

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

Our reference:
Your reference:
Date: Wednesday, 5 December 2018



To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 13 December 2018 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull
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 November 2018 (Pages 1 - 8)
4. Planning Applications (Pages 9 - 88)

The report of the Executive Manager - Communities.

Membership

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

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

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
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NG2 7YG



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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 15 NOVEMBER 2018**

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

PRESENT:

Councillors R Butler (Chairman), J Stockwood (Vice-Chairman), B Buschman,
N Clarke, M Edwards, R Jones, F Purdue-Horan, Mrs M Males, S Mallender,
Mrs J Smith and J Thurman

ALSO IN ATTENDANCE:

Councillor A Edyvean

OFFICERS IN ATTENDANCE:

A Pegram

G Sharman

I Norman

T Coop

Service Manager - Communities

Area Planning Officer

Legal Services Manager

Constitutional Services Officer

APOLOGIES:

Councillors J Greenwood

22 Declarations of Interest

There were no declarations of interest.

23 Minutes of the Meetings held on 11 and 25 October 2018

The minutes of the meeting held on Thursday 11 October 2018 were accepted as a true record and were signed by the Chairman.

It was noted that Councillor S Mallender was also present and the minutes are to be amended to reflect this.

The minutes of the meeting held on Thursday 25 October 2018 were accepted as a true record and were signed by the Chairman.

24 Planning Applications

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

18/02020/FUL – Demolition of existing farm building and construction of 4 no. new dwellings with garages and shared drive (revised scheme) – Holmefield Cottage, London Lane, Willoughby on the Wolds, Nottinghamshire.

Updates

A representation from Nottinghamshire County Council as the Highway Authority was received after the agenda had been published. This was circulated before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mr Edward Acres (agent for the applicant) and Councillor Andy Edyvean (ward member), addressed the meeting.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE REASONS SET OUT IN THE REPORT.

1. The proposal, if approved, would result in the erection of four dwellings, garages and associated hard-standing, on land considered to be open countryside beyond the established settlement of Willoughby On The Wolds. The development would have a significant detrimental impact on the rural character and appearance of this open countryside location and could adversely affect the amenity of the adjacent public rights of way. The proposal is therefore contrary to policies EN20, HOU2, HOU4 and COM11 of the Rushcliffe Borough Non Statutory Replacement Local Plan which seek to protect the countryside from inappropriate development. The proposal would also conflict with Core Strategy Policy 10 which seeks to enhance local identity by reinforcing valued local townscape and landscape characteristics, including important views and vistas.
2. The proposal is for unallocated residential development on a greenfield site outside of the built up area of a settlement that is not identified within Policy 3 of the Rushcliffe Core Strategy as a sustainable location suitable for further housing growth, except to meet local housing needs. It is not considered that the proposal meets an identified local housing need and in any event it does not comprise a small scale infill site, as required in paragraph 3.3.17 of the Rushcliffe Core Strategy. Any benefits arising from the provision of housing would be outweighed by the harm to the natural, rural environment in this location. The proposal would therefore be contrary to the Council's sustainable development strategy set out in Policy 3. This is also contrary to Policy EN20 (protection of open countryside) of the Non Statutory Replacement Local Plan 2006 and contrary to one of the core principles in the National Planning Policy Framework, which is that planning should recognise the intrinsic character and beauty of the countryside including designated landscapes and also the wider countryside.

18/01842/FUL – Demolition of 5 no. timber sheds and erection of a car port/tractor store with games room above – The Old School House, Gotham Road, Kingston on Soar, Nottinghamshire.

Updates

There were not updates reported.

In accordance with the Council's Public Speaking Protocol for Planning Committee Mrs Caroline Williams (the applicant), addressed the meeting.

DECISION

SUBJECT TO THE APPLICANT'S AGREEMENT TO CONDITION NO. 6 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 plans ref:

Elevations and floor plan 18/09-04 and 18/09-05 received on 2nd August 2018

Site layout and roof plan 18-09-06A received on 9th August 2018

Site location plan 18-09-06B received on 22nd October 2018

[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 construction of the building hereby permitted proceeding beyond foundation 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 policy GP2 (Design and Amenity Criteria) and with policy EN4 (Listed Buildings) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. The existing building/structures as shown numbered 1-5 on the site/roof plan 18-09-06A received on 9th August 2018 shall be removed from the site within 28 days of first commencement of the development hereby approved.

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

5. The outbuilding hereby permitted shall be retained with, and for the

purposes incidental and ancillary to the main dwelling, The Old School House, and shall not be used or let as a separately for residential purposes or let as a separate residential unit or for any other purposes.

[To clarify the extent of the permission and to comply with policies GP2 (Design and Amenity Criteria) and of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

6. 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]

18/01108/ADV – Display 4 no. free standing pole mounted signs on roundabout – Roundabout at Stragglethorpe, Nottingham road, Cropwell bishop, Nottinghamshire.

Updates

A representation from Councillor Gordon Moore (Ward Member) was received after the agenda had been published and was circulated before the meeting.

DECISION

THE CONSENT TO DISPLAY ADVERTISEMENTS BE REFUSED FOR THE FOLLOWING REASONS.

The display of the signs on the roundabout as proposed would cause unacceptable harm through clutter on the roundabout, failing to respect the visual amenity of the area, and would be detrimental to highway safety by reason of creating unnecessary distractions to road users negotiating the roundabout, endangering public safety. The signs are unnecessary as they do not relate to or provide information about a business or service carried out on site. Therefore, the proposal is contrary to Policy EN8 (Advertisements) of the Rushcliffe Non-Statutory Replacement Local Plan which states:

The borough council will control the scale, design, materials and siting of advertisements in order to protect the visual amenity of the area. Advertisement consent will not normally be granted unless:

- a) The number of advertisements and signs are no more than necessary to inform the public of the business carried on, the goods sold or the service provided;

- b) Advertisements respect the traditional visual elements of the area;
- c) Advertisements do not obscure architectural details or clash with the symmetry or sense of design of a building.

In conservation areas and on listed buildings the borough council will not normally permit internally illuminated box signs, either fascia or projecting, and will have particular regard to the following additional criteria;

- d) Advertisements do not prejudice or detract from an existing or proposed regeneration or enhancement scheme, town scheme or streetscape project in a conservation area;
- e) Consent to display advertisements will not be granted where the borough council considers that public safety would be endangered.

18/02111/FUL – Change of use from open amenity space to private garden space – 22 Wasdale Close, West Bridgford, Nottinghamshire.

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:

Landscape Drawing - 'GA267/10B' - received on 06/09/2018.

[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 landscaping scheme as detailed on the approved 'landscape drawing - GA267/10B' 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].

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.

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.

18/02261/FUL – First floor front and side extension – 42 Whinlatter Drive, West Bridgford, Nottinghamshire.

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 plan(s) received on 21 September 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 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].

25 **Planning Appeals**

The report of the Executive Manager - Communities was submitted and noted.

The meeting closed at 8.38 pm.

CHAIRMAN

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Planning Committee

13 December 2018

Planning Applications

Report of the Executive Manager - Communities

PLEASE NOTE:

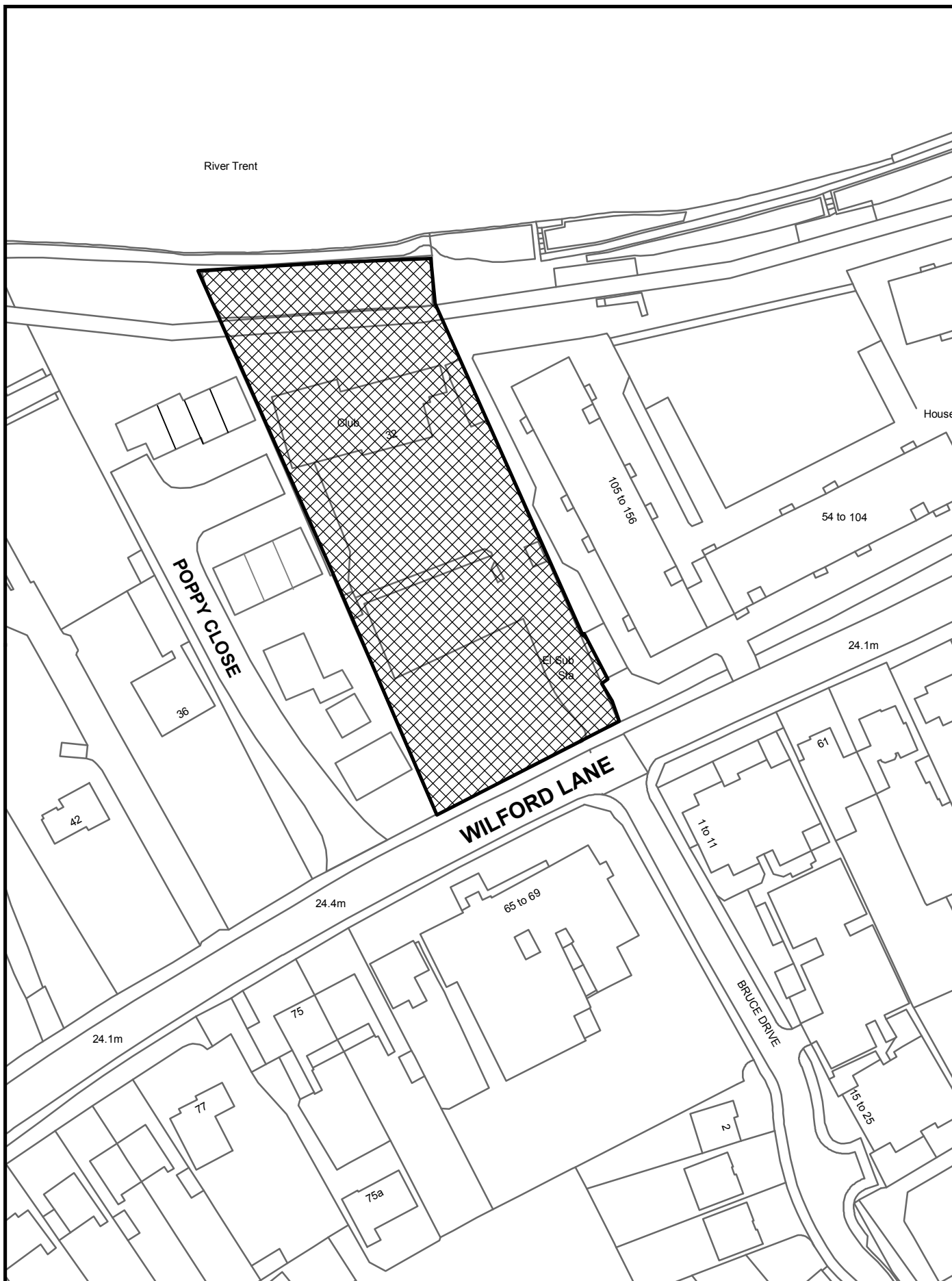
1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local 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 <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the 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
18/00946/FUL	Trentside Club, 32 Wilford Lane, West Bridgford, Nottinghamshire, NG2 7RL Demolition of former Trentside Social Club building and construction of residential apartment development with 34 units.	13 - 40
Ward	Compton Acres	
Recommendation	The Executive Manager – Communities is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and conditions.	
18/02462/FUL	Open Space, Candleby lane, Cotgrave, Nottinghamshire. Demolition of existing play area, construction of new play area on site of former police station, and creation of new terrace area with timber bin store to serve Hotpots café.	41 - 49
Ward	Cotgrave	
Recommendation	Planning permission be granted (subject to no further representations being received by the 18 December 2018 that raise additional planning issues) subject to conditions.	
18/02132/FUL	Hill Top Farm, Cliffhill Lane, Aslockton Nottinghamshire, NG13 9AP Construction of area of hardstanding. (retrospective)	51 - 61
Ward	Cramner	
Recommendation	Planning permission be granted subject to conditions.	

Application	Address	Page
<u>18/02185/FUL</u>	6 Haileybury Road, West Bridgford, Nottinghamshire, NG2 7BJ Increase roof height of bungalow to create first floor accommodation and external alterations (resubmission).	63 - 71
Ward	Musters	
Recommendation	Planning permission be granted subject to conditions.	
<hr/>		
<u>18/02305/FUL</u>	2 Bishops Road, Bingham, Nottinghamshire, NG13 8FZ Two storey side extension.	73 - 80
Ward	Bingham West	
Recommendation	Planning permission be granted subject to conditions.	
<hr/>		
<u>18/02226/FUL</u>	48 Hill Drive, Bingham, Nottinghamshire, NG13 8GA Single storey rear extension.	81 - 87
Ward	Bingham West	
Recommendation	Planning permission be granted subject to conditions.	

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Application Number: 18/00946/FUL
Trentside Club, 32 Wilford Lane,
West Bridgford

scale 1:1000

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Rushcliffe Borough Council - 100019419



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18/00946/FUL

Applicant Mr Mark Willmott

Location Trentside Club 32 Wilford Lane West Bridgford Nottinghamshire NG2 7RL

Proposal Demolition of former Trentside Social Club building and construction of residential apartment development with 34 units.

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The application site comprises the former Trentside Social Club, a three storey red brick Victorian villa, which is currently vacant, on a rectangular site measuring approximately 0.37 hectares. The building is located to the northern part of the site, with areas of hard standing to the southern part providing vehicular access off Wilford Lane and areas of car parking. There are a number of mature trees within the site, particularly along the southern and eastern boundaries. A mature hedge, approximately 4m in height, runs along the eastern boundary. A wall and fence approximately 3.5m high runs along the western boundary of the site.
2. The site is located to the north of Wilford Lane in West Bridgford, which is one of the main routes into the city centre. To the north of the site is the River Trent (the access to three riverside moorings are within the application site). To the east of the site are the Rivermead Flats, comprising of 2 blocks of seven storey flats constructed circa 1960. To the west of the site is Poppy Close, a recently constructed residential development comprising of 9 three storey houses.
3. The site is located within Flood Zone 3 on the Environment Agency's Flood Zone Map. There are a number of protected trees within the site. This site is approximately 250 metres from the boundary of an air quality management area (Rushcliffe AQMA1).

DETAILS OF THE PROPOSAL

4. The application seeks full planning permission to demolish the former Trentside Social Club buildings and construct 34 apartments (10 one bedroom apartments, 23 two bedroom apartments and 1 three bedroom duplex apartment). These apartments would be within two separate blocks, 21 apartments within a 2 - 6 storey block to the northern (riverside) part of the site, and 13 apartments within a 2 - 4 storey block to the southern (road side) part of the site. Vehicular access to the site would be towards the eastern end of the southern boundary, with 43 car parking spaces located in the centre of the site extending up to the eastern and western boundaries.
5. During the course of the application amended plans were submitted raising the finished ground floor level (there was no increase in the height of the building), deleting a section from the south eastern corner of the northern

block, increasing the number of car parking spaces from 37 to 43, providing car ports to some of the car parking spaces (no.'s 30-38) under the tree canopies, increasing the height of the balcony screens nearest to Wilford Lane; together with amendments to the Flood Risk Assessment and the submission of a Noise Report and Flood Evacuation Plan.

SITE HISTORY

6. The site has a long planning history associated with its previous use as a social club.
7. In 2008 planning permission was granted on the site for a car wash business. Later in 2013, planning permission was granted to use part of the site for the storage of a maximum of 12 cars offered for sale. Two further applications in 2015 to increase the number of cars offered for sale from 12 to 30 and 20 respectively were subsequently refused.
8. In 2014, planning permission to change the use of first floor function rooms to 2 self-contained apartments was refused on the grounds of noise and disturbance (from the Social Club). A further application for the same form of development was subsequently approved in 2015 with a condition restricting the occupation of the apartments to persons connected with the operation of the Social Club.

REPRESENTATIONS

Ward Councillor(s)

9. One Ward Councillor (Cllr Wheeler) comments that the McCarthy and Stone Developments have overloaded this stretch of Wilford Lane. What are needed here are family properties (including affordable homes). RBC needs to take an overview of developments along this section of Wilford Lane. The proposed height of the apartments will have a considerable impact on properties in Poppy Close. Rivermead was developed a long time ago and the height of these apartments should not be used to support the proposed 34 units. Property owners who bought in Poppy Close would have expected a re-development within Trentside Club at some point in the future, but what they face, under these proposals, are units which will impact on natural light, overbearing and inadequate parking provisions (which could see an overspill into Poppy Close). The proposals need a rethink. He hopes the developers will sit down with RBC and come up with an amended scheme which could be welcomed by the community.
10. One Ward Councillor (Cllr Phillips) is concerned about the number of apartments being proposed for this site (34) and the height of the development. 37 parking spaces for 34 apartments is totally inadequate and so parking will become a big issue and likely to spill onto Wilford lane, Poppy Close and Rivermead. There is a turning circle planned on the development and this will become an overspill car park as it can't and won't be policed, this will result in vehicles having to reverse onto Wilford Lane which is a major safety concern. A development more in line with the properties on Poppy Close would be more in keeping with what is required here and not more high-rise apartments. He objects to this application.

Statutory and Other Consultees

The Environment Agency originally objected due to the proposed ground floor levels and the absence of a Flood Evacuation Plan. Following the submission of revised plans showing the ground floor finished floor level raised by 190mm to 25.46m AOD, revisions to the Flood Risk Assessment Report and the submission of a Flood Evacuation Plan, they raise no objections, subject to a condition requiring development to be carried out in accordance with the approved flood risk assessment in order to reduce the risk of flooding to the proposed development and future occupants.

11. The Canal and River Trust is only Navigation Authority for this part of the River Trent, and does not own the riverbed or any adjoining land. They note that the application drawings indicate that no works are proposed to the existing moorings on the river adjacent to the site. The Trust therefore has no comments to make on this application.
12. Sport England advise that if the proposal involves the provision of additional housing it will generate additional demand for sport. If existing sports facilities do not absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with policies for social infrastructure and priorities set out in the Council's Playing Pitch Strategy.
13. Rushcliffe NHS - No response.
14. Nottinghamshire County Council as Highway Authority observe that the access driveway into the site will be re-profiled at a gradient of 1:20 to accommodate the root system of adjacent trees. Such provision will result in the driveway falling towards the public highway and so remedial measures will need to be put in place to prevent surface water from being discharged to the public highway. An increase in the total number of car parking spaces from 37 to 43 would allow each flat to have an allocated space plus visitor parking spaces which are considered sufficient to serve the site. A visibility splay of 2.4m x 43m has been annotated at the access which does not encroach into third party land. Therefore, they raise no objection on highway grounds and recommend a number of conditions.
15. Nottinghamshire County Council - Education advise the proposed development is situated within the primary catchment area of West Bridgford Infant and West Bridgford Junior Schools and the secondary catchment area of The West Bridgford School. Although there is no guarantee that all families in the proposed new housing would apply for places in these schools, it is very likely that this will be the case, especially if families are unable to travel far to a school. There is currently no capacity to accept more children. Nottinghamshire County Council therefore have no alternative but to request both primary and secondary education contributions from any proposed housing development on land at the Trentside Club. A proposed development of 34 dwellings would yield an additional 7 primary and 5 secondary places. Based on their standard formulaic approach, they would therefore wish to seek an education contribution of £80,185 (7 x £11,455) to provide primary and £86,300 (5 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed

development. However, they highlight that both primary and secondary provision in the West Bridgford area is under extreme pressure and if a new building is required then the cost per place would be calculated at build costs. For primary this would be estimated at £19,048 per primary place and £21,488 for secondary places. Using these figures the contribution would increase to $7 \times £19,048 = £133,336$ and $5 \times £21,488 = £107,440$.

16. Nottinghamshire County Council - Flood Risk Management raise no objections to the surface water drainage proposals for the site.
17. RBC Housing - Policy 8 (Housing Size, Mix and Choice) requires 30% affordable housing, which would equate to a need for 10 affordable units. With regard to tenure, Core Strategy paragraph 3.8.9 states that, ordinarily 42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. This would result in 4 units for intermediate housing, 4 units for affordable rent and 2 units for social rent. A mix of one and two bedroom flats split across the tenures is considered appropriate. Typically, they would request that the intermediate units and rented units were provided in separate blocks, each with their own entrance. Given the design of the scheme, it is understood this may not be feasible. They would therefore be prepared to be flexible on the suggested mix and tenure and negotiate with the applicant on this issue. The dwellings should be provided through a Registered Provider or through another appropriate mechanism which ensures that the dwellings remain affordable.
18. RBC Leisure - Due to the scale of this development there will be no requirement for a leisure contribution for either indoor or outdoor leisure.
19. RBC Conservation and Design Officer confirms the site is not within a conservation area and is remote from any listed buildings or other designated heritage assets. There is no archaeological element to the submission, however, there is a geotechnical report which confirms that the northern portion of the site, including the location of the existing building, is essentially directly onto river silts such that prior to the construction of the river embankments the land was likely marsh or submerged. In addition to the disturbance of the existing buildings he would suggest that there is no great prospect of encountering intact and in-situ archaeological material on this part of the site. The location of Block B, would be geologically different but has also been disturbed by the creation of hardstanding areas for car parking. Given the shallow depth of the river silts it is likely that even relatively shallow ground disturbance will have affected archaeological potential. He therefore suggests that archaeological conditions would not be justified on this site.
20. In terms of design the proposals appear to have been heavily influenced by amenity considerations in relation to the neighbouring property and the divergent heights of buildings bounding the site to east and west. Whilst the result is a highly articulated form with plenty of character and visual interest, it is also a very stilted response to constraints which results in a form and character which has little direct relationship to other buildings within the vicinity. If the materials and detailing sought to emphasise rather than ignore the articulation of the blocks, this could help to lift the overall character of the scheme and improve its design. Unfortunately, neither the original plans nor

the revised plans apply a use of materials which seeks to make a feature out of the elevational articulation.

21. From the roadside site frontage, the site is reasonably well screened by a number of existing trees, albeit their height is not consistent, and in several cases their canopies begin far above eye level meaning that even when in leaf they do not present a visual barrier which prevents visibility into the site. The site sits within the context of existing large block buildings to the east of 7 stories and smaller blocks of more modern residential buildings of 2.5/3 storeys to the west. As such the scale of the buildings proposed would not be out of context, and the proposed materials would be broadly comparable with the palette of materials used on the smaller residential blocks on the site to the east being a mix of timber cladding, small elements of render, and brick work (in two colours) to the ground and top floors (in the main). The 3D models appear to convey the proposed colour scheme, certainly the colours are very different to the more muted contrasts of the elevation drawings, but the over-reliance on muted greys and the relatively limited contrast between the various proposed materials could result in a visually monotonous scheme where the similar colours of materials diminish the degree to which the materials provide contrast and visual interest.
22. RBC Environmental Health - Land Contamination - The submitted Phase 1 report and site investigation report (by GeoDyne) indicate that there are no historical uses of the site that may lead to it being classified as contaminated land, however, there is made ground present that could be a source of ground gas and other contaminants. Further investigation is recommended by the consultant. It is considered unlikely that this site could be classified as contaminated land as defined in Part IIA of the Environmental Protection Act 1990, there is therefore no objection to the granting of planning consent on this ground subject to conditions.
23. Noise - The applicant did not initially demonstrate that they have considered paragraph 123 of the NPPF in their design proposals. The application did not include an assessment of the impacts of traffic noise from Wilford Lane on the site. It had not been demonstrated that the noise environment on the site is suitable for residential use and the design has not been informed by acoustic considerations. In particular, the shared and private amenity space (including balconies) at the frontage of the site may be exposed to unacceptably high traffic noise levels. The EHO advised that the applicant should provide an assessment of the noise environment at the site and use this information to inform the design of the development to ensure that any adverse noise impacts on health and quality of life of the future occupants are mitigated and reduced to a minimum. The use of closed windows for noise mitigation should be avoided where practicable, and where closed windows are required, it should be demonstrated that an alternative means of ventilation is available to avoid overheating.
24. Following the submission of a noise report and further consultations with Environmental Health they commented that the report states that the noise levels in the private amenity spaces on the facades facing Wilford Lane can be reduced to an acceptable standard by providing glazed enclosures to the terraces and balconies. The locations and options for the form of the proposed enclosures are indicated in the report (Figures 6 & 7). The provision of these acoustic barriers may also enable acceptable internal

noise levels to be met in the living rooms and ground floor bedrooms with windows open for ventilation but this would need further investigation. The 1st, 2nd and 3rd floor bedroom windows on these facades would not benefit from the provision of the acoustic barriers and would still be reliant on closed windows and upgraded glazing to achieve an acceptable internal noise level. These bedrooms may therefore be susceptible to overheating, particularly as some of them are on a south facing façade. Overheating and ventilation has been discussed in general terms in the report but detailed assessment and design needs to be carried out by a specialist. There are no environmental health objections to the granting of planning permission subject to recommended conditions.

25. Air Quality - This site is approximately 250 metres from the boundary of an air quality management area (Rushcliffe AQMA1). Whilst this will not directly impact on this proposal the applicant should be encouraged to take the opportunity to provide the necessary infrastructure and to install electric vehicle charging points in the development to minimise the impact on the AQMA and air quality generally. Individual residents would find it very difficult to install a charging point post completion as there are no private parking spaces. The provision of charging points may need to be factored in to the capacity of the new electricity sub-station. The applicant may also wish to consider the forthcoming proposals for a Clean Air Zone in Nottingham which is likely to give preferential access to electric and other low emissions vehicles. It is noted that the proposal does not include cycle storage facilities.
26. Lighting - The application does not include an external lighting scheme. This should be conditioned.
27. RBC Landscape Officer raises no objections, subject to conditions requiring the following details; an arboricultural method statement; construction of access road, parking areas and parking shelters; cross section of raised walkway containing services; and a landscape plan.
28. RBC Sustainability Officer (Ecology) noted that the Protected Species Survey Report identified the presence of Bats but found no evidence of a roost, removal of the building will have a negligible impact on bats. The site consists of buildings, hardstanding and trees. This development is unlikely to impact the conservation status of a European Protected species. He recommends conditions relating to potential for protected and priority species; mitigation bat and bird boxes; use of external lighting; reinforcement of hedges.
29. RBC Emergency Planning Officer is happy with the flood management and evacuation plan. Given the flood risk to this property the document is appropriate and proportionate.
30. RBC Recycling Officer provided a copy of the Rushcliffe Waste Management Advice for Planner and Developers.

Local Residents and the General Public

31. 17 representations objecting to the proposal have been received from local residents raising the following point;

Decision Making

- a. The application should be considered at Committee.

Housing

- b. There have been a number of apartments allowed nearby recently, demand in the area is for family homes.

Flood Risk

- c. The Flood Risk Assessment does not comply with the NPPF.
- d. Drainage concerns.

Highway Safety

- e. Impact on the safety of Wilford Lane taking into account cumulative impacts of other permitted developments.
- f. There should be a separate entrance and egress; insufficient parking.
- g. Traffic calming measures required along this section of Wilford Lane.
- h. The parking data which dictated the number of car parking spaces may not be correct or take account of local factors resulting in overflow car parking and inadequate car parking for the number of future residents. Additional cars would be displaced onto surrounding streets.
- i. Safety issue for car accessing/egressing the site onto Wilford Lane.
- j. Speed limits are not enforced on Wilford Lane.
- k. Increased hazard to pedestrians including school children.

Noise

- l. Increase in noise from additional traffic.
- m. Noise and disturbance to residents on Poppy Close.

Design/Appearance

- n. Proposed building is unimaginative, uncreative, unattractive, generic and style less with no character; the design will look tired and dated in less than a decade.
- o. Scale of building out of character with area.
- p. Development should be restricted to four storeys.
- q. The external appearance of the property is unclear.

- r. Density of development is too high.
- s. Visual impact upon the south bank of the River Trent from a seven storey block of flats.
- t. Out of keeping with recent developments along Wilford Lane.

Amenity

- u. Overbearing, overlooking and privacy issues.
- v. Block sun and daylight and reducing open aspect.
- w. Too close to dwellings on Poppy Close and flats at Rivermead.
- x. Car lights shining into windows.
- y. Insufficient amenity space.

Other Issues

- z. Increased strain on health facilities.
 - aa. Impact/loss on protected trees and future pressure for their removal.
 - bb. Neighbouring property has a BT connection to a telegraph pole on the application site.
 - cc. Potential impacts of construction foundations on neighbouring properties.
 - dd. The proposed electricity sub-station is close to existing properties and would pose an environmental health risk.
 - ee. Loss of heritage.
 - ff. A sympathetic renovation and extension of the existing building would be far more sympathetic.
 - gg. Air pollution.
 - hh. Vibrations from piling could impact on neighbouring properties.
 - ii. Loss of views.
 - jj. Damage to neighbouring property during construction.
32. 3 representations supporting the proposal have been received from local residents raising the following points:
- a. Very well thought out and well-designed scheme.
 - b. Proposed development forms a balanced link between the seven storeys of Rivermead and the three storeys of Poppy Close.

- c. Enhance the street scene.
- d. Provide much needed new homes.
- e. The site has a river frontage and only building a few homes would not make best use of the site.
- f. Improve the appearance of the site which is used to dump refuse.
- g. Wilford Lane is only busy during the morning and evening rush hour. Any increase in traffic is likely to be on match days and at peak times which has always been the case.
- h. Not everybody wants to buy family homes (170 of which are being built further along Wilford Lane).
- i. The site is unsightly and has caused issues to residents when the property was used as a car sales pitch, resulting in old cars being dumped on local streets.
- j. The proposal would bring much needed housing to the Borough on a brownfield site as opposed to a Green Belt site.

PLANNING POLICY

- 33. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014).
- 34. Other material considerations include the National Planning Policy Framework 2018 (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
- 35. Any decision should therefore be taken in accordance with the Core Strategy, the NPPF and NPPG, policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Framework, together with any other material planning considerations.

Relevant National Planning Policies and Guidance

- 36. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It carries a presumption in favour of sustainable development by aiming to achieve economic, social and environmental objectives.
- 37. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means; *"c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless; i. the application of policies in this Framework that protect areas or assets of particular importance provides a*

clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.”

38. Paragraph 68 with regard to housing states that; *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;*
 - b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;*
 - c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and*
 - d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.”*
39. Paragraph 109 states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
40. In terms of making effective use of land, paragraph 117 states; *“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”* Paragraph 123 goes on to state that; *“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”*
41. In terms of Design, paragraph 127 states; *“Planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and*

- other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
41. Paragraph 130 goes onto state that; *“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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.”*
42. In terms of Flood Risk, paragraph 155 states that; *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.”* Paragraph 163 goes onto state that; *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*
- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”*
43. With regards to Ecology, paragraph 175 states that; *“opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*
44. In terms of Pollution (including Noise), paragraph 180 states that; *“Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*
- a) *mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*

- b) *identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
- c) *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

Relevant Local Planning Policies and Guidance

- 45. The Rushcliffe Local Plan Part 1: Core Strategy December 2014, sets out the overarching spatial vision for the development of the Borough to 2028.
- 46. Policy 3 (Spatial Strategy) of the Core Strategy sets out the spatial strategy for sustainable development in Rushcliffe and establishes a hierarchy for housing development across the Borough. It identifies West Bridgford (being within the main built up area of Nottingham) at the top of the settlement hierarchy for housing growth. The Plan seeks to provide a minimum of 13,150 homes in the Borough by 2028, with approximately 7,650 of these being located either in or adjoining the main built up area of Nottingham.
- 47. Policy 8 (Housing Size, Mix and Choice) with regard to affordable housing states that new residential developments should provide for a proportion of affordable housing on sites of 5 dwellings or more or on 0.2 hectares or more. The proportion of affordable housing sought in West Bridgford is 30%.
- 48. Policy 10 (Design and Enhancing Local Identity) states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; reinforce local characteristics; be adaptable to meet evolving demands and the effects of climate change; and reflect the need to reduce the dominance of motor vehicles.
- 49. Policy 14 (Managing Travel Demand) states that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments. The priority for new development is selecting sites already, or which can be made, accessible by walking, cycling, and public transport. Where accessibility deficiencies do exist these will need to be fully addressed. In all cases it will be required that severe impacts, which could compromise the effective operation of the local highway network and its ability to provide sustainable transport solutions or support economic development, should be avoided.
- 50. Policy 17 (Biodiversity) the biodiversity of Rushcliffe will be increased over the Core Strategy period by, inter alia; c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate.
- 51. Policy 19 (Developer Contributions) states that all new development will be expected to; meet the reasonable cost of new infrastructure required as a consequence of the proposal; where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of development to be managed, including identified transport infrastructure requirements; and provide for the future maintenance of facilities provided as a result of the

development.

52. The Rushcliffe Local Plan Part 2: Land and Planning Policies, has been submitted for examination. This application site is not one of the proposed housing sites. It is classed as a windfall brownfield site.
53. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been adopted its policies are still a material consideration in the determination of any planning application, providing they have not been superseded by the NPPF or the policies contained within Rushcliffe Local Plan Part 1: Core Strategy. The following policies are considered relevant.
54. Policy GP2 (Design and Amenity Criteria) states that planning permission for new development will be granted provided that (amongst other things) there is no significant adverse effect on amenity; a suitable means of access can be provided to the development without detriment to highway safety; sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space; the density, design and layout of the proposals are sympathetic to the character and appearance of the surrounding area; and noise attenuation is achieved.
55. Policy EN12 (Habitat Protection) states that where a proposal would affect habitats it must be accompanied by a survey. Planning permission will not be granted unless the application includes mitigation measures, keeps disturbance to a minimum and provides adequate alternative habitats.
56. Policy EN22 (Pollution) states that new housing sensitive to pollution will not be permitted close to an existing source of potential pollution unless the impact that the source of pollution would have upon the development can be mitigated.
57. Policy WET2 (Flooding) states; *“Development will not be permitted in areas where a risk of flooding or problems of surface water disposal exist unless:*
 - a) *the location is essential for a particular development and there are no alternative locations in a lower risk area; or*
 - b) *the proposal is in an existing developed area and can be adequately protected against potential flood risk and includes compensatory measures; and*
 - c) *it can be demonstrated that the proposal would have no adverse effects on the management of flood risk; and*
 - d) *adequate provision is made for access to watercourses for maintenance purposes; and*
 - e) *suitable on or off-site measures are included to deal with any increase in surface water run-off.”*

APPRAISAL

Principle of Housing Development

58. The application site is unallocated for development in the Core Strategy or in the emerging Local Plan Part 2. The Council does not currently have a five year housing land supply. The site is located in West Bridgford, within the

main built up area of Nottingham, which is identified in Policy 3 of the Local Plan as being at the top of the settlement hierarchy in terms of achieving sustainable housing development through a policy of urban concentration and regeneration. The application site is classed as a brownfield site (previously developed) in a highly sustainable location, surrounded by residential properties, close to local amenities and, therefore, the development of the site for residential purposes is considered to be acceptable in principle.

Design/Impact on Street Scene/Materials

59. In terms of the scale of the proposed development, the heights of the two blocks would be limited to two and three storeys to the west of the site adjacent to Poppy Close, and would be stepped up to 4 storeys (Block B to the front of the site adjacent to Wilford Lane) and 6 storeys (Block A to the rear of the site adjacent to the river frontage) towards Rivermead to the east. This approach respects the scale of development on either side of the site and would bridge the existing gap within the street scene, providing a visual link between the three storey housing development on Poppy Close and the seven storey Rivermead flats. Sufficient space would be maintained to the front of the site to retain the existing trees which would provide some immediate screening of the development from Wilford Lane. From the north, on the opposite side of the River Trent, Block A would appear in keeping with the scale of development along this part of the river.
60. In terms of materials, the Design and Access Statement details that brick would be the primary external walling material with a blue black Staffordshire engineering brick to the base level and stained timber weather boarding to the upper levels. A condition is proposed requiring the submission of material samples for approval, in consultation with the Borough Council's Conservation and Design Officer, in order to ensure high quality materials are used which would lift the overall appearance of the proposed buildings.

Flood Risk

61. The site is located within Flood Zone 3 (associated with the River Trent) and is, therefore, at a high risk of flooding (1 in 100 or greater annual probability of river flooding). Sequentially, the site is located within West Bridgford, a highly sustainable location which has been identified for housing growth. The majority of West Bridgford is located within Flood Zones 2 and 3 and therefore there are no sequentially preferable sites within the urban area of Rushcliffe which could accommodate the level of housing proposed on this site. Even if there were sequentially preferable sites in terms of flood risk, given that the Council currently only has 2.43 years supply of housing land, all unallocated sites in West Bridgford would be needed in order to meet its windfall housing target for the area.
62. Whilst the site is classed as being within Flood Zone 3, this does not take account of existing flood defences. The application site is protected by concrete flood defences and, therefore, flood risk to the site is limited to that associated with a failure of these defences or overtopping, when the river levels exceed the flood defence design standard. As a result, the site is at risk from flooding in a 1:100+30% and 1:100+50% event, but not during a 1:100+20% event. Following consultation with the Environment Agency, the

proposed plans were revised in order to raise the internal ground floor levels to 25.46m AOD, which would be 300mm above the 1:100+30% breach level (this does not result in any increase in the overall height of the buildings and the increase would be absorbed internally by reducing the floor to ceiling height on each floor). In addition to this, some flood resilience measures are proposed to ensure that services to the building are not interrupted and the costs of any repairs are kept to a minimum. Access to the flood defences for maintenance would be provided by way of an 8m wide maintenance strip, between the proposed building and northern boundary, and 4m wide access between the proposed building and eastern boundary.

63. The submitted plans include a raised escape route along the south western elevation of Block B (Wilford Lane block) which connects all three circulation areas and would provide a safe means of egress from the apartments on to Wilford Lane, in the event of a flood. Furthermore, a Flood Evacuation Plan has been submitted which details what action residents should take in the event of a flood. The Council's Emergency Planning Officer has confirmed that this plan is appropriate and proportionate for the scale of development proposed. A condition is proposed requiring the Flood Evacuation Plan to be given to all future residents of the site.
64. For the reasons outlined above, the Environment Agency raise no objections to the proposal subject to conditioning the finished floor levels, flood resilience measures, access to EA flood defences and a raised escape route.
65. In terms of drainage, the application was accompanied by a Sustainable Drainage Strategy Report which set out details of a sustainable drainage system to ensure that surface water run-off rates are at an acceptable level and that surface water is appropriately filtered to prevent pollution of the water environment. Following consultation with NCC Flood Risk Management team, no objections to the surface water drainage proposals for the site are raised. A condition is proposed which would require a detailed scheme for a sustainable urban drainage strategy to be submitted for approval.

Viability/Infrastructure

66. The scale of residential development proposed would normally be expected to provide 10 units of affordable housing on site and financial contributions towards primary and secondary school education, and health facilities, which would be secured via a S106 agreement. A Viability Report was submitted to support the application, outlining the costs of developing the site. This report was independently reviewed and verified by a third party on behalf of the Borough Council. The independent assessor concluded that there is a high level of viability pressure on the scheme and, therefore, the full infrastructure provision could not be met. However, it is considered the site could provide a financial contribution of £136,500 and still remain viable. The developers have agreed to enter into a S106 agreement to make such a financial contribution. In terms of determining how this contribution should be used, one of the Council's corporate priorities is the provision of affordable housing in the Borough. The County Council have suggested the scheme would generate additional primary and secondary school places and that such places are not currently available within the catchment schools. Whilst families could occupy the proposed apartments (there would be no

restrictions on the occupation of the units) it is not envisaged that these (mainly one and two bedroom 'riverside' apartments) would be likely to attract families, but rather young professionals and those who are retired. It is, therefore, anticipated that child occupation levels would be low. With regards to health infrastructure, no comments have been submitted from NHS Rushcliffe in response to this application with regard to patient capacity at the recently constructed Health Centre on Wilford Lane. For these reasons it is proposed that 100% of the £136,500 financial contribution should go towards providing off site affordable housing within the Borough.

Impact on Residential Amenity of Existing Residents

67. Objections have been received from residents of both the Rivermead flats to the east and Poppy Close to the west. In terms of the Rivermead flats, a seven storey block runs parallel with the eastern boundary of the application site, located 7m from the shared boundary. Some flats within the north eastern section of this Rivermead block have all their habitable room windows within the western elevation, facing the application site. During the course of the application, the footprint of Block A was reduced to remove the south eastern corner of the building, which increased the separation distances between the proposed Block A and the existing Rivermead flats to 16m. Whilst the proposed Block A would be six storeys in height, it would be commensurate in height and scale as the seven storey Rivermead flats. Whilst there is no doubt that the proposed development will change the outlook and views of residents within the Rivermead flats, given the separation distances between the two blocks, together with their juxtaposition and orientation, it is not considered that the proposal would result in significant harm through overshadowing, loss of light or appear so overbearing so as to justify a refusal on such grounds.
68. In terms of the impacts upon residents on Poppy Close, Block A (to the rear of the site) would be located 2.5m from the side elevation of 6-9 Poppy Close. The first western section of Block A has been designed to be part two, part three storey with a flat roof, resulting in its highest part being approximately 3m lower than the roof ridge of 6 Poppy Close. From west to east Block A increases in storeys from three, through four and five, and then to six, away from the boundary with Poppy Close. As a result of this approach to the scale and design of Block A, it is not considered that it would appear overly dominant or overbearing when viewed from Poppy Close in the context of the Rivermead flats beyond. There are balconies proposed in the rear northern elevation of Block A, however these would be set back in relation to 6 Poppy Close and adjacent to a blank side elevation, therefore, they would not result in unacceptable levels of overlooking or loss of amenity. The side elevation of Block A, facing Poppy Close, would contain a small number of narrow windows serving as secondary windows to habitable rooms. In order to prevent unacceptable levels of overlooking or feelings of being overlooked, a condition is recommended which would require these windows to be non opening and fitted with obscure glazing (to a height of 1700mm above internal floor levels) for the life of the development. Subject to this condition, it is considered that Block A would not harm the living conditions of those residing in Poppy Close.
69. Block B (to the front of the site adjacent Wilford Lane) would be located 4m from the blank side elevation of 1 Poppy Close. In terms of scale, this block

would be two storeys in height adjacent to the boundary with properties on Poppy Close with a flat roof, resulting in it being approximately 4.5m lower than the roof ridge of 1 Poppy Close. From west to east Block B increases in storeys from two, to three, to four storeys, away from the boundary with Poppy Close. Again, as a result of this approach to the scale and design of Block B, it is not considered that it would appear overly dominant or overbearing when viewed from Poppy Close, in the context of the Rivermead flats beyond. There are balconies proposed in the front (southern) elevation facing Wilford Lane and the side eastern elevation (facing onto the site). Whilst a first floor balcony would be located to the front of Block B adjacent to 1 Poppy Close, given the height of the proposed balcony screen and the very oblique angle of view which would be possible, the balcony would not result in unacceptable levels of overlooking on the private rear garden area of this neighbouring property.

70. The balconies to the eastern elevation of Block B would be 18m from the side elevation of Rivermead, which is considered a sufficient distance so as not to result in unacceptable levels of mutual overlooking. The side elevation of Block B, facing Poppy Close, would also contain a small number of narrow windows serving as secondary windows to habitable rooms. In order to prevent unacceptable levels of overlooking or feelings of being overlooked, a condition is recommended which would require these windows to be non opening and fitted with obscure glazing (to a height of 1700mm above internal floor levels) for the life of the development. Subject to this condition, Block B would not harm the living conditions of those residing in Poppy Close.
71. The rear elevation of 2 Poppy Close and the side elevation of 5 Poppy Close would face the proposed car parking and circulation areas. Given that these areas would be set 2m from the shared boundary, and the properties would continue to be screened from the site by a brick wall with close boarded fence above, it is not considered that the proposal would harm the living conditions of occupiers of these properties.

Impact on Residential Amenity of Future Occupiers

72. Following consultation with the Borough Council's Environmental Health Officer, concerns were raised regarding the impact of road noise from Wilford Lane on the living conditions of future occupiers of Block B, particularly on the proposed terraces and balconies. A revised Noise Assessment Report was subsequently carried out and submitted to the Borough Council. This concludes that, subject to the fitting of acoustic screens to the terraces and balconies on the south and east elevations of Block B, the noise levels in all private terraces and balconies on the development would be at or below the upper limit of BS8233. Environmental Health Officers have confirmed that they raise no objections to the proposal on noise grounds, subject to conditions relating to acoustic windows, glazed noise barriers to terraces and the balconies, assessment of potential overheating of habitable rooms and measures to mitigate any significant risk of overheating.
73. In terms of air quality the site is located outside of, but approximately 250m from the boundary of an air quality management area to the east along Wilford Lane. Whilst this will not directly impact on the proposed development, the Environmental Health Officer suggests that the applicant

should be encouraged to install electric vehicle charging points. He also acknowledges that residents would find it difficult to install charging points following completion of the development. Following discussions with the applicant's agent, agreement has been reached on the inclusion of a condition on any planning permission which would require the submission of a scheme for the provision of infrastructure and charging points within the development. It is considered that such scheme should include installation of a number of charging points and the required infrastructure/ducting prior to the surfacing of the access, car park and turning areas which would facilitate easier installation of further charging points, should there be a demand for these from individual residents.

74. With regard to contamination, a Phase 1 desk study was submitted with the application which indicates that there are no historical uses of the site that may lead to it being classified as contaminated land. The Phase 2 report states that, whilst no obvious visual or olfactory evidence of significant soil contamination was identified during the course of the intrusive investigations, although further testing of samples should be carried out. This can be secured by way of a condition.

Impact on Highway Safety

75. The site would be served by a single vehicular entrance and exit point off Wilford Lane, to the east of the southern boundary, with a visibility splay of 2.4m x 43m. The access would have a width of 6 metres for the first 10 metres, measured from the edge of the carriageway on Wilford Lane, narrowing to 4.8 metres and then widening again where the access would be flanked by parking bays either side. The width of the access would be such that it would permit two cars to pass, particularly at the point of egress on to the public highway.
76. During the course of the application the number of car parking spaces has been increased from 37 to 43, which would provide each unit with an allocated car parking space, plus visitor parking. Despite the objections raised with regard to the capacity on Wilford Lane and the level of car parking provision, following consultation with NCC Highways, they raise no objections to the proposal on highway safety grounds.
77. The proposal includes adequate turning within the site for emergency and service vehicles. In terms of waste, there are two refuse storage areas within the site and a condition could be attached to any approval requiring a scheme, detailing how waste will be collected from the site, to be submitted for approval to the Borough Council.
78. In terms of cycle provision there are 14 cycle stands proposed within the site.

Impact on Trees

79. The site has been laid out to respect and retain the tree belts along the southern and eastern boundaries of the site, although the access road and some car parking spaces are proposed under their canopies. Car ports are proposed to the car parking spaces located underneath the tree canopies in order to protect cars from leaf and sap drop, thereby reducing the likelihood of future pressure to prune or fell the trees.

80. Following consultation with the Borough Council's Landscape Officer, he raises no objections to the proposal subject to conditions requiring an arboricultural method statement, construction of access road, parking areas and parking shelters, cross section of raised walkway containing services and a landscape plan.

Impact on Protected Species

81. Ecological Reports have been submitted in support of the application. The surveys recorded a low to moderate amount of bat activity at the site, including commuting and foraging behaviour, particularly along the river frontage to the north of the site. The surveys found no evidence of roosting behaviour and no bat roosts were identified. The report sets out a number of mitigation and enhancement measures including the provision of bat roosts and bat boxes. Following consultation with the Council's Ecologist, no objections are raised subject to conditions securing the provision of bat roosts and boxes.

Planning Balance

82. The proposal would bring a vacant brownfield site in a key sustainable location back into use, remove an unattractive and unneighbourly site, and provide some much needed housing in the Borough which would contribute towards the Council's Housing Land Supply, and provide a financial contribution towards the provision of additional affordable housing in the Borough. Technical issues relating to highway safety, flood risk, noise, contamination and ecology can all be mitigated through the imposition of conditions. Whilst the development would not provide contributions towards education or health, as hi-lighted above, no evidence has been submitted by Rushcliffe NHS to suggest that the nearby health centre is at capacity, and the number of school places this type of development would generate is expected to be low. On balance, therefore, it is not considered that there are any adverse impacts of granting planning permission which would outweigh the benefits, when assessed against the policies contained within the NPPF (2018) taken as a whole. As a result the proposal is considered to constitute sustainable development having regard to economic, social and environmental objectives.
83. The proposal was subject of lengthy pre-application discussions with the agent, and advice was provided on the acceptability of the original proposals. During the course of the application, further negotiations have taken place having regard to flood risk, noise, car parking, and the impacts upon neighbouring residential properties. Such negotiations have resulted in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and 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; site plan as proposed MRP/1603/PPSD/10 revision D amended 08.11.2018; context elevations as proposed MRP/1603/PPSD/13 revision C amended 08.11.2018; Block A (riverside block) floor plans and roof plan as proposed MRP/1603/PPSD/11 revision B amended 21.06.2018; Block B (Wilford Lane Block) floor plans and roof plan as proposed MRP/1603/PPSD/12 revision B amended 08.11.2018; building elevations as proposed MRP/1603/PPSD/14 revision C amended 08.11.2018.

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

3. The development hereby permitted shall not be constructed above damp proof course level until details of the all the facing and roofing materials to be used on all external elevations, including the proposed balconies, have been submitted to and approved in writing by the Borough Council. The development shall only be constructed 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 and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy.]

4. No development, including demolition and site clearance, shall commence on site until a full arboricultural method statement has been submitted to and approved in writing by the Borough Council. The statement shall include the following details:

- a) Any pruning required to facilitate access.
- b) Site management including tree protection measures in accordance with BS5837.
- c) Prohibition
- d) Demolition
- e) Construction
- f) Services
- g) Monitoring and Supervision

The development shall be carried out in accordance with the approved arboricultural method statement.

[To ensure protection of trees in the interest of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure that the site can be developed without harming trees throughout the construction phase.]

5. The access road and raised walkway hereby approved as shown on the site plan as proposed MRP/1603/PPSD/10 revision D amended 08.11.2018 and the context elevations as proposed MRP/1603/PPSD/13 revision C amended 08.11.2018, shall not be constructed until the following details have been provided;

- a) full details of the construction of the new access road, parking spaces and parking shelters.
- b) A cross section and construction details showing the service routing contained within the raised walkway between Block B and Wilford Lane.

The development shall be carried out in accordance with the approved details.

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

6. The development hereby permitted shall not be constructed above damp proof course level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The landscaping scheme shall be carried out in the first planting season following the occupation of the first apartment 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.

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

7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision B, 07/06/2018, Lumax Consulting Civil and Environmental Engineers, and the following mitigation measures detailed within the FRA:

- a. Finished floor levels are set no lower than 25.46m above Ordnance Datum (AOD).
- b. Flood resilience measures are implemented as described in the FRA.
- c. Access for the Environment Agency to the flood defences on the River Trent is provided as described in the FRA; with a 4m wide access route to flood defences and an 8 metre easement between the flood defences and the building.
- d. A raised escape route between the properties and Wilford Lane as described on page 20 of the FRA.

[In order 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]

8. No part of the development shall be brought into use until the site access is surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent

the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

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

9. No part of the development shall be brought into use until the parking and turning areas are provided in accordance with drawing MRP/1603/PPSD/10 Revision C. The parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles and shall be retained as such thereafter.

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

10. No gates shall be erected at the access points to the development from the public highway.

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

11. The development hereby approved shall be carried out in accordance with the Noise Assess report (Ref: 12528.01.v2, November 2018), and full design details for the proposed noise mitigation scheme shall be submitted for approval in writing prior to the buildings hereby approved being constructed above damp proof course level. The submission shall include full details of:

- a. The type and location of acoustic windows to be installed.
- b. The glazed noise barriers to be installed to the ground floor terrace and the balconies.
- c. An assessment of the potential for overheating (due to solar gain, etc.) for all habitable rooms that rely on closed windows to achieve the required internal noise levels.
- d. Detailed proposals for the measures to be put in place to mitigate any significant risk of overheating occurring in any habitable rooms that rely on closed windows to achieve the required internal noise levels. The details shall include an assessment of the internal and external noise levels caused by the operation of any mechanical ventilation system that is relied upon to mitigate overheating.
- e. Calculations shall be submitted as necessary to validate the design.

The approved noise mitigation scheme shall be implemented in full and maintained to the approved specification for the life of the approved use of the building.

[To ensure a suitable standard of living conditions is provided and maintained for future residents, and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

12. The development hereby approved shall be carried out in accordance with

the mitigation measures as set out at 5.2 of the Enviroscope Consulting Bat Emergence and Re-entry Survey Report dated October 2017.

[To comply with the requirements of the Wildlife and Countryside Act 1981 and Policy EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

13. No unit shall be occupied until a scheme detailing the provision of a minimum of two permanent bat roosting features and 4 bat boxes, and a timetable for their installation, has been submitted to and approved in writing by the Borough Council. The approved scheme shall be installed in accordance with the approved timetable and shall thereafter be retained and maintained.

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

14. A copy of the Flood Management and Evacuation Plan by Lumax dated June 2018 shall be issued to every future resident of each residential unit on the site.

[In order to protect future residents in the event of flooding and to comply with Policy WET2 (Flooding) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

15. The development hereby approved shall not be brought into use until a scheme detailing the disposal of household waste from the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be operated throughout the life of the development unless otherwise approved in writing.

[To ensure that household waste is collected in a safe manner, in the interests of amenity and highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

16. No development, including demolition and site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide f

- a) the means of access for construction, delivery and workers traffic;
- b) parking provision for construction traffic, site operatives and visitors;
- c) the loading and unloading of materials;
- d) the storage of plant and materials;
- e) the protection of trees; and
- f) hours of operation

[This is a pre-commencement condition due to the need to ensure that the site can be developed in a safe manner and protect the trees within the site throughout the construction phase, to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 of the Rushcliffe Core Strategy.]

17. The new substation, pump room and bin stores as shown on Site Plan As Proposed MRP/1603/PPSD/10 Revision D amended on 08.11.2018, shall not be erected until details of their external design and appearance have been submitted to and approved in writing by the Borough Council. The new substation, pump room and bin stores shall only be constructed in accordance with the approved details.

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

18. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Borough Council. The development hereby approved shall be constructed in accordance with the approved surface water drainage scheme, which shall thereafter be retained and maintained for the life of the development.

[This is a pre-commencement condition to ensure that adequate surface water drainage facilities are secured before development commences to prevent the increased risk of flooding downstream and contamination of the water environment, in accordance with Policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and guidance contained within the NPPF].

19. All the windows in the western elevation of Block A and Block B shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent to a height of 1700mm above internal floor levels. 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 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 and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy.]

20. No development shall commence until a Detailed Contaminated Land Investigation Report and Remediation Report has been submitted to and approved in writing by the Borough Council. The development hereby approved shall be carried out in accordance with the approved Remediation Report. No unit shall be occupied until a Validation Statement, confirming the approved remediation works have been completed, has been submitted to the Borough Council.

[To ensure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre-commencement condition as any remediation may involve work that needs to be carried out before work starts on site]

21. Prior to the surfacing of the site access, parking and turning areas within the site, a scheme for the provision of electric vehicle charging points and the necessary infrastructure to facilitate the installation of further electric vehicle charging points within the development, shall be submitted to and approved in writing by the Borough Council. The development shall not be brought into use until the approved scheme has been implemented. The electric vehicle infrastructure and charging points shall be retained and maintained thereafter.

[To facilitate the provision of electric vehicle charging points to minimise the impact on the nearby AQMA and air quality generally, in accordance with Policy 2 (Climate Change) of the Local Plan Part 1: Rushcliffe Core Strategy]

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.

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.

In order to prevent nuisance to neighbours, you are advised to agree with the Borough Council's Head of Environmental Health, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction.

If any works are required within the public highway to facilitate a smooth transition between the footway and access, then the applicant will need to contact licences@viaem.co.uk to ensure they are properly licensed, for which there will be a fee.

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

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

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, take account of Bat Conservation Trust guidance and a wildlife sensitive lighting scheme should be developed and implemented, especially retaining a dark corridor adjacent to the

river. No night work should be carried out.

All work impacting on buildings or vegetation 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.

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 then all work should cease and an ecologist should be consulted immediately.

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Trent, designated a 'main river', or within eight metres of the flood defence wall. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

It is recommended that the occupants of the development sign up to receive Environment Agency flood warnings by phone, email or text message which is a free service <https://www.gov.uk/sign-up-for-flood-warnings>.

Attention is drawn to condition 21 requiring the provision infrastructure and to install electric vehicle charging points in the development to minimise the impact on the AQMA and air quality generally. Individual residents would find it very difficult to install a charging point post completion as there are no private parking spaces. The provision of charging points may need to be factored in to the capacity of the new electricity sub-station. The scheme shall make provision for the installation of a number of charging points prior to the occupation of any flats within the development and the ability to install further charging points in response to demand from residents of the development.



Application Number: 18/02462/FUL
Cotgrave Shopping Centre, Candleby Lane,
Cotgrave

scale 1:2000

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18/02462/FUL

Applicant Rushcliffe Borough Council

Location Open Space Candleby Lane Cotgrave Nottinghamshire

Proposal Demolition of existing play area, construction of new play area on site of former police station, and creation of new terrace area with timber bin store to serve Hotpots cafe.

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The application site (1640 sq.m) is located to the southern edge of the Cotgrave Retail Area. It relates to two areas that straddle one of the two vehicular accesses. The first area relates to the existing play area which is located within a wider landscaped area. The second area relates to the land that is currently occupied by a former Police Station and its associated parking. This area is bordered to the northwest by a two storey run of retail units and by Hot Pots Café (also two storey) to the northeast.
2. Cotgrave Footpath18 runs along the north east corner of the application site. The proposed play area would be located on land that is approximately 2m higher than the Candleby Lane road level. Cotgrave Futures, Candleby Lane School and a number of two storey residential properties are located on Candleby Lane opposite the site.

DETAILS OF THE PROPOSAL

3. The proposal seeks to remove the existing play area on the eastern side of the existing vehicular access and create a new play area on the site of the former Police Station and its associated car parking. Permission has already been granted for the demolition of this building under application ref 16/02137/FUL. In addition to the new play area, new hard landscaping is proposed to form a terrace area and a bin store to serve Hotpots cafe.
4. The proposed play area would have an overall area of 31.5m x 19.3m, being bordered by hoop top fencing 1 metre in height, of a green powder coat finish. The play equipment and surface treatment of the new play area are subject to future approval.
5. The proposed terrace area would measure 10.4m x 4.8m and would accommodate the bin store. Hotpots would be able to use the terrace area for informal seating (removable not fixed) for the cafe, but they would not own it. The terrace paving would be the same as used in the public realm (product is Tobermore: Fusion Graphite colour). Pedestrian and vehicular gates are proposed to open into the play area. The agent has confirmed that the vehicular access would not be for bin lorry across the terrace. It is simply for ride on mowers to go inside the play area for maintenance as Cotgrave Town Council has indicated that grass would be their preferred finish within the play area.

6. The proposed bin store would be for use by Hotpots cafe and would be formed by vertical hardwood slats having a galvanised steel frame and a mesh roof. It would measure 2100mm high having a footprint of 1.4m x 2.435m. It would accommodate 1100L and 240L bins.
7. The existing play area would be removed and the area made good and grass seeded. A replacement tarmac path is indicated to connect the network of paths.
8. No details of the specific play equipment have been provided as part of the application. Cotgrave Town Council would apply for a discharge of condition in this regard.

SITE HISTORY

9. Recent relevant planning history for the Cotgrave retail centre includes:
10. 16/02136/FUL Proposed Multi Service Centre comprising; Medical Centre, Pharmacy, Library, Town Council Office, Police Office and ATM; including associated landscaping, fencing, car parking and external works (following the demolition of 14 residential properties) - approved.
11. 16/02137/FUL The refurbishment of 10 existing retail units; the change of use of the first floor from C3 residential to B1 office and A2 financial and professional services, with associated access, parking, open space, play area and landscaping and the demolition of buildings housing a Medical Centre, Police Station, ATM and Library - approved.
12. 16/02873/DEMOL Demolition of a pair of two-storey semi-detached houses, 12 terraced three-storey town houses, a single-storey garage block, along with associated fences, gates and hardstandings - approved.
13. 17/01164/NMA The refurbishment of 10 existing retail units; the change of use of the first floor from C3 residential to B1 office and A2 financial and professional services, with associated access, parking, open space, play area and landscaping and the demolition of buildings housing a Medical Centre, Police Station, ATM and Library (omit fire escape stair and associated construction from rear (NW) elevation and add to side (SW) elevation) - approved.
14. 18/00268/NMA Thinning of trees adjacent to Coop and use of Unit 9 (first floor) as Tattoo Studio (Sui Generis use) - approved
15. 18/00510/NMA Amendment to planning approval 16/02137/FUL to allow installation of bat and bird boxes during second phase of construction - approved.
16. 18/00951/NMA Amendment to condition 13 of 16/02137/FUL to allow occupation of refurbished building before undertaking of Phase 2 works - approved.
17. 18/01353/NMA Amendments to 16/02137/FUL to change use class of Units 7 and 8 to D1 (Non-residential institutions) - approved.

18. 18/02360/NMA Amendment to 16/02136/FUL to include powder coated Louvre plant screen - approved.

REPRESENTATIONS

Ward Councillor(s)

19. One Ward Councillor (Cllr Butler) supports the application.
20. One Ward Councillor (Cllr Chewings) supports the application for the children play area to be moved onto the old police station site and looks forward to seeing more detailed plans of what equipment will be provided.

Town/Parish Council

21. The Cotgrave Town Council does not object.

Statutory and Other Consultees

22. Rushcliffe Borough Council's Landscape Officer has commented that *"This seems positive. I presume the Parish Council will maintain the playground and the safety surfacing? The timber cladding for the bin store will help soften its appearance. The railings around the play area are appropriate."* They confirm that as there is a landscape scheme for the wider landscape area, a condition is not required on this application.
23. Rushcliffe Borough Council's Environmental Health Officer raises no objections but advises that the site is on our contaminated land register and as such a condition is suggested relating to unexpected contamination in addition to an informative relating to the hours of demolition and construction work.
24. Rushcliffe Borough Council's Community Development Manager has considered the proposal and has advised that *"The minimum activity zone for a local equipped area for play should be 400 sq m and it should be located a minimum of 10 m from the nearest property containing a dwelling. I have no objections to relocating the play area to the new proposed site assuming footpath/cycle links to the wider network and I support the lower level bow-top fencing which is visually more welcoming than that used at the current site."*
25. The officer has drawn attention to the Fields in Trust guide chapter 6 and specifically appendix F which provides useful advice for the different types of play experience which could be incorporated into the facility and advised that it will need to include equipment and features which are 'inclusive'. The officer would like to have the opportunity to input into the final design before it is approved/installed.

Local Residents and the General Public

26. No comments had been received at the time of writing the report. However, there was a need to undertake further consultation with the owner/occupier of a property (Hotpots Café) potentially affected by the proposals and the closing date for comments is 18 December 2018.

PLANNING POLICY

27. 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.
28. 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).
24. 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

25. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development (paragraph 11). Local Planning Authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. There are three dimensions to sustainable development: economic, social and environmental.
26. Chapter 8 seeks to promote healthy and safe communities, at paragraph 91 it outlines that decisions should aim to achieve, inclusive, safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles.

Relevant Local Planning Policies and Guidance

28. The proposal falls to be considered under The Rushcliffe Local Plan Part 1: Core Strategy. 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. The proposal should also be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. The development should be assessed in terms of the criteria listed under section 1 and 2 of Policy 10, specifically 1(a) and (b) and 2(b), (c) and (h).
29. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 apply to this application.
29. Whilst not part of the development plan, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria)

of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2 section a, b, c, d, e and i whereby development should not result in a significant adverse effect upon the amenity of adjoining properties by reason of the type and level of activity on the site; a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety; sufficient space is provided to accommodate the proposal; the scale, height, design and layout of the proposal is sympathetic to the surrounding area and not lead to undue loss of privacy; noise attenuation is achieved and light pollution is minimised, and it can be demonstrated that, wherever possible, the development is designed to minimise the opportunities for criminal activities.

30. Policy COM4 (Protection of Open Space) states that planning permission will not be granted for proposals that would result in the loss of outdoor sports provision, other playing fields, allotments, public open space and important amenity space except where:
- a) it can be demonstrated that the provision is surplus to requirement; and
 - b) the provision cannot be used to meet any other open space, sport or recreation provision that serves an identified deficiency; or
 - c) it will be replaced with alternative provision, at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality.

APPRAISAL

31. Planning permission ref: 16/02137/FUL was approved for the 'refurbishment of 10 existing retail units; the change of use of the first floor from C3 residential to B1 office and A2 financial and professional services, with associated access, parking, open space, play area and landscaping and the demolition of buildings housing a Medical Centre, Police Station, ATM and Library' identified the demolition of the existing Police Station, the removal of the hardsurfacing and the landscaping of the area as part of the wider public realm. As part of this application the play area was to be retained in its current position.
32. This application seeks to create a play area, terrace and bin store for Hotpots Café on the land largely occupied and used in association with the police station. The existing play area and associated surface and enclosure would be removed and the area grass seeded.
33. The majority of the Police Station site is identified on the Council's contaminated land register. As part of permission ref: 16/02137/FUL a contaminated land condition was imposed and details were provided and approved under discharge of condition reference 17/01160/DISCON. The Council's Environmental Health Officer has advised on this application that a condition relating to unexpected contamination be included on the decision so that this can be investigated further should evidence be found.
34. The proposed play area site would be located (at its closest) around 30m from the residential properties on the opposite side of Candleby Lane. The site is also elevated in comparison to these properties by around 3m. It is considered that, by virtue of the distance involved, the impact of the proposed

play area on the amenities of adjacent occupiers would not be significant. As the precise play equipment or its location within the site has not yet been determined, this would be subject to future approval of the Borough Council by way of a discharge of condition. The orientation and type of equipment could, therefore, be influenced at that stage to maintain maximum privacy.

35. The landscaping would form part of the wider public realm of the town centre site. The proposal would not adversely affect the adjacent public footpath, however, a note to applicant is suggested to remind the applicant of the need to seek permission for a temporary diversion of the footpath during the demolition of the building and the construction of the play area.
36. The proposal was subject to pre-application discussions with the agent/architect and advice was offered on the application process. The scheme is considered acceptable and no negotiations with the applicant or agent were considered necessary.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted (subject to no further representations being received by the 18 December 2018 that raise additional planning issues) 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): 3079 21 Proposed site Plan in existing context; 3079 22 Proposed Site plan in context of 16/02137/FUL; 3079 23 Kids Play Area Layout and 3079 24 Location Plan.

[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 the installation of any play equipment details shall be submitted to the Borough Council for written approval. The play area shall be implemented in accordance with the approved details and no changes shall be made to the play equipment or its location without the Borough Council's prior written approval.

[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]

4. Prior to the laying of any surfacing to the play area, or the terrace area, hereby approved details shall be submitted in writing for the approval of the Borough Council. The development shall be implemented, and thereafter retained, 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].

5. If any unexpected, visibly contaminated or odorous material or tanks or structures of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the Borough Council, before further work is undertaken in the affected area and works shall proceed only in accordance with the agreed remediation proposals.

[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].

6. Prior to the demolition of the building details of the finished levels of the play area and terrace shall be submitted for the Borough Councils approval. The development shall only be undertaken in accordance with the approved details.

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

Notes to Applicant

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way footpath Cotgrave 18 which runs in close proximity to the application site. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences.

All demolition and construction work, including deliveries, be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday - Friday 0700 - 1900 hours

Saturday 0800 - 1700 hours

Sunday/Bank Holidays No work activity

Attention to the Fields in Trust guide chapter 6 and specifically appendix F which provides a useful advice for the different types of play experience which could be incorporated into the facility.

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Application Number: 18/02132/FUL
Hill Top Farm, Aslockton

scale 1:1000

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Rushcliffe Borough Council - 100019419

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18/02132/FUL

Applicant Peter Avey

Location Hill Top Farm Cliffhill Lane Aslockton Nottinghamshire NG13 9AP

Proposal Construction of area of hardstanding. (retrospective)

Ward Cranmer

THE SITE AND SURROUNDINGS

1. Hill Top Farm consists an agricultural holding including an element of agricultural contracting, located to the northern end of the ribbon development that runs along Cliffhill Lane away from the centre of Aslockton. The site contains a number of agricultural style buildings which are located around a yard complex. Open Agricultural land lies to the north, east and west of the holding, with the residential properties of Cliff Holme and Cliff Holme Mews to the south, along with a large parkland area.
2. The individual area subject this application lies to the north west of the main agricultural holding yard, and forms part of an agricultural field. Boundaries of this land to the north and west are open to the fields, with a hedgerow to the south marking the edge of the parkland within the ownership of the nearest properties and a concrete wall to the east marking the edge of the agricultural yard.

DETAILS OF THE PROPOSAL

3. This application seeks planning permission for an engineering operation to create a hardstanding area of some 10m by 26m (260m²). The hardstanding area has been created by laying a compacted hardcore layer on the area which would be free draining given its permeable nature.
4. The proposed hardcore area would maintain the agricultural use of the land. The agent has reasoned that the hardstanding is required to prevent a boggy area outside the gate to the agricultural holding, with the area also to be used in part for the storage of farming implements when they are not in use on the site.
5. The application was accompanied by additional supporting information which was submitted on behalf of the applicant. Additional information was submitted on 8th November 2018 with an associated 14 day consultation following. The agent has since submitted further comments that seek to clarify issues made in public representations, but that do not materially change the nature of the development as considered.

SITE HISTORY

6. 17/01883/FUL - Erection of two storey dwelling and detached garage – Permitted. This application relates to part of the site frontage along Cliffhill Lane and has not yet been implemented.

7. 15/02728/AGRIC; 09/00626/AGRIC & 97/01182/AGRIC are all agricultural prior notifications for new buildings on the site which have been approved through the years, with all buildings currently present on site.
8. 80/06245/HIST - Change of use from agricultural building and stock yard to agricultural contractors yard and premises - Granted

REPRESENTATIONS

Ward Councillor(s)

9. The Ward Councillor (Cllr M Stockwood) first commented in objection to the application stating that the development would severely impact the neighbouring property.
10. Councillor Stockwood commented again following the additional information submitted on behalf of the applicant, maintaining her objection and commenting as follows; *“As previously stated the activities already being carried out on this hard standing impact on the neighbouring property such as to spoil the enjoyment of the owners of their garden in the summer and the noise of machinery being used outside of previously agreed”*.

Town/Parish Council

11. Aslockton Parish Council first commented on the application stating they neither object nor did not object but would like to make some points regarding inaccurate information and other aspects of the application:
12. *“Section 4 of the form: the site area is 260 sq. metres not 26 Section 5: we understand from the owner of the land that the proposal is for the construction of a hardstanding area for the storage of agricultural implements. Section 6: the proposal will result in a loss of agricultural land.*
13. *Sections 7 and 11: state that the material will be consolidated free draining hardcore and that surface water will be disposed of through a Sustainable Drainage System. However, no details have been provided for the SUDS so is it to be assumed that any surface water will permeate through to the land below the hardcore?*
14. *Section 9: states that vehicle parking is not relevant so we assume that motorised vehicles will not be parked on this area but only the implements as mentioned in Section 5.*
15. *Section 10: we consider it to be of paramount importance that the trees and hedges adjacent to the site be preserved in their current state.”*
16. Following the submission of the additional information Aslockton Parish Council commented further, raising no objection and stating; *“Aslockton Parish Council discussed the revised application on Monday 19th November and councillors agreed that the various issues raised on the original application by the neighbours, neighbour’s solicitors, APC, Environmental Health and the Borough Councillor M Stockwood had now been addressed.*

APC thanks the applicant for clarifying points raised regarding the original application and, in light of the information provided, has no objections.”

Statutory and Other Consultees

17. The Rushcliffe Borough Council Environmental Health Officer initially commented on the proposal requesting additional information regarding the use and activities proposed on the land. Following the submission of the additional information the consultee noted the use of the land would remain agricultural. In light of this the consultee stated the hardstanding would not significantly change the potential for off-site impacts due to noise, dust, odour etc. The consultee concluded there were no objections to the development but suggested the applicant be advised that the application site could not be used for activities connected with the contracting business which operates from part of the site.

Local Residents and the General Public

18. Three sets of public comments were received (two in relation to the initial consultation and one following submission of additional information), all in objection to the application and all from or made by solicitors on behalf of the direct neighbours to the site at Cliff Holme and Cliff Holme Mews. The concerns raised in response to the initial consultation can be summarised as follows:
- a. The application form is incorrect in stating a site area of 26sqm. It should be 260sqm.
 - b. The application form states there are no trees or hedges on land adjacent the site that could influence the development. This is incorrect as the site lies adjacent a copse on neighbouring land. This needs to be acknowledged and considered.
 - c. Until recently the hardstanding has been used to store quantities of rubble and hard core.
 - d. It is assumed no change of use is proposed and that the use would be in connection with the wider agricultural land. It is understood there is an alleged need for storage but why can't the existing barns on site be used for this.
 - e. The neighbours do not oppose agricultural operations however this proposal is excessive and currently without justification.
 - f. The introduction of such a vast hardstanding into the countryside is wholly unacceptable and the sheer size and stark incongruous appearance are visible from the neighbouring boundary. The development is visually intrusive and detrimental to the neighbour's residential amenity.
 - g. The gate to the hardstanding is understood to be the only gate to the field and therefore all equipment will have to use the access and travel through the agricultural contractors' yard (both authorised and unauthorised). There is a historic condition on the contractors use over

power tools and machinery which will be very difficult to monitor with the passing machinery.

- h. The greater use of this access would cause noise and dust pollution issues to the neighbouring properties garden.
 - i. The hardstanding results in the loss of agricultural land which should be resisted without justification.
 - j. There are concerns the hardstanding will be used in relation to the contractor's yard as a replacement for land lost when the approved dwelling (as referenced in planning history) is built.
 - k. Given a lack of supporting information and ongoing/outstanding unauthorised extensions to the agricultural contractor's business on the site they urge the council that in the event permission is granted (which is strongly opposed) conditions should be attached restricting the use to agricultural only and not in relation to the contractor's business.
 - l. The indication of the date when works completed is incorrect as it was constructed in February.
 - m. The applicant has said there are no important habitats or biodiversity features. We have a stocked lake within 100 metres of this hard standing and it will effect nesting bird life in the trees and fish within the lake.
19. Following the additional information submitted 8th November 2018 the following summarized comment was received:
- a. The applicant has sought to argue that the neighbour's residential amenity is not a relevant consideration. The applicant relies on a historic application (90/00263/E1P) for landscaped parkland and an assertion that the land adjacent the site is open countryside. This historic application is now irrelevant and it is nonsensical to argue that this land is open countryside as it has been used as residential gardens since the neighbours purchased the property in 2006. Residential amenity considerations do therefore apply.
 - b. The size of the neighbour's garden is irrelevant and should be afforded protection.
 - c. The use of the hardstanding to prevent a boggy access is understood and the neighbour's do not and cannot object to the agricultural use. There is still little justification for the expanse of hardstanding.
 - d. It is still the case that the expanse of hard standing fails to safeguard and enhance the character and appearance of the landscape.
 - e. The Environmental health officer's additional comments are noted, raising no objection, we therefore trust that in the event of an approval the council will condition the hardstanding to only be used in relation to the agricultural use and not the agricultural contracting business.

20. Following a further response from the agent to the additional comments summarized above, the solicitor acting on behalf of the neighbours indicated a desire to further respond on the matter. Should any comments be received prior to the Committee meeting, they will be issued as a late representation.

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) (Revised 2018), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (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 NPPF (Revised 2018) contains the presumption in favour of sustainable development. Sustainable development has 3 overarching objectives; economic; social and environmental.
25. Section 15 of the NPPF; Conserving and enhancing the natural environment, is also of relevance. This states in paragraph 170 that planning policies and decisions should contribute to and enhance the natural and local environment by inter alia protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and recognising the intrinsic character and beauty of the countryside and the wider benefits of natural capital and ecosystem services.
26. Section 6 of the NPPF; Building a strong and competitive economy is also of relevance where it deals with supporting a prosperous rural economy. Here, in paragraph 83, it states planning decisions should, inter alia, enable the development and diversification of agricultural and other land based rural businesses.

Relevant Local Planning Policies and Guidance

27. Under the Rushcliffe Local Plan Part 1 - Core Strategy, there are two policies that relate to the proposal. 'Policy 1: The Presumption in Favour of Sustainable Development', states *"When considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"*. The proposal should also be considered under Policy 10; 'Design and Enhancing Local Identity' which states that all new developments should be designed to make a positive contribution to the public realm and reinforce valued local characteristics. The policy goes on to state that outside

of settlements, development should conserve, or where appropriate enhance or restore landscape character.

28. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2(d) whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.
29. The proposal also falls to be considered under policy EN20 (Protecting of open countryside) which states that within the open countryside planning permission will not normally be granted except for, inter alia, rural activities including agriculture and forestry. The proposal should ensure that in line with Rushcliffe NSRLP policy EN19 (impact on the Green Belt and Open Countryside) a) "*there will be no significant adverse impact upon the open nature of the Green Belt or open countryside, or upon important buildings, landscape features or views*".

APPRAISAL

30. The main issues in the consideration of the proposal are the principal of development in the open countryside and design and amenity considerations.
31. To provide context, Schedule 2, Part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015; sets permitted development rights for agricultural sites. These permitted development rights include: 'any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture within that unit'. Under usual circumstance the hardstanding, the subject of the current application, would fall within the permitted development right.
32. In this instance however, attention is drawn to the site history which included an agricultural prior notification in 2015 that was allowed. This prior notification allowed the construction of a grain store and fertiliser store with a floor area of some 361.76m², whilst a hardstanding area was constructed to the front of these buildings as approved measuring some 514.592m², for which no prior approval notification was required. These works were completed in August 2016.
33. The development under consideration was completed in May 2018, just under 2 years after completion of the adjacent hardstanding. The area of the new hardstanding is 260m² and, therefore, the works on the unit (within 90m of each other), would be over 1000m² in total, thereby not meeting condition A.1(e) of that class. As such the reason this development requires planning permission is because the amount of development on site in the past 2 years has exceeded the permitted allowance.
34. In principle, this site sits in the open countryside, and the development proposed represents an engineering operation to facilitate the existing agricultural use. In line with policy EN20 of the NSRLP, this form of

development would, in principle, be acceptable in this open countryside location.

35. Questions over the justification for the area have been raised in comments. The applicant has responded in stating the land would be solely for an agricultural use. The hard surfacing is purportedly required largely to facilitate access and egress from the agricultural fields into the farmyard. When visiting the site it was noted that the surfacing was difficult to identify in parts given it was covered in mud from the fields. As such there is no reason to doubt this comment and the justification would seem reasonable in context.
36. The southern part of the surfaced area is located away from the access but the applicant has suggested the area would also be used in part for the storage of agricultural implements for use on the land. Again when visiting site a number of small ploughs were visible on the land and the storage of such implements would seem justified and reasonable when considered in context that this southern section does not step further into the field than the section used more for access.
37. The Environmental Health Officer has raised no objection based on the premise that the use is only agricultural, and not in relation the agricultural contractors business that is run from the neighbouring land. The neighbour's concerns over the agricultural contractors use on parts of the site are also noted. Given there would appear to be a level of mixed use occurring from the site, it would seem prudent to ensure the land, the subject this application, would only be used in relation to agriculture, and not the contractor's business. This condition would be deemed necessary to clarify the extent of any permission.
38. Furthermore, also noted are the neighbour's concerns regarding intensification of use of the farmyard and contractors yard and impacts this may have on noise and dust pollution. The hardstanding itself would not alter the intensity of use of the farmyard with the access gate from the farmyard to the proposed hardstanding an existing situation. This would therefore not be considered to represent a material concern. Similarly, this would not impact the ability of persons to monitor compliance with conditions attached to the 1980 permission for the original contractor's yard on part of the site.
39. The site does not occupy a prominent location, and is not visible from any public vantage point with mature trees on land to the south and existing agricultural buildings to the north east which prevent any view from Cliffhill Lane. Furthermore, the proposed surfacing is rural/rustic in character being a simple hardcore layer to the ground. Such surfacing would not be considered as an over urbanising feature such as that created by more permanent surfaces like tarmacadam or concrete.
40. Although noting the comments from the neighbour that the surfacing would represent a 'stark' and 'incongruous' feature, the surfacing and works are at ground level, and not out of context for an agricultural area. Furthermore, mature trees and planting on the neighbouring land adjacent the site screens any long distance views any users may acquire, with the works likely only visible if walking directly adjacent the boundary with the site by users of the adjacent land. As such it is not considered that the works create any

incongruous feature at odds with the predominant agricultural character of the area.

41. It should be noted that a certain amount of agricultural infrastructure is required to facilitate the working of the land. The proposed area of hardstanding would, therefore, be supporting the rural enterprise and would conserve the local landscape character.
42. With regard to residential amenity, the comments and concerns of both the neighbour and the Ward Councillor are noted. The land to the north, west and east is largely open countryside save for the agricultural buildings related to this application. To the south east lie the properties of Cliff Holme and Cliff Holme Mews with their associated curtilage. Directly south and south west lies a mature landscaped area that was approved as 'parkland' under a 1990 permission (90/00263/E1P). The layout of this parkland remains largely as approved. As parkland, it is considered that the area does not enjoy any residential amenity rights that would be afforded to the curtilage of a residential property, instead, this is a matter of general amenity.
43. It is noted that the neighbour considers the area to form part of their residential garden, as they have used it as such since they moved to the site in 2006. Notwithstanding the statement, consideration can only be given to the permitted use of the site as parkland, and should the neighbour be using it as residential garden to the dwellings on site, then this would represent an unauthorised use.
44. The closest part of Cliff Holme Mews lies some 50m from the application site, beyond a copse of trees and further planting. The development proposed does not include any change of use of the land and as such it cannot be considered that the development would cause any harm to the amenities of the neighbouring residents.
45. Notwithstanding the exact use of the neighbouring land, previous appeal decisions from the Planning Inspectorate have clarified that the most sensitive part of any residential garden is the section closest to the house, which tends to be used the most. An Inspector went further to clarify that elements further from the house can be afforded more limited protection. It is, therefore, considered that, notwithstanding the use of the neighbouring land, given the development proposed solely represents an engineering operation with no associated change of use, the development would not raise any undue concerns for impact on the amenities of properties and land to the south of the site.
46. With regard to the neighbouring trees, the hardcore surface extends just up to the boundary hedgerow, retaining a gap from the stems and, therefore, not damaging the hedge. The hardcore surface would not, therefore, be considered to cause any harm to the long term viability of the boundary hedge or trees within the neighbouring site. Given this, and notwithstanding the concerns from the neighbour with regard to the stocked pond on the adjacent site, it is not considered that the development would raise any issue of harm to local biodiversity or ecology.
47. The surface for the hardstanding would be permeable and, therefore, would not have any drainage implications. Queries over the seepage of

contaminants from the land are noted, however, the use of the land would not change from existing, and the size of the area would not provide any great scope for any intensification of use that would cause concerns for increased contamination beyond the existing situation.

48. Given this application is retrospective, no time limit for commencing development or finishing materials conditions are considered necessary. An additional condition to prevent any lighting being constructed to serve the site is considered prudent given the open countryside and rural location, in line with section (d) of policy EN19 of the NSRLP.
49. After examining the above proposal and assessing it against the policies set out in the development plan for Rushcliffe, the scheme is considered acceptable. Having regard to these factors, it is recommended that planning permission is granted.
50. The application is retrospective and no pre-application advice was undertaken. Negotiations have taken place during the consideration of the application to address concerns/objections raised in letters of representation submitted in connection with the proposal. Following the submission of additional information to support the application and address queries and concerns raised in representations, the scheme is considered acceptable.

RECOMMENDATION

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

1. The area of hardstanding hereby approved as indicated on the submitted block plan and location plan shall be used solely for agricultural purposes and shall not be used in relation to the agricultural contractor's business that operates from the adjacent site at any time.

[To clarify the extent of the permission and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

2. No security lighting or flood lighting shall be installed/erected on the site, edged red on the approved plan, at any time.

[To protect the amenities of the area and to comply with policies GP2 (Design & Amenity Criteria) & EN19 (impact on the Green Belt and Open Countryside) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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Application Number: 18/02185/FUL
6 Haileybury Road, West Bridgford

scale 1:1000

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18/02185/FUL

Applicant Mr & Mrs Chahal

Location 6 Haileybury Road West Bridgford Nottinghamshire NG2 7BJ

Proposal Increase roof height of bungalow to create first floor accommodation and external alterations (resubmission).

Ward Musters

THE SITE AND SURROUNDINGS

1. The application property comprises a modest bungalow with attached single garage located within a residential area of West Bridgford. The dwelling has a very shallow roof slope and is located within an average sized plot. The rear garden boundary is angled due to the property's location close the junction of Haileybury Road and Malvern Road.
2. The property sits within a row of bungalows. The two bungalows to the immediate north are of a different style and design, and contain dormer windows. All the bungalows to the immediate south of the site are of virtually identical design, style and appearance as the application property and have remained largely unaltered since they were first constructed. On the opposite side of Haileybury Road are detached two storey dwellings. To the north west of the site on Malvern Road are also bungalows located on a lower level than the application site. Land levels along Haileybury Road rise gently in a southerly direction.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for alterations to the property, raising the height of the bungalow by approximately 0.9m at eaves level and approximately 2m at ridge level, to create a first floor which would provide the following accommodation; a master bedroom with en-suite and a separate dressing room, 2 further double bedrooms and a bathroom. The ground floor of the property would be reconfigured to provide an open plan kitchen, dining and living room, a playroom, double bedroom, utility, shower room, and hallway.
4. This is a revised scheme following the refusal of the previous application (see site history). The level of glazing to the front elevation has been reduced, the large Juliet balcony window to the rear first floor elevation has been replaced with two narrower windows. The first floor accommodation would be served by several roof lights, all of which would be approximately 1.7m above the proposed internal first floor level (with the exception of those which would be above the proposed staircase). The whole of the property would be finished in white render with horizontal timber cladding to sections of the front and rear elevations, and a slate roof.

SITE HISTORY

5. A previous planning application (18/01217/FUL) to raise the height of the eaves (by approximately 1m) and roof pitch (by approximately 2.8m) of the bungalow to create first floor accommodation, together with alterations to the fenestration, and finish materials, was refused in July 2018 for the following reasons:
 1. *'Increasing the height and scale of the property to create first floor accommodation, together with the large expanses of glazing and the changes to the materials, would significantly alter the appearance of the existing bungalow to such a degree that it would appear at odds with the established character of this section of Haileybury Road and would be harmful to the appearance of the street scene. The proposal would therefore be contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy, Policy GP2 (Design and Amenity Criteria) of The Rushcliffe Non-Statutory Replacement Local Plan and guidance contained within the National Planning Policy Framework (2018) specifically paragraphs 127 and 130.'*
 2. *'The large Juliet style balcony window to the rear facing gable, given its close proximity to the bungalows on Malvern Road, which are located on a lower level than the application site, would result in unacceptable levels of overlooking and loss of privacy, particularly to no.30, which would be significantly harmful to the living conditions of the occupiers. The proposal would therefore be contrary to Policy GP2 (Design and Amenity Criteria) of The Rushcliffe Non-Statutory Replacement Local Plan and guidance contained within the National Planning Policy Framework (2018) specifically paragraph 127.'*

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr Jones) objects on the following grounds; whilst there have been various changes to the original application, it does not make it more acceptable. The design is at odds with the established character of the area and would be harmful to the appearance of the street scene, specifically white render to the front, side and rear, which is in stark contrast to the prevailing character of the surrounding properties. The front of the property is totally out of character with the area in its style, size and colour of windows, white render and cladding. The ridge height of 6.48m is higher than the neighbouring dormer. Potential for overlooking from the additional windows. It would change a 3 bedroom, 1 bathroom bungalow into a 4 bedroom, 3 bathroom house. Such over-development is not in keeping or respecting the neighbouring properties and is out of keeping with the character of the area.

Local Residents and the General Public

7. 18 representations have been received from local residents, objecting to the application on the following grounds:
 - a. The revised plans do not overcome the previous reasons for refusal.

- b. The increased height and scale of the bungalow, and its modern appearance, would result in it being completely out of character with the bungalows on this part of Haileybury Road, contrary to Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part: Core Strategy.
- c. Overbearing impact, intrusion, overlooking, loss of light/sun on neighbouring properties on both Haileybury Road and Malvern Road (which are at a lower level than the application property).
- d. Harm the outlook of properties on the opposite side of Haileybury Road, less sunlight in the afternoons and evenings, loss of views.
- e. The loss of a bungalow. Proposal would set a precedent for other bungalows in the street.
- f. Disruption and noise during construction works.

PLANNING POLICY

- 8. The development plan for Rushcliffe consists of the five saved policies of the 1996 Local Plan, and Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy). Other material considerations include the National Planning Policy Framework (2018) and the Non-Statutory Replacement Local Plan (NSRLP) where policies are consistent with the NPPF and the Core Strategy.

Relevant National Planning Policies and Guidance

- 9. The National Planning Policy Framework (2018) 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. Paragraph 124 states that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.”* Paragraph 130 states that *“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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.”*

Relevant Local Planning Policies and Guidance

- 10. Policy 10 (Design and Enhancing Local Identity) of the Core Strategy states that; All new development should be designed to make: a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; reinforce local characteristics; be adaptable to meet evolving demands and the effects of climate change; and reflect the need to reduce the dominance of motor vehicles.
- 11. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been

adopted its policies are still a material consideration in the determination of any planning application where they accord with the NPPF.

12. Policy GP2 (Design and Amenity Criteria) states that planning permission will be granted provided that, inter alia, the scale, density, height, massing, design, layout and materials of proposals are sympathetic to the character and appearance of neighbouring buildings and surrounding areas; that they do not lead to an over-intensive form of development; that they are not overbearing in relation to neighbouring properties; and do not lead to undue overshadowing or loss of privacy.
13. Advice contained within the Rushcliffe Residential Design Guide adopted in March 2009 is a material consideration. The Design Guide provides guidance on acceptable levels of amenity space for dwellings and, in terms of garden sizes, that these should be 110sqm for detached properties.

APPRAISAL

14. The main issues in the consideration of the application are the impacts upon the character and appearance of the street scene and the living conditions of neighbouring properties.
15. In terms of the impacts upon the character and appearance of the street scene, the western side of Haileybury Road is characterised by bungalows, with two storey dwellings on the opposite eastern side. The two bungalows to the north of the application property differ in design to the application property in that they have higher roof ridges and contain accommodation within the roof space which is served by dormers. For example, no.2 has side facing gables with a box dormer to the front, and no.4 has a double hipped roof with a small box dormer to the front and rear. The bungalows (No.'s 8 to 24) to the south of the application site are of the same design and appearance as the application property, and have all remained largely unaltered since they were first constructed, resulting in a very regimented street pattern.
16. The previous scheme involved an increase in the height of the bungalow by 1m at eaves level and by 2.8m at ridge level to provide first floor accommodation within the roof space, together with large expanses of glazing and alterations to materials. It was considered that these alterations would significantly alter the appearance of the existing bungalow to such a degree that it would appear at odds with the established character of this section of Haileybury Road and would be harmful to the appearance of the street scene.
17. The revised scheme has seen a reduction in the increase in the ridge height by 0.8m. The new ridge of the bungalow would now be 2m higher than at present. The applicant's agent has provided street scene elevations showing the proposed dwelling in relation to no.'s 2, 4 and 8. These show the changes in land levels along Haileybury Road (where land levels rise gently southwards) and that the ridge of the extended bungalow would be 1m higher than that of no.4 and 0.7m higher than that of no.2.
18. Despite the regimented street pattern to the south of the application property, the properties to the north, which both have accommodation at first floor level, are much more varied in terms of styles and ridge heights. Therefore, if

the ridge of the application property were to be raised 1m higher than no.4, it is not considered that such an increase in scale, having regard to the changes in land levels, would harm the pattern of development along this particular section of Haileybury Road.

19. In terms of glazing, the amount of glazing proposed within the front elevation has been reduced, and whilst the window pattern differs from the fenestration in the neighbouring bungalows (having windows of both vertical and horizontal emphasis), it is not considered that this would harm the appearance of the application property or the street scene.
20. With regard to materials, both the application property and other properties in the immediate vicinity contain render and timber/stone cladding features to their front elevations, therefore, the use of cladding would not appear out of character with the property's surroundings.
21. In terms of the living conditions of neighbouring properties, the new ground floor windows to the side, and bi-fold/patio doors to the rear, would be largely screened from neighbouring dwellings by the existing boundary treatments and would not result in significant harm. Furthermore, the roof lights to the side roof planes would be positioned 1.7m above internal floor levels (with the exception of those located above the proposed staircase), therefore, they would not result in overlooking over neighbouring properties. The glazing to the front, would be a sufficient distance from the two storey dwellings on the opposite side of Haileybury Road so as not to result in harmful levels of overlooking.
22. With regards to the rear first floor windows, the large Juliet style balcony window, which extended across almost the full width of the rear facing gable, has been replaced with two narrow windows measuring 600mm in width and 2m in depth. The closest of these windows would be located (when measured at an angle) 13m from the garden boundary of 30 Malvern Road (a bungalow located approximately 1m lower than the application site) and 22m from its rear elevation. Likewise, these windows would be located 16m from the garden boundary with 28 Malvern Road and 24m from its rear elevation. Given the narrowness of these windows, together with the distances between properties and the oblique angles of any views from the windows, it is not considered that the proposal would result in unacceptable levels of overlooking or loss of privacy which would be significantly harmful to the living conditions of the occupiers of neighbouring properties.
23. In terms of 8 Haileybury Road, this has previously been extended to the rear and, therefore, projects approximately 4m further rear wards than the application property, it also has a leylandii hedge approximately 3m high along part of the shared boundary with no.6. Whilst the rear first floor windows would allow views towards the back of the rear garden area of no.8 (which is not unusual in urban housing areas) again, given the narrowness of the windows and the oblique views which would be possible from them, it is not considered that the proposal would result in unacceptable overlooking on the private zone immediately to the rear elevation of the neighbouring property.
24. Objections have been received from residents on the grounds of overshadowing and loss of light. The altered dwelling would retain the same

footprint as existing, with the eaves raised by 0.9m and the ridge raised by 2m. However, given the design of the roof, which would have roofs rising away from the shared boundaries with the two flanking properties, it is not considered that the proposal would result in unacceptable levels of loss of light or appear over bearing.

25. The loss of a bungalow from the housing stock would be regrettable, however, there are currently no planning polices protecting the retention of bungalows within Rushcliffe, and many bungalows across the borough have been extended and altered to provide additional living accommodation within the roof space. In terms of garden sizes, detached dwellings are expected to have a garden area measuring 110 sqm, the rear garden of the application property measures 181 sqm and no garden would be lost as a result of the proposals. Officers are satisfied that the proposal would not result in an overdevelopment of the application site.
26. Residents on the opposite side of Haileybury Road have objected on the grounds of loss of view, however, this is not a material planning consideration which can be given weight in the determination of the application.
27. With regard to inconvenience during construction works, an informative is proposed which advises the applicants of the measures to be adopted to keep noise disturbance to a minimum.
28. With regard to precedent, each application must be decided on its own merits, having regard to the local circumstances.
29. Following the refusal of the previous planning application, negotiations have taken place between Officers, the agent and the applicant resulting in the submission of the revised proposals. After careful consideration it is considered that the revisions have addressed the previous reasons for refusal and would not result in significant harm to the character of the area or the living conditions of neighbouring residents, thereby resulting in a recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans; proposed floor plans, site block plan and OS plan 623 002 revision G dated May 18; proposed elevations, site block plan and OS plan 623 003 dated Nov 18.

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

Part 1: Rushcliffe Core Strategy.]

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, unless otherwise approved in writing by the Local Planning Authority.

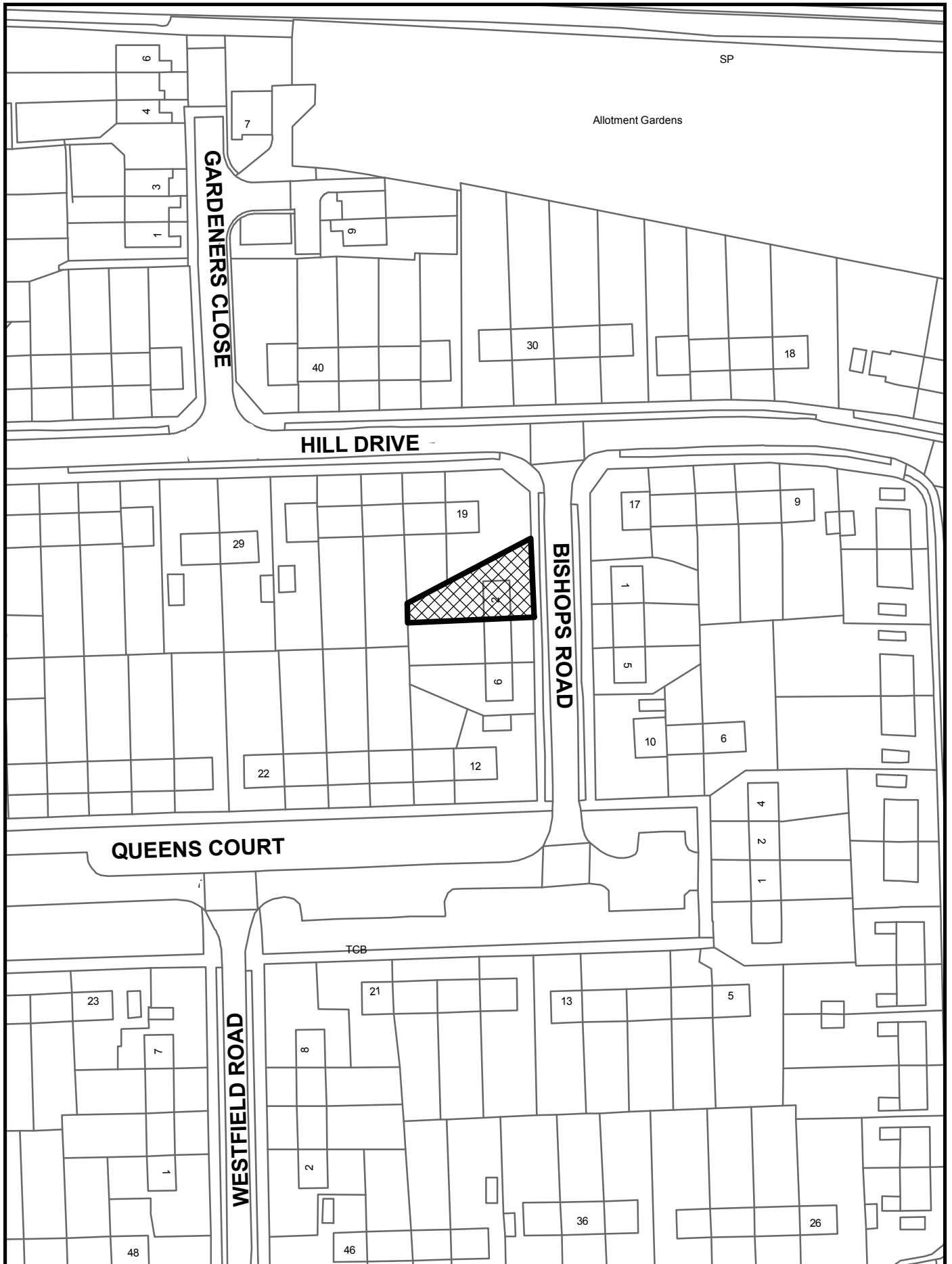
[To ensure the appearance of the development is satisfactory and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy.]

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.

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.

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Application Number: 18/02305FUL
2 Bishops Road, Bingham

scale 1:1000

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18/02305/FUL

Applicant Mr C Chambers

Location 2 Bishops Road Bingham Nottinghamshire NG13 8FZ

Proposal Two storey side extension.

Ward Bingham West

THE SITE AND SURROUNDINGS

1. The application relates to an end of terrace two storey dwelling, probably c.1950's. It is of traditional construction being pale brown brick with a dark concrete tile roof. It is located within an established residential area of Bingham in a housing estate of similar dwellings.

DETAILS OF THE PROPOSAL

2. The proposed extension would be two storeys joined to the side of the original dwelling. It would have ridge and eaves height to match those of the existing dwelling and would extend the full depth of the side elevation with a width of 3.4m. It would be constructed of materials to match the existing dwelling.

REPRESENTATIONS

Ward Councillor(s)

3. One Ward Councillor (Cllr J Stockwood) has objected to the proposal stating that "*the design is out of keeping with the character of the street scene of this well-planned and uniformly designed estate.*" Councillor Stockwood also stated "*I wish there to be a thorough consideration of the concerns of the neighbour regarding the impact on the residential amenity of the property to the north*".

Town/Parish Council

4. Bingham Town Council do not object to the proposal

Local Residents and the General Public

5. The neighbour at 19 Hill Drive objects to the proposal (via a relative) on the following grounds:
 - a. The overwhelming negative implications of the proposed plans.
 - b. Oppressive, would block all but the earliest and latest sun in the day.
 - c. Nowhere else on the estate is there such overwhelming development or extension to the original properties.

- d. If this planning application is approved a dangerous precedent could be set.
 - e. The loss of parking space.
 - f. Boundary positioning concerns.
6. A resident at 1 Thorseby Road commented; *"The elderly lady whose property borders this proposed development is my very good friend; this development would seriously affect her access to light if it was a double storey build. Please can someone visit her property before any decision is taken and ensure that her needs are not ignored, as it is causing her considerable distress."*

PLANNING POLICY

- 7. 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.
- 8. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.
- 9. 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

- 10. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development and states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should approach decision on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. There are three dimensions to sustainable development: economic, social and environmental.
- 12. Paragraph 130 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

- 13. The proposal falls to be considered foremost under The Rushcliffe Local Plan Part 1: Core Strategy. 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. The proposal should also be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. The development should be assessed in terms of the criteria listed under section 2 of Policy 10, specifically 2(b) whereby the proposal should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.

14. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 apply to this application.
15. Whilst not part of the development plan, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2 section d, whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.

APPRAISAL

16. The dwelling at 2 Bishops Road is set at a 90° angle to the adjacent dwelling to the north-west at 19 Hill Drive with the end (north) elevation of the proposed extension facing the side garden of 19 Hill Drive. At no point do the dwellings directly face each other at first floor level. There are existing single storey rear extensions at 2 Bishops Road but these have little impact on 19 Hill Drive given the existing boundary treatment and their relatively short projections.
17. The proposed extension would bring the gable end of 2 Bishops Road 3.4m closer to the boundary with 19 Hill Drive. There are no windows proposed in the side elevation of the extension, which would be the new gable end, therefore, over-looking towards 19 Hill Drive would be reduced as the existing windows in the side elevation would disappear.
18. New first floor windows are proposed in the front and rear of the extension and it is considered that these would have a similar impact to the existing first floor windows in the property and not create unacceptable additional overlooking towards nearby properties adjacent and opposite.
19. The adjacent dwelling at 19 Hill Drive forms the corner of Hill Drive and Bishops Road along with the application site. 19 Hill Drive has a ground floor lounge window and back door on the rear elevation and landing and bathroom windows at first floor. The reception room window in the rear elevation of the property is located on the western side of that elevation, meaning that there would still be a view down the garden of the property, towards the rear garden of the application site, i.e. the window is not directly in line with the proposed extension. All other windows are on the side and front elevations. Given the secondary nature of the lounge window (the

lounge also having a window on the front elevation), and the non-habitable rooms the first floor windows serve, the impact to these features can only be afforded limited weight.

20. The ground levels in the area rise upwards slightly from Hill Drive, with the dwellings on Bishops Road being on higher ground level, and it is accepted that this does exacerbate the effect of the proposed extension. However, the extension would be adjacent to the side garden of 19 Hill Drive which fronts Bishops Road and not directly facing its rear elevation or rear garden.
21. Being on a corner plot 19 Hill Drive has a larger than average overall garden area in this locality and there is a 2m high close boarded fence separating the side garden from the smaller more private rear garden. In terms of amenity, the comments made on behalf of the adjacent neighbour have been carefully considered and it is clear that they have concerns regarding the possible over-bearing nature of the development, especially on the small area of rear garden.
22. The case officer visited 19 Hill Drive to view the application site from this adjacent property and observed that there would be some impact on the amenities of 19 Hill Drive, however, the evaluation must take into account the severity of this impact and consider whether a refusal of permission would be justified and could be defended at appeal, should the application be refused on amenity grounds.
23. There is already development at 2 Bishops Road at ground floor level up to the boundary with 19 Hill Drive in the form of an existing single garage. This garage would be removed and replaced with the proposed extension. The consideration should therefore be how much the addition of a first floor impacts on the neighbouring dwelling.
24. The extension will of course make a difference to the wider outlook from the rear of 19 Hill Drive but it would not be directly opposite the rear windows or rear garden. 2 Bishops Road lies south east of 19 Hill Drive which may result in the extension creating some additional over-shadowing towards the rear in the morning but towards the afternoon and evening the sun would be to the west and any shadow would fall towards the side garden and away from the rear garden of 19 Hill Drive, towards Bishops Road.
25. This is a very finely balanced application and the concerns of the neighbour are abundantly clear. However, given the above it is not considered that the proposed two storey side extension as submitted would cause unacceptable additional overshadowing or create undue overbearing impacts towards the neighbouring dwelling so as to substantiate a reason for refusal.
27. In terms of design and effect on the street scene, the property is situated on the end of a terrace of three dwellings on a wedged shape plot. The existing house does not have any distinctive architectural quality, and is undoubtedly of its time and in keeping with the surrounding neighbours. The development as proposed would create a more prominent dwelling but would not be out of character with the identifiable built form in the area and being the end dwelling of a row of three there would be no terracing issues.

28. The proposed relationship between 2 Bishops Road and 19 Hill Drive would not be unique within the area as a similar relationship exists opposite the application site, between 1 Bishops Road and 17 Hill Drive. In this case, however, the relationship is potentially more overbearing as the side elevation of 1 Bishops Road (as originally constructed) is almost directly opposite the rear elevation of 17 Hill Drive, not offset as the proposed relationship would be. Clearly, a planning application is assessed on its own merits, however, it would perhaps be unjust to refuse an application on the grounds of an overbearing relationship when a not dissimilar, and potentially more negative relationship exists not only within the area but immediately opposite the application site.
29. The extension does not include any garage provision to replace the garage being lost, however, there would still be an off-road car standing space in the front garden of 2 Bishops Road as at present.
30. Concerns and comments regarding the positioning of the boundary have also been made on behalf of the neighbour but these are not planning matters. However, a note to the applicant should be included on any decision notice, should members be minded to grant planning permission, regarding works on or near land they do not own.
31. The applicant's agent has been approached during the application process with regard to reducing the size of the extension with the aim of alleviating the concerns of the neighbour at 19 Hill Drive but the applicant chose not to amend the scheme. Notwithstanding this dialogue, the scheme is considered acceptable and it is recommended the application be approved.

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): 024.04A rev B and 024.06a rev B.

[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].

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.

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 about whether the proposed work falls within the scope of this Act.

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: 18/02226/FUL
48 Hill Drive, Bingham

scale 1:1000

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Rushcliffe Borough Council - 100019419

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Applicant Miss K Wholey

Location 48 Hill Drive Bingham Nottinghamshire NG13 8GA

Proposal Single storey rear extension.

Ward Bingham West

THE SITE AND SURROUNDINGS

1. The application relates to a mid-terrace two storey dwelling, probably c.1950's. It is of traditional construction being pale brown brick with a dark concrete tile roof. It is located within an established residential area of Bingham in a housing estate of similar dwellings.

DETAILS OF THE PROPOSAL

2. The proposed extension would have a 'staggered' floor layout comprising a bedroom with a shower-room offset at one corner. It would be constructed of materials to match the existing dwelling and would have a flat roof 2.8m high. It has been designed in such a way as to accommodate the present and future needs of a person with movement difficulties.

REPRESENTATIONS

Ward Councillor(s)

3. One Ward Councillor (Cllr Purdue-Horan) objects to the proposal stating; *"Whilst I appreciate what the applicant may be seeking to achieve and do not object in principle to the overall design, I am concerned that the western side of the extension is too close to the boundary and is over-bearing on the neighbour's property."*
4. One Ward Councillor (Cllr J Stockwood) has declared an interest in the application and, therefore, offers no comments.

Town/Parish Council

5. Bingham Town Council object to the proposal, stating; *"The Council is supportive of the need to create an enhanced living arrangement at this property. However, it feels that the plans in their current form are over-bearing in nature, to one neighbour in particular; which could lead to issues relating to the practicalities of maintenance down the line."*

Local Residents and the General Public

6. The adjacent neighbour at 50 Hill Drive objects to the proposal but not on planning grounds. They raise concerns regarding building close the boundary and future maintenance of the extension.

PLANNING POLICY

7. 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.
8. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.
9. 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

10. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development and states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should approach decision on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. There are three dimensions to sustainable development: economic, social and environmental.
12. Paragraph 130 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

13. The proposal falls to be considered foremost under The Rushcliffe Local Plan Part 1: Core Strategy. 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. The proposal should also be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. The development should be assessed in terms of the criteria listed under section 2 of Policy 10, specifically 2(b) whereby the proposal should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
14. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 apply to this application.

15. Whilst not part of the development plan, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2 section d, whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.

APPRAISAL

16. The main bedroom part of the extension would be 170mm from the boundary with no. 50 Hill Drive to the west. The extension on this side would project 4.1m from the rear of the dwelling. There is a window at ground floor level in the rear elevation of no. 50, the centre of which is 2m from the boundary. The extension does not pass the 45° guide when applied to this window, however, a permitted development extension with a 3m projection would not pass either and the 45° guide is only a starting point for evaluation and other factors should also be considered. Furthermore, the Design Guide indicates that the 45 degree guide should be applied for extensions with two storeys or higher or where there is a significant change in level.
17. The boundary with 50 Hill Drive consists of a 2m high close boarded fence which would already cause some overshadowing towards no. 50. The orientation of the terrace of 5 dwellings to which no. 48 and no. 50 are part of is west - east, no. 48 being to the east of no. 50. Given this orientation there may be some additional over-shadowing from the extension towards no. 50 in the mornings but towards mid-day and afternoon/evening shadows would fall away from no. 50.
18. The 'off-set' part of the extension would be on the north-eastern corner and it would form the shower-room. It would project a further 3.9m from the bedroom section. Its off-setting gives a distance of 2.5m from the boundary with no. 50 to the west and 1.8m from the boundary with no. 46 to the east. The windows in the shower-room would be obscure glazed and top opening only, confirmed by the applicant's agent and on revised plans submitted in respect of the proposal.
19. The orientation of the dwellings would mean that any afternoon/evening shadow would fall towards and over the rear garden of no. 46. However, given the distance from the boundary of the bedroom section at 3.5m and the bathroom section of 1.8m it is considered any harm from over-shadowing would be minimal. A flat roof helps minimise the impact on adjacent dwellings.
20. Double glass doors giving wheelchair access to the garden and one small additional window are proposed in the bedroom. Given the existing boundary treatments it is not considered that these would lead to unacceptable over-looking or loss of privacy.
21. The concerns of the owner of 50 Hill Drive have been noted, however, access for construction and subsequent maintenance and works on or near a

boundary are not material planning considerations and carry no weight in the consideration of the application. Nevertheless, these concerns are recognised and it would be prudent to include notes to the applicant regarding boundary matters on any forthcoming planning permission.

22. Although an unorthodox floor plan, the proposed extension has been designed to be purely functional and meet the applicant's needs. It would not be visible from the public realm and would have no impact on the street scene. As extensions can lawfully be built up to and on a boundary without planning permission, on balance, the proposal as submitted is considered to be acceptable.
23. The application was not the subject of pre-application discussions and the agent was approached to see if any amendments were possible to address the concerns of the neighbour regarding the proximity of the extension to the boundary but no amendments have been made and the proposal has been assessed on the plans as submitted.

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 18/2 rev E03 and email from the agent regarding the shower room windows dated 1 November 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 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].

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.

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 about whether the proposed work falls within the scope of this Act.

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

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