the north side of Cliffhill Lane, adjacent to the northern edge of the built up part of the settlement. There is deciduous hedgerow along the west and southern (Cliffhill Lane) boundaries, and fragmented hedgerow along the eastern boundary. There is also a section of hedgerow on the western part of the site.
2. The adjacent and nearby built development is residential, including a cul-de-sac of what appear to be 1960s suburban bungalows and houses on the opposite side of Cliffhill Lane (Meadow Close), a number of 19th century houses to the west of the site, and an area of ribbon development comprising interwar and mid to late 20th century suburban houses and bungalows along the north side of Cliffhill Lane to the east.

DETAILS OF THE PROPOSAL

3. The application seeks outline permission for up to 9 dwellings with all matters reserved for future approval. An Illustrative Masterplan and Development Framework have been submitted which show 7 detached dwellings and a pair of semi-detached dwellings fronting Cliffhill Lane. 5 dwellings in the centre of the site would be served by a shared access, with the remaining 4 dwellings each served by individual accesses. The frontage hedgerow would be retained 'where possible' and reinforced with new planting, and the hedgerow within the site would be retained and reinforced. The access from Cliffhill Lane adjacent to the eastern boundary would be retained, and part of the field between the westernmost dwelling and the western boundary would be retained.
4. The Planning, Design and Access Statement refers to national and local planning policy, ecology, highways/access, flood risk & drainage and sequential test analysis of alternative sites, heritage, and village character. It states that two storey dwellings are proposed with a variety of house types and sizes in terms of scale form and massing to create a high quality street scene. The scheme would be designed to 'reflect the distinct character of rural cottage houses in Aslockton'.
5. A Flood Risk Assessment was also submitted.

SITE HISTORY

6. Outline permission was refused in 2015 for the erection of up to 50 dwellings including creation of new access, new green open space and planting, sustainable drainage and associated infrastructure (ref. 14/01393/OUT).
7. Outline permission was refused in 2016 for the erection of up to 50 dwellings including the creation of a new access, together with the provision of new open space and landscaping, sustainable drainage and associated infrastructure (ref. 16/00733/OUT). The reasons for refusal included that the development of the scale proposed would not constitute small scale infill development of the type envisaged in villages such as Aslockton, undermining the Council's strategy for the delivery of housing within the Borough, and would not respect the character and built form in this part of the village, resulting in a substantial incursion into the rural setting of the settlement. A subsequent appeal was dismissed in July 2017.

REPRESENTATIONS

Ward Councillor(s)

8. The Ward Councillor (Cllr Mrs Stockwood) objects and supports the Parish Council's comments.

Town/Parish Council

9. Aslockton Parish Council objects on the following grounds:
10. *"Contradictions in the documentation submitted with the application*

Planning Policy and Design and Access Statement

Point 1.2 In the introduction, by it's definition the site is an open field. Previous applications on this site and at the adjacent property on the west side, Greengates (ref 08/00146/OUT), have been referred by Rushcliffe Borough Council as beyond the settlement and in open countryside. How then can this now be classified as infill?

11. *Point 2.1 Having stated above that the site is an open field, the applicant goes on to say that the field has been used for arable farming. This is high grade agricultural land and as such the application is contrary to Policy EN21 of Rushcliffe's NSRLP.*
12. *Point 2.2 "The site therefore constitutes an 'infill' site within Aslockton village." Although there is no exact definition of infill within Rushcliffe Borough Council's planning policies, it is generally understood to be of a limited size for one to two properties. Quoting from Planning Policy Statement 21 5.34 "Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a **small gap** " Replacement of this policy by the NPPF still does not take away the basic implication of what infill means, it is referred to as "limited". Therefore housing to the east and west sides of a large open*

field do not constitute "infill", the site of 0.82 hectares with a frontage of 125 metres, can hardly be called a "gap"!

13. *Point 2.7 The applicant has deemed that the site has no archaeological features. Aslockton Parish Council questions this statement when the County Archaeologist has previously indicated there is prehistoric remains on the site, and had not restricted her recommendation of archaeological mitigation to any particular area, but for the whole site and therefore this should be applied to any part thereof. (see Appendix 1)*
14. *Point 2.8- The applicant refers to assessment work undertaken on a previous application concluding the site is in a sustainable location with good access to services and facilities. In terms of road access, Aslockton Parish Council defers the consideration to Highways but wishes to point out that a speed survey was carried out on Cliffhill Lane by Highways in late 2016 which was also cited in the appeal decision made on the previous application for this location -"Point 45. Cliffhill Lane has a speed limit of 30mph. The Parish Council refers to the results of a traffic survey undertaken in November 2016 by the County Council, which demonstrates that along Cliffhill Lane the average 85th percentile speed was 44mph. This is significantly in excess of the 33mph found within the appellants speed survey within the HS undertaken in 2014. Following discussion at the hearing the appellant agreed that a condition could be imposed requiring a scheme for an interactive speed sign, to be agreed by the Council, to seek to address the speed of cars along Cliffhill Lane. Given the findings of the more recent speed survey we find such a condition would be reasonable and necessary."*
15. *With reference to the "sustainable location with good access to services and facilities" it has been repeatedly stated, and evidence supplied, in the many recent applications the limitations of the local facilities and the inadequate public transport outside commuter times.*
16. *Point 2.9 Refers to photographs showing the local character of Aslockton. These photographs are not indicative of the village as there is a large proportion of bungalows spread throughout the village. We provide more information on this point later in our objection.*
17. *Point 4.3 The applicant quotes from the NPPF paragraph 14. The key argument being one of sustainability. It has been demonstrated at two recent appeals that Aslockton is not sustainable for further housing, the 74 houses on Abbey Lane more than satisfying housing requirement. Two recent appeal decisions at Aslockton have clearly deemed Aslockton as NOT a sustainable location. Please refer to Appendix 2.*
18. *Point 4.4 The applicant quotes from the NPPF paragraph 17 quoting one of the core principles "not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives".Aslockton Parish Council considers this application to be only about speculation - it fails to meet the core principles*
 - *It is not plan led*
 - *There is no local need*
 - *Is NOT land of low environmental value, indeed it is grade 2 agricultural land*

- *It will not reduce pollution as most journeys will be by car*
 - *It will not promote health and social well being as these facilities cannot be accessed at all times by public transport and therefore there will be a dependency of car ownership.*
19. *Point 4.9, 4.10 and 4.11 Aslockton Parish Council also note that on the two previous applications for this site, the application included an adjoining footpath link to the existing footpath (number 3) running across the rear of the site. However this application fails to include such a link which would have at least offered a token promotion of social well being, encourage the active and continual use of public areas and deliver recreational facilities. The applicant quotes from Paragraph 73 of the NPPF actually quoting "adding links to existing rights of way networks" but fails to offer such an easily achievable facility.*
20. *Points 4.19,4.22, 4.23 and 4.29 Aslockton Parish Council is somewhat surprised at some of the quotes from Local Plan Part 1 that surely draw attention to reasons why permission should be refused -*
- *4.19 and 4.22 - there is NO local need !!!*
 - *4.23 "need to deliver new homes outside the main locations". Other villages have already been identified in the emerging Local Plan Part 2 and of those 5 originally suggested the appeal inspector of appeal ref APP/P3040/W/16/31627 agreed with the Parish Council that "in my view, the other villages under consideration have a wider range of facilities and services than those readily available at Aslockton."*
 - *4.29 "need to travel, especially by private car, will be reduced". Although sited by a bus stop, it has been repeatedly demonstrated on previous applications and appeals that the bus and train service do not provide an adequate public transport service to access to health, leisure and recreational needs, especially in the evening and there is practically no service on Sunday.*
21. *Point 4.34 The applicant refers to Policy HOU2 considering development on unallocated sites. However the application contravenes at least four of the following conditions of that Policy which states:*
- b) *the site is one which does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;*
 - c) *the development of the site would not extend the built-up area of the settlement;*
 - f) *the proposal does not fall within an area of sporadic or ribbon development outside a settlement, nor is situated in the countryside, and*
 - g) *the site is accessible to a range of services other than by use of the private car*
22. *Point 5.6 Scale "The design proposals are for two storey dwellings with some single storey detached garages. This is in keeping with the existing buildings in the village of Aslockton that are predominately two storeys. " Even looked at as a village, Aslockton has a good mix of housing but in particular the area surrounding the proposed site is one of predominantly of bungalows - indeed the applicant has included a photograph of the bungalows to the south at*

Meadow Close on page 9 of the Design and Access Statement. Further proof of one:two storey ratio can be seen to the east and west of the site (see appendix 3).

23. *Point 6.1 "The site is located within the village of Aslockton, a settlement with a good range of services and facilities. The site is boarded by existing residential development to its south, east and its west. The site currently forms part of a larger field which whilst open would not be regarded as open countryside given the position of the site within the village and presence of existing development around it." This statement is inaccurate - Aslockton has limited facilities and services, and the location has always been defined by Rushcliffe as beyond the settlement and in open countryside.*
24. *Point 6.2 Although not in the Conservation Area, the site is on it's approach and the loss of open countryside so close, would have some detrimental effect.*
25. *Point 6.3 "Given the position of the site and its context it is considered that the proposal would represents infill development. Policy 3 of the Core Strategy supports development in 'other settlements', such as Aslockton for local needs and the supporting text to the Policy confirms that this can include small scale infill development. Given the scale of development proposed and the form of the site it is considered that the proposal accords with Policy 3 of the Core Strategy." Again an inaccurate statement. Although "infill" is a matter of interpretation, it cannot be argued there is any local need with the 74 houses being built on Abbey Lane, so development of this site does NOT accord with Policy 3 of the Core Strategy.*
26. *Point 6.5 The applicant cites two examples of recent small scale sites in the Borough, but neither of these cases closely resemble the proposed site. Application 17/01628/FUL in Barnstone is fundamentally different on two crucial accounts - It is for 4 properties (noted one is a bungalow) less than half the proposed site in Aslockton and there has been a proven local need by way of a Rural Housing Needs Survey. Application 16/03101/FUL in Thoroton was replacing existing unattractive farm buildings within a farm yard curtilage and received substantial support from local residents, the comments of support outweighing those of objections.*
27. *Point 6.12 and 6.13 The applicant refers to the Inspector on the Abbey Lane site (which was at a higher level of flood area, therefore this must be referring to Abbey Lane South) being particularly relevant. However nowhere on that appeal decision is the sequential test mentioned? Presumably as there were no other local sites of that size? If the policy of the sequential test is to have any relevance, than it must be applied to this application, otherwise it becomes totally redundant if the shortfall of houses across the whole Borough outweighs any risk of flooding. This would then surely bring into question the gravitas of the NPPF? If the argument that Rushcliffe does not have a five year housing supply is applied to this policy, then it could be applied to the whole of the NPPF, and as such the NPPF Policies would not apply to Rushcliffe whilst it does not have a five year housing supply. As there is a current application in for ten houses on Abbey Lane at a lower flood risk, which the applicant confirms, this application fails the sequential test. Also under Planning and Flood Risk within the current PPG it states that flood risk should be managed and mitigated "Where development needs to be in*

locations where there is a risk of flooding as alternative sites are not available". As we have said above there is an alternative site and as there is no local need then there is no need for development in this location.

28. Point 6.19 "The proposed layout and scale of development responds positively to the character of this part of Aslockton, particular the predominance of frontage properties to the north of Cliff Hill Lane. The proposal includes for a mix of house types and sizes placed largely on large plots, again reflective of the character of the area." Again we refer to the mix of one:two storey houses surrounding the proposed site (appendix 3), proving the proposed scaling is not in character.

29. Flood Risk Document

This documentation has been submitted previously for a different application and it is therefore questionable about some of it's relevance, for example referring to a series of swales and ponds are recommended to manage and control runoff from development.

30. Summary

1. Policy 3 Spatial Strategy of the Core Strategy states that "in other settlements, development will meet local needs only. Local needs will be delivered through small scale infill development or on exception sites. Development will be of a scale appropriate to local needs.", as there is no local need (as cited on recent Appeals ref APP/P3040/W/16/3143126 and APP/P3040/W/16/3162739) this application fails to satisfy planning criteria. This is further backed up on the Local Plan Part 2 Preferred Housing Allocation document, currently at the consultation stage. Rushcliffe have determined their preferred housing allocation sites to satisfy the housing needs and Aslockton is not deemed a sustainable location based on existing service and infrastructure provision for any further **greenfield sites**, having already had an allocation of 75 houses on Abbey Lane. (Refer to Local Plan Part 2 Further Options).

2. The application cannot be considered as either infill or small. A "gap" of 125 meters made up of open field cannot be reasonably considered as infill in terms of planning. It is also to be noted that in the introduction section of saved policy of NSRLP, HI Housing, point 3.8 states that "small" refers to sites well below ten -"during the plan period, development is likely to take place on unallocated sites which, as a result of the policies of the plan, is likely to be limited to small scale developments, around infill levels and usually **well below** 10 dwellings".

3. Sustainability - Aslockton Parish Council again question the sustainability of further housing in Aslockton for anything other than local need. Much has been quoted from the NPPF during the recent Appeals at Aslockton, but the fact is that to be sustainable, the NPPF, under the social rule says "with accessible local services that reflect the community's needs and support its health, social and cultural well-being". Rushcliffe Borough Council have stated in their draft Local Plan Part 2 Further Options that it is "in our view it would not be sustainable, based on existing service and infrastructure provision, for any further **greenfield sites** to be identified for housing development at Aslockton or Whatton." Aslockton Parish Council therefore

asks the Borough to stay true to their conviction, and refuse permission for this application on a **greenfield site in open countryside**.

31. **Conditions** - Aslockton Parish Council requests that in the event of permission be granted the following considerations are to be incorporated within that permission:
32. 1. *Housing mix. The applicant has drawn attention to the predominance of single storey bungalows opposite the site at Meadow Close (point 2.3) and included a photograph. The surrounding area in all directions is a mix of houses and bungalows - (see Append 3). Aslockton Parish Council therefore asks for a condition of a similar mix to meet guidelines of Policy 8 of the Local Plan Part 1.*
33. 2. *The applicant has stated (point 5.3) "The retention of a landscape gap on the western and eastern edge of the site to allow views through, to protect the amenity of adjacent residents and provide access to the future management and maintenance of the Dyke" In view of this Aslockton Parish Council request a short footpath link to the public right of way to the rear along the western edge of the site as this would be beneficial to local residents and meet the policy demand of Paragraph 73 of the NPPF. (as referred to earlier).*
34. 3. *An interactive speed sign to be placed near to the site on Cliffhill Lane.*
35. 4. *Bus stop - The bus stop currently has safety issues regarding the use of wheelchairs and pushchairs. Aslockton Parish Council therefore ask that in constructing a foot pavement along the site it is of width compliant with wheelchair use and the bus stop be modified to allow wheelchair access."*
36. The Parish Council included with their submission a number of appendices. These can be viewed in full on the Borough Council's website under the reference for the current application.
37. Whatton in the Vale Parish Council objects on grounds summarised as follows:
 - a. While the development could be regarded as in-fill, in conjunction with the 75 unit development on land South of Abbey Lane, it is clear that Aslockton-Whatton has more than accounted for any housing need within the local area.
 - b. There is an insufficient number of smaller more affordable properties of 2-3 bedrooms, which would be more appropriate for meeting any housing demand within the local area and the wider borough.
 - c. While it is recognised that any new residents could use New Lane to access the A52, there will be increased pressure on the A52 junction at the end of Old Grantham Road, Whatton where there is already a significant amount of traffic traveling through this rural residential area, especially at peak times. This would increase with the development Land South of Abbey Lane, especially for eastbound traffic creating significant congestion and an increased risk to pedestrians within Whatton.

- d. There is lack of public transport within Whatton-Aslockton to support a significant increase in new residents as identified by the Planning Inspectorate when rejecting recent appeals for large scale housing developments in Whatton and Aslockton.
- e. There is lack of community, convenience and leisure facilities within Whatton-Aslockton which, together with the lack of public transport, means all new residents will rely on car usage, significantly increasing traffic and congestion within Whatton-Aslockton.

Statutory and Other Consultees

- 38. The Design & Conservation Officer comments that there is a known archaeological site to the north of suspected Iron Age / Roman period which consists of two areas identified by survey, one area to the north west more clearly defined features which was, at one point, explored for possible scheduling by Historic England (but ultimately not scheduled), and a continuation of what appeared to be contemporaneous, but far less well defined, features extending south-eastwards to near the boundary of the northern edge of the field of which the current application is focussed on the southern edge.
- 39. He comments that, when the full site was being proposed for extensive development, there was a real possibility that the northern edge might encounter archaeological material. He advises that the extent of development now proposed is 200 metres further south than the extent of what was previously proposed. Given that there are no reported archaeological remains encountered during construction of other property along the frontage of Cliffhill Lane, he considers that the distance from known archaeological sites is now such that there would be no reasonable expectation to encounter archaeology within the area proposed for development. The site is also outside of the historic core of the village and is equally unlikely to encounter archaeology associated with the settlement of Aslockton itself.
- 40. Environmental Sustainability Officer notes that an ecological survey and assessment was supplied for the site under application ref. 16/00733/OUT which appears to have been completed according to best practice and, as it was carried out in 2016, is still current although it covers a much larger area than the current application. He considers that recommendations in the ecological survey should be subject to conditions.
- 41. The Nottinghamshire County Council as Highway Authority have no objection to the principle of 9 dwellings from a traffic generation and capacity standpoint and comment that, generally speaking, the proposed access arrangements are considered suitable. They do have a concern regarding the location of the access for the most westerly property due to its location directly opposite the Meadow Close junction and the potential for vehicle conflict between residents accessing the property and those using the junction opposite. They would, therefore, wish to see the access to this property amended such that access is gained via a shared driveway with the neighbouring property located as far as possible from the bellmouth of the Meadow Close junction.

42. They note that it is intended to retain the existing hedgerow on site as far as possible. Whilst they have no objection to the principle of this arrangement, they point out that the height of the hedgerow is such that it may obscure visibility of vehicles exiting the proposed properties onto Cliff Hill Lane. They advise that care will need to be taken in the detailed design of the driveways to ensure a suitable width is provided to ensure the requisite visibility standards (2.4m x 43m visibility splays) can be met at each of the proposed driveway locations.
43. The Nottinghamshire County Council as Lead Local Flood Authority have no comments in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response.
44. Via East Midlands Limited (on behalf of the County Council) comment that no rights of way are recorded within or adjacent to the application site; however, it is always possible that there are public rights that have not yet been recorded.
45. The Environment Agency advises that the site falls in Flood Zone 2 and that Flood Risk Standing Advice can be applied.
46. Severn Trent Water has no objection subject to a condition to ensure the submission of drainage plans for the disposal of surface water and foul sewage before development commences, and implementation of the approved details before the development is brought into use.
47. Trent Valley Internal Drainage Board comments that the site is within the Board's district and that there is an open watercourse along the site boundary to which byelaws and the Land Drainage Act 1991 applies. They advise that surface water run-off rates to receiving watercourses must not be increased as a result of the development, and that the design, operation and future maintenance of on-site drainage systems must be agreed with the Lead Local Flood Authority and the Local Planning Authority.

Local Residents and the General Public

48. 24 written representations have been received raising objections which are summarised as follows:
 - a. Development of a green field site and would extend the built up part of the village.
 - b. Cannot be classified as an infill site as the gap is too large and the number of dwellings too many.
 - c. There are already 74 houses being built on Abbey Lane and there have been several small developments. Therefore there seems to be no need for more houses to be built within the area.
 - d. Any additional houses would result in considerable growth for a small village which is not required or sustainable.

- e. Local Plan Part 1 clearly states any development in other villages should be solely to meet local housing needs, and the proposed houses would be too expensive for local first time buyers.
 - f. Two recent appeals in Aslockton have already agreed that the village is not sustainable for further development and, in the emerging Local Plan Part 2, Aslockton is deemed not to be a sustainable location for further development of greenfield sites.
 - g. Aslockton has very poor public transport facilities, little employment in the village, one shop-cum post office, one pub, very limited sports facilities and no health centre. All this points to a reliance on transport by car.
 - h. These large properties are not in keeping with other properties on Cliffhill Lane which are predominately single storey.
 - i. Would further degrade the rural nature of Cliffhill Lane.
 - j. Significant increase in traffic and congestion and negative impact on safety of residents.
 - k. The site is in Flood Risk Zone 2 on the Environment Agency Flood Risk Map and it fails the NPPF Sequential Test as there is a similar sized site at a lower flood risk being considered at The Maltings off Abbey Lane.
 - l. The application is "developer led" not "plan led" and is contrary to both Local Plan parts 1 and 2.
 - m. Loss of important arable land.
 - n. Increase in air and light pollution.
 - o. No benefit to the village or environment.
 - p. In a matter of months/years further applications to "infill" will be made.
 - q. Concerned that the proposal is the 'thin edge of the wedge' and that, if granted, it would be followed by further applications seeking to develop the whole of the site where planning has already been refused.
 - r. Loss of view.
 - s. The developer of the land south of Abbey Lane where 74 houses are under construction have already had to drop their prices and offer inducements to purchase.
49. 2 written representations have been received expressing support which are summarised as follows.
- a. Small developments like this should be welcomed to continue to help local clubs, shops and pub to continue to operate.

- b. The village needs to grow and move with the times.

PLANNING POLICY

50. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
51. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
52. Any decision should, therefore, be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

53. The NPPF includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Development proposals that accord with the development plan should be determined without delay.
54. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
55. Paragraph 14 states that, where relevant policies in the development plan are out of date, permission should be granted unless:

- any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole; or
 - specific policies in the NPPF indicate that development should be restricted.
56. The NPPF includes 12 core planning principles. 5 of these principles state that planning should:
- Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
 - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places the country needs;
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of building and land;
 - Take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
 - Support the transition to a low carbon future in a changing climate, taking full account of flood risk.
57. Chapter 4: 'Promoting sustainable transport' states that decisions should ensure that developments that generate significant movement are located where the need for travel will be minimised and use of sustainable transport modes can be maximised. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
58. Chapter 6: 'Delivering a wide choice of high quality homes' states, at paragraph 49, that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
59. Chapter 7: 'Requiring good design' states that good design is a key aspect of sustainable development and should contribute to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, incorporate green open space, and respond the local character and history, and reflect the identity of local surroundings and materials.

60. Chapter 10: 'Meeting the challenge of climate change, flooding and coastal change' states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding. If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk informed by a Strategic Flood Risk Assessment, and a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the test will have to be passed for development to be permitted.
61. The National Planning Practice Guidance (NPPG) on Flood Risk and Coastal Change states that for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.
62. The NPPG on Rural Housing states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities. Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

Relevant Local Planning Policies and Guidance

63. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. It is considered that the following policies are relevant.
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size Mix and Choice

- Policy 10 - Design and Enhancing Local Identity
 - Policy 17 - Biodiversity
64. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. In other settlements, such as Aslockton, development will meet local needs only which will be delivered through small scale infill development or on exception sites. Beyond this, where small scale allocations are appropriate to provide further for local needs, these will be included in the Local Plan Part 2.
65. The Local Plan Part 2: Land and Planning Policies Further Options states that it is now believed that a number of 'other villages' may need to accommodate some level of new housing on greenfield sites in order to help resolve the current shortfall in the amount of land that is available for housing development over the next few years. This is because it is doubtful that Local Plan Part 2 will be able to allocate enough suitable land at the main urban area of Nottingham and at the key settlements alone, which is fully capable of delivering a sufficient number of new homes quickly enough to completely meet the shortfall. In which case, the allocation also of a limited level of new housing land at some of Rushcliffe's other settlements would hopefully resolve this situation. However, it goes on to refer to the 74 dwellings currently under construction on the south side of Abbey Lane, which already contributes to the supply of land available for housing development over the next few years, and that it would not be sustainable, based on existing service and infrastructure provision, for any further greenfield sites to be identified for housing development at Aslockton.
66. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2007 and, despite the Core Strategy having been adopted, it is still a material consideration in the determination of planning applications. It is considered that the following policies are relevant.
- GP1 - (Delivering Sustainable Development)
 - GP2 - (Design and Amenity Criteria)
 - EN12 – (Habitat Protection)
 - EN13 - (Landscaping schemes)
 - EN19 - (Impact on the Green Belt & open countryside)
 - EN20 - (Protection of open countryside)
 - EN21- (Loss of agricultural land)
 - HOU2 - (Development on unallocated site)
 - WET2 - (Flooding)
 - WET3 - (Groundwater resources)
67. The appeal decision on application ref: 16/00733/OUT, for residential development for up to 50 dwellings on a wider area incorporating the current application site, is a material consideration.

APPRAISAL

68. Application ref. 16/00733/OUT was refused and an appeal was dismissed on the following grounds:
1. A development of up to 50 dwellings would increase the size of the settlement by 30% and would not constitute the type of small scale infill development envisaged by policy 3 of the Core Strategy, and would harmfully undermine the spatial strategy for the Borough, with a risk of distorting the spatial strategy with respect to the distribution of housing across the Borough over the plan period, which would be inconsistent with the fundamental objectives of sustainable development.
 2. The development would fail to respect the character and built form of this part of the village and would appear as a substantial incursion into the rural setting of this part of the village, clearly extending the settlement beyond its existing limits and significantly changing its form and character to its detriment.
69. In the appeal decision the inspector found that Aslockton is not an accessible location to accommodate the proposed number of houses and that there would be a significant harm in terms of impact on the character and appearance of the area. In particular, with respect to the second reason for refusal, the inspector commented:
70. *“While the houses along the frontage of the site could be set back in line with the adjacent ribbon development, and the impacts of the houses behind could be effectively mitigated in views from the wider landscape through the inclusion of woodland planting which effectively links to the existing orchard to the west and the parkland landscape to the north east, the visual effects on the settlement pattern when viewed from Cliffhill Lane would be more difficult to avoid.”*
71. *“I would agree that the presence of houses across the site frontage may not be a surprise.”*
72. *“Even though the site is lower than the road, the presence of a large number of houses to the rear of those along the frontage would still be particularly intrusive in views from Cliffhill Lane especially given the need to remove part of the existing hedge to facilitate the site access. The extent of the houses to the rear of the frontage properties would substantially encroach into the rural area reducing the openness introducing an extent of development which is not seen elsewhere on the northern side of the village. As a result, the rural character of the approach into and out of Aslockton would be materially harmed through the introduction of development in depth and the consequent significant erosion of the strong ribbon pattern of development on this side of the village.”*
73. It is considered that a development of up to 9 dwellings in a settlement of this size (with around 400 dwellings and a population approximately 885) can be regarded as ‘small scale’. As the site is located between two areas of residential development of one dwelling depth which extend by around 200m

to the west and around 500m to the east, and as the proposed development would be frontage only, it is also considered that it would represent infill.

74. Furthermore, the Borough Council's 2017 Strategic Housing Land Availability Assessment concludes that, whilst the whole field would not be suitable for housing development, for the reasons supported by the appeal inspector, 10 dwellings may be appropriate along the frontage. Whilst the appeal inspector had serious concerns about the impact of up to 50, dwellings in the form proposed, which would extend northwards from Cliffhill Lane into the countryside by around 180m, she appeared to indicate an acceptance of the principle of frontage only development along Cliffhill Lane.
75. It is acknowledged that the proposal would change the rural character of the site and this part of Cliffhill Lane, and it is considered that this would represent a minor adverse impact. However, as it appears that the majority of the boundary hedgerow could be retained, and as there would be views of the countryside either side of the proposed dwellings and to a limited extent in between, it is considered that there would be no significant adverse impact on the character of the area.
76. The majority of the site is located in Flood Zone 2 as determined by the Environment Agency which is at medium risk of flooding. In relation to application ref: 16/00733/OUT, the applicant provided details of potential alternative sites across the Borough which were discounted and, before the application was determined, it was concluded that the sequential test had been passed. However, at the appeal hearing the Borough Council suggested that a site in Flood Zone 1 in Whatton, which was subject to an outline application for up to 90 dwellings at the time (ref: 17/00969/OUT), was available and that consequently the sequential test had not been passed. The Inspector, however, considered that, as the Council suggested that the site in Whatton would not comply with policy 3 of the Core strategy, it would be premature to suggest that the site is available for development and, therefore, capable of being considered within the sequential test. The inspector was, therefore, satisfied that the appeal site passed the sequential test.
77. The applicant has provided details of potential alternative sites with the current application. It is considered that the majority are not reasonable alternatives, primarily because they are in the Green Belt, planning permission has been refused or the number of dwellings is not comparable with the current proposal. Two sites, in Costock and Stanford on Soar, are highlighted as potential alternatives. However, as they have potential capacity for 5 and 54 dwellings, and part of the site in Costock is currently in use, it is considered that they are not reasonable alternatives. In view of this and the appeal Inspector's conclusions, it is considered that the sequential test is passed.
78. A site which was subject of a recent outline application for up to 10 dwellings at land north of Abbey Lane, Aslockton is in Flood Zone 1 and, therefore, sequentially preferable to current application site. However, permission has been refused for the site north of Abbey Lane as it is considered that development of that site would not represent small scale infill.

79. The same Flood Risk Assessment that was submitted with application ref: 16/00733/OUT has been submitted with this application. The Environment Agency did not object to the previous application subject to the site passing the sequential test. They also recommended a condition to ensure that the finished floor levels of the dwellings are no less than 150mm above existing ground levels. Subject to such a condition, it is considered that the risk of flooding to future occupants should be adequately mitigated without increasing flood risk elsewhere. Details of the disposal of surface water and foul sewage could also be required by condition.
80. Subject to siting, scale and design, there should be no significant adverse impact on the amenities of adjacent and nearby properties, and future occupants should have a good degree of amenity.
81. The access arrangements would be considered in detail under a reserved matters application when the exact position(s) and detailed design would be assessed. At the appeal hearing into application ref: 16/00733/OUT,5 the applicant agreed that a condition could be imposed requiring a scheme for an interactive speed sign to seek to address the speed of cars along Cliffhill Lane, which has a speed limit of 30mph. The applicant had carried out a traffic survey in 2014 where the average 85th percentile speed was 33mph and, in November 2016, a survey was undertaken by the County Council which found the average speed to be 44mph. Given the findings of the more recent survey the inspector considered that such a condition would be reasonable and necessary. As only up to 9 dwellings are now proposed, it is considered that a condition is not now reasonable or necessary, and enforcement of speed limits is a Police matter. Whilst the objections of local residents relating to increase in traffic, congestion and impact on highway safety are noted, in the absence of an objection from the County Highway Authority, a refusal on highway safety grounds could not be justified.
82. The appeal decision on this site and at land north of Abbey Lane in Aslockton referred to by the Parish Council relate to up to 50 and 65 dwellings respectively. It has been accepted that the limited services/facilities in Aslockton and limited public transport outside of commuter hours would result a high level of car borne travel. However, the number of dwellings proposed under those applications was significantly greater than now proposed, and it is considered that the proposal for up to 9 dwellings would not conflict with the aims of the Core Strategy with respect to the sustainable distribution of housing across the Borough.
83. The loss of Grade II agricultural land was considered on the previous application and it was concluded that a refusal on such grounds could not be justified. Furthermore, the majority of the field of which the application site forms a small part would be retained.
84. In view of the Design & Conservation Officer's comments, a refusal on grounds of damage to/loss of archaeological remains could not be justified.
85. The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc) Regulations 1994, contain three tests which Natural England must apply when determining a

licence application. This licence is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations. The three tests are:

- a. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - b. there must be no satisfactory alternative; and
 - c. favourable conservation status of the species must be maintained.
86. In this case the protected species survey submitted with application ref: 16/00733/FUL, no evidence was found of protected species and no potential/little suitability for habitats on the site and the watercourse along the boundary, although the hedgerows provide a suitable habitat for nesting birds. Whilst the survey was carried out more than 2 years ago, the Environmental Sustainability Officer considers that it is still current, and the application site is significantly smaller than in 2016. However, as no evidence of protected species was found, it is considered that it is unnecessary for the recommendations in the survey to be subject to conditions. The conservation status of the species would, therefore, be maintained.
87. It is considered that a request to provide a footpath link could not be justified for a development of the scale proposed.
88. Fear of precedent cannot be used to resist proposed developments, and every case has to be considered on its merits.
89. In considering this application, it has to be borne in mind that the Council does not have a 5 year housing land supply. Consequently, in accordance with paragraph 49 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, paragraph 14 NPPF and the so-called 'tilted' balance are engaged. This means that any benefits of the proposed development must be weighed against any adverse impacts.
90. In terms of benefits, the proposed development would make a limited contribution to addressing the Borough Council's lack of a 5 year housing land supply. There would also be a limited temporary economic benefit during construction, and future occupants may use local services/facilities in Aslockton and nearby settlements. There would also be a limited social benefit from widening the choice of available homes. Whilst it is acknowledged that the proposed development would change the character of the site and this part of Cliffhill Lane, it is considered that this would not represent a significant adverse impact. Subject to conditions, it is also considered that there would be no other adverse impacts.
91. The application was subject to pre-application discussions and it was not necessary to contact the applicant during processing of the application.

RECOMMENDATION

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

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

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

2. Application for approval of reserved matters shall be in accordance with the parameters set in the Development Framework Plan (Drawing No. 7112-L-04 D) and the Illustrative Masterplan (Drawing no. 7112-I-02 I).

[In order to establish the parameters of the development in the interests of amenity and to comply with policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

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

- A detailed layout plan of the whole site;
- The means of enclosure to be erected on the site;
- The finishes for the hard surfaced areas of the site;
- The layout and marking of car parking, servicing and manoeuvring areas;
- The design and external appearance of the proposed buildings;
- The means of access; and
- Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises.

[To ensure the development will be satisfactory and in the interests of visual amenity and to comply with policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. Prior to construction of the buildings hereby permitted reaching damp proof course level, details of the facing and roofing materials to be used on all external elevations shall be 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 development will be satisfactory and in the interests of visual amenity and to comply with policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and GP2 (Design &

Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. No dwellings shall be occupied 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 EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

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

[To ensure existing hedges are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This condition needs to be discharged before work commences on site to ensure that no damage is caused to the hedges]

7. No dwellings shall be occupied until details of the proposed vehicular access/accesses and visibility splays of 43m x 2.4m together with a new footpath link connecting the site to the existing footpath have been submitted to and approved in writing by the Borough Council, and the approved facilities have been provided in accordance with the approved details. The facilities shall be retained for the life time of the development.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. The development shall not be occupied until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details to be submitted to and approved in writing by the Borough Council. The details shall be informed by the report 'Cliffhill Lane, Aslockton – Flood Risk Assessment, dated March 2016 by BWB' (submitted with application ref. 16/00733/OUT) and the following measures:

- Provision, implementation and maintenance of a Sustainable Drainage (SuDs) System with storage provided up to the 100 year plus climate change allowance and surface water run-off limitation to existing greenfield run-off rates.

- 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 that adequate drainage facilities are provided to minimise the risk of flooding and pollution, and to comply with policies WET2 (Flooding) and WET3 (Groundwater Resources) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

9. The finished floor levels of the dwellings shall be set no lower than 150mm above the existing ground level.

[To reduce the risk of flooding to the proposed development and future occupants and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and the National Planning Policy Framework]

10. With the exception of the sections to be removed to provide vehicular and pedestrian access, the hedgerow located along the southern boundary of the application site shall be retained at a minimum height of 2m (unless a lower height is required to provide adequate visibility), and any part of the hedgerow removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedgerow is an important feature in the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to Applicant

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.

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

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.

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

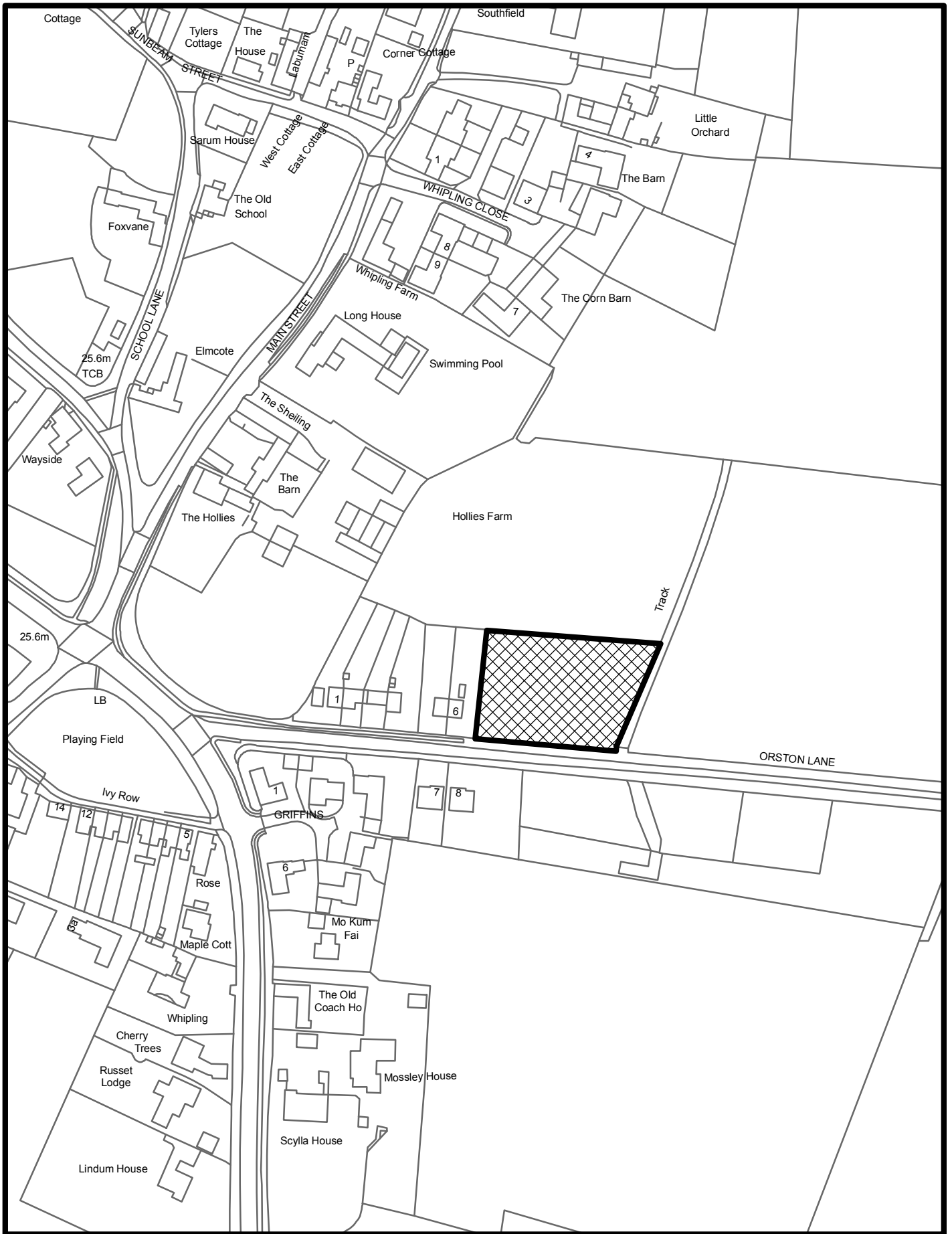
0115 958 8242 or by email at info@nottswt.co.uk. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

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.

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

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



Application Number: 17/02703/OUT

Orston Lane Whatton

scale 1:2000



This page is intentionally left blank

17/02703/OUT

Applicant Whipling Farm Partnership

Location Land East Of 6 Orston Lane, Orston Lane, Whatton, Nottinghamshire

Proposal Erection of 3no. residential dwellings and associated vehicular access.

Ward Cranmer

THE SITE AND SURROUNDINGS

1. The site extends to approximately 0.25 ha and comprises part of a field in arable use.
2. The site is adjoined on its western side by existing dwellings and to the north and east by other arable land. The frontage of the site comprises a mature hedge beyond which is a bridleway. A farm track runs north from the bridleway adjacent to the eastern boundary of the application site.
3. The boundary of the Whatton Conservation Area adjoins the western boundary of the site.

DETAILS OF THE PROPOSAL

4. The application seeks outline planning permission, with all matters reserved for future approval, for three dwellings and the formation of a vehicular access.
5. The application was accompanied by an indicative layout, Design and Access Statement, Heritage Impact Assessment, Preliminary Ecological Appraisal and indicative house type plans.
6. Although all matters are reserved for future approval, the Design and Access Statement indicates that the dwellings would be of traditional design, possibly with contemporary additions, with a palette of facing and roofing materials in keeping with their surroundings. It also proposes the retention of the front hedge, with the exception of that required to be removed to create the access, and planting on the north and east boundaries.

SITE HISTORY

7. There is no relevant site history.

REPRESENTATIONS

Ward Councillor

8. The Ward Councillor (Cllr M Stockwood) objects on the following grounds:
 - a. The development would extend the settlement into farm land.

- b. The site is currently productive farm land.
- c. There is no evidence of need when considered in conjunction with the new development in Aslockton.
- d. The size of the dwellings would be out of keeping with neighbouring houses.
- e. The application is speculative.
- f. Whatton is not a sustainable location.

Town/Parish Council

- 9. The Parish Council has objected and commented, *“The council feel that much of rests on the size of the houses, the congestion on the Orston Lane, the impact on farmland, the impact on views from and into the conservation area, the fact that this area of land is not designated for development, and that Whatton is not considered a development site by Rushcliffe Borough Council for new housing beyond moderate in-fill, which this does not constitute.*
- 10. *The council are of the opinion the village does not need further provision of four / five bedroomed houses but rather more semi-detached houses similar to those currently habited and which have been in the parish for years.*
- 11. *We understand the site is Green Belt land and while it is outside the Conservation Area, any building will impact on both the view into and out of that important conservation area which is a material consideration. In particular 2.2 of the (Conservation Area) Appraisal and Management Plan ‘The Whatton-in-the-Vale conservation area has a very strong relationship with the countryside that surrounds it. Views can be taken from edges of the conservation area. Looking out over large gardens, paddocks, fields and the open countryside, known as the South Nottinghamshire Farmlands (Nottinghamshire Landscape Guidelines, ~Nottinghamshire County Council).*
- 12. *I trust our comments will be taken into account when the matter is being dealt with by the Borough Council.”*

Statutory and Other Consultees

- 13. The Nottinghamshire County Council as Highway Authority has raised no objection in principle on highway grounds subject to satisfactory construction of the access and turning area, the provision of visibility splays and provision of a bin collection point.
- 14. Via East Midlands (on behalf of the County Council) points out that Orston Lane becomes a bridleway to the front of the site, however, this is unlikely to conflict with the proposed development as the access would be taken from the adopted highway. Any works which physically affect the bridleway would require permission from the County Council’s Rights of Way team.

15. The Trent Valley Internal Drainage Board notes that there are no Board maintained watercourses in the vicinity of the site. They recommend that there should be no increase in surface water run off to receiving watercourses and the design and operation of site drainage should be agreed with the Local Lead Flood Authority and the Borough Council.
16. The Borough Council's Conservation and Design Officer points out that the site adjoins the Conservation Area and paragraph 129 of the NPPF requires the impact of a development on its setting to be taken into account. He also points out that the Conservation Townscape Appraisal identifies a key view along Orston Lane and identifies the hedge as being of significance, however, views across the site are not identified though they do present an opportunity to experience the agricultural landscape which forms the context of Whatton. He considers that the loss of view would represent "less than substantial harm" though at the lower end of the scale and, therefore, an assessment has to be made as to whether the public benefit of the development outweighs this harm. He considers it unlikely that any archaeological issues would arise.
17. The Borough Council's Environment Sustainability Officer has confirmed that the Ecological Survey accords with best practice and endorses its recommendation that an Ecological Management Plan be required. He also makes a number of recommendations regarding best working practices, for example avoiding bird nesting season or having an ecologist on site if this is not possible, submission of a landscaping scheme and installation of bat and bird boxes.

Local Residents and the General Public

18. 15 written representations objecting to the proposal have been received from local residents. The grounds for objection can be summarised as follows:
 - a. The site is outside the village and inappropriate in the countryside and, therefore, contrary to the Rushcliffe Borough Non Statutory Replacement Local Plan.
 - b. The site comprises best quality agricultural land, therefore, contrary to policy EN21 of the RBNSRLP.
 - c. Increased traffic, including at the junction with A52.
 - d. Loss of wildlife.
 - e. 3 and 4 bedroom houses not in keeping with existing houses on Orston Lane.
 - f. Absence of need in view of recent approvals in Aslockton.
 - g. Whatton is not a sustainable location.
 - h. Development not "plan led" therefore contrary to NPPF.
 - i. Not sustainable due to poor public transport service.

- j. Whatton is not identified in the Local Plan Core Strategy as a key settlement for growth and development is not infill.
- k. Detrimental to the rural character of the area, therefore, contrary to policy HO2 of RBNSRLP.
- l. Detrimental to amenity of neighbours, therefore, contrary to policy GP2 of the RBNSRLP.
- m. Contrary to emerging part 2 of Local Plan which states that it would not be sustainable for any further green field sites to be developed in Whatton.
- n. The site is isolated.
- o. Detrimental to the character of the Conservation Area.
- p. Conflict with walkers and horse riders on the bridleway.
- q. Smaller houses needed.

PLANNING POLICY

- 19. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy.
- 20. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
- 21. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

- 22. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 23. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment'.

24. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development which should aim to proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.
25. Paragraph 55 advocates support for residential development on sustainable sites in rural areas where it would support local services or those in nearby villages and advises that isolated dwellings should be avoided unless there are exceptional circumstances.
26. Paragraph 118 states that when determining applications, local authorities should aim to conserve and enhance biodiversity by, for example, encouraging the incorporation of biodiversity in and around developments.
27. Paragraph 128 of the NPPF is also relevant. It requires consideration to be given to the effect of any development on the setting of a conservation area, whilst paragraph 132 points out that the significance of a heritage asset can be harmed by development in its setting. Paragraph 133 advises that where a development would lead to substantial harm or total loss of the asset, permission should be refused. Paragraph 134 advises that where the proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.

Relevant Local Planning Policies and Guidance

28. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
29. Core Strategy Policy 3 defines the strategic sites which will deliver the majority of new homes. The text at 3.3.17 states that elsewhere in the Borough development will meet local needs only through small scale infill development or on exception sites.
30. Core Strategy Policy 11 states that proposals 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.
31. Core Strategy Policy 17 (Biodiversity) states that the biodiversity of Rushcliffe will be increased by various measures including protecting, expanding and enhancing biodiversity interest and seeking new biodiversity measures in new development.
32. In the context of the Replacement Local Plan, the relevant policies are GP2 (Amenity and Design), HOU2 (Development on Unallocated Sites) and EN2 (Conservation Areas).
33. Policy GP2 requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.

34. Policy HOU2 states that planning permission will be granted for development on unallocated sites so long as a number of criteria can be satisfied, including that the development would not extend the built-up area of the settlement, would not result in the loss of a site which makes a significant contribution to the amenity of the area by virtue of its character or open nature, etc.
35. Policy EN2 requires that any development in a conservation area or outside of but affecting its setting, including views into or from the conservation area, should preserve or enhance its character and appearance.

APPRAISAL

36. The starting point for considering the proposal is whether it would result in a sustainable development in the context of paragraph 55 of the NPPF. In this respect, paragraph 55 advises that local planning authorities should avoid new isolated homes in the countryside unless certain criteria apply. Given its proximity to existing dwellings on Orston Lane, it is not considered that the site or the proposed dwellings could be described as isolated. Furthermore, it has access to services and facilities in nearby Aslockton and also those in Bingham, which is not a significant distance from Whatton.
37. Whilst residents have referred to appeal decisions which found Aslockton to be unsustainable in terms of services and facilities, a previous appeal found the village to be a sustainable location. The two more recent appeals were dismissed due to the cumulative effect of the proposed developments. However, these were significant developments in the context of Aslockton involving schemes for up to 65 dwellings and up to 50 dwellings. Also of relevance is the recent Further Options consultation for Part 2 of the Local Plan. This acknowledged that, in terms of Whatton, further housing development beyond small scale infill development or rural exception development would be unsustainable.
38. Clearly, the development would not be infill and would extend the built-up area of the settlement, contrary to policy HOU2 of the RBNSRLP, however, more weight should be given to the more recent paragraph 55 of the NPPF referred to at paragraph 25 above. The resultant houses could not be described as isolated and whilst the proposal would extend the built-up area of the settlement, given the overall pattern of development in the area, such extension is not considered to be unacceptable or harmful to the character of the area. In this context, it is considered that the proposals would result in a sustainable development.
39. Although the site does not lie within the Conservation Area, consideration must be given to the impact of the development on its setting. Although not identified in the Townscape Appraisal as a key view, the Conservation Area is visible across the site. The nearest part of the Conservation Areas comprises the dwellings which adjoin the site to the west, however, the main views of them would be from Orston Lane rather than across the application site. Distant views towards Main Street to the north-west would be affected.
40. Whilst the proximity of the site to the nearest part of the Conservation Area would result in some harm to its setting, it is considered that this would be less than substantial and would be outweighed by the public benefits of the development. The National Planning Practice Guidance provides guidance on

public benefits and that benefits may follow from many developments and could be anything that delivers economic, social and environmental progress as described in the NPPF, paragraph 7. The NPPG goes on to advise that benefits do not always have to be visible or accessible to the public in order to be a genuine public benefit. In this instance, social benefits would arise through the provision of additional housing and economic benefits would result initially through the construction phase, including employment generation, and also through support for facilities within the settlement or nearby settlements once the dwellings were occupied. It is important to acknowledge that whilst the Conservation Officer considers that the proposal would result in 'less than substantial' harm to the setting of the conservation area, this would be at the lower end of the scale of harm. The agricultural hinterland which contributes to the character and setting of Whatton would largely remain intact.

41. Concern has been expressed over traffic generation and conflict with users of the bridleway, however, it will be noted that the County Council has raised no objection on either count. Due to the width of the grass verge, adequate visibility splays could be provided.
42. In terms of agricultural land quality, the site is grade 2. The NPPF advises that where significant development of agricultural land is proposed, local authorities should seek to use areas of poorer quality. It is not considered that the development could be described as significant and given the small area of land involved, it is not considered that a refusal of permission based on loss of agricultural land would be justified.
43. With regard to ecological issues, the Preliminary Ecological Appraisal acknowledges the site has the potential to support a number of protected species. It makes a number of recommendations including retention of hedgerows, landscaping to incorporate biodiversity enhancement measures, avoidance of bird nesting season or supervision by an ecologist and best working practices to avoid harm to badgers, reptiles and great crested newts, though their presence is unlikely. The implementation of these recommendations could be secured through an appropriately worded condition of any planning permission.
44. The compatibility of the proposed dwellings to the existing properties in terms of scale has been raised, however, it should be noted that the application is for outline permission with matters of scale, design, etc. reserved for future approval. Orston Lane comprises a mix of detached, semi-detached and terraced properties. On the basis of the indicative layout, it is considered that the development would be sympathetic to the character of Orston Lane and the pattern of development in the wider area.
45. In terms of impact on the amenity of neighbours, the nearest dwelling which could be affected is no. 6 Orston Lane, which has windows in the gable facing the site. It should be emphasised that the current application seeks outline planning permission with all matters reserved for subsequent approval, at which stage such impacts would be considered in detail. However, the notional layout demonstrates that a scheme would be possible where the nearest proposed dwelling would not result in unacceptable overlooking or overbearing impacts to no.6. Furthermore, it is not considered

that the level of traffic likely to be generated by the development would lead to any undue loss of amenity.

46. The Parish Council in their comments made the observation that, “*We understand the site is Green Belt land...*” This is not the case and the site is around 4.5 kilometres (at the closest) from the boundary of the Green belt.
47. The proposal was subject to pre-application discussions with the agent and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation that planning permission be granted.

RECOMMENDATION

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

1. Application for approval of the reserved matters must be made not later than three years beginning the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended)].

2. The development shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council.
 - a. A detailed layout plan of the whole site.
 - b. The siting, design and external appearance of the proposed buildings.
 - c. The means of access.
 - d. Plans, sections and cross sections of access roads and footpaths.
 - e. The means of enclosure to be erected on the site.
 - f. The finished ground levels and floor levels of the dwellings.

[To ensure the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. It is considered that these details should be approved prior to commencement of development as they were not submitted with the planning application].

3. No development shall take place 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 EN13 (Landscape Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of the development in advance of the submission of a landscaping scheme could result in insufficient space being available to carry out a satisfactory scheme].

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

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of development in advance of the implementation of tree protection measures could result in loss of or damage to trees and/or hedges which it is considered should be retained.]

5. None of the proposed dwellings shall be occupied until the access and parking facilities have been provided in accordance with the approved details

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. The development shall not commence until a Landscape and Ecological Management Plan, which shall include the implementation of the recommendations in the Preliminary Ecological Appraisal, has been submitted to and approved in writing by the Borough Council. Thereafter, the development shall be carried out in accordance with the approved details.

[In the interests of bio-diversity and to comply with policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy. Commencement of development in advance of the submission of a survey could result in habitats or other items of wildlife interest being damaged or destroyed].

7. The development shall not be brought into use 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 WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

8. This planning permission relates to the site shown outlined in red on drawing number 4374/AG/17/001 Rev, A.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

9. With the exception of the section to be removed to facilitate the formation of the access to the site, the existing hedgerow on the front (southern) boundary of the site shall be retained for the life of the development and shall be protected during the construction of the development in accordance with details submitted to and agreed by the Borough Council pursuant to condition 4.

[In the interests of amenity and to comply with policy EN13 (Landscape Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

Notes to Applicant

Work impacting on vegetation should preferably be carried out between October and February.

All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted. The methodology for amphibians and reptiles recommended by the consultant ecologist at para 7.5 and 7.6 Of the Preliminary Ecological Appraisal should be followed.

All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted. See also para 7.2 of the consultant ecologist report.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented. See also para 7.3 of the consultant ecologist report.

Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

If work is required on trees, this should not be carried out unless an ecologist has checked these trees are not used/being used by bats as roosts.

Where possible new trees/hedges should be planted with native species (preferably

of local provenance) and existing trees/hedges should be retained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). Root protection zones should be established around retained trees/hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.

It is recommended that consideration is given to installing bird and bat boxes/bricks or lofts and ponds and reptile/amphibian habitat features.

Consideration should be given to energy efficiency, water sustainability, management of waste during and post construction and the use of recycled materials and sustainable building methods.

With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 0300 500 8080 for further information.

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

This page is intentionally left blank



Application Number: 17/02907/FUL
White House, Nicker Hill, Keyworth



scale 1:1000

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

Applicant Mr & Mrs A Hill

Location White House, Nicker Hill, Keyworth, Nottinghamshire, NG12 5EA

Proposal Erection of a detached, one-bedroomed dwelling with integral garage.

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application site forms part of the residential curtilage of The White House, a large detached post-war property set within large gardens to the east side of Nicker Hill on the most easterly edge of the settlement of Keyworth.
2. The application site is bound by agricultural fields and Green Belt land to the north-east. To the north-western boundary is a detached two storey dwelling and gardens to The Orchard constructed in the late 1970's. To the south-east is a large detached property (Green Gable) similar in footprint and scale to The White House.
3. The prevailing pattern and density of development along Nicker Hill is large individually styled detached dwellings set within large plots with deep frontages and elongated gardens, laid out in linear form within spacious surroundings. One exception to the prevailing form of development within the immediate site context is Firs Farm, which is located beyond the neighbouring property (The Orchard), which contains a frontage dwelling (Firs Farm) and a converted barn (Rivendell) to the rear.

DETAILS OF THE PROPOSAL

4. The application seeks full planning permission for the erection of a large one bedroomed two storey dwelling to be located within the rear garden of the existing property (The White House) positioned and orientated at a perpendicular angle to that of both neighbouring properties. The proposal would require the demolition of an existing detached garage and construction of a replacement garage to the south side of The White House, together with a new access on to Nicker Hill which would serve the existing dwelling. The proposed dwelling would be accessed via the existing vehicular access with a 50m long access drive located between The White House and The Orchard.
5. The design of the proposed dwelling is contemporary in style with a shallow mono-pitched roof to be externally faced in white render with zinc or zinc coloured membrane overhanging roof and with aluminium fenestration. The proposed dwelling would measure 6.1m to the highest point of the mono-pitched roof with the scale reducing through various subsections of the building, dividing elements of accommodation between the main living space which includes the first floor bedroom suite, a conservatory and garage wing at ground floor.

6. The proposal seeks to subdivide the curtilage across the rear of the site with an area of rear curtilage to be retained for the host dwelling measuring approximately 264 square metres, with 360 square metres for the proposed dwelling, divided by a 1.8m close board fence.

SITE HISTORY

7. Application ref: 8/U1/83/D/956 - Erection of detached dwelling (outline) – REFUSED July 1983
8. Application ref: 8/U1/83/D/992 - Erect detached dwelling (outline) – REFUSED July 1983.
9. Application ref: H2/85/1680/P - Erection of two storey side extension – Approved November 1985.
10. Application ref: 04/00836/FUL - Erection of single storey extensions. (Front and rear) – Approved July 2004.
11. Application ref: 13/01525/FUL relates to a neighbouring site located on the west side of Nicker Hill immediately opposite the application site, however, the determination and subsequent appeal decision (APP/P3040/A/13/2209696) is considered to be a relevant material consideration in the determination of this application. The application proposed the construction of three residential properties which included the provision of a dwelling laid out partly in back-land form. The application was refused on grounds of harm to the character and appearance of the area and impact on the amenity of existing and future occupants. The subsequent appeal was dismissed.

REPRESENTATIONS

Ward Councillor(s)

12. One Ward Councillor (Cllr Inglis) supports the application and has provided the following comments:
13. *“Mr & Mrs Hill have made a genuine need application to build a dwelling in their garden for them to reside in, which would be suitably designed to their future needs. They have no desire to move from this location and see this as an ideal solution to see out the rest of their lives.*
14. *My initial reaction from the ‘paper’ assessment, also by referring to the addition plans for a new separate drive to The White house, and with no contrary representations, was the same conclusion as the Keyworth Parish Council in having no objections to the proposals.*
15. *I was subsequently invited to a site meeting. Having then viewed the actual plot for any possible negative effect to the neighbours I could still see no reason for objection in regards to intrusion or an overbearing effect, loss of light or loss of privacy. The proposed landscaping would also compliment the development and relationship of the two dwellings.*

16. *I have been made aware that the Officer's current decision would be not to grant permission. I would like to make the following observations in support of my none objection for that decision to be reviewed in relation to the outlined refusal suggestions.*
17. *Nicker Hill is generally considered an area of large individual styled detached dwellings in large plots when actually there are several smaller, narrower plots, as to The Orchard next door, The Starlings and The Croft just a few doors down. I do not consider that the proposed layout would conflict with the prevailing pattern of development in the area as each property is unique and offers no uniformity or pattern, especially the immediate area as the application only reflects a previous permitted development in next door but one, with the infilled/back land placement of Rivendell behind Firs Farm which is also accessed by just a drive from the road with no frontage. Although the plans for these are now archived it has a similar topography; except the proposed dwelling is offset and angled to the host, rather than immediately behind so it still affords a view to the rear of the host dwelling with no overlooking windows. I consider that the precedence was set when Rivendell was permitted. There is no well-defined building line along Nicker Hill.*
18. *The White House will remain in a proportional plot. The new development would be subservient to it. Future residents of the White House will still enjoy the characteristics of the dwelling and will have the choice to reside there.*
19. *Nicker Hill has a strong community spirit as has been demonstrated in recent planning applications. I am not aware of any such action for this proposal. The permitted development at Rebbur House and garden dwellings, immediately opposite the White House, has changed the profile of Nicker Hill in that more affordable living accommodation will become available. I believe that this proposal would complement such in the longer term.*
20. *To summarise:*
 1. *No negative effect or impact to current residents or neighbouring dwellings in relation to loss of privacy, light, overbearing or noise. The plot offers the opportunity for tandem development with the divided plot sizes suitable for each dwelling.*
 2. *The proposal is of good design to minimise any impact.*
 3. *No conflict with the prevailing pattern of development.*
 4. *The new dwelling would complement and offer more affordable housing in conjunction with recent consent for Rebbur House and garden dwellings opposite.*
 5. *Precedence is already set with the Rivendell back land development."*

Town/Parish Council

21. **Keyworth Parish Council** raise no objection

Statutory and Other Consultees

22. Nottinghamshire County Council as Highway Authority is of the opinion that the proposed development will not have a significant detrimental effect on the operation of the adjacent Highway. Therefore, subject to the standard access

conditions contained within their standing advice being applied, they have no objection to the proposal.

Local Residents and the General Public

23. Two letters have been received from both neighbouring properties stating that they have no objection to the application.

PLANNING POLICY

24. The Development Plan for Rushcliffe comprises of the Local Plan Part 1 - Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
25. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006). Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of Development Control and this is considered to be a material planning consideration in the determination of planning applications where still in compliance with the NPPF. Furthermore, the Keyworth Neighbourhood Plan passed independent examination on the 19th February 2018, subject to a number of recommended modifications.

Relevant National Planning Policies and Guidance

26. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in the Framework indicate development should be restricted”.*
27. In relation to residential amenity paragraph 9 of the NPPF states, *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to): improving conditions in which people live, work, travel and take leisure.”* Paragraph 60 of the NPPF relates to design and states, *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”* Paragraph 64 states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

Relevant Local Planning Policies and Guidance

28. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
29. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Policy 3 states that the settlement hierarchy for Rushcliffe firstly consists of the main built-up area of Nottingham and then the key settlements identified for growth. Keyworth is identified as a settlement for growth and is to provide a minimum of 450 dwellings within or adjoining the settlement during the current plan period up to 2018. Policy 10 states, inter-alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics.
30. Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan is concerned with issues of design and amenity and the effect of proposals on neighbouring properties. Policy HOU2 sets out the circumstances in which planning permission will be granted for unallocated development within settlements. This includes where the development of the site would not extend the built-up area of the settlement nor would it “...*detrimentally affect the character or pattern of the surrounding area...*”
31. On the 19th February 2018 The Keyworth Neighbourhood Plan passed independent examination subject to a number of recommended modifications. The Neighbourhood Plan at this stage, therefore, carries moderate weight. Policy H3 of the Neighbourhood Plan is particularly relevant in the determination of this application. In relation to the design of new development, the policy states that new development should reinforce character and identity through locally distinctive design and architecture, and integrate well with the surroundings.
32. Consideration should also be given to supplementary guidance provided within the ‘Rushcliffe Residential Design Guide’.

APPRAISAL

33. The key issues in the determination of this application are the principle of residential development on this site, the design and impact on the character of the area, the impact on existing and future occupants’ residential amenity, highway safety and parking.

Principle of Development

34. The principle of development for a single residential dwelling in this location is guided by Policy 3 of the Core Strategy which states that the settlement of Keyworth is a Key settlement for growth envisaged to provide a minimum of 450 homes within and adjoining the settlement over the current plan period up to 2028.
35. The site is considered to be located within the built up area of the settlement and as such, the principle of development is acceptable.

Design and Impact on the Character of the Area

36. This part of Nicker Hill is broadly characterised by large detached properties set within large deep plots with elongated curtilages, spacious surroundings and wide frontages laid out in linear form with a consistent depth. Dwellings are individual in character but the scale, size of plot and depth of frontage remain consistent along this section of Nicker Hill. The low density pattern of spacious development contributes to the distinctive character of the area.
37. Policy 10 of the Core Strategy requires that all new development should be designed to make a positive contribution to the public realm and sense of place which will be assessed in terms of:
- a) Structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces; and
 - b) Impact on the amenity of occupiers or nearby residents.
38. The proposed new dwelling, due to its position and orientation, would constitute backland development with an uncharacteristic layout and a form of development that would and alter the clearly defined pattern of built development, creating a subdivided plot and property significantly deeper in the plot than the surrounding residential properties. The resultant impact would fail to promote or reinforce the distinctive characteristics of the area and would, therefore, be detrimental to the character and appearance of the area. There is, therefore, a fundamental objection to the development on this basis which cannot be overcome.
39. Reference has been made to other forms of back-land development that exist within the locality. Each case should be determined on its merits, however, the Inspector in the determination of the appeal at 108 Nicker Hill accepted that there are some examples of 'back-land' development elsewhere along Nicker Hill, but concluded that these developments did not justify the approval of further development which would cause the harm identified. Furthermore, the development of a dwelling at Rivendell was for the conversion of an existing barn structure, and therefore was not a new form of physical development.
40. The proposal includes the laying out of an alternative access to serve the host dwelling. It is not considered that this element of the proposal would cause unacceptable harm to the character and appearance of the area by virtue of the depth of the verge and the minimal loss of frontage hedgerow.

Residential Amenity

41. Whilst it is acknowledged that the current occupiers of both adjoining neighbouring properties raise no objection to the proposal, the local planning authority is required by paragraph 17 of the NPPF to secure a good standard of amenity to existing and future occupants.
42. The proposal if approved would see an approximately 50% reduction in the amount of curtilage space to the existing property. The existing dwelling to be retained would have a 12m depth of rear garden which reduces to less than 8m at various sections owing to the shape of the curtilage and the orientation

of the proposed dwelling. The distance between the existing and proposed dwelling would be 9.8m at its closest point increasing to 21m at the furthest point. The proposed dwelling would be sited 2.75m from the nearest neighbouring boundary (The Orchard) and 2m from the proposed boundary between The White House and the proposed dwelling.

43. The design and orientation of the proposed dwelling broadly addresses any privacy concerns due to the considered positioning and design of windows on interfacing elevations between the proposed dwelling and existing neighbouring properties, in addition to screened areas to provide private outdoor seating for the proposed dwelling. However, the close proximity of the proposed dwelling to the rear elevation of the host dwelling (The White House), and the northern boundary shared with The Orchard gives rise to other concerns; specifically loss of outlook, overbearing impacts and loss of light, in an area whereby occupiers typically enjoy a greater degree of space between properties and as such, a greater standard of amenity.
44. The bulk and scale of the proposed dwelling if approved would be overbearing due to its cramped position in close proximity to the boundaries shared with The White House and The Orchard, comparative to the otherwise spacious arrangement of surrounding properties. This close relationship would be further detrimental to the outlook of the neighbouring properties which have enjoyed a good standard of amenity due to the spacious characteristics of the area as a result of the established pattern and form of development along Nicker Hill.
45. The scale and position of the dwelling located due south of the boundary shared with The Orchard would also result in overshadowing to a large proportion of the rear garden of this neighbouring property, particularly during early evenings and during winter months when the sun's projection is at a lower angle in the sky. The proposal would also, therefore, result in unacceptable overshadowing to the garden of The Orchard.
46. The proposed location of the dwelling beyond the rear elevations of The Orchard and The White House also gives rise to the potential for additional noise and disturbance being harmful to the amenities of the neighbouring occupiers. Vehicular movements and other noise and activity associated with a domestic dwelling in such close proximity and from within the otherwise quiet rear garden areas would be harmful to the amenity of the occupiers of The White House and The Orchard. The proposal would therefore be contrary to the provisions set out in Policy 10 of the Core Strategy and GP2 of the Non-statutory Replacement Local Plan which seek to preserve the amenity of existing and future occupiers.

Highway Safety and Parking

47. It is proposed to utilise the existing access drive from Nicker Hill to serve the new dwelling, which is approximately 50m in length positioned between The Orchard and The White House. It is also proposed to create a new access to serve the existing dwelling and the construction of a new detached garage to the side (south) elevation to serve the proposed dwelling following removal of the existing detached garage in order to facilitate the extended access drive to serve the proposed dwelling.

48. The proposal would provide adequate space for parking and turning for both the existing and proposed dwellings and, therefore, there is no objection to the proposal on this basis.
49. Nottinghamshire County Council as Highway Authority raises no objection to the proposal. Should the application be approved, standard conditions should be imposed requiring full details of the access to be submitted to and approved.

Conclusions

50. Whilst the NPPF aims to boost significantly the supply of housing, this is set within the overarching principle of encouraging sustainable development. The core planning principles set out in the NPPF include having regard to the character of different areas and securing a good standard of amenity for existing and future occupants. The proposal would conflict with these principles and would not therefore constitute sustainable development. In any case, the adverse impacts of granting planning permission in this case would significantly and demonstrably outweigh the benefits. Accordingly the application should be refused.
51. The proposal was the subject of pre-application discussions. There is a fundamental objection to the development of which the applicant was made aware prior to submitting an application. It is considered that this cannot be overcome through negotiation. The applicant has been made aware of the situation in writing and in order to avoid the applicant incurring further abortive costs, consideration has not been delayed by discussions which cannot resolve the reasons for refusal.

RECOMMENDATION

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

1. The existing property at Nicker Hill (White House) currently enjoys a generous amount of amenity space, which is in keeping with the spacious character of development in the surrounding area that is generally characterised by properties situated within sizeable, elongated curtilages. The proposed development of a single, two-storey dwelling sited between and behind the existing frontage development, in the layout shown would result in a poorly laid out, cramped and over-intensive form of development, which would not respect the character, pattern and density of development in the surrounding area. The backland form of development proposed would detrimentally affect the pattern of development in the surrounding area and create a precedent for similar inappropriate development. The proposal would therefore be contrary to Policy 10 of the Core Strategy which states that:

All new development should be designed to make a positive contribution to the public realm and sense of place which will be assessed in terms of:

- a) Structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and the layout of spaces; and:

- b) Impact on the amenity of occupiers or nearby residents.

The proposal would also be contrary to Policy HOU2 of the Rushcliffe Non-Statutory Replacement Local Plan which states that planning permission for new, unallocated development will be granted provided, inter-alia, that:

- a) The size and location of the site is such that its development would not detrimentally affect the character or pattern of the surrounding area or the settlement as a whole.

The adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits and the proposal would also be contrary to guidance in the National Planning Policy Framework.

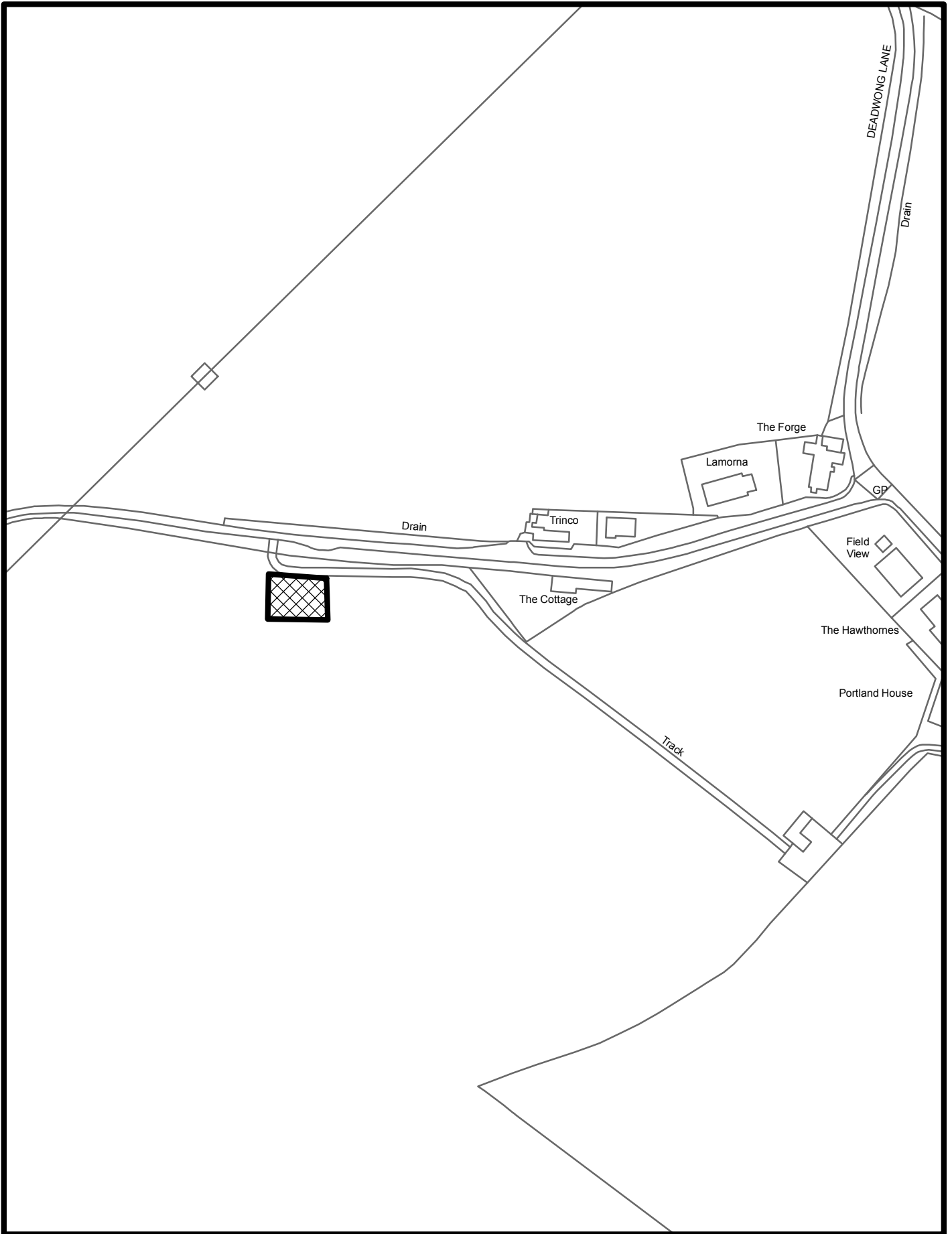
- 2. The proposed development would result in adverse impacts on the living conditions of occupiers of The White House and The Orchard by way of the scale, bulk and position of the proposed dwelling in relation to site boundaries, resulting in overbearing and overshadowing impacts, and due to increased noise and disturbance from activity associated with its occupation.

The proposal is therefore considered to be contrary Policy GP2 a) of the Rushcliffe Borough Non Statutory replacement Local Plan 2006 which states: planning permission for new development will be granted provided that, where relevant, the following criteria are met:

- a) There is no significant adverse effect upon the amenity, particularly residential amenity, of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated;
- d) The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They should not lead to an over-intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy.

The adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits and the proposal would also be contrary to guidance in the National Planning Policy Framework.

This page is intentionally left blank



Application Number: 17/01855/FUL
os field 0004 Flintham Lane Sibthorpe



scale 1:2000

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

This page is intentionally left blank

17/01855/FUL

Applicant Mr Robin Devereux

Location OS Field 0004 Partial Flintham Lane, Sibthorpe, Nottinghamshire

Proposal Erection of building for the storage of agricultural vehicles, machinery and equipment for the repair of agricultural machinery and implements

Ward Thoroton

THE SITE AND SURROUNDINGS

1. The application site is located within an agricultural holding identified as Shelton Lodge Farms. The site is part of a large field which appears to have been used for growing crops but as outlined in the application form was also used for grazing animals. The site is located adjacent to the field's northern boundary which adjoins Flintham Lane.
2. The application site is bounded by agricultural fields to the south, east and west. There is a group of agricultural buildings located to the south of the site off Longhedge Lane which currently serve the agricultural holding, used for the storage of cattle and farm equipment but have been granted prior approval for use as residential. A small number of residential properties are located to the east of the site on the western edge of the small rural settlement of Flintham, the closest of them is The Cottage, Flintham Lane approximately 45m away.
3. The site is accessed via the existing farm access off Flintham Lane. The access is not laid with hardstanding. Flintham Lane is a narrow rural lane.

DETAILS OF THE PROPOSAL

4. Full planning permission is sought for the erection of a steel portal frame building to be used for the storage of agricultural vehicles, machinery and equipment and the repair of agricultural machinery and implements. The scheme has been amended to remove the metal work, manufacturing element of the proposal. The building would measure 20m in length by 15m in depth with height to the eaves of 4.8m and 6m in height to the ridge. An area of hardstanding measuring 5m in width would surround the building. The building and hardstanding would be bounded by a timber post and rail fence with gated access to the surrounding field and the access track.
5. Hours of operation are proposed to be 0700 to 1900 Monday to Fridays, 0700 to 1200 Saturdays and at no time on Sundays and bank holidays.
6. The site would be staffed with the equivalent of 6 full time employees although as repairs to farm equipment will take place in situ there will be times during the day when the building is left unmanned. The applicant has confirmed that they do not intend to transport any Agricultural Machinery along village roads the only increase in transport will be their own car or Pick-

Up vehicle. The repair and service work for local farmer's equipment is normally carried out at their farm premises or in the fields during Tilling or Crop Harvesting when break-downs occur. The buildings function is to give a facility to store spare parts and carry out limited repairs on worn or damaged parts for Agricultural Machines that can be fitted back at the Customers Premises or work on their own vehicles and equipment. They are a Modern Blacksmith with expertise in Metal-Work and Welding and also require a secure base to store their tools and equipment. No metal work manufacturing such as security gates and feeders would take place at the premises.

7. The supporting information indicates that the use will generate the need for 5 full time and 2 part time employees, 3 additional full time and one additional part time above the level currently employed.

SITE HISTORY

8. An application for agricultural prior notification ref. 01/01407/AGRIC for an agricultural storage building was submitted on a site within the same field but it was confirmed that prior approval was needed. The decision notice advised that the proposal was considered unacceptable as the noise generated from vehicular traffic to and from the proposed building and the machinery (including grain drying) associated with the building would have a significant impact on the amenity of the dwellings to the east, contrary to Policy ENV1 of the Rushcliffe Borough Local Plan.

REPRESENTATIONS

Ward Councillor(s)

9. The Ward Councillor (Cllr Bailey) objects to the application, she highlights an application ref. 01/01407/AGRIC, the address for the land was given as C.G.Burton and Sons Ltd, Riverlands, Bottom Green, Sibthorpe, Newark, Notts, NG23 5PN for an agricultural storage building 24.4m x 18.3m. The proposal was considered unacceptable for a number of reasons. This application 17/01855/FUL gives the address as OS Field 0004 Partial, Flintham Lane, Sibthorpe, Nottinghamshire, however, it is the same site. The application is not only for the erection of a storage building, but also for a workshop. The proposed steel framed building with industrial mesh security fencing and external security lighting would be a commercial/industrial unit to be used for storage of machinery, manufacturing/repair and not directly linked to the operation of the farm. This is not a low key operation for repair of machinery used on the farm, but an engineering/manufacturing business. She has concerns about the amount of noise that would be generated by the equipment, tools and drilling machine and compressor, for up to 12 hours a day, 5 days a week plus 5 hours on a Saturday. The industrial unit would be 45 metres away from the nearest cottage boundary and 65 metres away from the cottage itself. Flintham Lane is a narrow single track lane, currently in a bad state of repair. The large barns on Longhedge Lane, Sibthorpe, 17/00085/PAQ, which Mr Richard Burton hopes to develop for residential/workshop use, are situated on a wide road with better access for large vehicles than the single track Flintham Lane. An engineering/manufacturing business would be better sited on Longhedge Lane, not on Flintham Lane.

10. In response to the amended proposal Cllr. Bailey has upheld her objection because of the unknown external noise levels. In summary she welcomes the removal of the manufacturing element of the proposal but the site is within the open countryside with neighbouring properties nearby. Cllr. Bailey remains concerned about the possible impact of noise from the workshop tools and machinery on neighbouring properties and notes Environmental Health require further information in relation to noise. The applicant was informed that a professional Environmental Noise Assessment survey would be required to assess the impact of the proposal on the amenity of the surrounding area, the applicant has not provided this.

Statutory and Other Consultees

11. Trent Valley Internal Drainage Board does not object to the application. They note the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity of the site. Surface water run-off rates must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
12. Nottinghamshire County Council as Highway Authority does not object to the application. According to the submitted information, the repair and service work for local farmers equipment would normally be carried out at other farm premises or fields. This means that there is unlikely to be a large number of vehicles entering and leaving the existing vehicle access. Also, it appears as though the proposed building will not attract vehicles to be worked on at the application site. As there will be the additional staff/pick-up vehicles coming and going from the site, they recommend that the vehicle access arrangements are improved in terms of its surface and drainage facilities by planning conditions.
13. The Borough Council's Environmental Health Officer does not object to the application. In summary they are concerned that noise levels resulting from the proposed development could cause a disturbance to nearby residential properties. To ensure that this isn't the case they recommend that a condition is attached to any approval granted requiring a noise assessment to be undertaken prior to the commencement of development. In addition they recommend the inclusion of a method statement for the control of noise, dust and vibration during construction.

Local Residents and the General Public

14. Comments have been received from ten local residents objecting to the application, their grounds for objection are summarised below:
 - a. Flintham Lane is a single track with limited passing places, is poorly maintained and has no street lighting. Its width and structure are unsuitable to take additional heavy traffic and increased traffic will increase the rate of road surface and verge degradation.
 - b. Flintham Lane is frequently used by walkers, cyclists and horse riders who would be in danger from heavy traffic.

- c. An increase of traffic on Flintham Lane and through the village would be noisy and dangerous to the residents who live in that vicinity.
- d. The proposal is effectively for an industrial unit operating 12 hours per day causing noise disturbance to local residents.
- e. A similar application ref: 01/01407/FUL on the site was refused on the grounds that noise from traffic generated and the machinery associate with the building would have a significant impact on the amenity of dwellings to the east.
- f. Concerned that the building would be used for future residential development.
- g. Longhedge Lane/Blackford Bridge is a much more suitable location for additional workshop machinery storage. This site already has the necessary services, and by its nature does not pose the same problems regarding access, traffic and noise issues.
- h. There are numerous alternative locations for the business to be located without creating a new, large scale building on a green-field site near to residential properties.
- i. The owner of the land has re-entered the Defra, Agri Environment Scheme signifying that the land will be in agricultural use for five years. This specific parcel of land has until this year been in full use for arable crops, it is currently 'grassed' in preparation for the hosting of Flintham Agricultural Show, this would suggest that the land is not surplus and that the proposed development may contravene such an agreement.
- j. Lights and noise would be detrimental to wildlife, particularly birds.
- k. There are no mains drainage facilities available along the road to service any properties. What drainage facilities will be provided for the proposed development? A soak-away would be unacceptable as that would enable industrial substances to leach into the soil.
- l. Ditches along the boundary to the road and further 'downstream' towards Main Street are not regularly maintained and stagnant water gathers. Any run-off from the industrial unit would gather in the ditches and add to the extant problem.
- m. If this site was to go ahead how would this affect land between it and the main bulk of the village in terms of future development?
- n. The application is on a green-field site, outside the village boundary.
- o. Landscaping adjoining the site is not mentioned in the application and nor is the extent of the working area outside the proposed building. There is no provision for earth bunds and or tree/shrub planting to screen the site and ameliorate noises emitted by the works.
- p. The land is currently under a Countryside Stewardship Mid-tier five year agreement (2017-2022) with Natural England, Agreement ref.

107292. This is very welcome as declining farmland birds will benefit from the options taken up under the scheme. So, at present, the application area is not a 'surplus area'.

- q. The building, compound and security lighting will not be visually appealing.
 - r. The farm track mentioned is one that was created for the Flintham show in 2017. How does the one way system work? Does it mean that farm machinery will be going through the village? How is this one-way system going to be monitored/policed?
 - s. Consent given on the basis that the majority of repairs would be carried out off site would be vague and unenforceable.
 - t. If the function of the building has been reduced why hasn't the size?
 - u. It would be more appropriate for a noise assessment to be carried out prior to determination rather than commencement of development.
 - v. The increased water runoff from the site will enter the adjacent drainage ditch which won't be able to cope with the additional water and cause flood risk to property.
 - w. Relocating the building away from the edge of the village would overcome concerns.
 - x. Deliveries to storage units tend to be made either end of the working day which would cause the most disturbance to residents.
 - y. The current level of background noise in the village is very low therefore even a minor increase in noise will be harmful to local amenity.
 - z. The local soil is clay therefore a standard soakaway may not do the job; the applicant should demonstrate how the site will meet building regulations relating to drainage.
15. Comments have been received from two neighbouring farmers and a local resident in support of the application for the following reasons:
- a. Blacksmiths to aid and repair their farm machinery is essential to keeping farming going in the area.
 - b. There is currently only one blacksmith left in the area and they are on the verge of retirement.
 - c. They are limited in the area for local repairs and works to aid the farm when needed.
 - d. See the proposal as a positive move for agricultural needs in the area.
 - e. Farming is no different to any other factory, it needs machinery and, machinery breaks down occasionally and needs repairing.

- f. The workshop is for welding not mechanics or the repair of engines.
- g. The access to the local blacksmiths in Screveton is no better.
- h. There has been a recent application for a building in the village no bigger than the one applied for in this application.

PLANNING POLICY

- 16. The development falls to be determined in accordance with the Development Plan for Rushcliffe, which comprises the Rushcliffe Local Plan Part 1: Core Strategy (LPP1CS) and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF), the Planning Practice Guide and some weight should also be given to relevant policies of the Rushcliffe Borough Non Statutory Replacement Local Plan (2006) (RBNSRLP).

Relevant National Planning Policies and Guidance

- 17. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in the Framework indicate development should be restricted”.*
- 18. One of the core strategies of the NPPF is to ensure that sufficient land is available to support growth while paragraph 28 advocates support for all types of businesses in rural areas both through conversions and well-designed new buildings. Paragraph 28 also promotes the development and diversification of agricultural and other land based rural businesses.

Relevant Local Planning Policies and Guidance

- 19. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
- 20. Policy 1 of the Local Plan Part1: Core Strategy states that there will be a presumption in favour of sustainable development that improves the economic, social and environmental conditions of the area.
- 21. Policy 5 (Employment Provision and Economic Development) states that the economy will be strengthened by, inter alia: providing a range of suitable sites for new employment that are attractive to the market in terms of accessibility, environmental quality and size and encouraging economic development of an appropriate scale to diversify and support the rural economy.

22. In the context of the RBNSRLP, the relevant policies are GP2 (Amenity and Design), EMP2b (Farm Diversification), EN20 (Protection of Open Countryside).
23. Policy GP2 requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.
24. Policy EMP2b provides that farm diversification schemes for business purposes will be permitted provided that the proposal a) involves the re-use or replacement of existing buildings, b) does not result in excessive expansion or encroachment on the countryside or green belt, c) will not adversely affect the amenity of nearby residents or other occupiers, or the surrounding area.
25. Policy EN20 states inter alia, 'The open countryside comprises all land outside of the green belt but excluding rural villages within the open countryside. Outside the green belt planning permission will not normally be granted except for: a) rural activities including agriculture and forestry.'

APPRAISAL

26. The site is located outside of the main built up area of the rural village of Sibthorpe within the open countryside and it is set apart from the existing agricultural buildings serving the agricultural holding. The use of the proposed building is predominantly for agriculture through the storage of farm vehicles and machinery which will be used to farm the land surrounding the proposed building. In addition the secondary use of the building also has links to agriculture through the provision of a supporting service, the repair of farm machinery. Much of this repair work will be carried out off site but the tools used for this repair work will be stored on site. The manufacturing element of the proposal, including that of winter feeders, security gates and fences has been omitted from the scheme and it is not proposed to take place from this site. Therefore, the balance of the buildings use is weighted more towards agriculture. The erection of a new building within the open countryside other than for one of the identified uses which includes agriculture is contrary to RNSRLP policy EN20. Therefore, the principle of a building used for agricultural purposes in this location is acceptable subject to design and amenity considerations.
27. In the case of application ref: 01/01407/AGRIC for prior approval, referred to in the Site History and in the Ward Councillor comments, the proposed agricultural building was to be used for the storage of grain. This operation would have involved the use of a mobile grain dryer and would have generated heavy farm traffic to and from the site. This building would have been located approximately 45m from the house immediately to the east of the site, The Cottage, and included a new vehicle access off Flintham Lane with a turning area for farm vehicles adjacent to the private garden area of The Cottage. A large opening was proposed in the buildings east elevation which would have exacerbated the situation further.

28. The current proposal differs greatly from this scheme. It would be located approximately 83m from The Cottage, almost twice the distance of the 2001 proposal. No openings are proposed in the building's east elevation. It would utilise the existing vehicular access to the site which is located to the west of the proposed building set away from the garden area of The Cottage. The level of vehicular trips generated by the proposed uses appears to be significantly less than the 'heavy farm traffic' associated with the previous application. The noise generated by the proposed grain dryer was considered to have an unacceptable impact upon the amenity of neighbouring properties, no such conclusion has been drawn in relation to the current proposal. In this case the amenities of neighbouring properties would be safeguarded by the recommended condition for a full noise assessment.
29. The building would have a portal frame construction, the upper walls and roof would be insulated steel box section sheets coloured dark green and the lower walls would be grey concrete blocks. Roof sheeting to provide natural lighting would be included as well as steel sheeted and framed sliding doors in dark green. The hedgerow along the northern boundary of the site provides some screening and would be retained. Given the buildings size, bulk and location it would be a prominent feature within the landscape, yet the materials proposed and the existing boundary treatment would lessen its impact and it would be viewed in context of residential properties on the edge of the settlement to the east and a group of agricultural buildings to the south. The proposal also includes a post and rail fence surrounding the building as well as screen planting. This additional boundary treatment would further mitigate any potential harm and, on balance, it is considered that the proposal would not unduly harm the open character and appearance of the countryside, in accordance with RNSRLP policy GP2.
30. The building would be located on grade 2 agricultural land. RNSRLP policy EN21 - Loss of Agricultural Land states, 'Planning permission will not be granted for development involving the loss of best and most versatile agricultural land (defined as grades 1, 2 and 3a of the agricultural land classification) except where it cannot be accommodated on poorer quality land, including previously developed, or non-agricultural land, or where other sustainability considerations suggest the use of higher quality land is preferable.' It accords with NPPF Policy 9 Conserving and enhancing the natural environment which states in paragraph 112, 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.' The existing agricultural buildings serving the agricultural holding area are located on lower grade 3 land. It is understood that this land is not available to the applicant for purchase or lease. The building would enable the surrounding land to continue to be farmed and the footprint of the building and surrounding area of hardstanding would not constitute significant development. Therefore, it is considered that the proposal is in accordance with the aims of these policies.
31. Significant concerns have been raised by local residents that the increased vehicular movements generated by the proposed used would be detrimental to highway safety including pedestrians, equestrians and cyclists using the

lane, further damage the already potholed road surface and verge, and cause noise and disturbance to local residents especially if vehicles were to pass through the main village. Careful consideration must be given to the fact that the Local Highway Authority has raised no objection to the application and on this basis it is considered that it would not be possible to substantiate a reason for refusal on highway safety grounds.

32. The proposal does not include the transportation of agricultural vehicles to the site, they would be repaired within their own agricultural holdings. The only increase in vehicular traffic would generally be vehicles used by employees traveling to and from the site. The supporting documents suggest there would be a maximum of 7 employees. The agricultural vehicles used to farm the surrounding land will access the land directly from the proposed building without the need to use the surrounding road network. The one way track system referred to would operate within the field and it would be up to the applicant to manage this. Given the number and type of vehicles likely to be generated by the proposed use it is unlikely that they would lead to undue noise and disturbance. For this same reason it is considered that the proposal is unlikely to result in a significantly increased level of wear and tear to the road surface.
33. Local residents have also raised concerns over the level of noise generated by the proposed use, they are particularly concerned about doors and windows being kept open during warmer months and the direction of the prevailing wind carrying noise across the village. A condition has been recommended to ensure the windows and doors of the building are kept shut at any time when power tools or machinery are in use. The noise levels of the machinery proposed have been provided by the applicant but the Environmental Health Officer notes that no details of the distances at which these noise levels have been taken or the noise attenuation of the proposed building have been provided. It is noted that the Environmental Health Officer does not object to the proposal but advises that a full Noise Assessment Report would need to be undertaken prior to the commencement of development on site.
34. It is likely that the noise levels produced would be below a level considered to cause undue harm but a full Noise Assessment would be required to confirm this. It is noted that the Environmental Health Officer considers a noise assessment could be secured through a pre-commencement condition. The noise assessment may suggest the provision of noise attenuation methods including an earth bund or screen planting but it would not be expected for these features to be included in a scheme unless they were necessary. As suggested by the Environmental Health Officer, harm to the amenity of the neighbouring properties could be mitigated through a method statement for the control of noise, dust and vibration during construction, which could be secured through a planning condition.
35. The proposed building would be partially screened from the closest neighbour The Cottage by their existing boundary treatment. It is accepted that the building would be visible from this neighbour and the neighbouring properties on the opposite side of Flintham Lane, although given the separation distances between them, of at least 80m, it is considered that the building would not be overbearing or lead to undue overshadowing, loss of light or outlook. The interruption of a view across privately owned land is not

a material planning consideration and cannot be afforded any weight.

36. Low energy lighting would be fixed to the exterior of the building. On the granting of planning permission more specific details of the lighting proposed would usually be secured by a planning condition. It would be important to ensure that any external lighting was designed in a way to mitigate harm to wildlife and the amenity of neighbouring properties.
37. The scheme does not include the removal of hedgerows or trees from within the site. Reference has been made to legislation outside of the planning system for the protection of birds. Any conditions or controls in place covered by separate legislation would not be superseded by the grant of planning permission and would still need to be complied with. It is considered that the conditions and controls imposed by separate legislation will operate effectively without the need for duplication through the planning system.
38. The freestanding pole mounted transformer located adjacent to the application site was carried out by Western Power Distributions under Schedule 2, Part 15, Class B. a) of the Town and Country Planning (General Permitted Development) (England) Order 2015. It does not relate to the current planning application and is not indicative of the work that is proposed to be carried out on the site. Western Power Distribution has permitted development rights as a statutory undertaker for the electricity industry and no consultation for the work carried out by them under this legislation is necessary. It is understood that this pole is to be removed as it has since been replaced by an electricity substation. Again this work was carried out independently of this application by a statutory undertaker within their permitted development rights.
39. Concerns have been raised by local residents over the site's drainage, including that there are no mains drainage facilities available along that road to service any properties. The application form indicates that a septic tank would be used to deal with foul sewage. Another concern raised is that ditches along the boundary to the road and further 'downstream' towards Main Street are not regularly maintained and stagnant water gathers, and any run-off from the industrial unit would gather in the ditches and add to the extant problem. Trent Valley Internal Drainage Board do not object to the application but would require that surface water run-off rates must not be increased as a result of the development also that the design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority. In relation to drainage, a concern has also been raised that given the area's soil is clay based a standard soakaway would fail to meet the "*standard soakaway percolation test*". This relates to controls covered by building regulations and is not usually a detail required at the planning application stage. As already mentioned it is expected that the conditions and controls imposed by separate legislation will operate effectively without the need for duplication through the planning system.
40. Core Strategy policy 5 Employment provision and economic development provides that 'Economic development of a lesser scale will be delivered elsewhere in sustainable locations and in accordance with the settlement hierarchy of Policy 3 to ensure a sustainable mix of uses.' The development

involves the diversification of an agricultural use to create economic development which in principle is welcomed. Although the site is not located within a sustainable location it is argued that the proposed use would serve a local rural need. Weight must be given to the potential benefits of enabling economic development by the creation of jobs, supporting other linked local businesses in a rural area.

41. It is considered that the proposal would deliver economic benefits to the area including job creation as well as supporting the local farming industry. Any potential harm resulting from the development, including potential noise and disturbance to neighbouring residential properties and the buildings impact upon the open countryside could be mitigated through the use of planning conditions. It is emphasised that the local highway authority has raised no highway safety concerns. Therefore, the proposal is considered to meet the aims of the relevant planning policies and there are no material planning considerations to outweigh this.
42. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to respond to concerns raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the plans ref: Site Location Plan, Block Plan, RB316, Floor Plan of Agricultural Building and Location Plan - Store Building received on 7 August, 19 and 23 November 2017.

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. Prior to the commencement of development an Environmental Noise Assessment shall be submitted to and approved by Borough Council. This assessment shall be undertaken in accordance with BS4142:2014 methods for rating and assessing industrial and commercial sound. It shall include representative monitoring positions and measurement parameters, as agreed with the Borough Council. Where noise mitigation measures are identified and required as above a sound mitigation scheme to effectively reduce the transmission of noise from the site shall be submitted to and approved by the Borough Council and fully implemented in accordance with the details

specified. Thereafter, the mitigation measures shall be retained and maintained for the life of the development.

[To protect the amenities of neighbouring properties and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. These details need careful consideration and formally approval. The details are needed prior to the start of work so that measures can be incorporated into the build.]

4. Prior to the commencement of development, a method statement detailing techniques for the control of noise, dust and vibration during construction shall be submitted to and approved in writing by the Borough Council. The works shall be carried out in accordance with the approved method statement.

[To protect the amenities of neighbouring properties and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The details are needed prior to the start of work to provide protection during the construction of the development.]

5. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:

- (a) the treatment proposed for all ground surfaces, including hard areas;
- (b) full details of tree and shrub planting;
- (c) planting schedules, noting the species, sizes, numbers and densities of plants;
- (d) finished levels or contours;
- (e) any structures to be erected or constructed;
- (f) functional services above and below ground;
- (g) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
- (h) a landscape management plan and schedule of maintenance.

The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The details are needed prior to the start of work so that measures can be incorporated into the build.]

6. Details of all means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council before development commences beyond the level of damp-proof course. The development shall not be brought into use until the approved means of enclosure have been completed, and they shall be retained thereafter.

[In the interest of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

7. No part of the development hereby permitted shall be brought into use until the vehicle access has been surfaced in a bound material (not loose gravel) for a minimum distance of 7.5 metres rear of the adopted highway boundary. The surfaced vehicle access shall thereafter be retained as such for the life of the development.

[In the interests of highway safety to reduce the possibility of deleterious material being deposited on the public highway and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

8. No part of the development hereby permitted shall be brought into use until the vehicle access has been constructed with provision to prevent the unregulated discharge of surface water from vehicle access to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

[In the interests of highway safety to ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

9. No part of the development hereby permitted shall be brought into use until the vehicle access has been made available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[In the interests of highway safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. The development hereby permitted shall not be commenced beyond the level of damp proof course until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved. Thereafter, the development shall be maintained in accordance with the approved details.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

11. No power tools or machinery shall be operated on the premises outside of the hours of 0700 and 1900 on weekdays and 0700 and 1200 on Saturdays and at no time on Sundays or on Bank Holidays or on the open areas of the site.

[In the interest of protecting the amenity of the neighbouring properties and surrounding area and in accordance with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

12. Before the use is commenced the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, shall be submitted to and approved in writing by the Borough Council, and the plant/equipment shall be installed in accordance with the approved scheme, and retained in good working order to the satisfaction of the Borough Council.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

13. No open storage of materials, machinery, equipment, parts or refuse shall take place on any open area of the site.

[To ensure that vehicle movements are not obstructed and to ensure that the appearance of open areas of the site is acceptable and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan.]

14. The external doors and windows shall remain shut at all times that machinery and power tools are in operation.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

15. Prior to the installation of security lighting/floodlighting details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting shall be installed only in accordance with the approved details and no other lighting shall be installed.

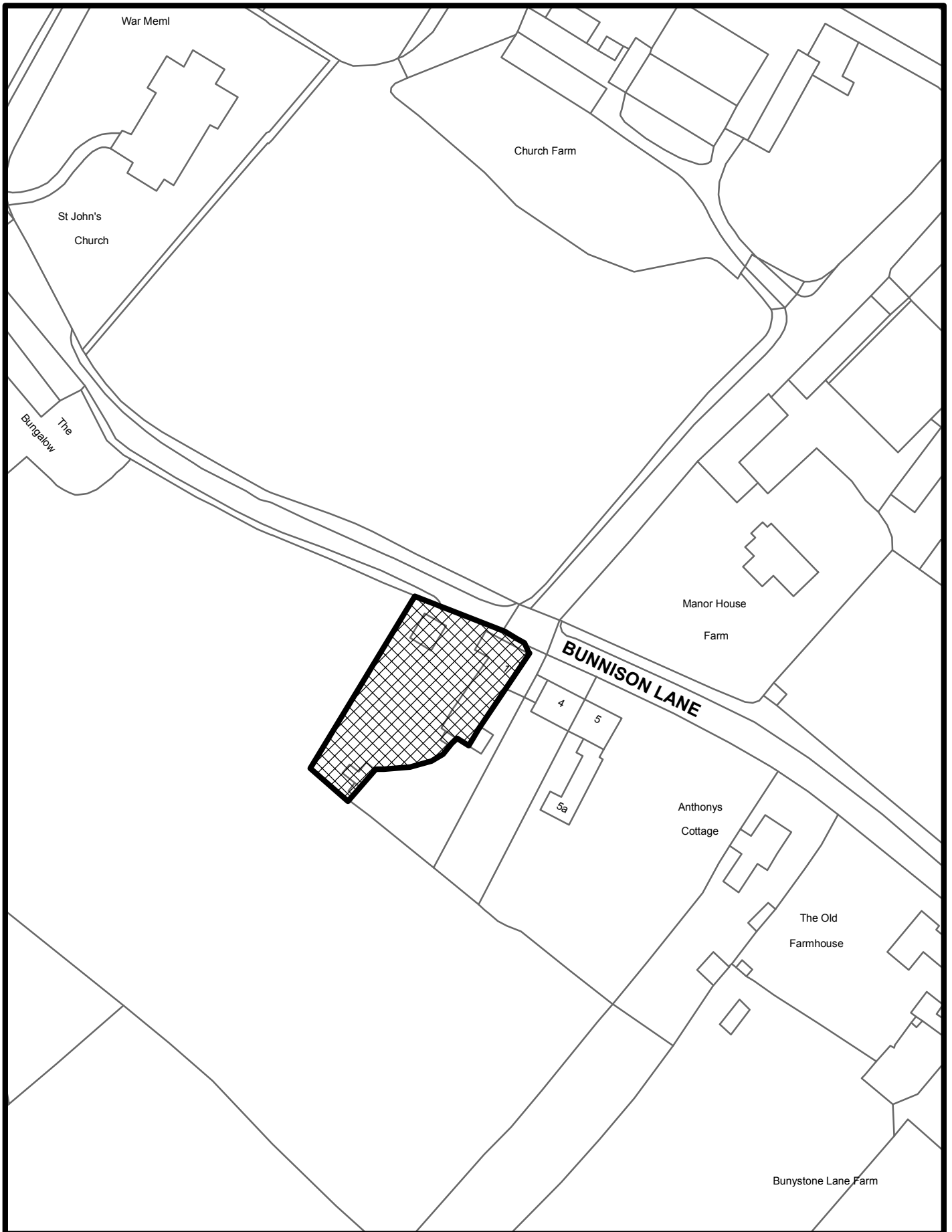
[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose.

[This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this location because of the site's location outside of the main built up area of the settlement and its proximity to residential properties, and to comply with Rushcliffe Non-Statutory Replacement Local Plan Policy GP2.]

Notes to Applicant

The development makes it necessary to alter a vehicular crossing over the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0300 500 80 80 to arrange for these works to be carried out.



Application Number: 17/02327/FUL
Bunnistone Cottage, Bunnison Lane, Colston Bassett



scale 1:1000

This page is intentionally left blank

Applicant Mr Mike Garratt

Location Bunnistone Cottage, 1 Bunnison Lane, Colston Bassett, Nottinghamshire, NG12 3FF

Proposal Single storey extension to north west elevation to create dining area and dormer extension above, addition of small store attached to garage, 2 roof lights to south east roof slope

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application property is a late 18th/early 19th century red brick and pantile cottage with 20th century extensions and a detached double garage, located close to the eastern edge of the built up part of the village, opposite the junction with Bakers Lane, within the Conservation Area. The original part of the dwelling is sited perpendicular to the lane, with two late 20th century extensions fronting the lane. The garage is also sited perpendicular to the lane, close to the boundary. There is a brick wall and deciduous hedge along the boundary with the lane. There is pasture adjacent to the north west, south west and on the opposite side of the lane.
2. There is a pair of semi-detached cottages from the same period adjacent to the east (4 & 5 Bunnison Lane) with what appears to be a residential unit attached to the rear of no. 5. Manor House Farm on the opposite side of the lane is a Grade II Listed building, with a bed and breakfast facility.
3. The application dwelling and 4 & 5 Bunnison Lane are identified as key unlisted buildings in the Conservation Area Townscape Appraisal and the surrounding pasture is identified as positive open space.

DETAILS OF THE PROPOSAL

4. Planning permission is sought for a single storey extension to the dwelling and a small single storey extension to the garage. The single storey extension to the dwelling would be attached to the north west elevation of the original building, and the south west elevation of one of the extensions. It would have bi-fold doors along the south west elevation, Oak boarding to the north west elevation with a timber door and cottage style window, and a zinc mono-pitched roof.
5. A redundant oil tank would be removed and the extension to the garage would be attached to the north east (side) elevation facing the lane. The materials would be Oak boarding with a mono-pitched pantile roof.
6. The application plans also show a dormer above the proposed single storey extension and two roof lights to the landing in the south east roof slope. These works were not included in the description of proposed development on the application form, however, the applicant wishes for them to be

considered as part of the application. Consultees and neighbours have been notified of the revised description making reference to the dormer and roof lights.

SITE HISTORY

7. Permission was granted to construct a vehicular access in 1977 (ref. 77/011286/HIST).
8. Permission was granted for a two storey extension and detached double garage on two occasions in 1979 (refs: 78/011330/HIST & 79/011375/HIST).
9. Permission was granted for a two storey extension in 1988 (ref. 87/01162/TP).

REPRESENTATIONS

Ward Councillor(s)

10. The Ward Councillor (Cllr Combellack) objects on grounds that the materials proposed do not seem to be in keeping with the conservation village and, therefore, would harm the Conservation Area and damage the street scene.

Town/Parish Council

11. The Parish Council object commenting, *"The concern and objection submitted by a local resident were noted.*
12. *Councillors expressed concern that any work undertaken without prior Planning Permission within the Village Conservation Area was clearly contrary to legal requirements. The capacity for the neighbour to be overlooked directly from the (currently opaque) rear-facing study window, should this be altered, was noted as problematic. The fitting of skylights with no line of vision was seen as less problematic.*
13. *Councillors unanimously considered that the choice of materials proposed for the Dining Area extension were entirely inappropriate to the building and to the Conservation Area and recommended that any future building extension application should reflect the existing brick and pantile materials of the current building. The proposed use of a metal roof and timber cladding was considered completely at odds to the current building and Conservation Area.*
14. *Concern was also raised around lack of detail on materials and process for the apparent bricking in of an existing window and the introduction of a new dormer feature."*
15. With respect to the revised description, the Parish Council has commented, *"Colston Bassett Parish Council originally registered an OBJECTION to this proposal in terms of the materials to be used and the lack of clarity around the apparent inclusion of other items within the proposed development.*
16. *The Parish Council have not reconvened to consider the roof-lights and dormer as separate items as with no change being proposed to the building materials the original OBJECTION will still stand. It is however worthy of note*

that during their earlier considerations Parish Councillors did have concerns regarding both the roof-lights and the dormer unit as included without detail in the original plan-drawings, so indicatively may not have supported these elements of proposed development either. As an OBJECTION already stands, reconvening simply for further discussion specifically just on these items is clearly lacks validity, but indicatively these items would also NOT be supported.

17. *The revised proposals therefore do not offer any substantive reasons to either separately convene the Council or to reconsider the earlier decision taken by Colston Bassett Parish Council who OBJECT TO THIS PROPOSAL.”*

Statutory and Other Consultees

18. The Design & Conservation Officer comments that the proposed extension to the house would be positioned such that it would be hidden by an existing modern two storey side extension and, as such, he considers that it would not impact upon the visual context of the Grade II Listed Manor House Farm, nor affect the significance of the listed building in any way, visual or otherwise. He therefore considers that the proposal would achieve the objective described as desirable in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 of 'preserving' listed buildings their settings and features of interest.
19. He comments that the extension would be visible at a steep angle from the west along Bunniston Lane for a short distance, before it would be hidden by the garage and the proposed store. He has concerns over the proposed design which does not reflect what he had expected having read the Design and Access Statement where the scheme is proposed as being contemporary and contrasting. Whilst the use of timber cladding would create a contrast, the detailing, particularly on the side elevation, is completely traditional and detracts from the design approach supposedly being advocated. However, given the limited public visibility he still concludes that the proposal 'preserves' the architectural and historic character and appearance of the conservation area and, therefore, achieves the objective, described as being 'desirable' within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
20. He comments that the proposed hipped lean-to addition to the garage building is modest and he considers that it would have a limited impact on the character of the area or the visual context of the listed building, and that its visual impact would be neutral and would not harm the character of the conservation area or the setting of the nearby listed building.
21. With respect to the revised description, he comments that the dormer would be installed on a rear facing roof slope of a modern extension where it is not visible from the roadside, and that it would rise from the wall-head as is seen in most traditional examples, rather than rising from the roof slope as is the case with most modern examples of dormer windows. As such the dormer is a traditional design, has limited public visibility and affects a modern extension. He considers that it would have no notable impact upon the conservation area or the setting of the listed building opposite, and his conclusions remain as before.

22. The Landscape Officer does not object and comments that 2 trees in front of the garage are fairly insignificant and that both appear to be small ornamental trees which do little to enhance the wider conservation area, which tends to be characterised by large native trees. He considers that there is a slight risk of root damage from the lean to store, however, given the lightweight structure and raft foundations, he suggests that the risk to the trees is acceptable.

Local Residents and the General Public

23. 1 letter has been received raising objections which are summarised as follows.
- a. Wood and zinc cladding, which would be visible from the road, would not match the existing or adjacent buildings and are clearly not appropriate in the Conservation Area.
 - b. Overlooking of private garden from two additional roof lights.

PLANNING POLICY

24. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
25. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
26. Any decision should, therefore, be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

27. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
28. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The environmental role refers to 'contributing to protecting and enhancing our natural, built and historic environment'.
29. Two of the core planning principles state that planning should:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings and land.
 - Conserve heritage assets in a manner appropriate to their significance.
30. Chapter 7: 'Requiring good design' states that good design is a key aspect of sustainable development and should contribute to making places better for people. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area and respond to the local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Permission should be refused for development of poor design that fails to improve the character and quality of an area. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
31. Chapter 12: 'Conserving and enhancing the historic environment' states that, in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets.
 - The desirability of new development making a positive contribution to local character and distinctiveness.
32. Section 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention is given to the desirability to preserve or enhance the character and appearance of Conservation Areas and to preserve Listed Buildings and their settings.

Relevant Local Planning Policies and Guidance

33. Policies 10 (Design and enhancing local identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy are relevant to the proposal.
34. Policies GP2 (Design & Amenity criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan are relevant to the proposal.

APPRAISAL

35. It is understood that the cottage was originally 3 farm workers cottages. Whilst the design and appearance of the two extensions fronting Bunnison Lane reflect the original building, they have altered its form and character. However, the building still has an attractive character and makes a notable contribution to the character and appearance of the Conservation Area.

36. Due to the siting of the proposed extension, to the rear of one of the two extensions fronting the lane, and its relatively modest scale, it would not be highly visible in the public domain, with only the Oak boarded side elevation visible from a short section of the lane to the north-west. Due to the orientation of the roof slope, it is unlikely that the zinc roof covering would be discernible. As the Design and Conservation Officer has pointed out, the proposed dormer would be installed to a modern extension, and it would be of a traditional design.
37. The proposed extension to the garage would replace an unsightly redundant oil tank, and would have a pantile roof to match the existing building. Whilst the use of oak boarding for the walls of both extensions would represent a contrast to the existing red brick, it is a natural material which would weather and meld into the surroundings. It is also not uncommon to find timber as an external material in a historic context, particularly for outbuildings.
38. It is also considered that the proposed roof lights would be sympathetic to the character of the building. Whilst they form part of the current application, roof lights could be installed under permitted development rights.
39. In view of the above, and the comments of the Design & Conservation Officer, it is considered that the proposals would respect the character of the property and preserve the character and appearance of the Conservation Area, and the setting of the nearby listed building. Consequently the proposals satisfy the objectives described as desirable in Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990.
40. Due to the siting, scale and design of the proposals subject to this application, it is considered that there would be no significant adverse impact on the amenities of adjacent and nearby properties or the surrounding area. Due to the position of the proposed roof lights and as they would serve a landing which is not a habitable room, there should be no significant overlooking/loss of privacy to the adjacent property.
41. It is understood that the Parish Council's concern relating to work undertaken without planning permission relates to a ground floor study window to the south east elevation on the boundary with 5 Bunnison Lane. It is not clear when this window was installed, however, it appears that it constitutes permitted development.
42. The proposals were not subject to pre-application discussions and there was no need to enter into negotiations over the design of the proposals. However, it was necessary to contact the applicant's agent during the processing of the application to clarify the full extent of the proposals resulting in the description being revised.

RECOMMENDATION

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

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

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

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

237/01, 237/02, 237/03, 237/04, 237/09, 237/10

With the exception of 2 no. new roof lights and the dormer extension above the proposed single storey extension.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. Prior to construction of the development reaching Damp Proof Course level, details of the facing and roofing materials to be used on all external elevations shall be 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 policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non- Statutory Replacement Local Plan]

Notes to 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.

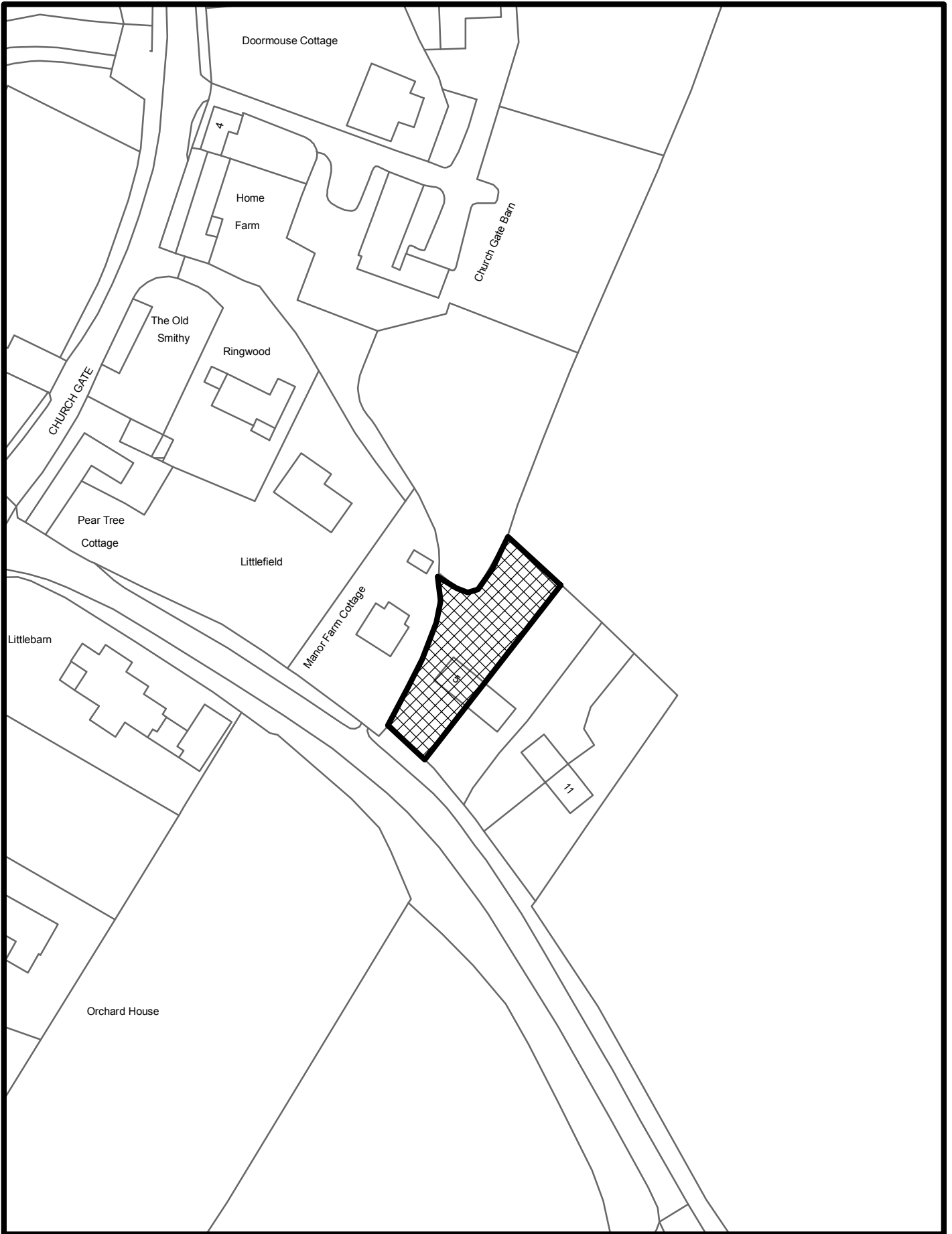
This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

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

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

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

You are advised that the site is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you should contact the Borough Councils Conservation and Design Officer on 0115 9148243 and/or the Councils Landscape Officer on 0115 914 8558.



Application Number: 17/02936/FUL
5 Harby Lane, Colston Bassett



scale 1:1000

This page is intentionally left blank

17/02936/FUL

Applicant William Nuthall

Location 5 Harby Lane, Colston Bassett, Nottinghamshire, NG12 3FJ

Proposal Demolish existing garage and construct two storey side extension.

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. The application site is located within the main built up area of the rural settlement of Colston Bassett. The application property forms one half of a pair of modern 20th century semi-detached houses, it is part of a group of four such houses located towards the south eastern edge of the settlement. A private rear garden occupies the northern half of the site, located to the rear of the house. A further garden area and driveway, providing off street parking is located at the front of the house, to the south of the plot. Vehicle access is provided off Harby Lane which adjoins the southern boundary of the site. A detached flat roof garage is located at the side of the house, adjacent to the western boundary. There is a timber fence approximately 1.2m high located along this boundary and a low hedge located along the front boundary with Harby Road.
2. The site is bounded to the north east by open countryside. There is a detached house located to the west of the site, Manor Farm Cottage. The application site and its neighbours are located within Colston Bassett Conservation Area. Although the property is a 20th century addition to the village, it makes a neutral contribution, Manor Farm Cottage is identified as a building which makes a positive contribution to the overall special architectural and historic character of the conservation area.

DETAILS OF THE PROPOSAL

3. The proposal is an amended scheme to demolish the existing detached garage and construct a two storey side extension.
4. The proposed extension would be set back in the site, its rear elevation would be level with the rear elevation of the existing garage. It would measure 9.8m in length and 4.7m in width with a height to the eaves of 4.8m and 6.6m in height to the ridge. The roof would be dual pitched with a rear gable and a front hip. The design of the dormer window has been amended so that the window is located within the gable of the extension rather than below it. The ground floor would be constructed in brick with either render or timber cladding on the upper floor and the roof would be concrete tiles to match the existing.

SITE HISTORY

5. Planning permission 84/01419/T1P was granted for the demolition of existing dwellings and the erection of 4 houses but was not implemented.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Combellack) objects to the application on the following grounds:
 - a. The extension would compromise the neighbours' amenity and create overshadowing.
 - b. The block plans don't correctly show the position of the neighbouring property.
 - c. The extension would be disproportionate to the existing cottage and constitutes overdevelopment.
 - d. The extension is to one of a group of post war cottages, the extension will alter the historic character of the village and impact on the street scene.

Town/Parish Council

7. Colston Bassett Parish Council object to the application and comment, *"Following lengthy consideration, including around the planning history of the site, the size and location of the planned development, the characteristics of the site and the core messages contained within the evolving Neighbourhood Plan the Council unanimously RESOLVED to OBJECT to this application on the Material Grounds of: overshadowing, the size of the new development, the planning history along this part of Harby Lane & a designation to protect special characteristics within the Conservation Area (vis; preservation of smaller, lower-bedroomed housing) that is also in line with the developing (Colston Bassett) Neighbourhood Plan."*

Statutory and Other Consultees

8. The Borough Council's Conservation and Design Officer does not object to the application. In summary he comments the property is a 20th century addition to the village of no significant historic interest and its architectural contribution is modest, broadly fitting with the scale and form of buildings and not substantially departing in terms of construction materials. Given the size of the existing garage, planning permission for Relevant Demolition of an Unlisted Building within a Conservation Area is not needed. In terms of the proposed extension, the lower height of the roof combined with its hipped design and its set back from the front elevation of building will give the proposal a considerably lower apparent height when viewed from the street. Dormer windows particularly half dormer windows are found in the area. The proposed dormer appears to have been added for purely decorative reasons, he suggests either the header height of the window is raised to sit within the dormer or the dormer window is removed. One benefit of the window is that it breaks up the hipped roof which is not a common feature within the conservation area. He suggests timber cladding is a less desirable material as it is not a prominent local material. Subject to a materials condition and minor design adjustment to the dormer window he is of the view that *"the proposal would preserve the special architectural and historic character and*

appearance of the conservation area, with the host property continuing to make a broadly neutral contribution to the character and appearance of the area and not detracting from the positive contribution made by its neighbour. The proposal would therefore achieve the objective described as being 'desirable' within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 of preserving the special architectural and historic character and appearance of conservation areas."

Local Residents and the General Public

9. No comments have been received in response to the site notice displayed and consultation letters sent to neighbours.

PLANNING POLICY

10. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF), the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

Relevant National Planning Policies and Guidance

11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "*In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*"
12. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that, for decision taking, this means "*approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in the Framework indicate development should be restricted.*"
13. Section 12 of the NPPF refers to conserving and enhancing the historic environment and states (amongst other things) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and also that local planning authorities should look for opportunities for new development within Conservation Areas to enhance and better reveal the significance of the area. In particular, paragraph 134 states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*"

14. In relation to residential amenity paragraph 9 of the NPPF states, *"Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life, including (but not limited to): improving conditions in which people live, work, travel and take leisure"*. Paragraph 60 of the NPPF relates to design and states, *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness"*. Paragraph 64 states, *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."*

Relevant Local Planning Policies and Guidance

15. None of the 5 saved policies of the Rushcliffe Borough Local Plan are applicable to this proposal.
16. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 states, inter-alia, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Policy 11 states 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.
17. Whilst not part of the development plan the Borough Council has adopted the Rushcliffe Borough Non-Statutory Replacement Local Plan for the purposes of development control and this is considered to be a material planning consideration in the determination of planning applications. Policy GP2 is concerned with issues of design and amenity and the effect of proposals on neighbouring properties. Policy EN2 states, inter-alia, that planning permission for development within a Conservation Area will only be granted where the proposal would preserve or enhance the character or appearance of the Conservation Area by virtue of its use, design, scale, siting and materials and there would be no adverse impact upon the form of the Conservation Area, including open spaces (including gardens).
18. Consideration should also be given to supplementary guidance provided in the 'Rushcliffe Residential Design Guide' and 'Colston Bassett Conservation Area Character Appraisal and Management Plan'. Colston Bassett was designated as a neighbourhood area on 15 November 2016 to enable the Parish Council to prepare a Neighbourhood Plan, so far no policies are available.

APPRAISAL

19. According to the submitted design and access statement the property is a post war property which was refurbished in the 1980's. It appears that the refurbishment works were extensive, including a replacement concrete tile roof and pitched roof open porch on the side elevation which gives the

property a more modern appearance. It is noted that the Design and Conservation Officer considers the property is “*of no significant historic interest and its architectural contribution is modest, broadly fitting with the scale and form of buildings and not substantially departing in terms of construction materials.*” The existing garage is of no architectural or historic merit and is of a size below the threshold requiring planning permission for relevant demolition for an unlisted building within a conservation area.

20. The scale of the proposed extension has been raised as a concern by Cllr Combellack and the Parish Council. The proposed extension would have a footprint larger than the existing detached garage but less than the original house. The property is located within a large plot and the proposal would not result in a large proportion of it being covered by buildings, it is not therefore considered overdevelopment. The proposed extension would be set in from the site boundaries by a minimum of 1.5m and the eaves of the extension would be located adjacent to the shared boundary with the neighbouring residential property Manor Farm Cottage. In combination, it is considered that these factors would prevent the proposal from having an overbearing impact on the neighbouring property.
21. The planning agent has indicated that the habitable room created by the proposal would be about 50% of the existing house excluding the garage. As a result of the 2.6m set back from the front elevation and 0.6m drop in the ridge height, it is considered that the proposed extension would appear subordinate to the original house when viewed from the street. Although it is very finely balanced for the reasons outlined above it is considered that the proposed extension would not be disproportionate in scale over and above that of the original house.
22. The materials suggested in the Design and Access statement include either render or timber cladding on the upper floor. Render is a material used within the settlement and, therefore, is considered to be more appropriate. The ground floor would be constructed of red brick and the roof would be concrete tile to match the existing.
23. The dormer window breaks up the hipped roof which is not a common feature within the conservation area and is considered acceptable in principle. The design of the dormer window has been altered so that the window is located within the gable of the dormer extension. This has given the dormer a functional, rather than a purely decorative appearance which is welcomed.
24. Subject to the elevations to the upper floor of the extension being finished in render rather than timber cladding, which could be secured by condition, it is considered that the character and appearance of the conservation area would not be harmed. As such, the proposal achieves the aim described as desirable within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as it would preserve the character and appearance of the Conservation Area.
25. The proposed extension would be located to the east of the neighbouring house, Manor Farm Cottage. It would be located a minimum of 1.5m and a maximum of 5.4m from the shared boundary with this neighbour and 6m from the side elevation of their property. There are no habitable room windows in the rear elevation of Manor Farm Cottage immediately adjacent to the site. A

living room window in the side elevation adjacent to the shared boundary is secondary to a window located in the property's south facing front elevation. A plan showing sunlight tracking for the site has been submitted, it shows that the proposed extension would lead to some limited overshadowing of Manor Farm Cottage early in the morning up to about 8am. For these reasons it is considered that the proposal would not lead to undue overshadowing or loss of light.

26. The proposal would project out from the rear elevation of the existing house but would be located almost 8m from the shared boundary with the adjoined house, 7 Harby Lane. Ground floor windows in the side facing elevation would be screened from the neighbour by the existing boundary fence. A first floor window serving a landing would need to be obscure glazed and fitted with a top light opening only to prevent undue overlooking of this neighbour. A first floor window serving a bathroom would be located in the north-west elevation 2.5m from the shared boundary with Manor Farm Cottage. Again this window would need to be obscure glazed and fitted with a top light opening only. Conditions have been suggested for inclusion to ensure this.
27. It is considered that the proposal would not lead to undue harm to the residential amenity of the neighbouring properties, including undue overshadowing, overlooking and loss of privacy in accordance with the aims of RNSRLP policy GP2.
28. A concern has been raised by Cllr Combellack that the block plans don't correctly show the position of the neighbouring property. The Agent has confirmed in writing that the plans are accurate and they appear to match up with Ordnance Survey plans and aerial photos of the site.
29. A concern raised by the Parish Council is that the proposal would result in a loss of smaller homes, which is contrary to their neighbourhood plan. Colston Bassett Neighbourhood plan is still in the initial stages of development, a draft document has not yet been submitted for consultation. Therefore, it cannot be afforded any weight. In addition, the proposal would only result in a net increase of one additional bedroom, an increase from 3 to 4 (one of the existing bedrooms would be lost to create access through from the original dwelling).
30. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and to respond to concerns raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the amended plans ref. 239/03, 04A and 07 received on 27 February 2018.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].


3. The development hereby permitted shall not continue beyond the level of the damp proof course until details of the facing and roofing materials to be used on all external elevations, which shall incorporate render to the first floor elevations, have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. The opening element of the windows at first floor level in the north west and south east elevations of the proposed extension shall limited to the top half of the windows which shall be top hung opening only and the whole of the window shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification. No additional windows shall be inserted in these elevations without the prior written approval of the Borough Council.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

This page is intentionally left blank

 <p>Rushcliffe Borough Council</p>	<p>Planning Committee</p> <p>15 March, 2018</p> <p>Planning Appeals</p>	<h1>5</h1>
--	--	------------

LOCATION	82 Selby Lane, Keyworth, Nottingham, NG12 5AJ	
APPLICATION REFERENCE	16/02275/FUL	
APPEAL REFERENCE	APP/P3040/W/17/3175732	
PROPOSAL	Extension and alteration of existing garages and games room to form new dwelling	
APPEAL DECISION	Appeal Dismissed	DATE 7 September 2017

PLANNING OFFICERS OBSERVATIONS

The appeal was concerned with the refusal of planning permission under delegated powers on 19 January 2017. The application proposed the extension and conversion of an outbuilding within the rear garden of 82 Selby Lane to form a new dwelling. The Inspector considered the main issues to be the effect of the development on the character and appearance of the area; and the impact upon the living conditions of the occupiers of the neighbouring properties with regard to outlook and the noise and disturbance associated with the proposed vehicular access.

The inspector contended that the proposal would represent a significant shift of the built-up development beyond the edge of the settlement by virtue of its scale and two-storey form. He noted that the site along with the adjoining fields provide a significant contribution to the visual quality and openness of the area and the setting of the settlement. The proposal was considered to constitute backland development with an uncharacteristic layout and a form of development that would not be subservient, failing to promote or reinforce the distinctive characteristics of the area. The site is visible from the rear of a number of properties and the harm arising would not be resolved by the limited impact of the dwelling on the street scene, resulting in an incongruous development. Aspects such as the varied building line, a willingness by the appellant to lower ground levels, the location outside of the Green Belt and the conversion of an existing building do not overcome the adverse effects. The existing garage/games room is a different scale and form and an ancillary structure approved in a different policy context some time ago.

With respect to impacts upon the living conditions of neighbours, whilst the inspector accepted that the neighbours at No. 82a would be used to a certain level of noise/disturbance associated with the existing vehicular access, he considered that the position of the proposed access and separation distance between properties would give rise to an increased level of noise and disturbance to the neighbour and rear garden of No. 82a.

Vehicular and pedestrian movements would be higher than what might be expected from the existing dwelling, resulting in adverse harm to the living conditions of this neighbour. It was not, however, contended that there would be adverse harm to the future occupiers of the host property at No. 82.

In response to the appellant's argument that the layout and design of the dwelling have been carefully considered to minimise impacts upon the neighbour at No. 86, whilst these features together with the proposed boundary treatment and outbuildings at the rear of No. 86 would reduce the impact to some degree, it was considered that the proposal would dominate the views from the rear garden of this neighbour by virtue of its overall height and massing, restricting the outlook from this neighbour.

The Inspector concluded that the proposal would result in harm to the living conditions of Nos. 82a and 86 with particular regard to outlook and the noise and disturbance associated with the proposed vehicular access. The Inspector, therefore, concluded that the appeal should be dismissed.

LOCATION	14 Sandringham Avenue West Bridgford Nottinghamshire NG2 7QS
APPLICATION REFERENCE	16/02783/FUL
APPEAL REFERENCE	APP/P3040/D/17/3171302
PROPOSAL	First floor side extension over existing garage, balcony to first floor.
APPEAL DECISION	split decision part allowed part dismiss
DATE	12th April 2017

PLANNING OFFICERS OBSERVATIONS

The appeal was concerned with the refusal of planning permission under delegated powers on 21 December 2016. The application proposed a first floor extension over the existing double garage to the rear of the property, and the construction of a balcony to the front of the house overlooking the River Trent. The main issues considered by the Inspector were the effect of the development on, firstly, the character and appearance of the area and, secondly, the living conditions of the occupiers of 2 Trentside with particular regard to outlook, privacy and overshadowing.

The inspector noted the character and appearance of the area and the prevalence of repeated features such as front gables, decorative joinery, canted bay windows, arched doorways and low frontage walls which give the street an attractive suburban character. They also noted that the appeal property had previously been extended and was one of the largest properties on the street that occupied a large proportion of its plot. It was considered that the extension would significantly erode the visual and spatial gap at first floor level between no.14 and its immediate neighbour to the east, with the more spacious pattern of development on the opposite side of the street referenced. It was further considered that the extension would relate poorly in architectural terms to the attractive valley roof to the host dwelling and would further increase its size such that it would be decidedly different to anything else in the street. This would represent a marked departure

from the established character of Sandringham Avenue.

The inspector went on to note the small size of the east facing private rear garden at 2 Trentside, adjacent the site. It was considered that the proximity and prominence of extension would thus result in an oppressive outlook from the rear garden of No 2 which would lead to an overbearing impact on the garden which would materially diminish the enjoyment of occupiers of that dwelling. The inspector also shared the Council's concerns that the extension would significantly erode the amount of sunlight to the rear garden of No 2. The two rooflights in the rear roofslope would also create at least the perception of being overlooked.

The Inspector concluded that the development insofar as it relates to the first floor extension, would harm the character and appearance of the area and harm the residential amenity of the adjacent occupiers at 2 Trentside.

The proposed balcony to the front of the building was not referenced in any refusal reasons and could be implemented in isolation to the first floor extensions. The inspector raised no concerns with this element and utilised powers to give a split decision on the development. The inspector concluded that the appeal should be allowed insofar as it relates to the balcony and dismissed insofar as it relates to the first floor extension.

LOCATION 52 Boxley Drive, West Bridgford, Nottinghamshire, NG2 7GL

APPLICATION REFERENCE 17/01056/FUL

APPEAL REFERENCE APP/P3040/D/17/3184748

PROPOSAL Two storey front extension,
single and two storey rear
extension, front porch

APPEAL DECISION The appeal is dismissed insofar as it relates to the single and two storey rear extension. The appeal is allowed insofar as it relates to the single storey front porch extension and two storey front extension.

DATE 21 December 2017

PLANNING OFFICERS OBSERVATIONS

The appeal was concerned with the refusal of planning permission under delegated powers on 30 June 2017. The application was for a two storey front extension, single and two storey rear extension and a front porch. The main issue considered by the Inspector was the effect of the development upon the living conditions of the occupants of 50 and 54 Boxley Drive with regards to daylight and sunlight.

The inspector noted that the ground floor of the appeal property projects beyond the extended rear elevations of both Nos. 50 and 54, with the sloping roof plan of the appeal property's side extension projecting beyond the first floor of No. 54. Both neighbours have

first floor rear bedroom windows nearest to and behind the first floor of the appeal property. The existing property causes over shadowing of the rear elevation to No. 54 which contains a lounge and dining room at ground floor. The proposal would form a two storey elevation that would extend considerably beyond the rear elevation of No. 54. Whilst the existing built form does block sunlight in the afternoon, the proposal would increase this to most of the morning, which in conjunction with the scale and massing of the two storey extension would significantly reduce light reaching the rear rooms of No. 54. With regard to the relationship with No. 50, the inspector noted that the first floor rear extension would form an approximately 5 metre stretch of brickwork near to the first floor bedroom window in No. 50, restricting light and resulting in harm to the living conditions of occupiers.

The Inspector noted the appellant's comments regarding consistent decision making in relation to the two storey rear extension to No. 58 Boxley Drive. It is understood that this property already had a rear extension, and in light of a lack of details on this extension this example is given little weight.

The Inspector concluded that the proposed rear extensions by virtue of their design and scale would result in significant harm to the living conditions of Nos. 50 and 54 with regards to daylight and sunlight and that, consequently, this element of the appeal should be dismissed. The inspector considered that the front porch and two storey front extensions would be capable of being constructed independently of the rear extensions, noting that the Borough Council has not raised any concerns regarding this element of the proposal. The Inspector, therefore, concluded that this element of the appeal should be allowed subject to conditions.

LOCATION	The Old Coach House, 45 Main Street, Rempstone, Nottinghamshire, LE12 6RJ.	
APPLICATION REFERENCE	17/01071/FUL	
APPEAL REFERENCE	APP/P3040/D/17/3181218	
PROPOSAL	Detached garage	
APPEAL DECISION	Appeal Allowed	DATE 24 October 2017

PLANNING OFFICERS OBSERVATIONS

The appeal was concerned with the refusal of planning permission under delegated powers on 6 July 2017. The application proposed the erection of a detached front garage. The main issue considered by the Inspector was the effect of the development upon the character and appearance of the area.

The inspector noted little uniformity in the set back of buildings and that there are modern houses to the east of the site with projecting double garages. The area is not subject to any special designation. Permission has already been granted for a front double garage to No. 45 and weight is given to this as a viable fall-back position and the scheme effectively seeks to re-site this further from the boundary with No. 47. The site is screened from Main Street by a wall and hedge along with a mature pine tree screening views from the east. The upper portions of the garage may be visible and there may be some change to the

setting of the host property, however the building would still be fairly inconspicuous and there is no discernible building line. The Inspector contended that there would not be a loss of openness.

The Inspector concluded that based on the minor changes proposed, the garage would not be dominant, incongruous or injurious to the street scene and there would be no harm to the character and appearance of the area or the setting of the host dwelling. The Inspector therefore concluded that the appeal should be allowed subject to conditions.

This page is intentionally left blank