

When telephoning, please ask for: Tracey Coop
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Our reference:
Your reference:
Date: Wednesday, 5 June 2019



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

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 13 June 2019 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 30 May 2019 are to follow
4. Planning Applications (Pages 1 - 108)
The report of the Executive Manager - Communities.
5. Planning Appeals
The report of the Executive Manager - Communities.

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor Mrs M Stockwood
Councillors: K Beardsall, A Brennan, P Gowland, L Healy, A Major, J Murray,
F Purdue-Horan, C Thomas and D Viridi

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



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Planning Committee

13 June 2019

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.

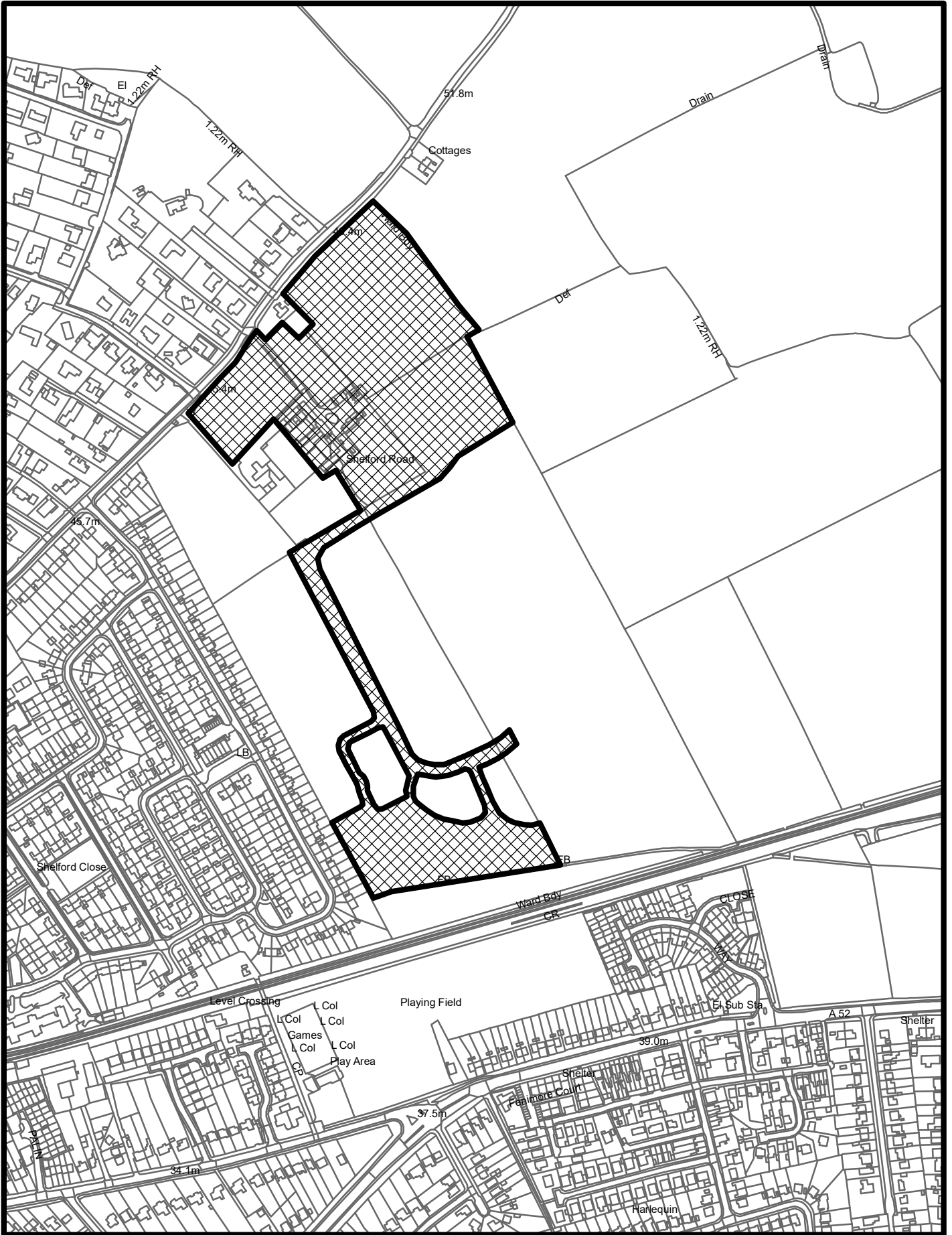
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

Application	Address	Page
18/02688/REM	Shelford Road Farm Shelford Road Radcliffe On Trent Nottinghamshire NG12 1BA Development of 103 dwelling (Use Class C3), reserved sites for a health centre (Use Class D1) and associated infrastructure, including highway and pedestrian access, open space, structural landscaping and SUDS features (application for approval of matters reserved under outline application ref 13/02329/OUT)	5 - 20
Ward	Radcliffe On Trent	
Recommendation	Approval of reserved matters be granted subject to conditions.	
<hr/>		
19/00678/OUT	Rushcliffe Borough Council Central Works Depot Abbey Road West Bridgford Nottinghamshire Demolition of existing buildings, residential development with associated infrastructure and access points from Abbey Road and Buckfast Way (outline with all matters reserved except access)	21 - 74
Ward	Abbey	
Recommendation	Planning Permission be granted subject to conditions.	
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Application	Address	Page
<u>19/00323/FUL</u>	Land East of Kirk Ley Road (Phase 3) East Leake Nottinghamshire	75 - 94
	Full application for the erection of 83 dwellings (partial re-plan to increase number of dwellings on Phase 3 by 47).	
Ward	Leake	
Recommendation	Planning Permission be granted subject to conditions.	
<hr/>		
<u>19/00666/FUL</u>	17 Bollards Lane Sutton Bonington Nottinghamshire LE12 5PA	95 - 104
	Two storey front extension, two storey side extension over existing garage and utility, and rendering of existing dwelling.	
Ward	Sutton Bonington	
Recommendation	Planning permission be refused.	
<hr/>		
<u>19/01268/CTY</u>	Sharphill Primary School Rose Way Edwalton	105 - 107
	Erection of a two storey 420 place primary (2 phases) and 39 place nursery school with associated playing fields, car parking, hard surfaced outdoor play area, footpaths and access roads. Entrance canopy and a covered nursery play area, enclosed bin store (2m), sprinkler tank and pump house (3.5m), 2.4m high perimeter security fence and gates, associated landscape works and off-site highway works.	
Ward	Edwalton	
Recommendation	That Nottinghamshire County Council be informed that the Borough Council objects to the proposal	

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Application Number: 18/02688/REM
Shefford Road, Radcliffe on Trent

scale 1:5000



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18/02688/REM

Applicant William Davis Limited

Location Shelford Road Farm Shelford Road Radcliffe On Trent
Nottinghamshire NG12 1BA

Proposal Development of 103 dwelling (Use Class C3), reserved sites for a health centre (Use Class D1) and associated infrastructure, including highway and pedestrian access, open space, structural landscaping and SUDS features (application for approval of matters reserved under outline application ref 13/02329/OUT)

Ward Radcliffe On Trent

THE SITE AND SURROUNDINGS

1. The application site is located on the eastern side of Radcliffe on Trent and forms part of a larger development site with the benefit of outline planning permission under ref: 13/02329/OUT. The site lies to the south of Shelford Road and wraps around a property called Redmile House and adjoins the gardens associated with two residential properties, Grooms Cottage and Hunting Stables to the west of the site. Existing barns are present on the site, which have planning permission to be removed under the Outline Planning Permission. The application site also includes roads linking down to a pond, which is proposed to be used in connection with the Sustainable Drainage Scheme. Agricultural land lies to the east of the site.
2. The site lies within the Nottingham and Derby Green Belt.

DETAILS OF THE PROPOSAL

3. This is an application for Reserved Matters pursuant to the outline planning permission 13/02329/OUT. Matters relating to appearance, landscaping, layout and scale are all to be considered under this application. Access into the site was approved under the outline planning permission, which comprised a roundabout access into the site. Work on this access has been commenced.
4. The application as originally submitted related to a development of 104 dwellings and incorporates a reserved site for a health centre and associated infrastructure including highway and pedestrian access, open space, structural landscaping and SuDs features. Following negotiations, the number of dwellings now proposed has been reduced to 103 and comprise 72 open market dwellings and 31 Affordable units (30%).
5. The net density for the residential development would be 30 dwellings per hectare, which allows for some variation within the site, notably a lower density rural edge and higher density primary street and internal courtyard.
6. The dwellings comprise a mix of 1 to 5 bedrooms with a range of house types and tenures. The mix comprises 7 one bedroom properties, 23 two bedroom properties, 43 three bedroom properties, 26 four bedroom properties and 4 five

bedroomed properties. The majority of the properties would be two storey in height with 4 bungalows, 6 flats over two storeys proposed and 4 two and a half storey properties. Details of the proposed materials are included in this submission and include five types of facing red brick with variety in elevation treatment proposed by the use of ivory render and tile hanging. A mix of grey, brown and red roof tiles are proposed. Full details of boundary treatments are also included.

7. A full landscape scheme has been submitted and includes for the provision of a landscape buffer to the east incorporating retained hedgerows and new woodland. The depth of this varies to create an informal development edge with open space puncturing the residential areas. A gateway crescent at the site entrance and a residential square on the primary street is proposed. The equipped area for play and additional informal open space is proposed to be accommodated on later phases of development. A length of hedgerow, permitted to be removed by the outline planning permission, along the frontage of Shelford Road to achieve the required visibility splays has now been removed and the plans submitted propose areas of replacement hedgerows together with the retention of the frontage hedgerow along the remainder of the sites frontage with the main road.
8. Following comments received from consultees, revisions have been made to the application which include changes to the landscaping plans and boundary treatments to the existing residential properties which adjoin the site, revisions to materials and design of some plots including the introduction of additional bay windows to corner plots and further side windows to some properties. A pair of semi-detached properties proposed on the originally submitted scheme at the rear of Redmile House has been changed to incorporate a bungalow and a two storey dwelling proposed in the vicinity of the boundary to Grooms Cottage and Hunting Stables has been amended in siting and orientation in the plot.

SITE HISTORY

9. Outline Planning permission with all matters reserved, except access, was granted in November 2018, for residential development providing up to 400 dwellings, with a serviced site for a primary school and health centre (if required) and associated infrastructure including highway and pedestrian access, open space and structural landscaping, notably along the southern and eastern boundaries. The former Shelford Road Farm buildings are proposed to be demolished as part of the application.
10. Planning conditions were attached to the outline, which included details relating to technical matters such as drainage, ecology and construction management plans. Discharge of condition applications have been submitted for a number of the pre-commencement conditions.
11. A separate planning application is now being considered for the construction of a bat and barn owl tower ref: 19/01096/FUL on land to the south of the larger development site towards the railway boundary.
12. The neighbouring site of Grooms Cottage, which is also a proposed Part 2 allocation for residential development, is subject to a current outline application for 55 dwellings 18/02269/OUT. This application was considered at the

Planning Committee on the 30 May 2019 where Members resolved to support the grant of planning permission. As the site is within the Green Belt this application has now been referred to the National Planning Casework Unit.

REPRESENTATIONS

Ward Councillor(s)

13. One Ward Councillor (Cllr Brennan) has declared an interest in the application.
14. One Ward Councillor (Cllr Upton) has confirmed that he does not object to this phase one planning application as this site is promoted by the Radcliffe Neighbourhood Plan and Local Plan Part 2.
15. He repeats his concerns that the proposed health centre and primary school should be kept in the centre of the village. He has concerns about increased traffic on Shelford Road and suggests that a route for a new eastern link road from Shelford Road to the A52 should be safeguarded.
16. As far as is reasonably practicable there should be compliance with the neighbourhood plan especially Policy 12 (housing mix and density), Policy 14 (design and layout) and Policy 15 (local architectural styles).
17. A former Councillor from the adjacent East Bridgford Ward (Cllr Lawrence) did not object.

Town/Parish Council

18. Radcliffe on Trent originally made the following comments:
 - a. In conflict with the policies of Radcliffe Neighbourhood Plan Policies 12, 14 and 15.
 - b. There is no mitigation to existing properties, i.e lack of screening.
 - c. Affordable housing needs to be pepper potted over the site.
 - d. The development is too dense.
 - e. Insufficient on/off street parking.
19. In response to the consultation on the revised plans the following comments have been received:
 - a. The Parish Councils view is that when this application is determined, it should be done so via the Planning Committee and not under delegated powers.
 - b. Affordable Housing has not been pepper potted around the site.
 - c. There is only one access point into the development, a second access point is required not just for the proposed Health Centre, but in the event that the access road is blocked through accident or other, emergency vehicles would not be able to access.

- d. Mitigating the impact on neighbouring properties should be localised and measures put in places should be considered on an individual basis.
- e. The development is over-intensive, there is no provision for visitors and additional car parking, the site would become extremely congested.
- f. The footbridge should be located in the south west corner to the playing fields for access and safety, otherwise young children would have to walk along the A52.
- g. The Parish Council also reiterates its previous comments made in relation to the outline planning permission, which are available to view online, and those made on the original submission.

Statutory and Other Consultees

- 20. Highways England notes that the principle of this development has been agreed in support of the outline planning application and it is noted that a condition requiring a contribution towards delivery of the improvements along the A52 has been attached. As this application relates to matters internal to the site, which will not affect the strategic road network, they have no further comments to make.
- 21. Nottinghamshire County Council as Highways Authority originally advised that the layout of the internal roads and associated highway drainage would be subject to a technical checking process as part of a Section 38 agreement under the Highways Act 1980. Comments were made on the layout with regard to visibility splays, traffic calming and private drives. Revised plans have been submitted and the County have now confirmed that the Section 38 layout has been technically approved. No objections have been raised.
- 22. Natural England has no comments to make. They advise that they have not assessed this application for impacts on protected species but refer to standing advice
- 23. Severn Trent Water note that foul is proposed to pump to the public foul water sewer. A more recent assessment for the site has indicated that there is surcharging in some sections of the network. A sewer modelling study would be required and Severn Trent may need to undertake a study to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected. Surface water is proposed to discharge to a watercourse upon which they have no comment.
- 24. Nottinghamshire County Council as Lead Local Flood Authority have no objections in principle subject to technical details being agreed
- 25. Network Rail have no objection in principle
- 26. Borough Councils Environmental Health Officer notes that there are conditions to control nuisance under the outline planning application and they have no objection to or further comments on this application.

27. Trent Valley Internal Drainage Board have no comments
28. The Borough Councils Design and Conservation Officer has confirmed that the remaining archaeological investigations are outside of the area covered by this first phase of reserved matters. In relation to design matters he has made detailed comments on the proposal including encouraging the additional use of bay windows or similar features, some revisions to proposed roofing materials and either lighting for the footpath from Shelford Road or improved passive surveillance.
29. He notes the use of decorative elements such as string courses, eaves detailing, stone cills and brick arches to window and door heads as advocated as design features within the Neighbourhood Plan.
30. He also notes that the eastern edge of the site retains the existing hedgerow, reinforced with a landscaped buffer and additional tree planting, helping to create the defensible boundary and clear edge to development advocated within the Neighbourhood Plan.
31. The Borough Councils Strategic Housing Manager has made comments on the application and these are summarised as follows:
 - a. The reserved matters application includes the provision of 31 affordable homes, as required by Policy 8 and the S106 agreement. These units comprise 6 x 1 bed maisonettes, 11 x 2 bed homes, 11 x 3 bed homes, 1 x 1 bed bungalows and 2 x 2 bed bungalow. The proposed tenure split for these units is not provided and this information should be provided within the Affordable Housing Scheme that must be submitted and agreed by the Council before construction of this phase commences. This requirement is set out in the S106.
 - b. As this is a first phase in a larger development the proposed house types accord with the requirements of the Outline planning permission and S106.
 - c. The distribution the grouping of the elderly persons bungalows is supported, however it is considered that it would be more appropriate to locate these in a more accessible location in terms of pedestrian access to the village centre and public transport on Shelford Road.
 - d. Although the affordable units comprise a ribbon through the development and are not pepper potted, open market housing is present within this ribbon and they do not comprise one distinct block. Given that this is one phase and further affordable units will be delivered across the site, it is broadly supported.

Local Residents and the General Public

32. Representations have been received from 12 neighbouring properties whose comments can be summarised as follows:
 - a. Highway safety concerns.

- b. Loss of green belt – brownfield land should be built on.
- c. Overall development does not demonstrably provide pro rata the percentage of affordable homes required by the Councils own specific requirements and promised by the developer.
- d. Note that the plan still appears to indicate a cluster of social/affordable homes in one area of the site rather than the ‘pepper potting’.
- e. Noise from the road already affects amenity.
- f. Health authority won’t have the money to staff and stock a proposed health centre – increased population will make the health of the village vulnerable. The village has a higher population than normal of older people who are not catered for already in the village.
- g. Drains and water drainage are insufficient. Extra use will mean that they will not function properly.
- h. Concern over impact on village facilities.
- i. Potentially construction traffic will not be allowed through the village and will gain access from Newton – this is unsuitable.
- j. Radcliffe is a large village bordering on a small town – this development will push it over the edge.
- k. Concern over the lack of screening to the boundaries.
- l. Request appropriate and properly covenanted tree/hedging buffering/screening at the bottom of the neighbouring properties gardens with planned height and proximity constraints being addressed.

PLANNING POLICY

- 33. The Development Plan for Rushcliffe consist of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy and Radcliffe on Trent Neighbourhood Plan.
- 34. 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 emerging Local Plan Part 2.
- 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 other material planning considerations.

Relevant National Planning Policies and Guidance

36. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Development proposals that accord with the development plan should be determined without delay. Where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
37. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment, and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
38. Chapter 8:- Promoting healthy and safe communities sets out that decisions should aim to achieve healthy, inclusive and safe places
39. Chapter 12 – ‘Achieving well designed places’ states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
40. Planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture and appropriate landscaping, establish or maintain a strong sense of place using the arrangements of streets, building types and materials to create attractive, welcoming and distinctive places to live, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development including green and other public spaces.

Relevant Local Planning Policies and Guidance

41. No saved policies from the Rushcliffe Local Plan 1996 are relevant.
42. Policy 8 (Housing size, mix and choice) of the Rushcliffe Local Plan Part 1: Core Strategy requires that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities. Policy 10 (Design and enhancing local identity) requires that 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 and reinforce valued local characteristics.
43. The emerging Local Plan Part 2 has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation, and is supported by various evidence based documents including a Green Belt review which is of particular relevance to Radcliffe on Trent bearing in mind this is an inset village. This has now been submitted for examination and an initial view from the Inspector has been received suggesting minor changes to some of the policies. Appropriate weight should therefore be given to this emerging policy document, in particular site specific policy 5.3 which relates a proposed housing allocation – Land off Shelford Road Radcliffe on Trent. It is not proposed to make significant modifications to this policy, although they have yet to be subject to further consultation.
44. As set out above, whilst the LP Part 2 document has not yet been adopted and is still subject to examination in public and consideration by the Inspector, it does carry some weight in the determination of this application and, therefore, consideration is given to the policy within this report that sets out the specific site requirements for this site under policy 5.3, which proposes this site as an allocation for around 400 homes. The policy sets out that any development will be subject to the following requirements:
 - a. A serviced site(s) within the north of the allocation should be provided for a new one form entry primary school and medical centre;
 - b. Appropriate financial contributions towards education and health capacity improvements to support development;
 - c. Land within the south of the site should be safeguarded for a future pedestrian and cycling bridge across the railway line;
 - d. Development should complement and not prejudice the delivery of the neighbouring site which is allocated within Policy 5.2 (Grooms Cottage);
 - e. Sensitive boundary treatments should protect the amenity of existing neighbouring properties; and
 - f. It should be consistent with other relevant policies in the Local Plan.
45. The Radcliffe-on-Trent Neighbourhood Plan was adopted in October 2017 and now forms part of the development plan for Rushcliffe. A number of policies within the document have implications in the consideration of this application to ensure that the development satisfies the vision for the future of the village but of particular relevance in considering this Reserved Matters application are:

- Policy 7 - (Pedestrian Focused Development);
 - Policy 12 - (Housing Mix and Density);
 - Policy 14 - (Design and Layout); and
 - Policy 15 - (Local Architectural Styles)
46. Policy 12 which relates to Housing Mix and Density states; *“On all residential schemes in excess of 10 dwellings the following broad mix of types will be sought subject to viability, deliverability and the location of development:*
- 25% 1 & 2 bed properties for older persons either as retirement apartments or as bungalows*
- 30% 2 bedroomed homes*
- 25% 3 bedroomed homes*
- 20% 4 + bedroomed homes*
47. The policy acknowledges that; *“The eventual mix will be defined by its proximity to public transport routes, local shops and facilities and the location within the settlement reflecting local built character and density, ensuring that higher densities are placed adjacent to arterial routes and within the centre of the settlement. Schemes which form a new edge to the settlement must ensure that densities are commensurate with the surrounding townscape and landscape character and may result in lower densities. The design and layout of schemes should ensure that where possible the above mix is achieved.”*
48. The Rushcliffe Residential Design Guide (RRDG) provides guidance on distance between buildings to maintain adequate privacy and garden sizes. Reference is made to ‘previously established guidelines’ (in the now superseded Space Between Buildings Guidelines) which recommended gardens sizes of 110 sq m for detached properties, 90 sq m for semi-detached and terraced properties, and 55 sq m for 1 and 2 bed properties. The RRDG recognises that a variety of housing is required, and this should also include a variety of garden sizes. Developers should aim to meet the above guidelines whilst providing a variety of sizes. Gardens smaller than the footprint of the dwelling are unlikely to be acceptable. A number of criteria, such as the close proximity to open space or accessible countryside and a proportion of gardens in excess of the above guidelines will help to demonstrate why smaller gardens should be allowed.
49. The Borough Council’s Supplementary Planning Guidance (SPG) on Affordable Housing (adopted in 2003) states that affordable housing should be properly integrated into the overall layout of the site and its surrounding area and that the Council considers that this is essential for the creation of balanced, mixed communities. It will not normally accept affordable housing which, either by its design or site layouts, is separated from the general market housing.
50. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development management purposes in the determination of planning applications and Policy GP2 (Design and Amenity) is used frequently. Bearing in mind the nature of the application and the presence of detailed design and amenity policies within the Neighbourhood Plan, it is not considered necessary to consider these policies within this application.

APPRAISAL

51. The wider site is subject of an extant outline planning permission for development of up to 400 dwellings, a primary school, health centre and associated infrastructure including highway and pedestrian access, open space and structural landscaping. Access to the site via a new roundabout was approved as part of this application. A Section 106 Legal Agreement was completed which secures financial contributions in respect of education, health, traffic calming, bus stop and service improvements, sports pitches, sports halls, swimming pools and cycle parking at the railway station. The outline permission also allows for reserved sites for a health centre and a primary school, should these facilities ultimately be required. This application includes a reserved site of 0.39 Hectares for a Health Centre with access proposed from within the site.
52. The matters relevant to the consideration of this application for approval of Reserved Matters for this first phase of the wider site are appearance, landscaping, layout and scale and any associated impacts arising from these matters. Members are reminded that the principle of the development in this location and the consideration of traffic generation and highway safety in the vicinity of the site and the wider area have all been considered at the outline stage and are not for consideration as part of this Reserved Matters application. The application should be assessed against the policies set out above, principally against the emerging Local Plan Policy 5.3 in relation to development complementing and not prejudicing the delivery of the neighbouring site (Grooms Cottage) and sensitive boundary treatments protecting the amenity of existing neighbouring properties.
53. A development framework plan was submitted with the outline application indicating how the site could be developed and the design and access statement sets out the design principles to be applied to the Reserved Matters submissions. The Reserved Matters submission shows how these design principles have been applied for this part of the site.
54. It is considered that the proposed layout, incorporating open space and landscaping, and the siting, scale, design and appearance of the dwellings and the variety of external materials, would create a visually attractive development which would add to the quality of the area. The comments of the Design and Conservation Officer and the Parish Council have been considered and revisions submitted to plans to take into account these comments and to ensure that the development accords generally with Policies 14 (Design and Layout) and Policy 15 (Local Architectural Styles) of the Neighbourhood Plan. Careful consideration has been given to the relationship of the proposed layout and the adjacent existing neighbouring properties and revisions have been undertaken to ensure that the impact on the residential amenity of these properties is minimised and considered acceptable. The boundary treatment to these properties has also been an important consideration and where appropriate a detailed landscaped scheme including instant hedging has been proposed.
55. Comments have also been received regarding the potential boundary treatment and landscaping around the reserved health centre site and this

would need to be considered if and when the details of such a development are submitted.

56. The landscaping condition attached to the outline planning permission requires that landscaping schemes are undertaken in the first tree planting season following the substantial completion of each phase. As the developer is proposing instant hedgerows around some of the boundaries to the existing residential properties, it is necessary to ensure that such boundary treatments and approved walls/fencing around other plots are in place prior to the occupation of the plots that they serve, and are thereafter retained unless alternative means of enclosure is agreed. A condition is recommended in respect of this boundary treatment.
57. In view of the siting and scale of the proposed dwellings, the creation of the open spaces within the site and with appropriate landscaping, it is also considered that the proposal would be sympathetic to this edge of countryside location, and that there would be no significant visual intrusion into the adjacent countryside.
58. In view of the above, it is considered that future occupants and existing neighbouring residents would have an acceptable standard of amenity.
59. As set out above there are specific policies within the Radcliffe on Trent Neighbourhood Plan that need to be carefully considered. Policy 12 specifically relates to Housing Mix and Density, which is set out in full above. It is noted that the development does not fully comply with this policy providing an increased amount of three bedroom and four bed roomed properties (42% of 3 bedrooms as opposed to a neighbourhood plan target of 25%, and 29% of 4+ bedrooms as opposed to a neighbour plan target of 20%). The desired target of 55% of all properties having 1 or 2 bedrooms (split to allow 25% for 1 and 2 bed roomed properties for older persons either as retirement apartments or as bungalows) has not been achieved in this case.
60. The policy does recognise however that the eventual mix should be defined by proximity to public transport routes, local shops and facilities and the location within the settlement reflecting local built character and density. The applicant has set out their justification for not achieving this specific mix in their submission including acknowledging that this is a scheme which forms a new edge to the settlement, which (as acknowledged in the policy) must ensure that densities are commensurate with the surrounding townscape and landscape character and this may result in lower densities. It is also noted that the policy encourages higher densities (by definition with greater proportion of smaller properties) to be located adjacent to the arterial routes and within the centre of the settlement. In these circumstances, and taking into account that this is the first phase of a wider development, it is considered that the mix proposed is acceptable and justified.
61. The comments of the Strategic Housing Officer, the Parish Council and local residents with respect to the mix and distribution of the affordable units are noted. It is considered that that the affordable units would be sufficiently integrated into the development. The general design/appearance and materials of the affordable units would be the same as the open market housing which would help their integration into the development. The location of the affordable dwellings in relation to the wider distribution of housing allows

for lower density development to be incorporated on the outer edge of the development, making the appropriate transition from the settlement into the open countryside. The S106 agreement requires that a scheme for the delivery of the affordable housing be submitted and agreed.

62. In view of the above and in the absence of a specific policy which stipulates the number of clusters (or 'pepper potting') required in relation to the size of a site or total number of units, it is not considered that a refusal on such grounds could not be justified. It should also be borne in mind that this is phase 1 of a larger development of up to 400 dwellings with mechanisms in place in the S106 agreement to secure the remaining units on the later phases.
63. The development would be of a relatively low density (approximately 30 dwellings per hectare) and the dwellings would have a variety of garden sizes, which are considered acceptable in this particular location, close to public open space to be delivered both within the site and the ability for access into open countryside nearby. Provision of the formal equipped area of play is set to be provided in Phase 2, details of which will be considered in later reserved matters applications.
64. The layout provides for car parking spaces, including detached garages to some plots. The County Council as the local highway authority has reviewed the layout and raises no objections to the scheme, either in relation to car parking provision or internal road layout. The scheme makes provision for a pedestrian and cycle link within the site to Shelford Road, which has been confirmed to benefit from lighting. Details of such lighting will be required by way of a condition attached on the outline planning permission. The layout of the wider site has also been designed to facilitate bus access if it is required in the future. The bus route could loop through the development on the primary route or a turning facility provided close to the school and health centre. As access has been agreed at the outline stage, there is no requirement for the site to provide a second access or emergency access to the neighbouring site. This part of the application site does not include the land that is reserved for the potential pedestrian bridge crossing of the railway line.
65. Conditions were also imposed on the outline permission requiring the submission of details relating to a variety of matters including tree/hedgerow protection, construction management, disposal of foul and surface water drainage, a scheme for the provision and management of the sustainable drainage infrastructure, archaeological investigations and details of how renewable/energy efficiency, climate change including provision of electric charging points. The developer is required to comply with these conditions and they would be subject to separate submission(s) and the appropriate technical consultees would be consulted.
66. The application is supported by a Building for Life 12 Assessment and takes into account guidance set out within Safer Places: The Planning System and Crime Prevention) 2004. It is confirmed that all garages will be equipped with electric power to enable the charging of electric vehicles.
67. Some of the comments raised in representations received in respect of this application relate to matters pertaining to the principle of development, e.g. loss of Green Belt, impact of development on the village etc, which would have

been considered on the application for outline permission, and are not, therefore, addressed/discussed further in this report.

68. For the reasons set out above, it is considered that the Reserved Matters relating to the Approved Outline Planning Permission for this phase of the site are acceptable and accordingly those details are recommended to be approved.
69. The application was subject to pre-application discussions and revised/additional details have been submitted during the consideration of the application resulting in a more acceptable scheme and a recommendation that reserved matters be approved.

RECOMMENDATION

It is RECOMMENDED that approval of reserved matters be granted subject to the following condition(s)

1. The development hereby approved shall be undertaken in accordance with the following approved plans:

4-090-001-P02 Proposed Site Layout v
14-090-001-P03 Proposed Materials Plan P
14-090-001-P04 Proposed Boundary Plan x
14-090-001-P05 Proposed Hard Landscaping Plan L
14-090-001-P06 Design Principles
Landscape Layout 10.18/01 Rev K
Planting Plan 1 (North) 10.18/02 Rev I
Planting Plan 2 (South) 10.18/03 rev G
Planting Plan 3 (West) 10.198.04 rev G
House Types and boundary details as set out on the final drawing document issue sheet dated 30thMay 2019
STND/001/036 Unit Substation Foundation for Brick Housing
STND/001/037 Typical Brick Housing
SRRT-BSP-ZZ-XX-DR-C-166 Rev. P02 Foulwater Pumping Station Fence and Gate Detail

[To ensure an acceptable development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 14 and 15 of the Radcliffe on Trent Neighbourhood Plan].

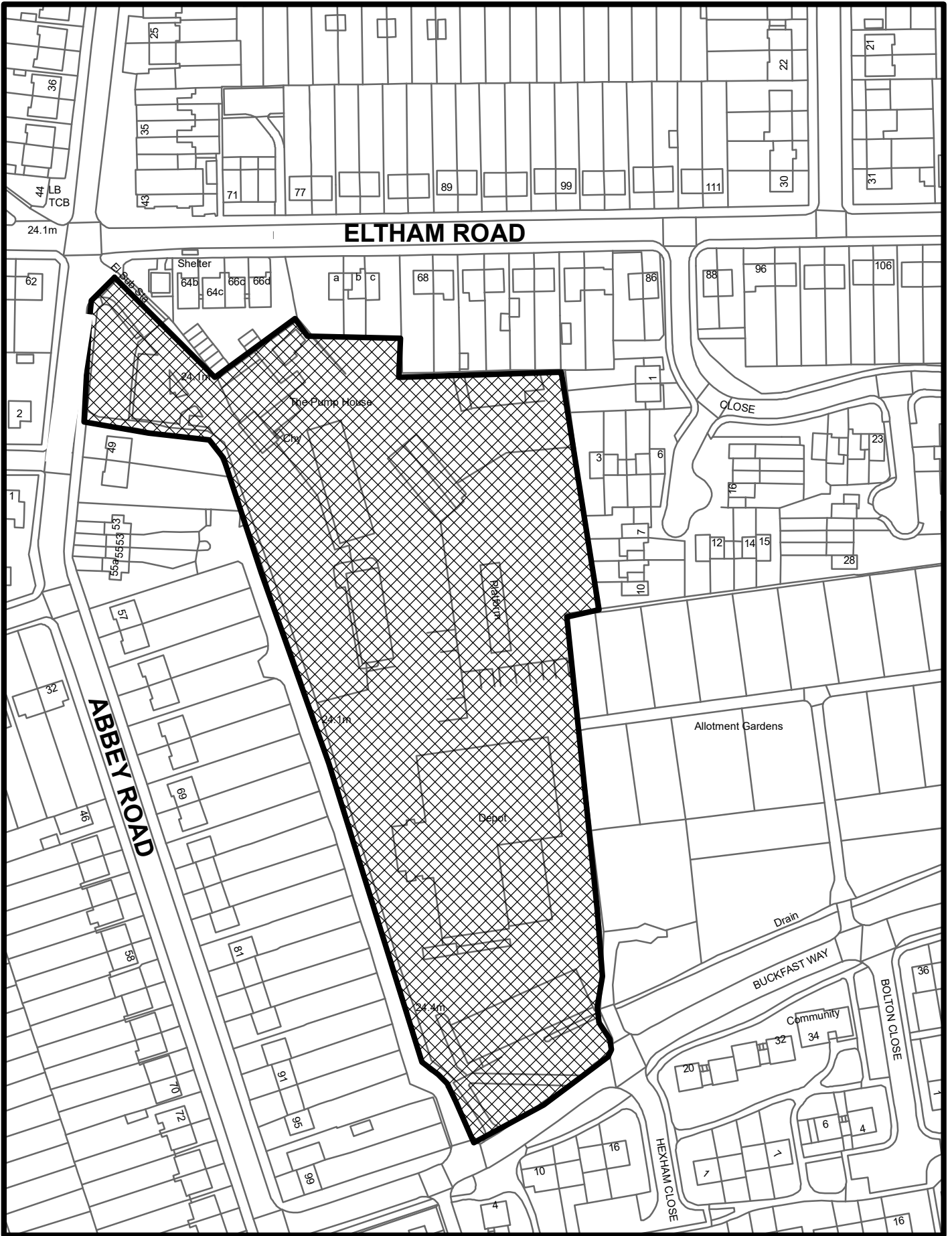
2. Prior to the dwellings first being occupied the first floor windows in the rear elevation of House type DD plot no. 159 and 154 and House Type BT on Plot 160 shall be permanently obscured glazed (to level 5 of privacy or equivalent) and shall be fixed shut and retained as such thereafter.

[To protect the amenity of existing and future neighbouring properties and to ensure an acceptable development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 14 and 15 of the Radcliffe on Trent Neighbourhood Plan].

3. The approved boundary treatments as set out on 14-090-001-P04 Proposed Boundary Plan W and the instant hedgerows approved under Planting Plan 1 (North) 10.18/02 Rev I and Planting Plan 3 (West) 10.198.04 rev G shall be

erected / planted prior to the occupation of the plots that they serve. They shall thereafter be retained for such purposes.

[To ensure an acceptable development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 14 and 15 of the Radcliffe on Trent Neighbourhood Plan].



Application Number: 19/00678/OUT
Abbey Road Depot, West Bridgford

scale 1:1500



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19/00678/OUT

Applicant Rushcliffe Borough Council

Location Rushcliffe Borough Council Central Works Depot Abbey Road West
Bridgford Nottinghamshire

Proposal Demolition of existing buildings, residential development with associated infrastructure and access points from Abbey Road and Buckfast Way (outline with all matters reserved except access)

Ward Abbey

THE SITE AND SURROUNDINGS

1. The site was, until very recently, used primarily as the Borough Council's depot for the storage of refuse freighters, vehicle maintenance and the storage of some recyclables including glass bottles. There are a number of buildings on the site that were used as vehicle workshops, offices, canteen and stores. The refuse collection/recycling operations have recently been relocated to another site within the City, but remain a function of the Borough Council. The site itself is broadly rectangular in shape and is situated in a predominantly residential area of West Bridgford with the majority of properties having been constructed in the interwar period.
2. To the north of the site there are houses and a small parade of shops serving the surrounding residential neighbourhood. There are allotments and residential properties to the immediate east of the site, residential properties built in the 1950's/60's on Buckfast Way and a primary school (Abbey Road) to the south and further interwar residential properties to the west, beyond the footpath that runs along the immediate western boundary of the site. Access to the site is presently via a single point from Abbey Road, at its junction with Eltham Road. The site is predominantly flat, hard paved and occupied by a mix of historic and modern buildings and structures, up to two storeys high, including a former Victorian water pump house last used as offices. Whilst the former pump house building is not without architectural merit, it is not a listed building, nor are any of the other structures on the site. The site is not within a Conservation Area, however like much of West Bridgford, the site is entirely within Floodzone 2 and predominantly within Floodzone 3.

DETAILS OF THE PROPOSAL

3. Outline planning permission is sought for the residential development following the demolition and clearance of all the buildings and structures on the current 1.9ha site. All matters are reserved, except for the access arrangements, namely a revised access point from Abbey Road and a new access point onto Buckfast Way. Therefore, the application must be assessed on the basis of whether the principle of residential development is acceptable on this site, and whether any impacts of that principle could be mitigated by use of suitably worded conditions. The submission includes indicative information regarding plot designs, layouts, heights of buildings, number of units etc., however with the exception of access, all matters are reserved.

4. The application is supported by the following documents:
 - Existing Site Plan 3573 01 rev C
 - Proposed Masterplan 3573 03 Rev D
 - Proposed Regulatory Plan 3573 12
 - Planning Statement/Design and Access Statement
 - Design Code
 - Illustrative Scheme Document
 - Topographical Survey sheets
 - A Tree Survey
 - Phase 1 and 2 Environmental Assessment dated 10 May 2018
 - Transport Statement dated March 2019
 - Flood Risk Assessment and Drainage Strategy rev A March 2019
 - Ecological Appraisal dated January 2019
 - Historic Environment Desk Based Assessment dated 20 March 2019

5. During the course of the application further documents were requested and provided:
 - Plans: Proposed Regulatory Plan 3573 12 REV A (showing a street tree on Abbey Road to be removed)
 - Bat Emergence Survey and Impact Assessment dated 10 May 2019
 - Health Matrix
 - Revised Flood Risk and Drainage Strategy to respond to the Sequential Test, Emergency Planner and LLFA comments
 - Mitigation CAVAT for the loss of the Street Tree on Abbey Road
 - Archaeological trench investigation

6. The application proposes that 30% of the dwellings would be affordable homes.

7. Vehicular access to the proposed development would be via a new access from Abbey Road at the north west end of the site and a new access from Buckfast Way at the south of the site.

8. The submission and supporting documents illustrate a proposed development of up to 76 dwellings, which gives a gross density of approximately 40 dwellings per hectare. The illustrative masterplan has been designed to comprise a mix of flats and linked properties of 1, 2, 3 and 4 bedrooms with supporting information showing a range of private amenity spaces in the form of ground and upper floor terraced areas.

SITE HISTORY

9. The site has an extensive planning history, however as the Borough Council have used the site as its central depot from 1976 until May 2019, its history entirely relates to that usage. The most relevant planning history is listed below:
 - 12/01745/FUL - Siting of two portacabins for use as an operations office and training room – Approved December 2012.

- 91/01212/A1P - Conversion of pump house to offices (Gen Regs 4) – Approved March 1992.
- 91/01208/A1P - Conversion of pump house to offices (Gen Regs 5) – Approved March 1992.
- 88/01030/A1P - Single storey office building with basement – Approved October 1988.
- 88/01029/A1P - Construction of 2 garage blocks – Approved October 1988.
- 82/03281/HIST - Erect timber amenity block – Approved July 1982.
- 76/03014/HIST - Pre-fabricated office accommodation – Approved July 1976.

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr Bushman) supports the application.

Statutory and Other Consultees

11. The Environment Agency does not object to the proposal subject to conditions being attached to any grant of permission.
12. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) has objected to the proposal as there is insufficient information regarding: how Sustainable Urban Drainage Scheme (SuDS) can be incorporated into the proposal; the discharge rates; surface water management, the provision of surface water run-off attenuation storage; the justification for the use (or not) of infiltration); and the lack of information regarding how all the exceedance is to be contained within the site without flooding new properties in a 100year+40% storm.
13. Nottinghamshire County Council Planning Department advises that contributions towards bus stop infrastructure (raised kerbs etc) and Education are sought.
14. Nottinghamshire County Council as Highway Authority initially sought clarification regarding the future of the Lime tree at the proposed new access point from Abbey Road. Clarification was provided that the tree was proposed to be felled. The County Council confirmed that mitigation would be required to justify the removal of the large, high value highway tree (the Lime).
15. They advise that the *“quantum of development is not clearly defined within the application, however based on information contained within the Transport Statement (TS) it is assumed the development will comprise of circa 77 dwellings.*
16. *In order to ascertain the traffic impact of the development on the local highway network, the TS uses TRICS data to compare the traffic generated by current*

use of the site to the proposed use. This suggests that overall the revised use would result in a modest reduction in vehicle trips in the peak hour. In view of this we consider it unlikely that the development will have a severe impact in terms of traffic generation/junction capacity or congestion.

17. *It is proposed that the development is served by two points of access, one in the northern end of the site onto Abbey Road, the other at the southern end of the site onto Buckfast Way.*
18. *The northern access replaces the existing depot access and seeks to relocate it further south away from the Abbey Road/Eltham Road cross roads. This change is welcomed as it simplifies the existing junction arrangement making it safer from highway perspective. The revised junction complies with design standards in terms width and layout. It also meets the requisite standards with regard to visibility.*
19. *We would point out however, that construction of the access will require the removal of a mature highway tree. Whilst we note the presence of the tree has been acknowledged in the documentation associated with the application, no mitigation for its removal has been proposed. We therefore would welcome further discussion in this regard.*
20. *The southern access point layout has been reviewed and is considered acceptable.*
21. *With regard to the internal site layout, we note this is reserved matter and therefore will be considered in detail at a later date. We would however, point out that the layout that is proposed is likely to be unadoptable in its current form and changes will be required to provide an adoptable layout. We have concerns regarding the multiple cross road arrangements within the development and their potential for causing confusion with regard to vehicle priority. Whilst these concerns are not enough to merit a recommendation of refusal at this stage, they should be borne in mind when preparing a reserved matters application.”*
22. The officer recommends approval of the application subject to resolution of the issues surrounding the highway tree and subject to conditions requiring the quantum of development be limited to 77, the creation of the proposed site access prior to first occupation, the submission of a tree replacement mitigation scheme, the submission of individual highways aspects of the internal arrangement and the details of a Construction Method Statement.
23. The Borough Council’s Emergency Planner does not object to the proposal subject to conditions being attached to any grant of permission. They have sought clarification in respect of the levels of water on site for the flood events above the in a 1-100+30% climate change. On the basis of the additional information they advised the document is proportionate and appropriate to the development with details of safe access and egress.
24. The Borough Council’s Sustainability Officer advises that the content of the Ecology Report has been produced in accordance with best practice and is in date. The Officer notes that the site consist mainly of hard surface, buildings and ivy covered walls and fences with some scattered trees. No protected species were identified to reside on the site, however there is potential for wild

birds, bats and hedgehogs to reside on site. The officer recommended a number of conditions to any outline approval relating to an ecological and landscape management plan, the installation of bird and bat boxes, the creation of new wildlife habitat including native trees and hedgerows. Conditions also required in relation to external lighting and good practice during construction.

25. The Borough Council's Design and Landscape Officer advises that, if Via are objecting to the re-routing of the footpath along the western boundary to run along the pavements within the site, it doesn't look there is much to be gained by the applicant trying to divert or stop it up under S257 of the Town and County Act, such objections would need to be resolved or submitted to the Secretary of State for confirmation, this would considerably extend an already complicated and slow process. As the applicant owns the access road to the rear of Abbey Road, the officer queried if the alignment of the right of way could be diverted along this, in their experience it is little used by vehicles and runs parallel to the route so there would be little overall change in alignment/distance and it would still be predominantly traffic free.
26. The officer also commented on the removal of the Lime tree from a public amenity perspective stating that *"the tree survey identifies it as a BS5837 category A tree, "a tree of high quality with a life expectancy of at least 40 years." Having visited the depot site on numerous occasions I'm aware whilst the current access does work, it is far from ideal and always appears to me as a lay person to be a risky junction and I can see the logic in creating a new access. As Via East Midlands are prepared to allow its removal subject to a contingency sum being paid to fund replacement planting I don't object, but would hope that funding provides replacement trees in the local area and I'm sure as a Council we would allow tree planting on our land at Buckfast Way if it would help.*
27. *The Poplars are considered to be BS5837 category B, "trees of moderate quality with an estimated remaining life expectancy of 20 years." These have been pollarded in the past due to their large size and the trees will need to be re-pollarded on a cyclical basis as the new growth will have relatively weak attachment points. If the trees were retained they would need to be pollarded again in the near future and this would return them to being little more than a trunk with a scaffold of short limbs, but they would recover over the coming 2-3 years. At present the trees are located on a little used green space on Rushcliffe land and they have been allowed to grow much larger than would be appropriate if they formed part of a residential development. For this reason I don't believe they would be suitable for inclusion within the design as they would need regular pollarding which would restrict their size and amenity value and I don't object to their removal.*
28. *Given the loss of 3 mature trees on the Abbey Road frontage it will be important to ensure suitable replacement planting takes place, not just within the site, but also so that trees can be viewed from Abbey Road. I wouldn't expect large trees to be planted and would accept the use of fastigiate trees (trees with a narrow canopy). The red line boundary excludes a parcel of Rushcliffe owned land to the west of the substation on Eltham Road and this would seem an ideal opportunity for a replacement tree.*

29. *In terms of the indicative design the central open space looks positive as does the proposed tree planting at a ratio of 1 tree per 2 dwellings. At the southern end of the site the development is pushing into the wide grass verge and later in the planning phase I would be looking to ensure the proposed screening planting is sufficiently robust and given sufficient space to have a visual impact and be able to reach maturity.”*
30. The Borough Council’s Environmental Sustainability Officer initially requested that a further survey for bats be undertaken. This was submitted and the officer notes that an Ecological Appraisal and Bat Emergence Survey and Impact Assessment was undertaken, with surveys completed in Jan, April and May 2019, and that it has been produced according to best practice and is in date. He advises that the *“site consists of hard standing, buildings, hedgerow, ivy covered walls and fences, scrub and scattered trees. No protected or priority species were identified resident on the site. There is potential for wild birds, bats and hedgehogs to reside and forage on the site. The development provides opportunities for ecological enhancement and should provide a biodiversity net gain. The conservation status of European Protected Species is unlikely to be impacted by this development.”* Conditions and notes to applicant are recommended.
31. The Borough Council’s Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission relating to the submission and approval of a Contaminated Land Report including details of the remediation and validation strategy. A further condition is requested requiring the submission of a construction method statement detailing techniques for the control of noise, dust and vibration during demolition and construction to be agreed with the Council.
32. The Borough Council’s Design and Conservation Officer in relation to heritage assets, advises that there are no designated heritage assets within the site or within its immediate vicinity.
33. In respect of archaeology, the officer questions the conclusion of the Archaeological Desk Based Assessments (DBA) that the former pumping station building is a “non-designated heritage asset” as no details have been provided to indicate how this conclusion was reached, especially when assessed against the criteria in the NPPF. *“It is for the LPA and its advisors to determine whether a building (in this case) should be considered as a non-designated heritage asset. To this end the emerging Local Plan Part 2 provides criteria for the identification of non-designated heritage assets at paragraphs 9.14 and 9.15, the criteria in turn heavily influenced by criteria recommended by Historic England. In my view the pumping station can just barely be argued to meet the first core criteria in 9.14, but only realistically criteria d. from the list within 9.15 of which two criteria should be met for the structure to be considered as a non-designated heritage asset. In my view had the document author applied the criteria from the emerging Part 2 plan (a plan found sound by the planning inspectorate and to which recommended modifications do not refer to these paragraphs of the document) they would not have concluded that the building qualify as a non-designated heritage asset. The building dates to 1900, after the point in the 1860 where selection for listing become more important as the number of sites being developed increased, and the architectural and landscaping quality and innovation began to decrease. The guidance suggests that survival of plant and equipment is a key consideration*

and in this case nothing remains. In my view the building is a relatively late example, unexceptional in its standard and extent of decoration, unaccompanied by a landscape setting even at the time of its construction and having been stripped of its original machinery. In my view the building falls well short of the standard for statutory listing, and by a degree which leaves great doubt as to whether it would be legitimate to consider it as a non-designated heritage asset.

34. *It is agreed that the bunker beneath the surface of the site should be subject to building recording, a matter that can be conditional to the grant of any permission, and in light of the DBA such a condition should also require the pumping station be subject of a building recording too.”*
35. In terms of the archaeological potential of the site the officer agrees with the findings of the DBA regarding the low-moderate potential for prehistoric archaeology and that if bronze age archaeology in particular exists within the site this may be of national significance. The officer agrees that the potential does warrant exploration and it would be prudent to ensure that any trial excavations target the areas of the site where there is the greatest potential for undisturbed archaeology to survive. He does not advocate trial excavation in the area previously occupied by allotments as it would likely not encounter any undisturbed ground within which archaeological finds could be made. The officer has also had sight of details of servicing within the site and has looked at historic mapping to consider the various structures which have appeared within the site in the 19th and 20th centuries. From all of this information the officer has identified the areas of the site most likely to retain undisturbed ground suitable for archaeological investigation, this amounts only to around a 1/4 of the site area.
36. Given the low potential for archaeology in conjunction with the low proportion of the site where it has a realistic prospect for survival, and that the application is made in outline with all matters reserved, the officer recommends a condition for archaeological trial trenching, with the condition to be discharged prior to any application for approval of reserved matters, to allow any archaeology needing preservation insitu to be factored into the final scheme. A written statement of investigation (WSI) for trial trenching in the areas most likely to feature undisturbed ground has been submitted and the officer has agreed this approach. Initial results may be available prior to the determination of this application. If a preliminary report is available for consideration prior to the determination of the application then the proposed archaeological conditions would need to be reconsidered depending upon the findings.
37. On the basis of the additional information being submitted, having undertaken trial trenches, the officer is of the opinion that the proposed approach is acceptable given the constraints of the site and that a condition be imposed to secure the trial trenching as described within the WSI to be undertaken and the findings provided to the Local Planning Authority for review prior to the commencement of development.
38. In respect of design, matters of appearance, scale, and layout are all reserved for subsequent approval and, as such, the officer has not commented on the illustrative details provided at this stage.

39. The Borough Council's Waste and Recycling Officer has voiced concerns regarding the accessibility of the site to refuse collection vehicles and for the provision of suitable bin storage for each dwelling based on the indicative material provided.
40. The Borough Council's Community Development Manager has requested financial contributions towards off-site play equipment, sports pitches and improvements to allotment provision.
41. The Borough Council's Strategic Housing Officer has advised that *"The site lies within the 'West Bridgford' housing submarket area. Under Policy 8 (Housing Size, Mix and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy we would therefore seek the provision of 30% affordable housing on the site.*
42. *Based on an overall scheme of 76 dwellings, this would equate to 22 affordable units. The level of provision is evidenced in the Nottingham Core Strategic Housing Market (SHMA) Needs Update (2012). As indicated by the SHMA update, Core Strategy paragraph 3.8.9 states that 42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent. This equates to 9 intermediate units, 9 affordable rent and 4 social rent units.*
43. *On a standard S106 site, a model produced as part the SHMA 2012 update is used to generate the required mix of house types for each of the tenure types. This assumes an average scenario for each site, one that involves all house types (houses, bungalows and apartments). It does not take into account specific site characteristics that may restrict the types of dwelling that are considered appropriate. It is therefore not appropriate to use this model in all instances. For example, brownfield sites may be more restricted in terms of size and layout which limits the range of appropriate house types. Other schemes for apartments or retirement living would likewise not be appropriate for input into the model. Accordingly, in this instance the model outputs have not been applied as it involves apartment and retirement accommodation and addresses site contamination issues.*
44. *The applicant is proposing 7 x 1 bed flats and 7 x 2 bed flats for elderly needs in a sheltered housing "apartment suite". No other rented units are proposed. Ordinarily, a more balanced mix of house types for the rental tenure would be sought and would involve a request for houses and bungalows. The weighting in this proposal towards the flats for the elderly is not objected to as it would provide for a type of accommodation that would meet a priority need as evidenced in both the SHMA studies and "A Strategic Approach to Older Persons' Accommodation for Nottinghamshire and Erewash" May 2011. The design of the flats should reflect the needs of the older demographic i.e. include lift provision.*
45. *In terms of tenure split, the applicant is providing in accordance with the intermediate housing requirement of 42% as specified at paragraph 3.8.9 of Policy 8. The applicant is proposing 9 x 2 bed flats for this tenure. Since the financial market crash in 2008, which significantly affected the desirability of intermediate apartment products, the Borough Council has requested that S106 sites only provide houses for the intermediate tenure and has not requested apartments due to the concern that these would not find a willing purchaser. However, more recently we have introduced flexibility in this*

regard, with the acknowledgement that a significant amount of time has passed since this original position was adopted.

46. *The rented element does not distinguish between affordable rent and social rent as required by Policy 8. However, as the rented units are intended to be accommodated in a single apartment block, it would be considered acceptable to provide for a single rented tenure type (either Affordable Rent or Social Rent) instead of both.*
47. *The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or through another appropriate mechanism which ensures that the dwellings remain affordable.*
48. *An Affordable Housing Scheme that identifies the Registered Provider and includes a plan showing the layout of affordable units by type and tenure should be submitted to and approved by the Council before commencement of development.*
49. *The provision of 30% affordable housing on this site will assist the Borough Council in meeting its strategic aims to address housing need in the Borough whilst reducing the number of households in temporary accommodation by increasing the supply of permanent affordable housing.”*
50. *The Borough Council's Policy Officer has advised that “Decisions on any planning application should be taken in accordance with the Rushcliffe Development Plan unless material considerations indicate otherwise. The relevant statutory policies that form part of the Development Plan for Rushcliffe consist of the adopted Local Plan Part 1: Core Strategy and five saved policies of the Rushcliffe Borough Local Plan 1996. None of the five saved policies are applicable to this proposal. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Borough Non Statutory Replacement Local Plan (NSRLP) (2006). In accordance with paragraph 2 of the NPPF, these material considerations include the NPPF itself and, critical to the determination of residential proposals within Rushcliffe, its direction within paragraph 49 that in the absence of five years supply of deliverable homes relevant policies for the supply of housing should not be considered up-to-date. At the present time there is an absence of a five years supply of deliverable housing sites across Rushcliffe. The publication version Local Plan Part 2: Land and Planning Policies is also a material consideration and this is currently under examination with hearing sessions held in November and December 2018. The Council has received an initial response from the Inspector and this indicates that subject to modifications, none of which have significant implications for this application, the plan could be found sound. These policies should therefore be given greater weight. Consultation on the main modifications to the plan is expected to commence imminently.*

51. *Policy 3 of the adopted Local Plan Part 1: Rushcliffe Core Strategy outlines the distribution of housing development in the borough over the duration of the plan period. It ensures sustainable development is achieved by focusing residential development toward the built up area of Nottingham and the identified Key Settlements of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. In the context of Policy 3, development of the proposed site for residential use would be acceptable given its location in West Bridgford which is within the main built up area of Nottingham.*
52. *The site lies within Flood Zone 3 in an area benefitting from flood defences. A Flood Risk Assessment has been prepared as part of the application. As required by Policy 2 (Climate Change) of LP1, Policy 17 (Managing Flood Risk) of LP2 and the NPPF, a sequential test is required to determine whether or not the proposal is acceptable. The Borough Council currently has a 3.4 year supply of housing (as detailed in the 2018 Five Year Housing Supply Assessment). The proposal is considered to have passed the sequential test on the basis of the lack of suitable alternative sites as evidenced by the lack of five year land supply, and the location of the site within the main built up area in an otherwise sustainable location for development.*
53. *As set out in national and local policy, if a proposal is considered to have passed the sequential test then the exceptions test needs to be applied. This is a two part test. The first part requires that a proposal demonstrates that there are wider sustainability benefits to the community that outweigh the flood risk and the second part requires that it is demonstrated that the development will be safe for its lifetime, without increasing the flood risk elsewhere, and where possible, reduce flood risk overall. Justification for the wider sustainability benefits is considered to be provided by the redevelopment of a brownfield site for residential use which includes the provision of affordable housing and new open space for the community. The Flood Risk Assessment provided as part of the application provides more detail in regards to the first part of the test.”*
54. The Nottinghamshire Clinical Commissioning Group (CCG) has requested financial contributions to mitigate the impact of the proposed development on St Georges Medical Practice/West Bridgford Medical Centre on Musters Road or Embankment Primary Care Centre as the residents of this development could register at any of these practices.
55. VIA (on behalf of NCC Rights of Way) have objected to the proposed extinguishment and the loss of public footpath no. 43. They encourage the applicant to retain the recorded line of footpath no. 43 and explore options to improve the adjacent fencing design and street lighting scheme.
56. They consider that the move of the PROW to an adoptable path as part of the highway would offer fewer public benefits than the existing arrangement, potentially increasing its length by around 70m, and removing the current separation from vehicular traffic movement.
57. Western Power have advised that any live electricity apparatus must be disconnected/diverted prior to any demolition works commencing and that their records indicate multiple low voltage cables present onsite and to refer to HSG47 for guidance with any works in proximity to their apparatus.

Local Residents and the General Public

58. Four representations have been received objecting to the proposal for reasons that can be summarised as follows:
- a. Further loss of privacy, especially of rear gardens adjoining the site.
 - b. Further impact on the roads which are old and in a poor condition.
 - c. Highway safety issues as a result of the large volumes of traffic using the two schools – further housing will exacerbate the situation.
 - d. Impact on the already difficult parking situation as a result of the revised access point on Abbey Road displacing cars that currently park here.
 - e. Traffic calming along Abbey Road needs to be considered.
 - f. Proposal is too large and will impact on surrounding houses, schools, roads and parking.
 - g. The pump house should be retained – it is not only beautiful, but also an important part of the history of the area.
 - h. Not clear how many houses are proposed on the site.
 - i. Three storey apartment buildings are too tall for the site.
59. One representation has been received neither objecting to nor supporting the application stating:
- a. The current fencing around the site is in a poor state and needs removing and replacing with something substantial to aid security.
 - b. Additional landscaping on the site needs to be maintained and not just left to grow and encroach on neighbouring land.
 - c. The existing access arrangements to garages via the site needs to be retained.

PLANNING POLICY

60. 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). The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, although the policies within this document do not currently carry as much weight as those that are adopted, whilst they have been the subject of an examination they have not yet been adopted. The Inspector's Interim letter was received by the Council on 5 February 2019 and additional modifications are now proposed. Since receipt of the Policy Officer's comments on this application, the consultation on these modifications has commenced.

61. 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.

Relevant National Planning Policies and Guidance

62. The National Planning Policy Framework (NPPF) (updated in 2019) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.
63. Paragraph 7 of The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are economic, social and environmental, and Paragraph 8 says that the roles performed by the planning system in this regard should not be undertaken in isolation, because they are mutually dependent. It goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system, which should play an active role in guiding development to sustainable solutions.
64. As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Policy 11 “Making effective use of land, particularly paragraph 118 c) which states; *“give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;”*
 - Policy 12 “Achieving well-designed places” in particular paragraph 127 and 130
65. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

66. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
67. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:
- a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related in scale and kind to the development.
68. Since April 2015 Regulation 123 has also come into effect, this states:
- “1. *This regulation applies where a relevant determination is made which results in planning permission being granted for development.*
 2. *A planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure (as defined).*
 3. *A planning obligation (“obligation A”) may not constitute a reason for granting planning permission to the extent that:*
 - a. *obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
 - b. *five or more separate planning obligations that:*
 - i. *relate to planning permissions granted for development within the area of the charging authority; and*
 - ii. *which provide for the funding or provision of that project, or type of infrastructure, have been entered into before the date that obligation A was entered into.”*
69. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
70. Environmental Impact Assessment Regulations – The proposed development has been screened in accordance with the Environmental Impact Assessment Regulations 2017, however, as the site does not exceed the thresholds applicable to the relevant category of Schedule 2 development, the Local Planning Authority is of the opinion that an Environmental Impact Assessment need not be required to support this development in this instance.

Relevant Local Planning Policies and Guidance

71. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
72. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
- Policy 1 – Presumption in Favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 3 – Spatial Strategy
 - Policy 8 – Housing Size, Mix and Choice
 - Policy 10 – Design and Enhancing Local Identity
 - Policy 19 - Developer Contributions
 - Policy 17 – Biodiversity
73. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development management purposes in the determination of planning applications. The following policies are relevant in considering this application:
- Policy GP2 (Design and Amenity Criteria)
 - Policy HOU2 (Development on Unallocated Sites)
 - Policy WET2 (Flooding)
74. The emerging Local Plan Part 2, Land and Planning Policies, has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation. This has been subject to examination with suggested modifications now having been received. The proposed modifications are now under consultation and, therefore, the policies within this document are attributed significant weight, albeit not as much weight as those which have been adopted. In particular, the following planning policies are considered material to the consideration of this application:
- Policy 1 - Development Requirements
 - Policy 11 – Housing Development on Unallocated Sites within Settlements
 - Policy 12 - Housing Standards
 - Policy 13 - Self Build and Custom Housing Provision
 - Policy 17 – Managing Flood Risk
 - Policy 18 – Surface Water Management
 - Policy 32 - Recreational Open Space
 - Policy 37 - Trees and Woodlands
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
 - Policy 43 - Planning Obligations Threshold

75. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Councils Corporate Priorities.

APPRAISAL

Principle of development

76. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay.
77. NPPF paragraph 15 states that the planning system should be genuinely planned. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
78. Section 5 - 'Delivering a Sufficient Supply of Homes' states that local planning authorities should identify, and update annually, a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
79. However, in considering this application, it has to be borne in mind that the Council does not currently have a 5 year housing land supply. Consequently, in accordance with footnote 7 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, paragraph 11 of the NPPF and the so-called 'tilted' balance is engaged.
80. Paragraph 11 explains that the presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:
- The application of policies in the framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
81. The site represents a significant previously developed area of land (brownfield) within a sustainable location in the principal urban area of West Bridgford, in an area which is predominantly residential in character. Subject to all other

matters being satisfactorily addresses later in the report, the principle of re-development is acceptable.

Sequential Test/ Exceptions Test

82. The site lies within Flood Zone 2 and 3, as identified on the Environment Agency Flood Risk mapping, although the site is within an area which benefits from protection from the flood defences along the River Trent. Additional information was sought to demonstrate how the developer considered the proposal passes the Sequential Test and the Exceptions Test.
83. The proposal is considered to have passed the sequential test on the basis of the lack of suitable alternative sites, as evidenced by the lack of five year land supply, and the location of the site within the main built up area in an otherwise sustainable location for development.
84. If a proposal is considered to have passed the sequential test, then the exceptions test needs to be applied. The first part requires that a proposal demonstrates that there are wider sustainability benefits to the community that outweigh the flood risk and the second part requires that it is demonstrated that the development will be safe for its lifetime, without increasing the flood risk elsewhere, and where possible, reduce flood risk overall.
85. It is considered that the justification for the wider sustainability benefits to be provided by the redevelopment of a brownfield site for residential use, which includes the provision of affordable housing and new open space for the community, outweighs the flood risk.
86. It is also considered that it has been demonstrated that the development will be safe for its lifetime without increasing the flood risk elsewhere, and where possible reducing flood risk overall. The Emergency Planner has confirmed that no objection is raised to the approach taken within the Flood Risk Assessment and that the document is proportionate and appropriate to the development with details of safe access and egress provided.

Drainage

87. Section 14 of the NPPF relates to 'Meeting the challenge of climate change, flooding and coastal change' and advises that Major development should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. The systems should:
 - a. Take account of advice from the lead local flood authority;
 - b. Have appropriate proposed minimum operational standards;
 - c. Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d. Where possible, provide multifunctional benefits.
88. A site specific Flood Risk Assessment and Sustainable Drainage Strategy has been submitted with the application and a revised document was subsequently received seeking to address concerns raised by the consultees (LLFA). It

recommends that:

- “• *Ground finished floor levels at this site shall be elevated 300mm above the 1 in 100-year plus 30% climate change breach flood level to give freeboard above the potential flood water. This sets the minimum ground floor level at 24.47m AOD.*
 - *The proposed surface water drainage system should be designed to accommodate the 1 in 30-year rainfall event without any surface water flooding and should be capable of retaining the 1 in 100-year plus climate change (30%) storm event on site without flooding any buildings.*
 - *For the purpose of this report it has been assumed that soakaways or similar will not be viable.*
 - *It is proposed to restrict surface water runoff to a peak runoff rate of 60 l/s for all storms up to and including the peak 10 year return period event with a graded increase in allowable runoff up to 137 l/s for the peak 100-year plus 30% climate change event. In order to achieve these discharge rates an attenuation volume in the order of 365m³ will need to be provided.*
 - *The prospective occupants should register to receive flood warnings.*
 - *The Flood Warning & Evacuation Plan for the site should be brought into place prior to occupation of the development with this information being made available to any subsequent occupants.”*
89. *Paragraphs 4.2.21 onwards of the report advise that the drainage proposals rules out “infiltration devices and ground-based SuDS that could potentially mobilise contamination into the water table. This has left us with the potential use of roof gardens, permeable paving and sealed below ground attenuation. Ground level garden areas have been minimised in line with the urbanised design concept and to help the viability of the scheme. Remediating the garden areas to an acceptable level requires a significant cost to mitigate the contamination with sufficient imported clean capping.*
90. *The proposed development will comprise on an impermeable footprint of circa 1.58ha. This represents a notable decrease in impermeable area, and this will decrease the volume and rate of site runoff. Calculations for the surface water attenuation have been undertaken using Microdrainage Source Control software. A two-stage flow control has been utilised to provide enhanced restriction of flows in the higher frequency, lower order, flood flow events. This increases the need for surface water attenuation as the rate of the flows leaving the site are lower until the attenuation is greater than half full.*
91. *In order to restrict offsite flows to a peak discharge rate of 126.4 l/s for all storms up to and including the 100-year return period with a 30% allowance for climate change, attenuation which is capable of providing circa 306m³ of surface water storage would be required. This does not however provide any great control of peak offsite flows in lower order flood flow events such as those with a return period of 1 in 10 years or lower.*

92. *A preliminary drainage strategy layout is included in Appendix D. This shows the primary attenuation provision as a bank of 1400mm diameter pipes laid under the central greenspace area. This primary level of attenuation (308m³) is supplemented by a conveyance drainage network of 360m of 450mm diameter. The volume of the 450mm diameter pipes is a further 57m³. For the attenuation calculations this additional pipework has been equated to 37m of 1.4m diameter pipe. Taking allowance of this additional storage capacity has allowed us to remodel the attenuation and reduce flows for the lower order rainfall events. The piped system provides site control ... for a variety of flood flow events. It should be noted that the near surface source control permeable paving has not been included in the attenuation volume and flow calculations ... and as such these represent a worst case.*
93. *Source control will be provided in the form of permeable paving to the private driveways and shared surfaces. Given that the subsoils are not suitable for infiltration the permeable paved areas will be Type C – drained permeable paving.*
94. *The surface water discharge rate will be subject to agreement with STW and the new public sewer connections will be subject to a Section 106 (Water Industry Act 1991) application to STW.”*
95. *The report advises that, “a foul sewer connection will need to be sought for the proposed development, possibly utilising existing connection points. Foul sewers are suitably located at the site entrance to receive foul flows from the development by gravity. They advise that new foul public sewer connections will be subject to agreement with STW via a Section 106 (Water Industry Act 1991) application.”*
96. *The submitted flood risk assessment (ref: 18-0250/FRA/Rev A, dated March 2019) outlines mitigation including that finished floor levels shall be set no lower than 24.47m above Ordnance Datum (AOD). The EA have no objections to the proposal subject to conditions ensuring that the mitigation measures indicated in the report are adhered to in full for the life of the development.*
97. *Both the EA and the Emergency Planner have advised that a flood warning and evacuation plan should be provided as a condition of planning so that it is in place prior to occupation.*
98. *As the site does not flood in a 1- 100+30% climate change, there will be safe access and egress. However, the Emergency Planner requested clarification on the levels of water on site for the flood events above this as the plan refers to ‘partial inundation’ of the site, although they appreciate there have been discrepancies in the LiDAR data with levels. The consultant has confirmed that, “As the proposed development includes the construction of dwellings at ground floor level it is appropriate that the finished floor levels at this site shall be elevated 300mm above the 1 in 100-year plus 30% climate change breach flood level to give a significant freeboard above the potential flood water. This sets the minimum ground floor level at 24.47m AOD. This is 1.25m above the existing low-spot within the site. However, it should be noted that the existing ground levels in some parts of the site are already in excess of 24.47m AOD. This suggests a discrepancy between the LiDAR data level used for the model of the River Trent and the actual surveyed ground level. As a result, it is likely*

that only parts of the site are likely to be affected during the 1 in 100-year plus 30% climate change breach scenario flood event. The proposed floor level of 24.47m AOD is higher than the modelled 1 in 100-year plus 50% climate change flood level of 24.07m AOD.” The Emergency Planning Officer raises no objection to this.

99. The LLFA initially objected to the application on the basis that insufficient information had been provided as to how a Sustainable Urban Drainage Scheme could be incorporated into the proposal and sought further clarification in relation to surface water run-off attenuation storage. As described above, further information has been provided in respect of this and, at the time of writing this report, is being considered by the Lead Local Flood Authority (LLFA). However, on the face of the information before the Local Planning Authority, it appears that it would be possible to control the discharge rate of the surface water run off if developed in the manner similar to that contained within the indicative layout plan. This, therefore, further supports the scheme in so far as the indicative quantum of development proposed (76 dwellings) however, the Local Planning Authority would not be able to secure this particular drainage scheme by condition as it may not suit an alternative layout which may come forward for assessment at the reserved matters stage. It is, therefore, more appropriate to secure a suitable Sustainable Urban Drainage scheme to accompany the reserved matters application, once the layout of the site is further defined. Any further comments received from the LLFA prior to the committee meeting will be reported to Members by way of a late representation.

Contamination

100. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from natural hazards or former activities. Part of the site is included on the Councils prioritized list of potentially contaminated land sites, specifically the buildings and surrounding yards. No objections have been received from the Environmental Health Officers to the principle of residential development on the site, subject to conditions.
101. The submitted report confirms that "contamination" exists, and a remediation strategy and validation statement will be required. Once demolition of the buildings is complete a further study will be required beneath the floor slabs of these buildings. A remediation strategy cannot be fully agreed until the eventual site layout is finalised and agreed.
102. The EA have advised that, *“the site overlies the Holme Pierrepont Sand and Gravel which is classified as a secondary A aquifer. Several potentially contaminating activities have taken place at the site during its use as a council depot. Having reviewed the report we are satisfied that all accessible areas of the site have been adequately characterised in terms of risks to controlled waters. We are satisfied with the assessment of risks to controlled waters and the revised conceptual site model. We are therefore happy with the conclusions, presented in section 11 of the report, that the identified contamination does not present a risk to controlled waters.”*

103. No objections have been received from either the EA or Environmental Health Officer, therefore, it is considered that the site can be developed having regard to the contamination that exists on site and subject to remediation. Conditions are proposed in respect of this. This is not unusual and it is not considered that this prevents residential development on the site, and will ensure compliance with the requirements of emerging Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with paragraph 178 of the NPPF.

Highway matters

104. In considering applications, Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority. Means of access to the site is a matter that is not reserved for subsequent approval and needs to be considered at this stage.
105. The application is supported by a Transport Statement (TA). The application has been assessed by the relevant technical consultees in relation to its potential impact on both the local and strategic road network. In addition, the proposal has looked at walking, cycling and bus proposals and Travel Plan measures to encourage alternative modes of transport to the private car. There are no highway safety reasons to refuse the planning application.
106. No objections on highway grounds are raised from the statutory consultees. In particular, the NPPF makes it clear in paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
107. The County Council, as Highways Authority, have not objected to the application on the basis of highway safety matters and have recommended conditions.
108. Whilst a number of the conditions relating to the creation of the access are considered necessary and proportionate, given that the matter of access is for approval as part of this application, conditions requiring the submission of details relating to the internal layout and appearance of the site are not as these matters will be considered at a later stage through the submission of the appropriate reserved matters application.

Landscape/visual amenity

109. Consideration has also been given to the impact of the access arrangements on the amenity of nearby residents and the visual amenity of the area. The relocated access on Abbey Road would result in the need to remove a category A street tree (Lime). Whilst the loss of the tree needs to be carefully considered, it is considered that the need to provide additional dwellings within the Borough overrides the limited loss of a street tree.
110. Whilst the removal of the category A Lime tree is not ideal from a public amenity perspective, there is clear logic and benefits in creating a new access. On the

basis that VIA are willing to see the tree removed for mitigation, the Landscape Officer has not objected to its removal. The officer would like to see replacement trees in the local area and has suggested possibly planting trees on Council land at Buckfast Way and such a scheme for mitigation will be secured via condition upon any approval.

111. The Poplars (category B trees), have been pollarded and would need to be pollarded again in the near future. The Landscape officer does not consider that they would be suitable for inclusion within the design as they would need regular pollarding, which would restrict their size and amenity value and, therefore, does not object to their removal.
112. In total there would be a loss of 3 mature trees on the Abbey Road frontage and it will be important to ensure suitable replacement planting takes place, not just within the site, but also so that trees can be viewed from Abbey Road. The supporting information submitted with the application suggests a central open space and tree planting at a ratio of 1 tree per 2 dwellings. This is all considered to be positive enhancements. At the southern end of the site the landscape officer has advised that screen planting will need to be sufficiently robust and given sufficient space to have a visual impact and be able to reach maturity. As landscaping is a reserved matter, this will be addressed in detail on submission and consideration of an application for reserved matters.

Public Right of Way

113. The comments of the Rights of Way Officer and the Landscape Officer in relation to the footpath along the western boundary of the site are noted, however, this is an outline planning application with the layout being reserved for future approval. Therefore, the concerns raised in respect of the potential extinguishment of footpath 43 may have some influence over the final layout of the development and will need to be considered when an application for reserved matters is submitted for consideration. The granting of outline planning permission does not override the separate legal requirements relating to public footpaths their diversion or extinguishment.

Archaeology and non –designated historic assets

114. In order to ascertain the potential for archaeological assets within the site, which could potentially be permanently damaged or destroyed during the construction phase, the Conservation Officer advised that a condition would be required for trial trenching prior to the approval of Reserved Matters. A WSI was submitted and agreed by the Conservation Officer. Subsequent to the submission of the Conservation Officer's consultation response and at the time of writing the report it is understood that the trial trenching had been undertaken but the report of the findings had not been formally submitted, although verbal confirmation has been provided that no archaeology was found.

Ecology

115. At the request of the Sustainability Officer, a bat survey has been undertaken and submitted during the assessment of the application and this has established that there were no bats or roosts present at the site.

116. The report advises that *“No bats were seen to emerge from the buildings at Abbey Road Depot. In addition to this, although noctule and common pipistrelle bats were recorded on all three visits, there was very little activity observed in relation to the site itself, as opposed to surrounding areas. The site offers little in terms of suitable foraging habitat and is also brightly lit by flood lighting positioned on all of the buildings. There is suitable habitat to the east of the site, including the allotments and the Grantham Canal and it is considered likely that activity recorded on site came from this direction.*
117. *As no bat roosts have been found at the Abbey Road Depot, no direct impacts on bats are anticipated as a result of the proposed development. Therefore, no adverse impacts on the favourable conservation status of bats is expected as a result of the proposed development.*
118. *It is recommended that any future development proposals include bat (and bird) boxes on retained trees and incorporate gardens and soft landscaping in the design of the scheme. These will help to enhance the value of the site for local bat populations.”*
119. It is, therefore, considered that the LPA’s duty in this regard has been discharged in relation to protected species and that the development of the site would not have an adverse impact. Conditions are proposed to ensure that further surveys are undertaken if the development is not undertaken within 1 year and to ensure that bat and bird boxes are incorporated within a detailed scheme.
120. Core Strategy policy EN1 requires development to contribute towards the conservation, enhancement or restoration of biodiversity and ecological networks throughout the landscape. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Under Section 40 of the Natural Environment and Rural Communities Act (2006), every local authority has a statutory duty, in exercising its functions, to have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Whilst the application is in outline only, the Ecological Mitigation recommendations within the ecological reports provide for ecological enhancement on the site. The proposal would, therefore, accord with the aims of Paragraph 174 of the Framework and the provisions of Policy 17 of the Core Strategy.
121. The reports submitted do not indicate that it will be necessary for a licence from Natural England under the Conservation of Habitat and Species Regulations 2010 to be obtained and, therefore, it is not necessary to consider, in the determination of this application, whether a license is likely to be granted under the requirements of the Habitat Regulations.

Design and amenity

122. It should be acknowledged that this application is for outline planning permission with appearance, landscaping, layout and scale reserved for subsequent approval. It is considered the application has demonstrated that

the proposed development can be accommodated on the site and achieve high quality design and, therefore, is in accordance with the Framework. Careful consideration of layout and design will be given at the reserved matters application stage. It is considered that the proposed development can be designed to ensure that it would not result in any material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings. It is, therefore, considered that the indicative details and the information within the Planning Statement, Design and Access Statement and Design Code relating to development and design objectives would ensure that the amenity of neighbouring properties is not unduly and unacceptably affected.

123. Information has been submitted by the applicant to demonstrate that a development of potentially 76 dwellings could be accommodated on the site and provide the gardens, adequate car parking provision and general amenity space. Thus, it is considered that the application accords with Policy 10 of the Core Strategy, and the updated NPPF, which acknowledges at Section 12 (Achieving well designed places) that good design is a key aspect of sustainable development, and that acceptable standards of amenity will be maintained and achieved. The indicative details indicate a scheme that, rather than large traditional gardens laid to lawn, illustrates courtyard gardens, balconies and terraces. This would address contamination, flood risk and amenity matters.
124. It is noted that as part of the new highway junction designs, a category A tree will be required to be removed in order to provide adequate visibility in the interests of highway safety. The tree has been assessed and whilst not currently protected with a Tree Preservation Order, this is due to the tree currently being sited on public land (public highway) rather than due to the health or appearance of the tree. Abbey Road contains a number of street trees, which contribute to the character apparent within this part of West Bridgford, and the tree to be removed also makes a valid contribution. However, the redevelopment of this now vacant brownfield site provides an opportunity for urban regeneration on a significant scale, which will bring many economic, social and environmental benefits. The proposed access design cannot be altered in a manner which would result in the tree's retention. As such, the loss of the tree is considered to be justified in this instance, provided that a scheme be provided by the developer for the replenishment of the tree within the public realm to adequately mitigate against the amenity lost through this part of the development.
125. It is considered that careful consideration of the relationship of the proposed dwellings with the existing adjacent properties, including the location of windows, together with mechanisms for preventing overlooking whilst providing adequate private amenity space for the occupiers of the development and boundary treatment could be achieved at the Reserved Matters stage.
126. In respect of design, again, this is for future approval, however the indicative details within the submission illustrate a mix of 2 and 3 storey dwellings of a contemporary appearance. As the site is largely enclosed with limited street frontage to Abbey Road and Buckfast Way, it is considered that the site lends itself to a more contemporary design approach, provided that the impact on surrounding existing properties is addressed to prevent unacceptable overlooking and other significant impacts.

127. It is proper to consider the potential impact of the points of access on the existing properties as this forms part of the assessment of the current application. The proposed vehicular access on Abbey Road is proposed to be relocated from the existing corner junction arrangement, to a point adjacent to 49 Abbey Road. No 49 is a two storey white rendered property that has no windows directly facing the point of access to its side elevation. It also has an enclosed car port structure and a 2m high concrete boundary to the northern (side) of the property which would be between the proposed new vehicular access and the property. The relocated access would be opposite 2 Abingdon Road. This two storey red brick property has a number of windows fronting onto Abbey Road and its rear garden and vehicular access would be in the vicinity of the new entrance to the site. This property has a mature hedge boundary of around 2m in height. It is considered that the proposed access would not result in significant adverse impacts on either of these properties.
128. The new access on Buckfast Way would be opposite 10-16 Buckfast Way. These properties are single storey bungalows, which would, following the development, potentially be subject to headlight disturbance as a result of vehicles exiting the new development. However, as a result of the distances involved, the intervening road and front gardens, together with treed and landscaped verge on their side of Buckfast Way, it is not considered that the new access would result in significant adverse impacts to these property occupiers and such an arrangement is not uncommon in dense urban areas such as West Bridgford.

Waste

129. The National Planning Policy for Waste advises that, when determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:
- The likely impact of proposed, non-waste related developments on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy (prevention - preparing for reuse - recycling, other recovery – disposal) and/or the efficient operation of such facilities.
 - New non-waste development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and in less developed areas with the local landscape. This includes providing adequate storage facilities at residential premises for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service. The handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities and minimises off-site disposal.
130. The National Planning Practice Guidance follows this advice and suggests that for proposals that are likely to generate significant volumes of waste through the development or operational phases, it will be useful to include a waste audit as part of the application. This audit should demonstrate that, in both

construction and operational phases of a proposed development, waste will be minimised as far as possible and that such waste as is generated will be managed in an appropriate manner in accordance with the Waste Hierarchy. Bearing in mind the relatively small number of properties proposed to be delivered on this site, it is not considered that a waste audit is essential in this instance to ensure consideration of the waste hierarchy is achieved. It is considered that waste matters can be adequately considered by way of planning conditions as set out in the recommendation.

131. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works. On a development of this size it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of waste for items which are not covered by the Council's kerbside collection service, e.g. glass and textiles. Reserved matters applications would ensure that adequate provision for storage facilities at residential premises are achieved by ensuring that there is sufficient and discrete provision for bins. The road layout would ensure that adequate provision for servicing of the development is achieved.
132. Taking into account the above comments and suggested conditions, it is considered that waste management is adequately considered alongside other spatial planning concerns, and reserved matters applications will be able to ensure the design and layout of new residential properties compliments sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate collection of waste.

Economic Impact

133. In line with policy 5 (7) of the Core Strategy, during the construction phase of the development the Council will work with the developer to implement and deliver employment and training opportunities for local residents and a planning condition is recommended to achieve this. Taking into account the above it is, therefore, considered that the application satisfies the requirements of Policy 5 of the Core Strategy and satisfies the aims of the NPPF in relation to the economic role of planning, and the corporate priority of supporting economic growth to ensure a sustainable, prosperous and thriving local economy.

Health and Well Being

134. The NPPF, Policy 12 of the Core Strategy (Local Services and Healthy Lifestyles), Rushcliffe's Sustainable Community Strategy and Nottinghamshire Health and Wellbeing Strategy support the promotion of healthy communities through the creation of safe and accessible environments; high quality public spaces, recreational space/sports facilities, community facilities and public rights of way. Consideration also needs to be given to access to community facilities and services, as a lack of these can lead to people being isolated and suffering from mental health conditions, therefore adversely affecting their health and wellbeing.
135. The provision of open and green space is proposed as part of the development, which would support these policy ambitions. Improvements to existing bus

facilities will also support the ability of less mobile members of the population to visit community facilities as required and to access the facilities within West Bridgford.

Planning Obligations

136. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These requirements are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework. Attached to this report is a table which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this, as local planning authority.
137. The contributions requested have been challenged with the infrastructure providers and additional information provided where necessary to justify the level or type of contribution being sought. Legislation and guidance state that planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms and this has been taken into account in the preparation of the S106 Table. In relation to the S106 contributions sought, consideration has been given to the potential pooling of contributions. The financial contributions relate to contributions required as a direct result of the development for education, health, bus stop improvements, off site play equipment, play pitches and improvements to existing allotments, together with the provision of 30% affordable housing on site.

Grampian Condition

138. It is considered that a Grampian condition, requiring the completion of a S106 obligation (agreement/undertaking) prior to commencement of development is appropriate and may be necessary in this case because the Borough Council is the applicant.
139. It is considered that this amounts to the exceptional circumstances that would allow the use of a Grampian condition and that it is entirely reasonable to prohibit the commencement of development until the obligation has been signed. The obligation is required to support the direct impacts of the development if approved.

Conclusion

140. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee support the resolution to grant planning permission, subject to Grampian condition requiring the signing of a planning obligation prior to the commencement of development.

141. The principle of the redevelopment of this brownfield site is acceptable subject to conditions. Notwithstanding the submitted illustrative layout and design code, matters of internal layout and details, together with the impact of adjacent residential amenity, will be considered fully at the reserved matters stage.
142. Discussions have taken place in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. Negotiations have been undertaken in relation to securing appropriate levels of planning obligation to mitigate impacts of the proposal. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

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

1. Application for approval of reserved matters must be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

2. Approval of the following details (hereinafter called “reserved matters”) shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The layout of the development including internal access, parking and manoeuvring arrangements, plot boundaries and the position of all buildings, structures and open space including bin and waste storage provision
 - b) The scale of each building proposed in relation to its surroundings
 - c) The appearance of all buildings and structures of the development as well as sections and cross sections of the site including roads and footpaths.
 - d) The landscaping of the site including the treatment of public and private spaces through hard and soft measures.

[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].

3. The details submitted for approval of reserved matters in relation to the hard and soft landscaping of the site shall include the following:
 - a) the treatment proposed for all ground surfaces, including hard areas;
 - b) full details of tree planting;
 - c) planting schedules, noting the species, sizes, numbers and densities of plants. Including measures to provide habitat enhancements including:

the use of native fruiting species within landscaping, the retention and gapping up of hedgerows, creation of new hedgerows, retention of mature trees, and the use of bat and bird boxes / tubes).

- d) finished levels or contours;
- e) all existing trees, hedges and other landscape features, indicating clearly those to be removed;
- f) details of all boundary treatments including height, design, location, materials and finish;
- g) details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken;
- h) details of how the landscaping scheme will be phased; and
- i) a landscape management plan and schedule of maintenance.

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

4. The development shall be carried out in accordance with the submitted application details as follows: - Existing Site Plan Drawing Number 01 Rev C and the site access arrangements hereby approved shall be carried out in broad accordance with the Proposed site Access Arrangements 18-00250-002 Rev (contained within Appendix B of the BSP Consulting Transport Assessment dated March 2019) and these access arrangements shall be fully completed prior to the occupation of any of the dwellings hereby approved.

[To define the permission and to ensure the development is served by a safe means of access so as not to cause harm to highway safety in accordance with Paragraph 108 of the National Planning Policy Framework 2019]

5. The development shall only be carried out in accordance with details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land which shall be submitted to and approved in writing by the Borough Council before the development commences and the development shall only be undertaken in accordance with the details so approved.

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

6. The development shall be carried out in accordance with the submitted flood risk assessment (ref: 18-0250/FRA/Rev B, dated May 2019) and in particular the following mitigation measure detailed within:

Finished floor levels shall be set no lower than 24.47m above Ordnance Datum (AOD).

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

[To ensure protection against flooding and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

7. Before implementing each phase of development approved by this planning permission no development shall commence until such time as a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

[To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and 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]

8. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

[To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and 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]

9. No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in

accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

[To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and 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]

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

[To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework and 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].

11. No development shall commence until a scheme for surface water disposal has been submitted to, and approved in writing by, the local planning authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approved details.

[To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework].

12. No development shall take place until the details of a Construction Method Statement is submitted and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. Access and parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- iv. Wheel washing facilities

- v. Measures to control the emission of noise, dust, dirt and vibration during construction
- vi. A scheme for recycling/disposing of waste resulting from construction works
- vii. Hours of operation (including demolition, construction and deliveries)
- viii. A scheme to treat and remove suspended solids from surface water run-off during construction.
- ix. An earthworks strategy to provide for the management and protection of soils.
- x. The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation
- xi. Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences.

The development shall be carried out in full accordance with the approved Construction Method Statement throughout the construction period of the development.

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife in accordance with Policy 10 of 17 of the adopted Core Strategy and the National Planning Policy Framework.]

13. During any ground works, demolition or construction of the development hereby approved, there shall be no burning of waste on the site.

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

14. The existing soils and any soil or forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Contamination testing should take place within UKAS and MCERTS accredited laboratories, certificates shall be submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming material being imported onto the site. Details of the source and type of the imported materials and the estimated amount to be used on the site are also required to be submitted. Only the approved materials shall be used.

[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

15. No development shall commence until a detailed foul water drainage scheme has been submitted and approved in writing by the Local Planning Authority.

No dwelling shall be occupied until the works have been carried out in accordance with the approved scheme.

[To ensure that adequate drainage facilities are provided in connection with the development as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

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

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

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan, Core Strategy Policy 17 and the National Planning Policy Framework]

18. In the event that the planning permission is not implemented within 1 year of the date of the planning permission being granted a further protected species shall be carried out and submitted to and approved by the Local Planning Authority in writing prior to the commencement of development. Any mitigation measures recommended by the survey shall be implemented in accordance with approved details and in line with other conditions.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place]

19. No development shall take place until a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning authority. The LEMP shall include:

- Details of habitat creations and enhancement.
- Bird and bat boxes shall be integrated into the building fabric (the former targeting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their garages.
- Vegetation clearance shall not occur during the bird nesting season, which runs from March to September inclusive.
- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance.

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

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy]

20. Prior to the occupation of each dwelling approved by this planning permission each dwelling shall be provided with ducting to enable the connection to high speed fibre optic Broadband.

[To assist in reducing travel demand by enabling working from home initiatives in accordance with the aims of Policy 24 of the Rushcliffe Local Part 1 - Core Strategy].

21. No demolition of the existing subterranean 'bunker' rooms or the above ground former water pumping station shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of building recording addressing all of the requirements of a Level 2 record and some select components of a Level 3 record in accordance with a written scheme which has been submitted by the applicant and approved in writing by the local planning authority. The onsite recording works shall be fully completed to allow the production of a final building record prior to demolition commencing, the record shall then be submitted to the local planning authority prior to first occupation of any dwelling on site.

[To ensure that any archaeological items are recorded and to comply with policies GP1 (Sustainable Development), GP2 (Design & Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in accordance with Rushcliffe Local Plan Part 1: Core Strategy Policy 11 and the National Planning Policy Framework]

22. Prior to commencement of development a programme of archaeological trial trenching broadly in accordance with the submitted WSI shall be undertaken and a report detailing the findings of the trial trenching shall be submitted to the Borough Council prior to the determination of any reserved matters application for the development of the site.

[To ensure that any archaeological items are recorded and to comply with policies GP1 (Sustainable Development), GP2 (Design & Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in accordance with Rushcliffe Local

Plan Part 1: Core Strategy Policy 11 and the National Planning Policy Framework]

23. The number of dwellings constructed pursuant to this permission shall not exceed 76.

[To ensure the level of traffic generated by the development does not exceed levels suggested by the Transport Assessment and for the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and the National Planning Policy Framework].

24. No dwelling shall be occupied until the site access arrangements have been completed in broad accordance with the Proposed site Access Arrangements 18-00250-002 Rev - (contained within Appendix B of the BSP Consulting Transport Assessment dated March 2019).

[In the interest of ensuring suitable, safe and adequate access to the development in accordance with the Rushcliffe Local Plan Part 2:Land and Planning Policies and the National Planning Policy Framework]

25. No works to or associated with the construction of the Abbey Road access referred to in condition 24 above shall commence until a scheme of mitigation for the removal of the mature highway tree designated as Tree 15 in the AT2 tree survey has been agreed in writing by the LPA. The mitigation scheme shall then be carried out in the next available planning season following the removal of the tree.

[In the interest of amenity and ecology in accordance with GP1 (Sustainable Development), GP2 (Design & Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in accordance with Rushcliffe Local Plan Part 1: Core Strategy Policy 17]

26. The reserved matters shall include full details of the following which shall be subject to consultation with the Highway Authority:

- a. tactile paving
- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. access widths, gradients, surfacing, street lighting,
- g. structures,
- h. visibility splays and
- l. drainage

The development shall be carried out in accordance with the approved details and no dwelling shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under this Condition for that dwelling:

- a. have been constructed in accordance with the approved drawings to binder course level.

b. are available for use

[To ensure the internal site roads are of a suitable layout, quality and standard to cater for the traffic commensurate with quantum of development in accordance with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Core Strategy Policy 10]

27. The development shall be carried out and operated in accordance with the approved Travel Plan (Bryan G Hall dated February 2019) which shall be implemented in accordance with the details and timetable as set out therein.

[To encourage alternative methods of travel and to comply with policy MOV6 (Facilities in New Developments of the Rushcliffe Borough Non-Statutory Replacement Local Plan)].

28. Prior to the occupation of any dwelling hereby approved a Flood Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall implemented prior to the first occupation of any of the dwellings hereby approved.

[To ensure the safety of those living and working at the site during an extreme flood event, including any emergency services personnel called to assist in such an event and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

29. No development shall commence on the land until such time that the owner/developer of the land has entered into an obligation under Section 106 of the Town and Country Planning Act 1990 binding the land in respect of potential obligations (subject to negotiation) relating, but not limited to open space, health, education, bus stop improvements, off-site play equipment, play pitches, improvements to existing allotments and affordable housing.

[To ensure that the impacts of the development are sufficiently mitigated in accordance with Policy 19 of the Rushcliffe Local Plan Part1: Core Strategy].

Notes to Applicant

There is an active waste management permit at the site (reference EA/EPR/PP3090CG/A001, also reference WML no: 43426). The permit holder should ensure that they follow the correct procedure for surrendering their permit when required. Information about how to do this can be found at the following link: <https://www.gov.uk/government/collections/environmental-permit-application-forms-to-surrender-a-permit>.

New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland / wet grassland / pond / wetland / woodland and native hedgerows.

- The existing native trees/hedgerows should be retained where possible, any hedge / trees removed should be replaced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/lands-capingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (Fraxinus excelsior))

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Good practise construction methods should be adopted including:
 - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
 - No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.
 - All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
 - Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
 - Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
 - Pollution prevention measures should be adopted.
- Consideration should be given to energy efficiency, alternative energy generation, green travel (including travel plan, cycle storage and electric vehicle charging), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods

Please contact the Environment Agency on (0115) 846 3654, to discuss their requirements for the above condition relating to Flood Mitigation.

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath which crosses the land to which this application relates. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures. (Tel 01159 9148215)

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

Nottinghamshire County Council as the highway authority advise that a suitable agreement will be required with them under the provisions of S278 of the Highways Act 1980 in respect of works in the public highway, contact Mr Harrison on 08449 808080.

The provision of a vehicular footway crossing requires works within the public highway on land outside your control. You are therefore advised to contact the Highways Area Office by telephoning 08449 808080 to arrange for these works.

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 owner of the neighbouring property claims that there is a legal right of access to your ground in order to maintain that property. You may wish to seek legal advice as to whether that is the case. This grant of planning permission does not override or supersede any such right.

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 decision relates to planning law only. It is not a legal agreement either to remove or relocate any right of way affected by the development given planning permission.

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

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

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website www.nottinghamshire.gov.uk

You are advised to contact Development Control at the Borough Council 14 days before you start work in order to ensure all the necessary conditions have been met.

For further information on the content of contaminated land reports please refer to the Borough Council's publication "Developing Land within Nottinghamshire - A Guide to submitting Planning Applications for Land that may be contaminated". This booklet is available from Rushcliffe Borough Council's web site www.rushcliffe.gov.uk or by contacting the Environmental Health Services direct on 0115 9148485

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

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done:

<http://swift-conservation.org/Nestboxes%26Attraction.htm>

Advice and information locally can be obtained by emailing:
carol.w.collins@talk21.com

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

Although the submitted protected species survey found no evidence of bats, it points out that there is the possibility that they may be found behind pantiles etc. You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report.

The overall scheme for the development of this site will involve the provision of on-site infrastructure including road, foul and surface water sewers, mains water and other direct services. In addition to discussing normal planning requirements with the planning authority, the developer should approach the highway authority with regard to the formation of access to the highway and the requirement for the adoption of the estate road(s), if applicable. Severn Trent Water on 0800 783 4444 should be contacted about the design and provision of foul and surface water sewers and for adoption information; the Environment Agency, for information on any on- or off-site storm water requirements; the Nottinghamshire Constabulary Architectural Liaison Officer regarding measures to combat crime; the Council's Leisure Services Division for information on the provision and specification for open spaces and play areas, including adoption; the Council's Landscape Officer for advice on incorporating existing landscape features as well as the principles for new landscaping and planting species and specifications; and other agencies, including East Midlands Electricity, if provision needs to be made for a new sub-station.

This is subject to obligations under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to education, health, bus stop improvements, off site play equipment, play pitches and improvements to existing allotments, together with the provision of 30% affordable housing on site. Any payments will increase subject to the provisions set

out in the obligations.

EA Informative advice - flood warning and emergency response

We support the recommendation in the flood risk assessment that a flood warning and evacuation plan will be prepared for the development. None the less, please note that we do not normally comment on or approve the adequacy of flood emergency response

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

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

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Nottinghamshire County Council Highway Development Control (email: hdc.south@nottscc.gov.uk) for details.

The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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

All correspondence with the Highway Authority should be addressed to:-

NCC Highways (Development Control, Floor 3)

Nottinghamshire County Council

County Hall

Loughborough Road

West Bridgford

Nottingham, NG2 7QP

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details:

Openreach: Nicholas Flint 01442208100 nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812 daniel.murray@virginmedia.co.uk

All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

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

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations and a wildlife sensitive lighting scheme should be developed and implemented.

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

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

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

A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

In order to satisfy the requirements of condition 26 the Highway Authority will need to undertake a full technical design check of the your detailed design drawings. Discharge of any reserved matters conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted. We therefore strongly recommend technical approval for your drawings is obtained from the Highway Authority prior to any formal reserved matters submission.

The applicant is encouraged to incorporate bird and bat boxes into the fabric of buildings where practicable.

Public footpath no 43 West Bridgford is situated within the boundary of the proposed development VIA have advised that they object to the proposed extinguishment and the loss of public footpath identity. They encourage the applicant to retain the recorded line of footpath no 43 and explore options to improve the adjacent fencing design and street lighting scheme.

Western Power has advised that any live electricity apparatus must be disconnected/diverted prior to any demolition works commencing. Their records indicate multiple low voltage cables present onsite, please refer to HSG47 for guidance with any works in proximity to our apparatus

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

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Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger sought by consultees
Public Open Space (and SUDS provision of this in the proposal is yet to be confirmed)	Incidental open space at the development 0.55 = 0.0096HA Those areas to be laid out and permanently maintained as a drainage area to accommodate surface water run-off and land drainage outfalls attributable to the development (provision to be confirmed – due to contamination suds may not be provided) Open Space Scheme Layout, provision and maintenance of Amenity Open Space		Maintenance to be provided by management company or nominated organisation – funded through service charge on properties	TBC
Equipped play space	Contribution sought for offsite provision of equipped play space (Local equipped area for Play) (LEAP) The cost per dwelling for off-site equipped play is £559 per dwelling x 76 = £42,484		Contribution for off-site improvements to existing LEAP at Abbey Park/ Buckfast Way	TBC

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger sought by consultees
	This contribution to be made toward the development of the play area on Abbey Park/Buckfast Way			
Allotments	<p>RBC Leisure Facilities Strategy requires 0.4 hectares per 1000 population.</p> <p>Subject to further information from West Bridgford Allotments Society regarding waiting lists for current allotments) offsite provision of 0.07 hectares is required,) in terms of capacity it may be possible for example to put the investment into making plot sizes smaller to increase number of spaces. Further comments awaited from Community Development in this regard</p> <p>There is an allotment to the rear of the site which is accessed via Buckfast way.</p>			TBC

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger sought by consultees
Education	<p>NCC request for Primary school capacity improvements</p> <p>West Bridgford Primary Planning Area and would generate 16 additional places.</p> <p>There is insufficient capacity to accommodate these pupils. The County Council would therefore request a contribution, based on build cost, of £304,768 (16 places x £19,048 per place). This would be spent on the expansion of Abbey Road Primary School. Secondary</p>			<ul style="list-style-type: none"> - 50% on commencement of development - 50% at completion of 50% of the development or within 2 years of the commencement of the development whichever is the sooner.
Education	<p>NCC request for Secondary school capacity improvements</p> <p>Catchment of Rushcliffe School and would generate 12 places. Insufficient capacity to accommodate these pupils.</p>			<ul style="list-style-type: none"> - 50% on commencement of development - 50% at completion of 50% of the development or within 2 years of the commencement of the

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger sought by consultees
	Contribution sought based on build cost, of £228,576 (12 places x £19,048 per place)			development whichever is the sooner.
Affordable Housing	<p>Core Strategy Policy 8 requires 30% affordable housing:</p> <p>42% should be intermediate housing, 39% should be affordable rent and 19% should be social rent.</p> <p>This equates to 9 intermediate units, 9 affordable rent and 4 social rent units on a scheme of 76 dwellings</p>	<p>Up to 76 units 42% intermediate, 39% affordable rent and 19 % social rent.</p> <p>Proposed mix 9 Intermediate units (2 bed flats)</p> <p>14 Affordable rent (7 x 1 bed and 7 x 2 bed flats for the elderly)</p>	<p>Up to 76 units 42% intermediate, 58% either affordable rent or social rent</p> <p>Proposed mix 9 Intermediate units (2 bed flats)</p> <p>14 Affordable rent (7 x 1 bed and 7 x 2 bed flats for the elderly) (either Affordable or Social Rent instead of both</p> <p>The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or through another appropriate</p>	TBC

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger sought by consultees
			<p>mechanism which ensures that the dwellings remain affordable.</p> <p>An Affordable Housing Scheme that identifies the Registered Provider and includes a plan showing the layout of affordable units by type and tenure should be submitted to and approved by the Council before commencement of development</p>	
Health	<p>CCG standard formula require contribution of £600 per 1 bed dwelling and £920 per 2 bed + dwelling</p> <p>Current mix illustrated in the outline application of 76 dwellings (7 x 1 bed and 69 x 2 bed = £67,680)</p> <p>To enable extension/bring into use clinical space at St Georges Medical Practice / West Bridgford Medical Centre on Muster Road or the Embankment Primary Care Centre on Wilford Lane</p>		<p>CCG formula to be applied towards improvements. Contribution is necessary and justified</p>	<p>Payment prior to occupation of the first house</p>

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger sought by consultees
Leisure	<p>The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen.</p> <p>Sports pitches commuted sum for off site provision £28,693 and a total lifecycle cost of £5,659 Total £34,352</p>		On site provision not required. Contribution is necessary and justified	TBC
Highways	<p>Policy 14 of the Core Strategy Managing Travel Demand</p> <p>Contributions towards Transport improvements,</p> <p>A sum of £15,000 (BCIS All in Tender Price Index) Towards the provision of improvements to existing bus stops within the vicinity of the development site.</p> <p>RU0261 Abbey Circus (both ways stop)- raised boarding kerbs and</p>		Contribution is necessary and justified	Bus Stop contribution – 100% prior to occupation of any dwellings.

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger sought by consultees
	<p>enforceable bus stop clearway</p> <p>RU0269 Hexham Close - extended hardstands/footways; raised boarding kerbs and enforceable bus stop clearway.</p> <p>Only basic facilities are available at stop RU0261 Abbey Circus and RU0269 Hexham Close (bus stop pole). These stops are served by the L22/L23 service which provides daytime links to key services, including West Bridgford Town Centre, Gamston Local Centre, LadyBay, Holme Pierrepont and Wilford Lane GP Surgery. Extended hardstands/footways (stop RU0269), raised boarding kerbs and enforceable bus stop clearways would be installed at both stops to ensure residents have an acceptable standard of</p>			

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger sought by consultees
	<p>access to the stops, and to ensure vehicles are able to access the stop, enabling level and accessible boarding to buses.</p> <p>The level of funding requested is based on the expected cost for the above improvements. If there is any remaining funding it could be utilised towards the provision of a Real Time Bus Stop Pole & Display at Stop RU0251, Ethel Road, subject to availability of other funds.</p>			
Street tree	Possible request from NCC for contribution for replacement street tree, however a condition is currently proposed in the draft report to mitigate loss of tree			
Monitoring Fee	S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required			Commencement of development.

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger sought by consultees
Indexation	All financial contributions subject to indexation using Retail Price Index or the BCIS All-in Tender Price Index as appropriate			
Legal Costs	TBC			.

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Application Number: 19/00323/FUL
East of Kirk Ley Road, East Leake



scale 1:3000

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19/00323/FUL

Applicant Mrs Louise Ward

Location Land East Of Kirk Ley Road (Phase 3) East Leake Nottinghamshire

Proposal Full application for the erection of 83 dwellings (partial re-plan to increase number of dwellings on Phase 3 by 47).

Ward Leake

THE SITE AND SURROUNDINGS

1. The application site comprises of the south eastern half of the third phase of a residential development currently under construction off Kirk Ley Road, in the village of East Leake. The site measures 3.28 hectares and currently has planning permission (as part of a consent for the whole of phase 3) for the erection of 36 dwellings
2. Access to the site is off Kirk Ley Road, through phases 1 and 2 of the existing housing development, which is located to the north and west of the application site. To the south of the site is Rempstone Road, to the east is an agricultural field with outline planning permission for 235 dwellings, which was allowed on appeal in November 2017 (16/01881/OUT).
3. Land levels rise in a southerly direction. The site is located on the edge of the village, with open countryside beyond the southern boundary on the opposite side of Rempstone Road.

DETAILS OF THE PROPOSAL

4. The application seeks full planning permission for the erection of 83 dwellings, which would comprise of 28 no. 2 bed (5 of which would be affordable homes); 44 no. 3 bed (4 of which would be affordable homes) and 11 no. 4 bed. 24 of the dwellings would be 2 ½ storey in height. This compares with the previously approved dwellings, which solely comprised of 4 bedroom two storey properties.
5. The additional dwellings would be accommodated within the previously proposed development area, at a higher density than the previous scheme. The original landscape buffer zones to the eastern and southern boundaries of the site would remain.

SITE HISTORY

6. This site, together with the first two phases of residential development off Kirk Ley Road, have a long and complex planning history. In summary:
 - 12/01840/OUT – outline application for residential development. Approved (conditions of the permission effectively limited number of dwellings on the site to 175).

- 14/01927/VAR – application to vary conditions 2 and 3 of 12/01840/OUT to effectively increase the number of dwellings on the site. Refused but allowed on appeal.
 - 16/01341/REM – reserved matters application for the approval of 78 dwellings (Phase 1). Granted.
 - 16/02842/REM – reserved matters application for the approval of 104 dwellings (Phase 2). Granted.
 - 17/02105/REM – A reserved matters application for the approval of 118 dwellings (Phase 3). Granted.
7. An outline planning application on land to the immediate east of the site for 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation & landscaping was refused but subsequently allowed on appeal in November 2017 (16/01881/OUT).
8. An outline planning application on land to the north of Lantern Lane for up to 195 dwellings, public open space, landscaping, sustainable drainage system and access was refused but subsequently allowed on appeal in July 2018 (17/02292/OUT).

REPRESENTATIONS

Ward Councillor(s)

9. One Ward Councillor (Cllr Thomas) objects to this application and agrees with all the reasons stated by East Leake Parish Council. In particular:
- Policy H1 of the Neighbourhood Plan is contravened and East Leake cannot be considered a sustainable location for further development.
 - Policy E1 of the Neighbourhood Plan is contravened by the inclusion of 2.5/3 storey homes at the top of the site running up to the ridgeline, which the NP protects.

Town/Parish Council

10. East Leake Parish Council object to this application in its current form for the following reasons:
- i. Objection to further new homes in East Leake in general can be found in their responses to 18/02692/OUT (Field End Close) and 19/00288/OUT (Stonebridge Drive). In brief East Leake can no longer be considered a sustainable location for further housing due to infrastructure capacity being exceeded with the huge amount of housing experienced. Policy H1 of the Neighbourhood Plan requires that infrastructure improvements would have to be made in time to serve the needs of the development and this would not be possible for these additional homes.
 - ii. The principle of developing the site has been established by the outline planning permission, but increasing the density of homes on this site by

more than doubling the number of homes is not acceptable. The original application for the complete site (12/01840/OUT) was for up to 175 homes. The public consultation promoted a scheme with woodland and open space: "The proposal is for about 175 new dwellings together with significant areas of new woodland and publicly accessible open spaces. The proposals include extensive open areas and significant new planting which could make a positive contribution to this area of the village. The site is currently primarily used agriculturally. Woodlands were planted on the site some 20 years or so ago, particularly on the southern and eastern boundaries and these are now maturing to provide visual enclosure. The concept plan links and extends these woodlands to complete a clear definition between village and countryside." Since then the number of houses has increased to 300. Much of the woodland and green space has been removed. The soft edge proposed to link the village to the countryside has largely been lost. If permitted this latest increase would bring the number of homes on the whole site to 347, double that originally planned and consulted on.

- iii. No more trees should be removed.
- iv. It is noted that the scheme would provide some smaller homes, and that the proposed mix is in line with that required by policy H3 of the Neighbourhood Plan, which gives the proposal some merit. However, the hugely increased density proposed is unacceptable. With the right housing mix, conforming to policy H3, the Parish Council might support a scheme with a smaller increase, say to 50 homes, rather than 83. They would be pleased to see bungalows and some 1-bedroom homes – perhaps maisonette style rather than an apartment block.
- v. Policy E1 of the Neighbourhood Plan protects the ridgelines around East Leake. The revised plan would have much more of an impact on the ridgeline (Ridge A in Fig 5.1/1 of the NP) than the currently approved plan, giving a much more built-up appearance from within the village and when looking into it from outside. In particular, they are very unhappy about the proposed 3 storey homes in this area which is the top of the overall site. Homes here should be limited to 2 storey, with no 2.5 or 3 storey homes. Some bungalows instead of 2-storey homes along the very top would help. (There are bus stops quite close by).
- vi. It is noted that there is no public open space on-site and that a S106 contribution for off-site public open space is suggested in the draft S106 Heads of Terms (see Planning Statement). They can see an opportunity to provide foot and cycle path linkage with the neighbouring Rempstone Road site to maximise the benefit of the open space existing on both developments. This would tie in with policies T1 and T2 of the NP, and improve access to the surrounding public footpath network for residents of both sites.
- vii. Concerned about the widths of the roads and on-road parking. This would be made worse by the increased number of homes. On other new developments it has been noticed that where tandem parking for 2 cars is provided, residents are more likely to park one car on the road (and often over the pavement). Side by side parking spaces are preferable. Tandem parking on plots 13-24, 37, 73-77, 82, 83. Some semis and

terraces appear to have fewer than 2 spaces per home, e.g. 3-6, 7-10, 27-29, 30-31, 40-43, 50-53, 58-60, 64-65, 69-71, 79-81. Shared spaces could be problematic.

- viii. Does the SuDS provided for the site have capacity for the additional runoff generated by the proposed development?

Statutory and Other Consultees

11. Nottinghamshire County Council Planning advise that the proposed development is not within nor nearby any Minerals Safeguarding or Consultation Areas. There are also no current or permitted mineral sites close to the application site, therefore they do not wish to raise any objections to the proposals from a minerals perspective. In terms of the Waste Core Strategy, they advise that there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.
12. Nottinghamshire County Council as Education Authority originally advised that a development of 47 dwellings would generate 10 additional primary school places and 8 additional secondary school places, and based upon current projections there is no capacity to accommodate these pupils. Nottinghamshire County Council would therefore seek a contribution, based on build cost of £190,480 (10 places x £19,048 per place) to provide new or improved primary provision within East Leake and a contribution of £142,024 (8 places x £17,753) to provide new or improved secondary provision within East Leake. Following clarification on the number of dwellings proposed they advised that Based upon 83 dwellings the following contributions would be necessary; Primary School; £323,816 (17 places x £19,048) to provide new or improved primary provision within East Leake Secondary School; £230,789 (13 places x £17,753) to provide new or improved secondary provision within East Leake.
13. Nottinghamshire County Council as Highway Authority note that the proposal is for a partial re-plan of phase 3 of the development to increase the number of dwellings by 47. Part of the 3rd phase is remaining unaltered and does not form part of this application. The overall number of dwellings as part of this application is 83. The only highway related issue is that there is no parking space for plot 4. They recommend that the visitors space outside plot 4 is allocated to that dwelling. Subject to the resolution of the minor amendment as outlined above, the Highway Authority is satisfied with the proposed layout. In view of this, they have no objections in principle to the proposal, subject to the conditions in respect of the submission of details of new road; surfacing and drainage of all drives and parking areas; provision of wheel washing facilities.
14. Nottinghamshire County Council as Local Lead Flood Authority confirm they have no objections and no further comments to make on the proposals.
15. Environment Agency advise that there are no environmental constraints associated with the application site which fall within the remit of the Environment Agency (the site is located within Flood Zone 1). The Lead Local Flood Authority should be consulted on the proposals for their requirements regarding the disposal of surface water arising from the development.

16. Trent Valley Internal Drainage Board advise that the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act 1991, the prior written consent of the Lead Local Flood Authority (Nottinghamshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts. The applicant is advised that they are likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them. The location of the site is a known flood risk area. The development should not be allowed until the applicant is able to demonstrate that the development itself is safe from flooding and flood risk to surrounding land and/or properties is not increased. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.
17. NHS (Clinical Commissioning Group) request a financial contribution based on their formula; 83 dwellings x £920 per dwelling = £76,360. They envisage that the new patients from this development would register with East Leake Medical Group on Gotham Road. The existing facility is sub-standard and over-capacity given the recent housing developments, and further housing permissions, and is incapable of extension or adaption given it's CLASP design and constrained site. The building is one of the top priorities to replace. The search for a suitable site for a new facility is proving challenging to the CCG. Any contribution for this development would be put towards replacing the current facility.
18. Natural England have no comments.
19. Nottinghamshire Area Ramblers raise no objections.
20. NATS Safeguarding confirm that the proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, they have no safeguarding objection to the proposal.
21. East Midlands Airport Safeguarding Authority note that there is potential for this development to increase the risk of Birdstrike to aircraft using East Midlands Airport. They request further details of the large attenuation basin to the immediate north of the phase 3 blocks and within the overall development boundary and ask if any changes in the surface water attenuation proposals have been made since the appeal to 16/01881/OUT was granted in November 2017.
22. RBC Conservation and Design Officer has considered this application which revises the southeast corner of the development at land East of Kirk Ley Road. This corner of the site was previously a relatively spacious part of the site consisting of larger detached dwellings and contained 36 dwellings under the approved scheme. The application seeks to revise this to accommodate 83 dwellings. The layout now includes multiple short terraces of 3-4 dwellings and

semi-detached properties including some areas dominated by frontage parking. I note that the street scenes do not line up with the street scenes indicated on the planning layout, and do little to convey the fact that the streets will be dominated by parked cars rather than the green hedges shown. The house types are relatively bland and uninspiring, however the housing mix complies with the East Leake Neighbourhood Plan.

23. RBC Environmental Health Officer raises no objections, subject to any potential nuisance impacts being controlled under the same conditions as those attached to the previous application, ref: 14/01927/VAR.
24. RBC Ecology Officer confirms that an Ecological Survey has been supplied which appears to have been produced according to best practice. He advises that whilst the survey was completed in December 2018, outside the optimum surveying season, it is a follow up to previous surveys and is in date. He recommends the following; a renewed badger report if no development works commence within 12 months; passive displacement of reptiles; an ecology and landscape management plan should be produced and agreed; permanent artificial wild bird nests and bat boxes should be installed; new wildlife habitats should be created; the existing hedgerows and trees should be retained and enhanced; new trees / hedges should be native species; use of lighting should be appropriate; good practice construction methods should be adopted; consideration should be given to energy efficiency.
25. RBC Landscape Officer has stated that the proposed landscape scheme is very similar to the previous one in terms of species mix and the size of trees and shrubs to be planted. There are some subtle changes in the tree mix, but none of any significance. The landscape plan has had to adapt to the revised change in property sizes and density, this has resulted in a slight loss of road side trees within the area of housing, but not to the point where he would object. There are some positives, the open spaces area on the south eastern boundary seems to be wider in places and the new scheme incorporates an area of native shrub mix, this comprises informal large growing shrubs and small trees which will help reinforce the boundary of the site and provide some screening. The footprint of the residential area appears to be the same and he cannot see any signs that there will be any need to encroach further into the woodland belts. Overall no objection.
26. RBC Strategic Housing Officer confirms that the extant permission for phase 3 (17/02105/REM) provides 24 affordable units on a scheme of 118 units overall, thereby providing the 20% as required under Policy 8 of the Core Strategy. This revised proposal for the same site area, seeks an increase of 47 units, achieved through an increase in density on the eastern half of the phase 3 site. The western half of the site remains as per the extant permission 17/02105/REM. This proposal would result in a total of 165 units on the phase 3 site area, providing a total of 33 affordable units. This again accords with the 20% affordable housing requirement in respect of phase 3.
27. The tenure of the affordable units proposed (4 x Affordable Rent units, 2 x Intermediate Units and 3 x Social Rent units) accords with the overall site requirement split given the affordable units already provided through Phases 1 and 2.

28. The intermediate dwellings should be sold at 50% or less of the open market value to ensure that they are affordable having regard to local incomes and prices. The dwellings should be provided through a Registered Provider or through another appropriate mechanism which ensures that the dwellings remain affordable.
29. An Affordable Housing Scheme that identifies the Registered Provider and includes a plan showing the layout of affordable units by type and tenure should be submitted to and approved by the Council before commencement of development.
30. RBC Community Development Officer originally requested the provision of/or contributions to; children's play, open space, indoor leisure and allotments. Following further discussions they confirmed that a LEAP has been provided on an earlier phase of the development, and that a contribution towards indoor leisure may be difficult to justify (given that it was not requested on the first three phases). With regards to the Sports Pitches contribution, they confirm that the same formula as previous applies comprising of £428 x number of dwellings.

Local Residents and the General Public

31. 6 objections have been received from local residents, on the following grounds;
 - a. Concerned regarding the level of development permitted in East Leake.
 - b. Impacts upon the risks of flooding from increased surface water run-off.
 - c. The East Leake Doctors Surgery cannot cope with more patients and struggles to cope with its current numbers.
 - d. Can the water supply sustain additional users given the low pressure.
 - e. The schools are full.
 - f. There are too many houses, they are crammed into the space and lack adequate landscaping. Encroachment into open countryside.
 - g. Traffic and car parking is still an issue in the village.
 - h. The three storey houses are on higher land and therefore obscure the ridge.
 - i. There are no bungalows for older people.

PLANNING POLICY

32. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy and the East Leake Neighbourhood Plan.
33. 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).

34. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the Neighbourhood Plan, 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

35. The National Planning Policy Framework (NPPF) (updated in 2019) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
36. Paragraph 8 of the NPPF refers to three strands to achieving sustainable development; economic, social and environmental.
37. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking 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 permission unless: i. the application of policies in the 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 this Framework taken as a whole.
38. Paragraph 47 reminds us that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
39. Paragraph 67 states that planning policies should identify a supply of: a) specific, deliverable sites for years one to five of the plan period; and b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.
40. Paragraph 72 states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities.
41. Paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open

space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

42. 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.
43. Paragraph 117 of the NPPF states that 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.
44. Paragraph 122 of the NPPF states Planning policies and decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; b) local market conditions and viability; c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use; d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and e) the importance of securing well-designed, attractive and healthy places.
45. Paragraph 127 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.
46. Paragraph 175 promotes opportunities to incorporate biodiversity improvements in and around developments.

Relevant Local Planning Policies and Guidance

47. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 (Presumption in Favour of Sustainable Development), Policy 3 (Spatial Strategy), Policy 8 (Housing Size, Mix and Choice) and Policy 10 (Design and Enhancing Local Identity) are relevant.

48. 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 are consistent with or amplify the aims and objectives of the Core Strategy and have not been superseded. Policies GP1 (Delivering Sustainable Development), GP2 (Design and Amenity Criteria), EN13 (Landscaping Schemes), EN19 (Impact on the Green Belt and the Open Countryside) and MOV7 (Footpath and Cycle Links in New Developments) are relevant.
49. The East Leake Neighbourhood Plan has now been adopted and forms part of the Development Plan, and should be afforded appropriate weight. Policies E1 (Containment of Built Environment), H1 (Number of New Homes), H3 (Types of Market Homes), H5 (Design and Building Standards), T1 (New Developments and Connectivity) and T2 (Strategic Network of Footpaths and Cycle Paths) are relevant.
50. The appeal decisions on 16/01881/OUT - outline application for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation & landscaping on land adjacent to the east of this site and 17/02292/OUT - for up to 195 dwellings, public open space, landscaping, sustainable drainage system and access on land to the north of Lantern Lane are also considered to be material planning considerations.

APPRAISAL

51. The principle of residential development on this site has already been established through the granting of outline planning permission and the subsequent approval of a reserved matters application for 36 dwellings. The main issues in the consideration of this application are the impacts an additional 47 dwellings would have upon; the layout/density/quality of the housing development; the impacts upon the character and appearance of the wider area, particularly given the sites' edge of village location; and the impacts upon the infrastructure of East Leake including; highway network; schools; health and leisure services; flood risk and drainage;
52. In terms of the quality of the proposed layout, following comments received from East Leake Parish Council, the County Council's Highway Officer and the Borough Council's Design Officer, revised plans and additional information were submitted during the course of the application incorporating the following;
 - i. Improved access arrangements to plot 83 to ensure that the footpath to the plot is fed off the same road as the driveway.
 - ii. Allocating a car parking space for plot 4
 - iii. Breaking up of the car parking areas to front of properties with additional planting.
 - iv. The provision of street scenes to demonstrate how the 2 and 2 ½ storey dwellings would appear having regard to the changes in land levels.
 - v. Details of the construction materials
 - vi. Details of boundary treatments
53. As a result of these amendments the siting, scale, design and appearance of the dwellings, together with the open space and landscaping, and the variety of external materials, would create a visually attractive development of smaller

family homes which would complement phases 1 & 2 of this housing development.

54. The original scheme proposed 36 detached four bedroom properties within large garden plots, resulting in a low density development. In order to respond to the local housing market, the number of four bedroom properties has been reduced to 11 (13%), with 28 (34%) 2 bedroom properties and 44 (53%) 3 bedroom properties being introduced. It should be noted that increasing the density of housing development on this site would make more efficient use of land, as promoted by the NPPF, and provide a greater number of more affordable family homes within the village. Furthermore the proposed housing mix would accord with Policy H3 (Types of Market Housing) of the East Leake Neighbourhood Plan and Policy 8 of the Core Strategy, which seeks to achieve a mix of housing tenures, types and sizes in order to create mixed and balanced communities.
55. In terms of the impacts upon the wider area, although this application would result in an increase in the number of proposed dwellings by a further 47, the extent of the proposed residential development would be contained within the previously approved area of development. The wide belts of landscaping to the southern and eastern boundaries of the site would be maintained. Due to the retention of these trees and vegetation, together with additional planting along the southern edge of the built development, it is considered that the proposal would provide a suitable buffer between the development and the adjacent open countryside, and be sympathetic to its edge of countryside location.
56. Policy E1 (Containment of the Built Environment) of the East Leake Neighbourhood Plan seeks to protect the ridges around the village, by limiting the heights of any buildings on the slopes up to these ridges (although there is no maximum height specified). Ridge A runs along Rempstone Road (to the south west of the site) and is the dominant southern view from the West Leake Road. Despite the introduction of 2 ½ storey dwellings within this phase of the development, as demonstrated on the cross sections provided by the applicants, these would be no higher than the two storey houses located on the most elevated parts of the site. As a result, there would be no further visual intrusion into the countryside to the south than the current approved scheme. Furthermore, the development of the land to the east, off Rempstone Road (which has outline planning permission for the erection of 235 dwellings), would mitigate the impact of this development when viewed from the east. As a result, it is not considered, despite the objections raised by the Ward Councillor and the Parish Council, that the proposal would be contrary to the East Leake Neighbourhood Plan.
57. In terms of the affordable housing, these units would be dispersed into 2 clusters, including one adjacent to phases 1 & 2. It is considered that the affordable housing units would be sufficiently integrated into the development. With respect to the tenure mix, 4 affordable rent, 3 social rent and 2 intermediate units would be provided, which would accord with the 20% affordable housing requirement across all 3 phases. This provision of 20% affordable housing on the site, as detailed above, would be secured through a S106 agreement to ensure it is retained as affordable housing in perpetuity.

58. The impact of the additional 47 dwellings on village infrastructure has been taken into account. No statutory consultees have raised an objection on the grounds of infrastructure capacity. However, education, health and leisure contributions would be required to mitigate the impacts of this increase in housing numbers on local infrastructure demand, secured by way of a S106 agreement. The contributions, based upon the total number of 83 dwellings, would comprise of; £323,816 (17 places x £19,048) to provide new or improved primary school provision within East Leake; £230,789 (13 places x £17,753) to provide new or improved secondary school provision within East Leake; £76,360 (83 x £920) towards the provision of a new or upgraded medical facilities in East Leake; £35,524 (83 dwellings x £428) towards the provision / improvements of facilities at Costock Road Playing Fields. The S106 agreement would be worded as such to ensure that contributions for the original 36 dwellings and the additional 47 dwellings are secured. A scheme would also be sought for the maintenance of the public open space areas.
59. With respect to sewerage/drainage and additional traffic, the relevant technical consultees have not raised any objections. Conditions are proposed which would require details of the new road to be submitted for approval, and ensure that the development is carried out in accordance with the surface water drainage strategy and foul drainage proposals as set out in the Flood Risk Assessment Addendum.
60. Whilst East Midlands Airport Safeguarding Authority have raised concerns regarding the increased risk of bird strike, there are no proposed changes to the on-site balancing ponds serving the wider development as part of this application.
61. In terms of ecological enhancement, conditions are proposed which would ensure both bat and bird boxes are provided throughout the development as promoted by Paragraph 175 of the NPPF.
62. A phase II contaminated land report for the site has previously been submitted (under 17/02984/DISCON) which demonstrated that there is no contaminant risk, and minimal ground gas was recorded, therefore the site is suitable for residential development without the need for remediation or gas protection measures. In terms of archaeology, a programme of trial trenching has previously been carried out, the results of which were submitted (16/00880/DISCON), and these confirmed that no significant archaeological remains were discovered.
63. In considering this application, it has to be borne in mind that the Council does not have a 5 year housing land supply. Consequently, in accordance with paragraph 11 of the NPPF, Policy 3 of the Core Strategy, which is a policy for the supply of housing, is not up to date. In such circumstances, the NPPF states that for decision taking this means granting 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 this Framework taken as a whole.

64. In terms of benefits, the proposed development would make a further contribution to addressing the Borough Council's lack of a 5 year housing land supply. There would also be a temporary economic benefit during construction, and future occupants are very likely to use local services/facilities in East Leake. There would also be a social benefit from widening the choice of available homes and providing 20% affordable housing on site. It is not considered that there would be any adverse impacts, as the additional demand for services within the village would be mitigated through financial contributions secured through a S106. It is, therefore, considered that the proposal constitutes sustainable development contained within the NPPF, having regard to the economic, social and environmental objectives.
65. The proposal was subject of 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 the site layout. Such negotiations have resulted in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans; Site Location Plan PL_ELPH3-RP_03; Planning Layout PL_ELPH3-RP_01 rev A; House Type Pack Planning Housetypes - Persimmon Phase 3 Re-Plan - 07.01.19; Landscape Plans P17-1947_01A DSLP 1 of 6; P17-1947_02B DSLP 2 of 6; P17-1947_03E DSLP 3 of 6; P17-1947_04E DSLP 4 of 6; P17-1947_05D DSLP 5 of 6; P17-1947_06E DSLP 6 of 6; Materials Plan PL_ELPH3-RP_06.

[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 approved shall be constructed using materials as detailed on the Materials Plan PL_ELPH3-RP_06, unless otherwise approved in writing by the Borough Council.

[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 dwelling shall be occupied until the boundary treatment to serve that plot has been completed in accordance with the details set out on the approved Planning Layout PL_ELPH3-RP_01 Rev A.

[To ensure the appearance of the development is satisfactory and provides future residents with an acceptable level of privacy, 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].

5. The proposed soft landscaping as shown on the Landscape Plans P17-1947_01A DSLP 1 of 6; P17-1947_02B DSLP 2 of 6; P17-1947_03E DSLP 3 of 6; P17-1947_04E DSLP 4 of 6; P17-1947_05D DSLP 5 of 6; P17-1947_06E DSLP 6 of 6, shall be carried out in the first planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives written approval to any variation.

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

6. The development shall only be carried out in accordance with details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land which shall be submitted to and approved in writing by the Local Planning Authority before the development commences, and the development shall only be undertaken in accordance with the details so approved.

[This is a pre-commencement condition to ensure that finished ground and floor levels are approved before development commences to ensure there would be no harm to the character or visual amenities of the area 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].

7. No dwelling shall be occupied until space within that plot has been provided for the storage of 3 wheeled bins.

[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 and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy].

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

[This is a pre-commencement condition to ensure that the new road layout is approved before construction works commence on site, in the interests of highway safety and to comply with Policy GP2 (Amenity and Design Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

9. No part of the development hereby permitted shall be brought into use until all drives and parking areas have been surfaced in a bound material with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The surfaced and drained drives and parking areas shall thereafter be maintained as such for the life of the development.

[To reduce the possibility of deleterious material and surface water being deposited on the public highway causing dangers to road users and to comply with Policy GP2 (Amenity and Design Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

10. The hedgerows on the boundaries on the site shall be retained at a minimum height of 1.5m, any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plans, of such size and species, details of which shall be submitted to and approved in writing by the Local Planning Authority, within one year of the date of any such loss being brought to the attention of the Local Planning Authority.

[The hedges are an important feature in the area and their retention is necessary to help preserve the character of the area in this edge of village location, 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].

11. The site shall be developed in accordance with the Construction Method Statement by Persimmon Homes dated 1st March 2016 previously submitted and approved under 16/00649/DISCON.

[In the interests of highway safety, and 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].

12. The site shall be developed in accordance with the Employment and Skills Plan by Persimmon Homes dated March 2016, previously submitted and approved under 16/00649/DISCON.

[In order to promote local employment opportunities in accordance with Policies 1 and 5 of the Rushcliffe Local Plan Part 1: Core Strategy].

13. No work shall be carried out, and no plant, equipment or materials shall be brought onto the site until a scheme detailing the tree protection measures to be implemented across the site have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be implemented prior to work commencing on site. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the protection measures, nor is any excavation work to be undertaken within the confines of the protection measures 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. The development shall be constructed in accordance with the approved tree protection scheme.

[This is a pre-commencement condition to ensure that no trees are damaged before appropriate tree protection measures are put in place, in accordance 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].

14. No dwelling shall be occupied until a scheme detailing the provision of bat boxes and / or access points to bat roosts 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. The bat boxes and / or access points to bat roosts shall thereafter be retained and maintained for the life of the development.

[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].

15. No dwelling shall be occupied until a scheme detailing the provision of bird nesting 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. The bird nesting boxes shall thereafter be retained and maintained for the life of the development.

[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]

16. The site shall be development in accordance with the surface water drainage strategy and foul drainage proposals as set out in the Flood Risk Assessment Addendum by Farrow Walsh Consulting dated January 2019 and shown on drawings; Drainage Strategy Sheet 1 of 3 FW1644-D-400 P2; Drainage Strategy Sheet 2 of 3 FW1644-D-401 P2; Drainage Strategy Sheet 3 of 3 FW1644-D-402 P2, unless otherwise approved in writing by the Local Planning Authority. The surface water attenuation shall be retained and maintained for the life of the development.

[To ensure that adequate surface water and foul drainage facilities are provided in the interests of the living conditions of future residents, and to prevent the increased risk of flooding downstream, in accordance with policy WET2 (Flooding) and policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and guidance contained within the NPPF].

Notes to Applicant

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

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.

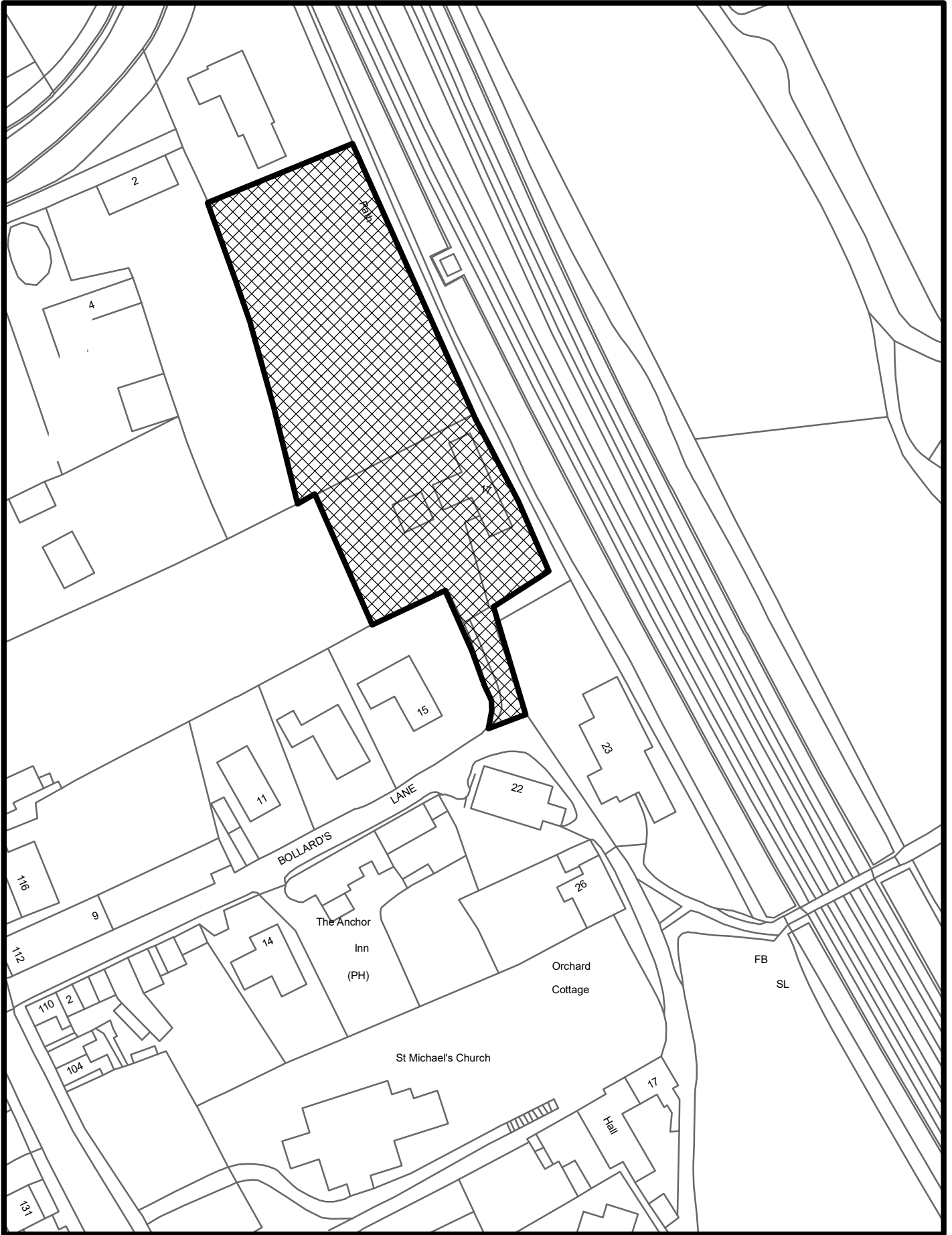
It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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

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

All correspondence with the Highway Authority should be addressed to:-
NCC (Highways Development Control) (Floor 3)
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham, NG2 7QP

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Application Number: 19/00666/FUL
17 Bollards Lane, Sutton Bonington

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19/00666/FUL

Applicant Mr And Mrs R Combellack

Location 17 Bollards Lane Sutton Bonington Nottinghamshire LE12 5PA

Proposal Two storey front extension, two storey side extension over existing garage and utility, and rendering of existing dwelling.

Ward Sutton Bonington

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached dwelling set back from the corner of Bollards Lane with access via a driveway running between Nos. 15 and 23 Bollards Lane. The two storey element of the dwelling has a reversed 'L' shaped footprint. There is a long single storey front projection. Both the main dwelling and front projection are finished in render with a pantile roof. The dwelling is significantly elevated relative to the driveway, with a basement under the main dwelling and a landscaped terraced area to the front corner of the site. There is a detached brick garage to the south west side of the dwelling which is level with the basement. The site falls away to the west (side) and north (rear). The site is enclosed by mature tree screening limiting views from the highway.
2. A public footpath runs along the driveway before following the east boundary of the site, this path links between Bollards Lane and Marle Hill. There is a railway cutting immediately to the east. The site falls within the Sutton Bonington Conservation Area. The Townscape appraisal does not identify any key views across the site and the dwelling is not identified as a key unlisted building.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for two storey front extension incorporating the existing single storey projection, and a two storey side extension over the existing garage. The two storey front extension would measure 6.6 metres in width, projecting 17.7 metres forward of the dwelling frontage and 9 metres forward of the existing single storey projection, measuring 6.6 metres in width. The extension would have a pitched roof measuring 4.8 metres to the eaves and 7.5 metres to the ridge to match the existing dwelling. At the front of the extension the plans show a perpendicular roof line forming a two storey gable to the east and west elevations. The west elevation of the extension would feature a first floor balcony.
4. The proposed side extension would project 8.8 metres from the side of the dwelling, incorporating the existing garage. There would be a small front projection above the garage. The ridge and eaves of the extension would form a continuation of the existing roof. Due to the fall in levels, the west (end) gable would be three storeys in height with a ridge height of 10 metres. The extensions would be finished in render with a tiled roof to match the existing. The garage and first floor projection above this would be finished in brick.

SITE HISTORY

5. P1/89/0581/P- Erection of double garage. Granted in 1989.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr Brown) does not object.

Town/Parish Council

7. No comments received

Statutory and Other Consultees

8. Historic England do not wish to comment on the proposals and suggest that the views are sought of the Council's specialist conservation and archaeological advisers.
9. The Conservation and Design Officer commented that the dwelling is hidden from the wider public realm although a public right of way runs through the site, as such there are public views of the property. The proposed extension in place of the garage would effectively be 3 storeys due to fall in land level, producing a south west elevation facing over the valley of considerable height. There may be views from Main Street but this would be limited to glimpses. The extension would produce a very linear range visible along the driveway and from the public footpath which would also be some 10 metres in height along a significant portion of its length. Whilst there would be some articulation, the most publicly visible front/south roof slope would be poor, resulting in a building that would be out of keeping with the conservation area in terms of scale and proportions. The east/west facing roof slope would have a continuous ridge, appearing monotonous in character. None of the extensions would be subservient to the original building, which would be subsumed by the extensions.
10. The proposal would fail to achieve standards of 'good design' as advocated within the NPPF, fail to take account of guidelines for domestic extensions set out within the adopted Residential Design Guide SPD and, to the very limited extent to which the property is publically visible, would be harmful to the established special architectural and historic character of the Sutton Bonington Conservation Area. The harm arising would be minor and certainly at the lower end of the broad spectrum of 'less than substantial harm' detailed within the NPPF. There would, however, be a statutory presumption against granting planning permission under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as where a proposal results in any degree of harm it must also fail to "preserve" the special architectural and historic character of the Conservation Area. This harm would need to be tested under para 196 of the NPPF, however it is hard to conclude that the scheme would deliver wider public benefits to outweigh the harm arising.

Local Residents and the General Public

11. No comments received

PLANNING POLICY

12. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as the Core Strategy) and the 5 saved policies of the Rushcliffe Borough Local Plan 1996.
13. The emerging Local Plan Part 2: Land and Planning Policies, which was the subject of a Hearing in November and December 2018, is also a material consideration. Paragraph 48 of the NPPF allows weight to be given to relevant policies in an emerging local plan. The weight that can be given to these policies is dependent on the stage of its preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the NPPF. The plan is currently still under examination but on 7 February 2019 the Inspector appointed to examine the plan wrote to the Council to advise that they thought the plan is likely to be capable of being found legally compliant and sound, subject to main modifications. It can, therefore, be afforded some considerable weight subject to the relevant policies not being subject to relevant modifications and providing the relevant policies not being in conflict with the NPPF.
14. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) (2006).

Relevant National Planning Policies and Guidance

15. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, 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.
16. Given the location within the Sutton Bonington Conservation Area, the proposal falls to be considered under section 16 of the NPPF (Conserving and Enhancing the Historic Environment). Paragraph 194 of the NPPF states that any harm arising to a designated heritage asset should require a clear and convincing justification. Where a development would lead to substantial harm to, or total loss of, a designated heritage asset then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the criteria under paragraph 195 can be satisfied. Where a development would lead to less than substantial harm, under paragraph 196 this harm should be weighed against

the public benefits of the scheme.

17. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *“In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Relevant Local Planning Policies and Guidance

18. The Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal falls to be considered under Policy 10 of the Core Strategy (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. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, specifically 2(b) whereby the development 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. The proposal falls to be considered under Policy 11 of the Core Strategy (Historic Environment). Paragraph 1 of this policy states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
19. 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 NSRLP. GP2d sets out that 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. The proposal should act to either preserve or enhance the character of the conservation area in line with Policy EN2.
20. The 2009 Rushcliffe Residential Design Guide implies that the style and design of any extension should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are very important.

APPRAISAL

21. The application relates to a two storey detached dwelling which is effectively given an additional storey at basement level below the side projecting wing of the dwelling. The dwelling occupies an elevated position on the brow of a hill with the ground falling away to the north and west of the site.
22. The dwelling is located within a large plot, set back from the boundaries with Nos. 15 and 23 Bollards Lane. It is not considered that the proposal would result in an undue overbearing or overshadowing impact on the neighbouring properties.

23. The proposed side extension over the garage would affectively create a three storey extension due to the fall in land levels, resulting in a dominant 10 metre high gable to the west elevation. The long continuous unbroken roof ridge and the fall in land levels to the west and north would further emphasise the height of the extension, resulting in a dominant feature that would not be subservient to the original dwelling. The proposed front extension would create a 17.7m long continuous ridge. Together the extensions would result in substantial additions that would subsume the original dwelling. It is considered that the scale, massing and proportions of the extensions would be at odds with the original dwelling, resulting in the complete loss of its original character as a fairly modest dwelling.
24. The resultant built form would be excessive in scale, appearing akin to a hotel or residential institution. Both the front and side extensions would form long monotonous ridge lines. It is considered that the scheme would appear at odds with the surrounding built form.
25. In considering the impact upon the Sutton Bonington Conservation Area, the site is largely hidden from the public highway with the exception of glimpses along the Driveway from Bollards Land and glimpses of the roof line from Main Street. It is not considered that the extensions would appear prominent from Main Street and no key views would be affected.
26. A public footpath, however, runs along the entrance into the site, skirting around the south and east boundaries. There would, therefore be views of the proposed development from a public vantage point. The proposed works would result in harm to the character and appearance of the conservation area, although owing to the limited visibility of the scheme this harm would be considered to be 'less than substantial'.
27. A test exists under paragraph 196 of the NPPF where 'less than substantial' harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is not considered that the scheme would deliver such public benefits to outweigh the harm arising.
28. The proposal would fail to preserve or enhance the character and appearance of the conservation area as is considered to be a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This conflict gives rise to a statutory presumption against granting planning permission.
29. For the reasons set out above it is considered that the development does not accord with the national and local planning policies referred to above and accordingly the refusal of planning permission is recommended.
30. The proposal was the subject of pre-application discussions and the applicant/agent was made aware of the policy objections and identified unacceptable impacts of the development. The applicant/agent/ chose to submit the application without making any amendments to the proposal. In order to avoid further abortive costs to the applicant, no further negotiation has taken place and it is recommended that the application be refused.

RECOMMENDATION

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

1. The proposed extensions by virtue of their excessive scale, proportions and roof form would result in an unsympathetic development that would dominate and subsume the original dwelling. The proposal would therefore be contrary to policy GP2 d) which states that permission for new development, changes of use, conversion or extensions would normally be granted provided that, inter alia;

"The scale, density, height, massing, design, layout and materials of the proposals are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. They should not lead to an overintensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy and should ensure that occupants of new and existing dwellings have a satisfactory degree of privacy."

A decision to refuse planning permission would accord with paragraph 130 of the NPPF which 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".

The proposal would be contrary to the 2009 Rushcliffe Residential Design Guide, which implies that the style and design of any extension should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are very important.

2. The proposed development would result in harm to the character and appearance of the conservation area as a Heritage Asset and no clear and convincing justification for this harm has been provided and no wider public benefit has been identified that would outweigh this harm. The proposal would therefore be contrary to paragraph 194 and 196 of the NPPF which states:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."; and

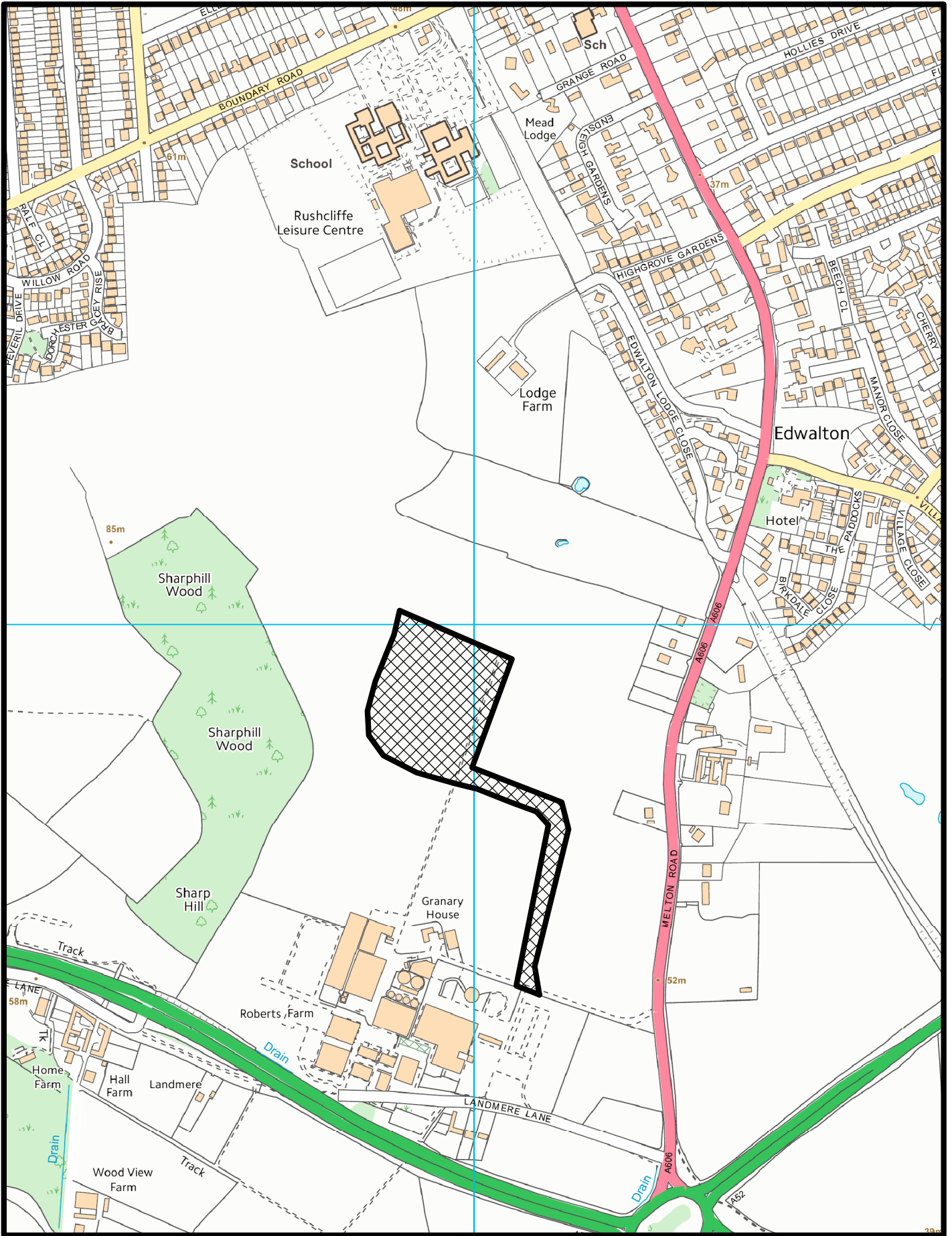
"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

The proposal would also be contrary to policy EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states, inter alia, that planning permission for development within a conservation area or affecting its setting or views in or out of the area will only be granted where:

- a) the proposal would preserve or enhance the character or appearance of the conservation area by virtue of its use, design, scale, siting and materials;
- b) there will be no adverse impact upon the form of the conservation area, including its open spaces (including gardens), the position of existing buildings and notable features such as groups of trees, walls and other structures; and there will be no loss of part or all of an open space which contributes to the character or appearance of the conservation area.

The proposal would be contrary to Policy 11 (1) of the Rushcliffe Local Plan Part 1: Core Strategy which states that proposals would be supported where the historic environment and heritage assets would be conserved or enhanced in line with their interest and significance.

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Application Number: 19/01268/CTY
Sharphill Primary School, Rose Way, Edwalton

scale 1:7000



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Application 19/01268/CTY

Report to follow.

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