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Our reference:
Your reference:
Date: Wednesday, 6 November 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, 14 November 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 (Pages 1 - 40)
4. Planning Applications (Pages 41 - 172)
The report of the Executive Manager - Communities.
5. West Bridgford No. 1 Tree Preservation Order 2019 (Pages 173 - 180)
Report of the Executive Manager – Communities.
6. Planning Appeals (Pages 181 - 182)
The report of the Executive Manager - Communities.

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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

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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 12 SEPTEMBER 2019**

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

PRESENT:

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman),
A Brennan, N Clarke, P Gowland, L Healy, A Major, J Murray, F Purdue-Horan,
C Thomas and R Walker

ALSO IN ATTENDANCE:

Councillors R Mallender, S Mallender and R Upton

OFFICERS IN ATTENDANCE:

A Pegram

O Pennington

S Sull

H Tambini

Service Manager - Communities

Area Planning Officer

Monitoring Officer

Democratic Services Manager

APOLOGIES:

Councillors K Beardsall and D Viridi

59 **Declarations of Interest**

There were no declarations of interest.

60 **Minutes of the Meeting held on**

The minutes of the meeting held on 15 August 2019 were agreed as a true
record and were signed by the Chairman.

61 **Planning Applications**

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

**18/02515/FUL – Erection of 221 dwellings with landscaping, public open
space and associated infrastructure – Land north of Bunny Lane,
Keyworth, Nottinghamshire.**

Updates

A representation from a local resident objecting to the proposal was received
after the agenda was published and was circulated to the Committee before
the meeting.

In accordance with the Council's public speaking protocol, Oliver Pritchard (objector) and Steve Harley (agent for applicant) addressed the Committee.

Comments

Members of the Committee referred to the practice of hedge netting adopted by some developers to prevent birds nesting and requested that the developer be asked to resist that practice where possible.

DECISION

THAT IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009, THE APPLICATION BE REFERRED TO THE NATIONAL PLANNING CASEWORK UNIT AND THAT, SUBJECT TO THE APPLICATION NOT BEING CALLED IN FOR DETERMINATION BY THE SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT, THE EXECUTIVE MANAGER FOR COMMUNITIES BE AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING OF A SECTION 106 AGREEMENT AND THE FOLLOWING CONDITIONS.

1. The development, hereby permitted, shall be begun not later than three years from the date of this permission.

[To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004].

2. The development hereby approved shall be implemented in accordance with the following plans and documents:

- Site Location Plan 063_003 Rev B received 28 August 2019;
- Planning Layout M1127-SL-001P received 2 September 2019;
- Revised Refuse Tracking Plan received 22 May 2019;
- Refuse Tracking M1127-EN-030A received 22 May 2019;
- House Type Pack originally submitted:
 - Chesterton; Byron; Milton; Blake; Hallam; Brooke; Skelton; Wyatt; Morris; Shakespeare; Peele; Raleigh; Berry; Stein; Sinclair; Tate; Sorley; Sorely Strand; Sorely Sinclair Spencer; GL01.PL-01 Single Garage; GL02.PL 01 Double garage; GR02.PL-01 Double Garage; and SG02.PL Sales Double garage;
- as revised by:
 - 2BF02 received 26 March 2019;
- Henley and Orbourne house type plans received 22 May 2019:
 - Henley 385.PL -01 Brick; Henley 385.PL-03 Tudor; Henley 385-1.PL-02 Render; Henley 385-1.PL03 Tudor; Henley 385-1.PL-01 Brick and Osbourne Brick;
- and revised by house types in the document dated June 2019 received 8 July 2019:
 - 375.PL- 01 Lyttelton Brick; 375.PL- 02 Lyttelton Render;

375-1.PL 01- Lyttelton Brick; 375-PL-02 Lyttelton Render; 476.PL-02_06 Wyatt Render; 483.PL-01_05 Darlton Brick; 483.PL-02_05 Darlton Render; 483-1.PL -01_05 Darlton Brick; 483-1.PL-02_05 Darlton Render; 570.PL-01_06 Rowley Brick; 570-1.PL-01_06 Rowley Brick; 570-1.PL-03_06 Rowley Tudor; 807-PL-01-03 Lyttelton Byron Brick; 807-1.PL-01_03 Lyttelton Byron Brick; Wyatt – 476.PL-03 Tudor; Wyatt – 476.PL-06 Floor Plans; and Wyatt 476-1.PL-03 Tudor;

- and revised by house type plans received 2 September 2019 for the following:
 - 1 BB2P.PL-01 Thorne Brick; 3B5P_4B6P-1.PL-01_03 Sorely Strand Brick; and 859-1.PL-01,02,05 and 06 Sorley Sinclair Spencer;
- POS Areas Plan MI127-SL-015 received 28 August 2019;
- Landscape strategy plan 155_-010 rev A received 26 March 2019;
- Design and Access Statement, By Define received 23 October 2018;
- Planning Statement, Oxalis Planning;
- Landscape and Visual Impact Appraisal, 064 LVIA 011018 October 2018 by Define;
- Keyworth Rushcliffe Assessment of Housing Mix, Lichfields, September 2018;
- Heritage Statement, 3150.R01d, Nexus Heritage received 23 October 2018;
- Transport and Infrastructure Planning, WIE14513-100-1-2-3, Waterman dated October 2018 received 23 October 2018;
- Transport Assessment Addendum, WIE14513-100-R-4-1-3, Waterman, received 4 July 2019;
- Framework Travel Plan, 14513-100-R-2-3-2, Waterman, dated May 2019 received 22 May 2019;
- Flood Risk Assessment and Drainage Strategy, BM11651 0001 V03, October 2018, Wardell Armstrong received 23 October 2018;
- Flood Risk Assessment and Drainage Strategy Addendum Report, BM11561 002 VO.1, Wardell Armstrong, July 2019;
- Ecological Assessment, 6633.EcoAss.Vf1, October 2018 Ecology Solutions Ltd received 23 October 2018;
- Statement of Community Involvement, Instinctif Partners, September 2018;
- Preliminary Risk Assessment 312327-01, RSK April 2013;
- Arboricultural Assessment, FPCR, September 2018, Rev B;
- Health Matrix, received 22 May 2019;
- The proposed A60 improvements shown indicatively on Drawing No. 14513-SA-03-017-A03;
- The proposed new site access junction on Bunny Lane as shown indicatively on Drawing no. WIE-SA-03-009-A01; and
- The proposed Village Gateway on Bunny Lane as shown indicatively on Drawing No. WIE-SA-03-009-A01.

[For the avoidance of doubt and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and in the interests of amenity and to accord Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1 Core Strategy and with emerging Local Plan Part 2 Policy 4.3].

3. No development shall proceed beyond foundation level until such time that details of the proposed materials to be used in the elevations and roofing of the dwellings hereby approved have been submitted to the Local Planning Authority and agreed in writing. The development shall be undertaken in accordance with the approved details.

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

4. No development shall be carried out until a Phasing Plan, including details of phasing for the approved development, has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of:

- The timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
- The timing of biodiversity, SUDS and landscaping features;
- The timing of the provision of on-site natural play /equipped play space provision in relation to the provision of any new residential units;
- The timing and provision of internal footpaths/cyclepaths;
- The timing of connections of internal footpath/cyclepaths to the North of the site, to Bunny Land and Croft Road; and
- details of the timing of the erection of boundary treatment (other than that relating to specific house plots).

The development shall be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

[To ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities and to promote biodiversity on the site, in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition to enable consideration to be given in a coordinated manner to all the key components of the scheme].

5. No dwelling hereby approved shall be occupied until the following works have been provided in accordance with plans previously submitted and approved in writing to the satisfaction of the Local Planning Authority:

- The proposed new site access junction on Bunny Lane as shown indicatively on Drawing no. WIE-SA-03-009-A01;
- The proposed Village Gateway on Bunny Lane as shown indicatively on Drawing No. WIE-SA-03-009-A01, to include marker posts, hazard centre line (extended to that which has been shown), clock type signs in the verges to either side and supplementary VA sign;
- Reinstatement of redundant vehicular accesses on Bunny Lane; and
- The proposed footpath improvements along Bunny Lane as shown indicatively on drawing 14513-SA-03-005-A03.

[To make sure that a satisfactory means of access is provided, in the interests of road safety to promote sustainable travel and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan In interest of highway safety and promote sustainable travel].

6. There shall be no excavation or other groundworks, except for archaeological investigative works in respect of condition 28, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. All details shall comply with the County Councils current Highway Design and Parking Guides:
- a. tactile paving;
 - b. vehicular, cycle, and pedestrian accesses;
 - c. vehicular and cycle parking (surfaced in a bound material);
 - d. vehicular turning arrangements;
 - e. maneuvering arrangements;
 - f. access widths, gradients, surfacing, street lighting;
 - g. structures;
 - h. visibility splays; and
 - i. 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, maneuvering and turning areas approved under this Condition for that dwelling:

- a. have been constructed in accordance with the approved drawings; and
- b. are available for use.

[In the interest of highway safety, to make sure the drive is not too steep, in order to provide a reasonable level of safety in icy conditions and to comply with Policies GP2 (Design and Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition that is

required to ensure that the highway matters are addressed before works start on the site].

7. No development shall take place, excluding topsoil strip, earthworks to form balancing ponds and foul sewer diversion, survey works in connection with ecology and archaeology, until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure an adequate form of development in the interests of highway safety and to comply with Policies GP2 (Design and Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition that is required to ensure that the internal roads are acceptable to the County Council].

8. No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the version of the A52/A606 Improvement package Developer Contributions Strategy Memorandum of Understanding in force at the time of commencement of development.

[To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety. This is a pre-commencement condition to ensure that funding for necessary wider highway improvements required as a result of the development is made available so that the works can be implemented in a timely fashion].

9. Prior to first occupation the developer of the site shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Interim Travel Plan to be approved prior to development taking place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with Policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. The Travel Plan coordinator shall within 6 months of first occupation of the site produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent

with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with Policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

11. The Travel Plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Detailed Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where Travel Plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel and to encourage the use of alternative transport to the car; and to comply with Policy MOV1 (Travel Plans) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

12. Prior to the commencement of the development hereby permitted a scheme of on plot (excluding private rear gardens) and public open space landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- Planting plans;
- Written specifications including cultivation and other operations associated with tree, plant and grass establishment;
- A schedule of plants noting species, plant sizes and proposed numbers/densities;
- Existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate);
- Existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate);
- Existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
- A timetable/ phasing for implementation and completion of the landscaping scheme;
- A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas (including a scheme for protecting 4m emergency link along plots 221 200-201);
- Details of how the landscape proposals comply and compliment with the ecological requirements under condition 11; and
- Details of the footpath/cycle path connections within the wider site

area and to Croft Road and Bunny Lane and the fields to the north.

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

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe Core Strategy and Policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition to ensure that existing features to be retained are identified and protected].

13. Prior to the occupation of any dwelling hereby approved, details of the equipped play area and natural play area shall be submitted to the Local Planning Authority for written approval. Each area shall include a minimum of 5 pieces of equipment/play features with ancillary equipment. The equipment in the equipped play area shall replicate, rocking, sliding, swinging, rotating and imaginative play and be designed taking into account the Fields Trust National Playing Fields Association General Principles Guidance and the topography of the site. The total area of equipped play should be a minimum of 0.13 hectares. The development shall be implemented in accordance with the approved details and the play area and their provision shall be in accordance with the phasing submitted and approved in condition 4.

[To make sure that adequate open space is Provided within the development and to comply with Policy COM5 (Provision of Open Space in New Developments) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

14. No development shall take place until a Landscape and Ecology Management Plan (LEMP) is submitted to and approved in writing by the Local Planning Authority. The LEMP shall have full regard to the mitigation and enhancements together with the summary and conclusions of the Ecological Assessment dated October 2018 (6633.EcoAss.vf1) by Ecology Solutions Ltd (or as amended/ updated as Part of the discharge other conditions) and shall include:

- Details of habitat creations and enhancement of hedgerows;

- Bird and bat boxes shall be integrated into the building fabric (the former targeting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their garages;
- Ongoing management of the SUDS and landscaped areas for the benefit of wildlife and biodiversity;
- The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance;
- A pre-commencement walkover survey for badgers by an appropriate ecologist; and
- If the Ash tree, with potential as a bat roost is to be removed, it should be surveyed by an appropriate ecologist Prior to works and any recommendations followed.

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

[To ensure the appropriate wildlife protection is provided during development. To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy and to comply with Policies GP2 (Design and Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

15. No development shall take place until the details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken have been submitted to the Local Planning Authority. All existing trees and/or hedges which are to be retained are to be protected in accordance with the approved measures and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with Policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition to ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired].

16. No removal of hedgerows, trees or shrubs shall take place between 1st

March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority.

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

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

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

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

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy and Policies GP2 (Design and Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

19. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles put forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy v3, October 2018, Wardell Armstrong Ltd and (Flood Risk Assessment and Drainage Strategy Addendum Report July 2019), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details

prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753;
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to the QBar Greenfield rates for the developable area;
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA;
- Provide detailed design (Plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm; and
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long-term operation to design parameters.

The approved drainage strategy shall thereafter be implemented in accordance with the surface water drainage scheme.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy and to prevent the increased risk of flooding and to comply with Policies WET2 (Flooding) and WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory replacement Local Plan. This is a pre-commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

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

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

21. No development shall commence until details of the finished floor and ground levels in relation to a fixed datum point, existing site levels and adjoining land levels has been submitted and approved in writing by the Local Planning Authority. Such details shall have regard to the drainage strategy for the site. The development shall be undertaken in accordance with the approved details.

[To ensure a satisfactory development in the interests of amenity, accessibility and highway safety and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory replacement Local Plan. This is a pre-commencement condition to ensure that the development is undertaken with agreed levels from the outset].

22. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) will be carried out in accordance with the mitigation and enhancements and summary and conclusions of the Ecological Assessment dated October 2018 (6633.EcoAss.vf1) by Ecology Solutions Ltd (or as amended/ updated as part of the discharge of other conditions) and shall include the following:

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

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[To ensure 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 Rushcliffe Local Plan Part 1: Core Strategy. To ensure the survey reflects the situation pertaining at the time and to comply with Policies GP2 (Design and Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take Place].

23. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The Statement shall have regard to the CEMP and LEMP approved under conditions 14 and 22 and provide for:

- Access and parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of noise, dust, dirt and vibration during construction;
- A scheme for recycling/disposing of waste resulting from construction works;
- Hours of operation (including demolition, construction and deliveries);
- A scheme to treat and remove suspended solids from surface water run-off during construction;
- An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;
- 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;
- Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences; and
- The routing of deliveries and construction vehicles to/from the site, to limit where practicable approach to the site from the west along Bunny Lane, and any temporary access points.

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

[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 to comply with Policies GP2 (Design and Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan. 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].

24. During any ground works, demolition or construction, 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 and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

25. 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 material 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 and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

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

27. Prior to the occupation of each dwelling submitted as part of the planning application 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].

28. No development shall commence until a programme of archaeological work under a Written Scheme of Investigation, drafted in accordance with ClfA published standards shall be submitted to and approved by the Local Planning Authority in writing. It should focus, but not be limited to,

the four historic ponds and the slightly curving bank in the south west of the site as identified in the submitted Heritage Assessment.

No development shall take place other than in accordance with the Written Scheme of Investigation as approved (if required).

Any post investigation assessment (including any analysis, publication, dissemination and archiving of results) required by the Written Scheme of Investigation shall be undertaken and completed in accordance with the programme set out in the Written Scheme of Investigation.

[To ensure that items of archaeological interest are recorded in accordance with Para 199 of the NPPF. This is a pre-commencement condition required to ensure that any archaeological items are recorded from the onset of any intrusive operations and to comply with Policies GP1 (Sustainable Development), GP2 (Design and Amenity Criteria) and EN7 (Sites of Archaeological Importance) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition required to ensure that if archaeological interest is identified it is recorded or in order to influence the reserved matters layout in order to avoid harm to].

29. No dwellings hereby permitted shall be occupied until a scheme for the provision of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. Thereafter the charging points shall be installed, maintained and operated in accordance with the approved scheme for the lifetime of the development.

[In order to address the causes and impacts of climate change and in accordance with Policies GP1 (Delivering Sustainable Development] and GP2 [Design and Amenity Criteria] of the Rushcliffe Borough Non Statutory Local Plan].

30. Notwithstanding the provisions of Schedule 2, Part 1 Classes A – D of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s) and no alteration to or insertion of windows or rooflights other than those shown on the approved plans on plots 191 -199

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

31. Before development is commenced, a Contaminated Land Report shall be submitted to and approved by the Borough Council. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation

Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved by the Local Planning Authority prior to development commencing.

[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 and Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and to comply with the NPPF and Local Plan Part 1. This is a pre-commencement condition that is required to ensure that the site is free from contamination].

32. The hedge located within the centre of the site and those on the west, north and southern boundary of the application site shall, with the exception of any sections where removal is necessary to facilitate construction of the vehicular access to the site, be retained and any part of the hedges removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedgerows are an important feature in the area and its retention is necessary to help screen the new development and prevent undue overlooking of adjoining dwellings and to comply with Policy GP1viii (Delivering Sustainable Development) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

33. Details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council before the laying of any foundations of any of the dwellings hereby approved. No dwelling shall be occupied until the approved boundary treatment to that dwelling has been completed. Details of the timing for the erection/planting of other boundary treatment within the site (specifically boundary treatment to the eastern boundary of the site) shall be provided as part of the Phasing Plan required by condition 4. Once erected/planted, the boundary treatment and means of enclosure shall be retained thereafter in accordance with the approved details.

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

Notes to Applicant

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

payments will increase subject to the provisions set out in the Agreement.

The Ecological Appraisal recommends that the proposed footpath should be positioned to avoid the orchard, but this does not appear to be the case. This will require addressing as part of the detailed landscaping scheme.

The submitted Preliminary Risk Assessment advises: That an intrusive investigation should be undertaken to further determine the geotechnical constraints, potential gas risks and potential human health risks around the AST and animal holding/ traffic areas and that a slope stability assessment may be required depending on the proposed development. In respect of foundations in the south it is likely that shallow strip footings would be suitable and in the north deeper foundations may be required possibly with piled foundations. These issues will need to be addressed, including in any submission for the approval of Building Regulations.

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

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

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

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

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

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the Particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and

approved by the County Council (or District Council) in writing before any work commences on site.

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

In order to satisfy the requirements of conditions 5 and 6 the Highway Authority will need to undertake a full technical design check of the your detailed design drawings. Discharge of any conditions relating to highway layouts will not be recommended until this process is complete and full technical approval of the highways drawings has been granted. We therefore strongly recommend technical approval for your drawings is obtained from the Highway Authority Prior to any formal reserved matters submission.

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

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

In respect of any conditions relating to drainage:

- The developer must produce a comprehensive drainage strategy for the site.
- This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.
- Surface water should be drained using sustainable techniques.
- Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and
 - ii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- The strategy shall also demonstrate how any land drainage issues will be resolved.
- A hydraulic modelling study may be required to determine if the

proposed flows can be accommodated within the existing system and if not, to identify what improvements may be required. If the surface water is drained sustainably, this will only apply to the foul drainage.

- Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.
- If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

In respect of ecology:

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

Good practice construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.

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

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

Your attention is drawn to the requirements of condition 16 limiting the period when trees or hedgerows should be removed. Every effort should be made to ensure that any trees or hedgerows are not removed during the bird nesting season and the practice of netting trees or hedgerows to prevent birds nesting should be avoided where practicable.

The Borough Council and Nottinghamshire County Council are keen to

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

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

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

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

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

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.

Condition 31 relates to requirements in relation to contamination. For further information on the content of Contaminated Land Reports, please refer to the Councils Publication "A Guide to Developing Land Within Nottinghamshire". This booklet is available from Rushcliffe Borough Council's website www.rushcliffe.gov.uk (use the A-Z search for Contaminated Land) or via the following link: <https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/environmentandwaste/environmentalhealth/protectionandsafety/Notts%20developers%20guide%202013.pdf>

The farm buildings on the site may contain asbestos cement materials and these should be removed by a licensed contractor prior to demolition in order to

prevent contamination and risk to human health.

19/00535/OUT – Outline application (with all matters reserved apart from access) for residential development of around 180 homes with associated landscaping, public open space and infrastructure – Land east of Loughborough Road, Ruddington, Nottinghamshire.

Updates

A representation from a member of the public was received after the agenda was published and was circulated to the Committee before the meeting.

Details of a number of amendments to the conditions were recommended by the Planning Officer after the agenda was published and those were circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol Gary Lees (applicant) and Councillor Michael Gaunt (Ward Councillor) addressed the Committee.

DECISION

THAT IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009, THE APPLICATION BE REFERRED TO THE NATIONAL PLANNING CASEWORK UNIT AND THAT, SUBJECT TO THE APPLICATION NOT BEING CALLED IN FOR DETERMINATION BY THE SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT, THE EXECUTIVE MANAGER FOR COMMUNITIES BE AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING OF A SECTION 106 AGREEMENT AND THE FOLLOWING CONDITIONS.

1. Application for approval of reserved matters for Phase 1 (which shall include a minimum of 100 dwellings) must be made no later than one year beginning with the date of this permission. In the case of Phased development, all subsequent reserved matters applications must be submitted to the Local Planning Authority within three years of the date of this permission. The development must be begun not later than the expiration of two years from the date of approval of the associated reserved matters to be approved.

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

2. No development (other than for the access to Loughborough Road approved under this permission) shall take place within any phase of the development until details of the following within that phase having first been submitted to and approved in writing by the Local Planning Authority:

- a. appearance;
- b. landscaping;
- c. layout; and
- d. scale.

(hereinafter called the “reserved matters”). The application for approval of reserved matters shall be generally in accordance with the illustrative concept plan reference: ‘DRG: P17-0223_002 1 - Rev: H’ and design proposals outlined in section 5 of the Design and Access Statement.

The development shall thereafter be carried out in accordance with the approved reserved matters.

[To comply with Section 91 of the Town and Country Planning Act 1990 and in order to establish the parameters and design principles of the development in the interests of amenity and to accord Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1: Core Strategy and with emerging Local Plan Part 2 Policy 6.3].

Pre-Commencement Including Access:

3. No part of the development hereby approved (including access) shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 07-0036 February 2019, G30 Ltd, for the relevant phase has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

In the instance of a phased development, the detailed surface drainage scheme must be submitted (at least) so far as it relates to that phase and drainage zone, and must demonstrate how the scheme would not prejudice the future delivery of remaining phases in broad accordance with the approved surface water drainage strategy.

The scheme shall be implemented in accordance with the approved details prior to completion of the development (or relevant phase). The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753;
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 19.9l/s for the total site area;
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA;
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive

of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;

- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm;
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure; and
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long-term operation to design parameters.

The reserved matters applications should build upon the submitted Flood Risk Assessment and should provide a more detailed layout plan clearly showing the provision for above ground drainage features in accordance with the submitted document and allow for the frontage ponds to be designed to achieve retention of a base water level, subject to LLFA requirements. The approved drainage strategy shall thereafter be implemented in accordance with these details and those approved under condition.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy. This is a pre-commencement condition in ensure that flood risk is mitigated].

4. No development shall take place until the details of a Construction Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The Statement shall have regard to the 'CEMP' required by condition 7 and 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 on constructing the development;
 - iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. Wheel washing facilities;
 - vi. Measures to control the emission of noise, dust and dirt during construction;
 - vii. A scheme for recycling/disposing of waste resulting from construction works;
 - viii. Hours of operation;
 - ix. A scheme to treat and remove suspended solids from surface water run-off during construction;
 - x. An earthworks strategy to provide for the management and protection of soils; and
 - xi. 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.

The approved Statement shall be adhered to throughout the construction period.

[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].

5. Immediately prior to development commencing (including site clearance), a badger survey shall be undertaken by a competent ecologist and the Borough Council shall be provided with details of this survey. Should any evidence of badgers be identified work shall not commence until mitigation measures have been submitted to and agreed by the Council.

[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. This is a pre-commencement condition to ensure that ecological matters including protected species are adequately protected].

6. No development shall take place until the existing trees and/or hedges which are to be retained have been protected in accordance with details to first be submitted and approved by the Borough Council. The approved scheme of protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.

[To ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired. This is a pre-commencement condition to ensure the protection of vegetation].

7. No development shall take place (including demolition, ground works, vegetation clearance) until a construction ecological management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP will build upon the recommendations of:

- Ecological Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019;
- Badger Report and Impact Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019 [Confidential]; and

- Extended Phase 1 Habitat Survey and Preliminary Protected Species Assessment – Section 6 – Landscape Science Consultancy Ltd dated July 2018.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[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. This is a pre-commencement condition to ensure that ecological matters are adequately considered at an early stage].

8. No development shall be carried out until a Phasing Plan including details of phasing for the approved development has been submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of:
 - a. The timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
 - b. The timing of biodiversity, SUDS and landscaping features; and
 - c. The timing of the provision of on-site recreation/open play space provision in relation to the provision of any new residential units.

The development shall be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

[To ensure the proposed development is constructed in such a way to ensure that any new units provided are adequately served by infrastructure and recreation facilities and to promote biodiversity on the site and to comply with Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition to enable consideration to be given in a coordinated manner to all the key components of the scheme].

Pre-commencement Conditions (Main Development):

9. No development shall take place in the relevant phase (other than for the access to Loughborough Road approved by under this permission) until details of the following in respect of that phase have been submitted :
 - i. A detailed layout plan of the proposed development;
 - ii. The siting, design and external appearance of the proposed buildings;
 - iii. details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land;
 - iv. Cycle and bin storage facilities;
 - v. Sections and cross sections of the site showing the relationship of

- vi. the proposed development to adjoining land and premises;
- vii. The means of enclosure to be erected on the site;
- viii. The finishes for the hard-surfaced areas of the site;
- ix. The layout and marking of car parking, servicing and manoeuvring areas;
- x. The details of a scheme for the provision of electric vehicle charging points to serve each dwelling on the site. If any plots are to be without provision then it must be demonstrated why the positioning of such apparatus to the external fabric of the dwelling or garage, or the provision of a standalone vehicle charging point would be technically unfeasible or would have an adverse visual appearance on the street-scene;
- xi. Plans, sections and cross sections of any roads or access/service roads or pedestrian routes within the application site, and this shall include details of drainage, surfacing and lighting;
- xii. The means of access within the site;
- xiii. Details of the means of foul and surface water drainage;
- xiv. The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of number of bedrooms and proportion of houses and flats and tenure;
- xv. Details of how renewable/energy efficiency, climate change proofing has been incorporated into the phased to include for the provision of electric charging points and measures to conserve and recycle water;
- xvi. A statement providing an explanation as to how the design of the development has had regard to the Design and Access Statement submitted with the application and include an assessment the development against the Building for Life Standards and will allow for a development which does not prejudice the delivery of the neighbouring site Flawforth Lane;
- xvii. Details of connectivity to the neighbouring site on Flawforth Lane; and
- xviii. Details of on-site recreation space/facilities to serve the proposed development. Details to be submitted shall include landscaping, planting and any equipment to be provided on the proposed amenity spaces with equipment for the proposed LEAP to generally accord with the aim to cater for children in the age bracket of 8 – 11 years unless evidenced otherwise.

The development shall thereafter be undertaken in accordance with those approved details.

[These details will help inform the Reserved matters details and will ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 6.3 of emerging Local Plan Part 2 Land and Planning Policies. This condition is pre-commencement to ensure details are acceptable prior to work commencing on site].

- 10. No development shall take place in any relevant phase (other than for the access to Loughborough Road approved under this permission) until the details of the landscaping scheme for that phase, to include those

details specified below, have been submitted to and agreed in writing by the Borough Council:

- a) the treatment proposed for all ground surfaces, including hard areas;
- b) full details of tree planting;
- c) Planting schedules, noting the species, sizes, numbers and densities of plants. Measure to provide habitat enhancements should be adopted including the use of native fruiting species within landscaping and retention and gapping up hedgerows, 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; and
- g) details of how the landscape proposals comply and compliment the ecological requirements under conditions 14 - 15.

The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of each phase of the development and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe Core Strategy].

11. No development shall take place in any relevant phase (other than for the access to Loughborough Road approved under this permission) until a scheme to demonstrate that the internal noise levels within the residential units in that phase will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, has been submitted to and approved in writing by the Local Planning Authority. The report shall include detailed proposals for any mitigation that is required to avoid noise from giving rise to significant adverse impacts on health and quality of life of the future residents and for mitigating and reducing to a minimum other adverse impacts on health and quality of life arising from noise. The work specified in the approved scheme shall then be carried out in accordance with the approved details and be retained thereafter.

[To ensure that acceptable noise levels within the development and its curtilage are not exceeded in the interests of the amenity of future occupants in accordance with Policy GP2 of the Rushcliffe Borough non Statutory Replacement Local Plan. This condition is pre-commencement to ensure details are acceptable prior to work commencing on site, as

alterations may impact fundamental positioning or design of buildings].

12. No development shall take place in any relevant phase (other than for the access to Loughborough Road approved under this permission) until the technical approval under S38 has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within that phase of the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling in that phase shall be occupied until the roads necessary to serve that property have been constructed to base level.

[To ensure an adequate form of development in the interests of highway safety and to comply with Policy 10 (Design and Enhancing Local Identity of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy)].

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

[In order to promote local employment opportunities in accordance with Policies 1 and 5 and 24 of the Rushcliffe Local Plan Part 1: Core Strategy].

14. No development shall take place in any phase (except for the access to Loughborough Road approved under this permission) until an Ecological Mitigation Strategy (EMS) and Artificial Lighting Strategy (ALS) for that phase has been submitted to and approved in writing by the Local Planning Authority. The EMS and ALS will build upon the recommendations of:

- Ecological Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019;
- Badger Report and Impact Assessment – Section 6 – Landscape Science Consultancy Ltd dated February 2019 [Confidential]; and
- Extended Phase 1 Habitat Survey and Preliminary Protected Species Assessment – Section 6 – Landscape Science Consultancy Ltd dated July 2018.

The EMS and ALS shall include specific consideration of Badger, Reptile and Harvest Mouse mitigation amongst the wider considerations whilst the approved EMS and ALS shall be adhered to and implemented in accordance with the approved details.

[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. This is a pre-commencement condition to ensure that ecological matters are adequately considered at an early stage].

15. No development in any phase shall take place until a landscape and ecological management plan for that phase (LEMP) has been submitted and approved in writing by the Borough Council. This plan shall cover all public open space, ecological enhancement areas and Green/blue infrastructure. This shall build upon the details submitted for condition 14 (Ecological Mitigation Strategy and Artificial Lighting Strategy). The agreed mitigation and enhancements shall be implemented in accordance with the agreed works and timetable for implementation set out in the approved management plan and shall allow for the means to implement this plan in perpetuity.

[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. This is a pre-commencement condition to ensure that ecological matters are adequately considered at an early stage].

Pre-occupation:

16. No part of the development shall be occupied until the highway improvements on Loughborough Road / Mere Way roundabout have been completed as indicatively shown on the submitted plan ref. Drawing title: Site Access Preliminary Layout, Project no. A109368, drawing no. P01 rev. D, dated 26.07.18 including provision of a new access into the site, footways widening, new footways and footways/cycleways, new crossing points on the roundabout, and Toucan crossing on Loughborough Road. The improvements shall also include amendments to road markings on the roundabout, upgrades to street lighting, upgrades/provision of skidding resistance surface at pedestrian crossings which are not shown on the submitted plan but are required as part of the highway works.

[To make sure that a satisfactory means of access is provided, in the Interests of road safety to promote sustainable travel and to comply with Policy 10 (Design and Enhancing Local Identity), Policy 14 (Managing Transport Demand) and Policy 15 (Transport Infrastructure Priorities) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].

17. No part of the development shall be occupied until the highway improvements on Loughborough Road/Kirk Lane/ Flawforth Lane signalised junction have been completed as indicatively shown on the submitted plan Drawing title: Proposed Junction Improvements Loughborough Road/Flawforth Lane, Project no. A109368, Drawing no. 001, dated: 04-01-19. These works shall include improvements shown in both blue and red line and shall include a provision of a traffic monitoring

camera and appropriate infrastructure and connections.

[In the Interests of road safety to promote sustainable travel and to comply with Policy 10 (Design and Enhancing Local Identity), Policy 14 (Managing Transport Demand) and Policy 15 (Transport Infrastructure Priorities) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].

18. No dwelling shall be occupied until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[To ensure adequate parking and servicing areas are provided to serve the development, to ensure appropriate drainage to prevent the discharge of surface water to the highway in the interest of highway safety and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Borough Council Local Plan Part 1: Core Strategy].

19. No dwelling shall be occupied until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding (the date of which is in force at the time of the commencement of development).

[To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interests of road safety].

20. The residential development shall not be occupied or be brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a Travel Plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan (WYG Ref RT109368-02 Rev 1 May 2019), or any subsequent update to be approved and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

21. The Travel Plan coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the Local Planning

Authority shall summarise the data collected over the monitoring period that shall have categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where Travel Plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

22. The Travel Plan coordinator shall within three months of occupation of the final dwelling produce or procure a full Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy].

23. Prior to the occupation of each dwelling submitted as part of the planning application 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 and in the interests of encouraging sustainable forms of travel in accordance with the aims of Policy 24 of the Rushcliffe Local Plan Part 1: Core Strategy].

General conditions:

24. No dwelling shall be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, as agreed and detailed through reserved matters approval (condition 9).

[In order to address the causes and impacts of climate change and in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

25. In the event that contamination that was not previously identified is found at any time when carrying out the approved development it must be reported in writing immediately to Rushcliffe Borough Council. An investigation and risk assessment must be undertaken to assess the nature and extent of the contamination and any risks to designated receptors and where remediation is necessary a remediation scheme must be prepared and submitted to Rushcliffe Borough Council for approval. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to Rushcliffe Borough Council for approval.

[To protect the health and quality of life of the future occupiers of the development].

26. In the event that the development has not commenced within two years of the date of the planning permission being granted a further protected species survey shall be carried out and submitted to the Local Planning Authority. Any mitigation measures or further surveys required shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

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

27. No removal of hedgerows, trees or shrubs shall take place between the beginning of March and the end of September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any written confirmation should be submitted to the Local Planning Authority.

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

28. The residential part of the development shall comprise no more than 190 dwellings.

[To clarify the extent of the development and in the interests of highway safety].

Notes to Applicant

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

In relation to condition 16 requiring 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.

The submitted protected species survey has confirmed that there is evidence of bats and barn owls and no work should, therefore, be undertaken until a licence has been obtained from Natural England.

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

Your attention is drawn to the attached letter from Network Rail.

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

The 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.

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. Every effort should be made to ensure that any trees or hedgerows are not removed during the bird nesting season and the practice of netting trees or hedgerows to prevent birds nesting should be avoided where practicable.

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.

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

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

19/00735/FUL – Demolition of existing dwelling and outbuildings. Construction of one two-storey house and one bungalow; associated means of access, enclosure and soft and hard landscaping – 12 Cliff Road, Radcliffe on Trent, Nottinghamshire.

As Ward Councillors for Radcliffe on Trent, Councillor Abby Brennan and Councillor Neil Clarke withdrew from the Committee and did not take part in the subsequent discussion or voting.

Updates

A representation from the applicant's agent in support of the application was received after the agenda for the meeting was published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol, Michael Cuddington (objector) addressed the Committee.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON.

1. Due to the limited site area, the proposal to accommodate two dwellings on this site as proposed would result in the proposed two storey dwelling being located closer to the road than other properties on this section of Cliff Drive which, by reason of its position within the plot, design and size would be out of keeping with the character of development in the area. The two dwellings on the site would represent an over intensive form of development out of keeping with the spacious character of the area. It would, therefore, be contrary to Policy HOU2 of the Rushcliffe Borough

Non-Statutory Replacement Local Plan which states that planning permission for new unallocated development will normally be granted provided that, inter alia:

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

The proposal would also be contrary to Policy 11 (Infill Development) of the Radcliffe on Trent Neighbourhood Plan which requires, inter alia, that; "Infill development should respect the existing massing, building form and heights of buildings within their immediately locality. Front and rear building lines should be continued where these are well established and clearly defined as part of the existing settlement pattern.

Councillor Abby Brennan and Councillor Neil Clarke re-joined the meeting at this point.

19/01330/FUL – Refurbishment, alterations and two-storey side extension to existing property – The Lodge, 7 Trevelyan Road, West Bridgford, Nottinghamshire.

In accordance with the Council's public speaking protocol, David Bradley (objector) and Councillor Sue Mallender (Ward Councillor) addressed the Committee.

DECISION

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS SET OUT IN THE REPORT.

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 and Compulsory Purchase Act 2004].

2. The development hereby approved shall be carried out in accordance with the submitted Site Layout Plan received 13/06/2019 and the revised plans ref no. DL/442/352 Rev A, DL/442/353 Rev A and DL/442/354 Rev B received on 19/07/2019.

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

3. The development hereby permitted shall not proceed above foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

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

4. No part of the extension hereby approved shall be brought into use until the parking and turning areas are provided in accordance with the approved site plan ref no DL/442/351 Rev A. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles and shall be retained for the life of the development.

[To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, 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 the National Planning Policy Framework].

5. Prior to the commencement of development, tree protection details, relevant for all trees to be retained within and adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall be installed prior to the commencement of development and remain in situ until the development is complete.

[This is a pre-commencement condition to ensure that the protection measures are agreed and erected before work commences on site to ensure existing trees are adequately protected during the development and to comply with Policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. Details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council prior to occupation of the development hereby approved. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained as such thereafter.

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

Notes to Applicant

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.

The tree within the pavement is outside of your control and you would need to

contact Nottinghamshire County Council if any work to the tree was needed.

It was noted at the time of the consideration of the application that there was a significant amount of ivy growth on the building. Removal of this growth should take place outside of the bird nesting season (March to September). If it is proposed to remove the ivy during this period, it should first be checked for nesting birds and if nests are found work should cease and not recommence until after the nesting season. It is an offence under the Wildlife and Countryside Act 1981 to disturb nesting birds and their eggs.

The proposed work would necessitate removal of slates from the roof and cutting into the existing roof structure. Prior to work commencing, the roof should be inspected by a competent person for the presence of bats and if evidence of bats is found, work should not take place and advice should be sought from Natural England. Bats and their roost are protected under the Wildlife and Countryside Act 1981 and it is an offence to remove, injure or kill a bat or to damage or destroy their roost.

19/01236/FUL – Proposed roof-light to side elevation and basement window to side (revised description) – Flats 1 and 2, 59 Crosby Road, West Bridgford, Nottinghamshire.

Updates

A representation from a neighbouring property objecting to the proposals was received after the agenda was published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol, Clare Bradley (objector) and Councillor Sue Mallender (Ward Councillor) addressed the Committee.

DECISION

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS AND REASONS SET OUT IN THE REPORT.

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 and Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the plan ref no DL/443/2/302 Rev C and DL/443/2/304 received on 30/05/2019.

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

62 **Planning Appeals**

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

The meeting closed at 10.12 pm.

CHAIRMAN

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Planning Committee

14 November 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.

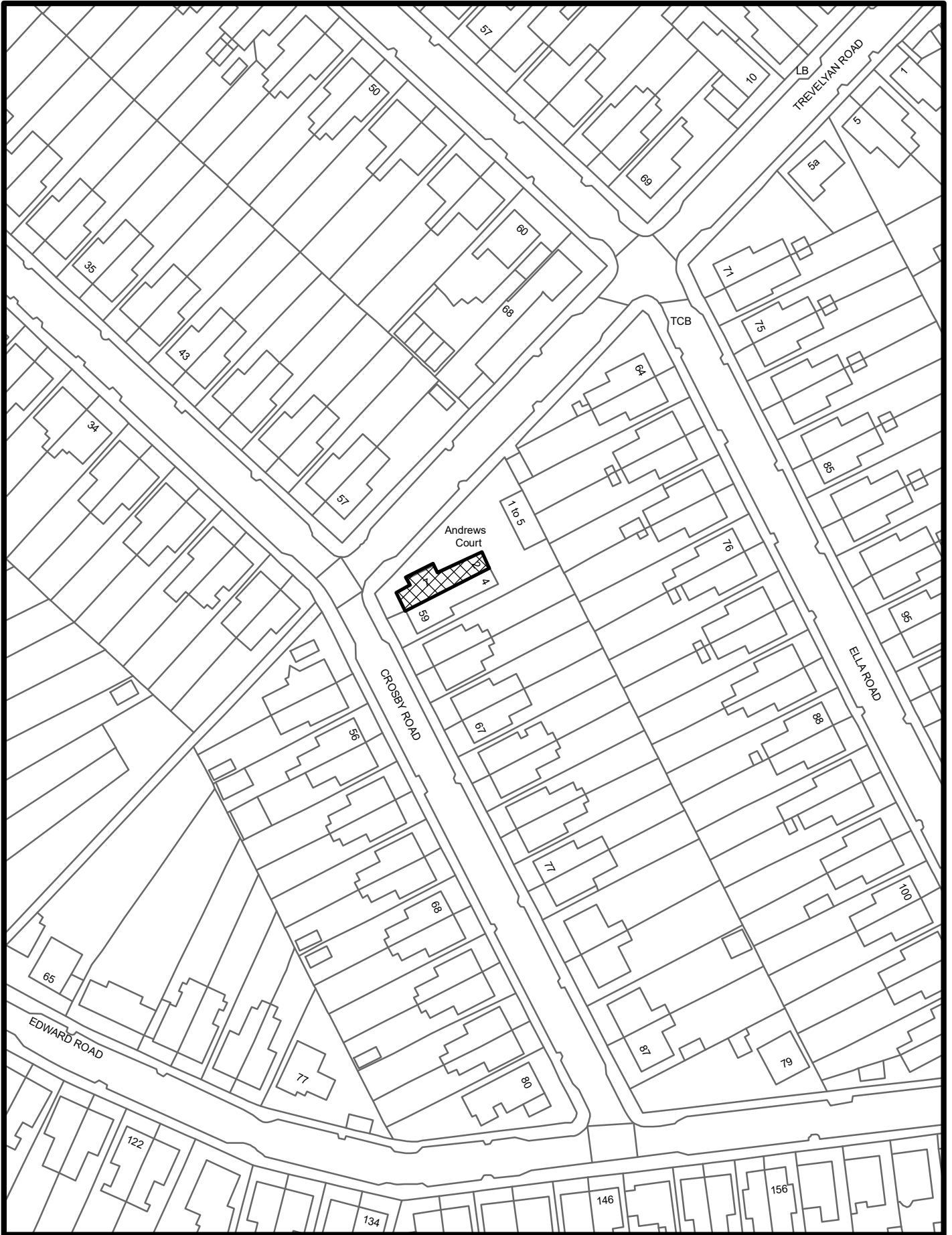
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
19/01233/FUL	Flat 2, 7 Trevelyan Road, West Bridgford, Nottinghamshire Proposed rooflight to front and side elevations, window to side elevation, dormer window to rear elevation, basement window to side, fencing to first floor patio area.	45 - 50
Ward	Lady Bay	
Recommendation	Planning permission be granted subject to conditions	
19/01507/FUL	Land off Landmere Lane, Edwalton, Nottinghamshire Erection of two drive thru units (A3, A5), Retail Terrace (A1, A3, A5, D1), and Day Nursery (D1), with associated car parking and infrastructure	51 - 88
Ward	Edwalton	
Recommendation	Planning permission be granted subject to conditions	
19/01063/FUL	Land South of Meadowcroft, Flawforth Lane, Ruddington, Nottinghamshire Demolition of existing buildings, construction of 56 dwellings, creation of new vehicular and pedestrian access and provision of associated public open space, landscaping, drainage and highways infrastructure.	89 - 126
Ward	Ruddington	
Recommendation	The Executive Manager – Communities is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and conditions	

Application	Address	Page
<u>19/00478/FUL</u>	49-55 Trent Boulevard, West Bridgford, Nottinghamshire Demolition of existing bungalows and erection of 4 no. detached dwellings, erection of boundary wall and associated parking.	127 - 144
Ward	Lady Bay	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
<u>19/01565/FUL</u>	Land off Old Grantham Road, Whatton, Nottinghamshire Erection of a single, self-build dwelling with associated parking and access.	145 - 156
Ward	Cranmer	
Recommendation	Planning permission be refused	
<hr/>		
<u>19/01767/FUL</u>	Kilgraney Farm, Owthorpe Road, Cotgrave, Nottinghamshire Change of use of land to allow parking (retrospective)	157 - 164
Ward	Cotgrave	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
<u>19/01901/FUL</u>	1 Bakers Close, Cotgrave, Nottinghamshire Single storey rear/side extension	165 - 171
Ward	Cotgrave	
Recommendation	Planning permission be granted subject to conditions	

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Application Number: 19/01233/FUL
7 Trevelyan Road, West Bridgford

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19/01233/FUL

Applicant K Jones

Location Flat 2 7 Trevelyan Road West Bridgford Nottinghamshire NG2 5GY

Proposal Proposed rooflight to front and side elevations, window to side elevation, dormer window to rear elevation, basement window to side, fencing to first floor patio area

Ward Lady Bay

THE SITE AND SURROUNDINGS

1. The application relates to a semi-detached brick built property, subdivided into 2 flats, situated on the corner of Trevelyan Road and Crosby Road within a mainly residential area. The adjoining property, 59 Crosby Road, which forms the other half of the pair, is also subdivided into two flats. There is a separate access to the first floor flat at the rear via an external staircase. The site is within an area identified as flood zone 3 on the Environment Agency flood maps but benefits from protection from flood defences along the River Trent. To the rear of the site is a detached residential coach house known as 'The Lodge'.

DETAILS OF THE PROPOSAL

2. The current application seeks planning permission for the installation of a window to serve the existing basement area, accessible only from within the ground floor flat, proposed as an escape window for fire safety reasons. This window would only be openable from within the basement. Also proposed is a first floor side facing kitchen window and a high level side facing roof light. both facing onto Trevelyan Road.
3. The plans also show a loft conversion with rooflights in the front elevation and a rear dormer window comprising of render, and a fence around the first floor patio area. However, these alterations already have the benefit of planning permission, granted under reference 19/00133/FUL with the exception that it is now proposed to render surfaces of the dormer window, having previously been proposed in zinc cladding.

SITE HISTORY

4. Roof lights to front, dormer extension to rear, erection of fencing to patio and removal of redundant chimney- approved March 2019 (ref: 19/00133/FUL).
5. Convert two dwelling houses into four flats (78/00836/CENTRA) – approved December 1978.

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr S Mallender) objects to the application. The cumulative impact of this proposal along with the applications 19/01330/FUL and 19/01236/FUL will result in loss of amenity for the neighbours on Crosby Road. The cumulative effect is an overdevelopment of the site. Originally there were 2 semidetached houses on the site, the proposal gives a development with 12 double bedrooms - up to 24 people leading to increased traffic and parking as well as noise. The proposal takes away off road parking for residents, so they have to park on Crosby Road and Trevelyan Road where parking space is already inadequate for residents and is regularly adversely affected by football and cricket parking. The increased traffic resulting from the proposal, unless the permission is given subject to a condition to limit car ownership, has safety implications for pedestrians and cyclists. There is a nearby footpath used by many children on their way to and from school, which would be impacted by increased traffic and reduced visibility.

Town/Parish Council

7. Not applicable.

Statutory and Other Consultees

8. None received.

Local Residents and the General Public

9. 5 representations have been received objecting to the proposal on grounds which can be summarised as follows:
 - a. Basement window suggests a further bedroom and more tenants.
 - b. Further overdevelopment of the site.
 - c. Increased concern over parking and traffic.
 - d. Cumulative impact of the developments.

PLANNING POLICY

10. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'Core Strategy') and The Rushcliffe Local Plan Part 2: Land and Planning policies. The National Planning Policy Framework (NPPF) is also a material planning consideration.

Relevant National Planning Policies and Guidance

11. The relevant national policy considerations for this proposal are those contained within the 2019 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. Paragraph 109 states 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.

Relevant Local Planning Policies and Guidance

12. Policy 1 of the Core Strategy sets out that the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal is considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby 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.
13. Local Plan Part 2 Policy 1 (Development Requirements) supports the grant of planning permission for new development, changes of use, conversions or extensions where, amongst other things, there will be no significant adverse effect upon the amenity, sufficient space is provided within the site to accommodate the proposal and the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.

APPRAISAL

14. The property has a longstanding use as flats and is located within a mainly residential area, therefore the principle of the development is acceptable subject to other issues including residential amenity, parking and visual amenity.
15. Dormers are a common form of development in residential areas and this dormer is not too large or over dominant on the existing property. The use of render is accepted and is a common material found in the locality and especially Crosby Road. It is considered that the rear dormer would not have a significant impact on visual amenity and the character and appearance of the street scene.
16. The new window and high level roof light would face the road, as such they would not afford any outlook directly over any neighbouring property and therefore not result in a significant or unacceptable impact on residential amenity. The separation distance to the neighbouring properties on the opposite side of the road would be approximately 20 metres which I consider to be a reasonable distance to have a minimal impact on overlooking.

17. The basement egress window is required for fire safety regulations and it is proposed that this would not be openable from the outside. The application does not propose the creation of an additional flat in the basement as a result of this window.
18. It should be noted that the insertion of the additional windows would not result in any additional flats or bedrooms being created and, consequently, there would be no additional demand for parking. The loft conversion and dormer window already have the benefit of planning permission, granted pursuant to a previous planning application, which remains extant. The proposal would not, in combination with 59 Crosby Road and the Lodge, result in 12 double bedrooms being provided on the site. The property would, with the previously approved loft conversion, contain a three bedroom flat and a one bedroom flat. The adjoining building at 59 Crosby Road would, with the previously approved loft conversion, contain a two bedroom flat and a one bedroom flat. The 'Lodge' building at the rear, the subject of a recently approved application would increase a one bedroom dwelling to a three bedroom dwelling. There would therefore be a maximum of 10 bedrooms over the three properties.
19. It is not considered the proposed changes contained within this development would result in overdevelopment of the site or give rise to impacts that would justify a reason for refusal on grounds of over intensive development.
20. Overall, the proposed changes to the site are minor and it is considered they would not have a significant impact on residential amenity, visual amenity or parking, and the proposal would be in accordance with national and local planning policy.
21. The application was the subject of pre-submission discussion when no policy or amenity issues were identified and none arose during consideration of the application. Therefore, there was no requirement for further negotiations or discussions with the applicant's agent, other than to clarify the elements to be included in the consideration of the application.

RECOMMENDATION

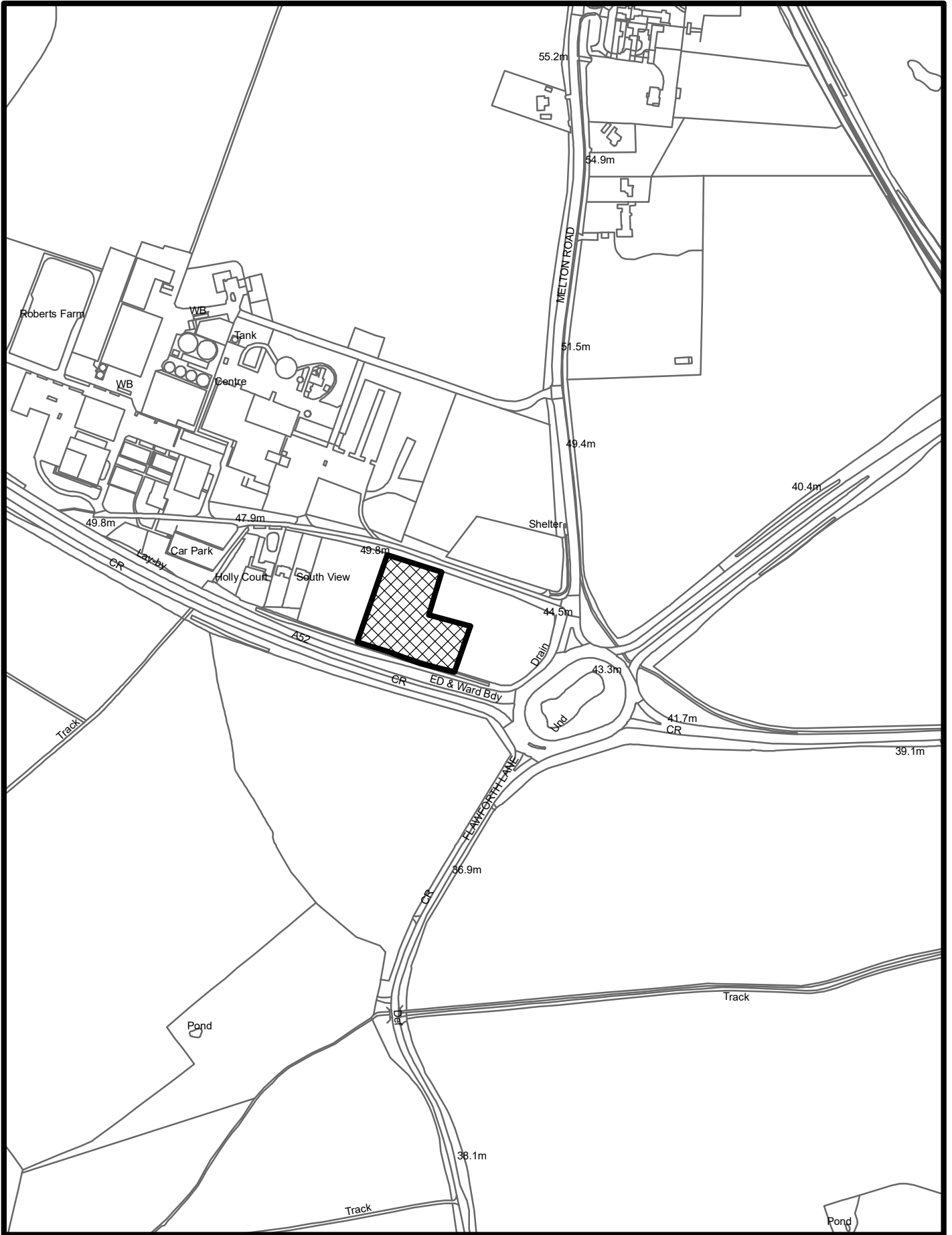
It is **RECOMMENDED** that planning permission be granted subject to the following conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the plans ref no. DL/443/1/302 Rev D and DL/443/1/306 received on 30.05.2019 and email dated 25.09.2019.

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



Application Number: 19/01507/FUL
south of Landmere Lane Edwalton



scale 1:5000

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19/01507/FUL

Applicant HDD Edwalton Landmere Limited

Location Land South Of Landmere Lane Edwalton Nottinghamshire

Proposal Erection of two drive thru units (A3, A5), Retail Terrace (A1, A3, A5, D1), and Day Nursery (D1), with associated car parking and infrastructure.

Ward Edwalton

THE SITE AND SURROUNDINGS

1. The site forms part of an arable field parcel located to the southern edge of Edwalton and forms part of the Strategic allocation for around 1500 dwellings and up to 4 hectares of B1 and/or other employment generating development, a neighbourhood centre and other community facilities. The A52 runs adjacent to the southern boundary of the site with the Wheatcroft roundabout to the south east and Melton Road to the east, with zone 3 of the strategic residential development beyond, now substantially complete. Landmere Lane defines the northern boundary. Beyond Landmere Lane to the north lies the remainder of the Edwalton strategic allocation site, with the land immediately north of the lane having the benefit of permission for a supermarket and neighbourhood centre. The land parcel to the west of the site has planning permission for the erection of an 80 bedroom care home and land the east has planning permission for the erection of a retail unit. Both of these developments gain access from Landmere Lane. Further west are four B1 office buildings, currently under construction, with associated parking and landscaping beyond which is the existing Wheatcroft business park consisting of a mix of commercial units together with the existing Notcutts garden centre to the north west of Landmere Lane.
2. Further west of the development land and west of the Melton Road/Landmere Lane junction is the residential development served off Acacia Way. These are the nearest dwellings to the proposal at approximately 150 metres to the east.

DETAILS OF THE PROPOSAL

3. This application seeks full planning permission for:
 - the erection of two drive thru units (units 5 & 6) use class A3 and A5;
 - the erection of a retail terrace (units 1, 2 & 3) use class A1, A3, A5 and D1; and
 - the erection of a day nursery, use class D1.
4. The proposal also includes associated car parking and infrastructure.
5. For the matter of clarity, the planning uses applied for as part of this application are defined below:

- Class A1 - Shops (including retail warehouses, undertakers, pet shops, dry cleaner, hairdressers)
 - Class A3 - Restaurants and cafes (sale of food and drink for consumption on the premises)
 - Class A5 - Hot Food Takeaway (sale of hot food for consumption off the premises)
 - Class D1 - Non-residential institutions (clinics, health centres, day nurseries, schools, art galleries)
6. The site is to be accessed directly off Landmere Lane and share the already permitted access which is to serve the adjacent retail development. The access would branch east towards the retail unit and west towards the development, the subject of this application. There would be no access through to the care home development to the west, which benefits from its own independent vehicular access onto Landmere Lane.
 7. Within the site unit 5 would be the largest, located on the norther boundary adjacent Landmere Lane. The unit would include a drive thru facility and 40 parking spaces, including 2 accessible spaces. This unit is proposed to be two storeys in height with a flat roof and large amounts of full height glazing. Proposed materials include dark grey engineering bricks and stone and timber cladding.
 8. Unit 6 is located to the south of the site and would be single storey in height. This unit is also to benefit from a drive thru facility and 36 parking space including 2 accessible space. The building itself would have a mono-pitched roof and be finished in predominantly render and cedar timber cladding.
 9. Units 1, 2 and 3 would be contained within one building forming a terrace. Each unit would have access northwards towards the carpark and the design of the building is similar to that of Unit 6 being single storey with a mono-pitched roof. This building would be faced with render and timber cladding.
 10. Unit 4 would be next to, but independent from the terrace row and this is proposed for D1 use. Again, the appearance of this building would be similar in design but 2 storeys in height, finished in render and timber cladding. This unit would benefit from a shared parking area (with units 1, 2 and 3) with a provision 33 spaces as well as small outdoor amenity space to the south side of the building.
 11. Although predominantly hard surfaced the site would benefit from a small degree of landscape planting to demarcate the parking areas and provide grassed frontage onto Landmere Lane. The hedge to the southern side of the site would remain in situ.
 12. The applicant, during the determination of the application has chosen to amend their opening hours for all units to between 7am and 11pm daily. This would be the maximum hours any unit would be permitted to operate. In terms of deliveries, the following delivery hours are requested; 7am – 10pm Monday – Saturday and 8am – 8pm Sunday and public holidays
 13. Although this application includes various details including signage relating to specific brands or future occupiers, in planning terms, this application is seeking permission for land uses as identified above and of which could be

occupied by any occupier/brand/company providing they operate within the permitted use. The future occupiers of the units, in this instance, is not a material planning consideration.

14. The application has been accompanied by the following documents;

- Lighting Assessment
- Transport Assessment
- Flood Risk Assessment
- Tree Report
- Design and Access Statement
- Air Quality Report – Updated
- Travel Plan
- Noise Report – Updated
- Planning Statement

SITE HISTORY

15. The following planning applications are relevant to this application site:

- 18/00460/HYBRID - Hybrid application comprising full planning permission for the erection of a food store (Aldi - Use Class A1), together with car parking, landscaping and associated works, and Outline planning permission (all matters reserved except for access) for a care home and extra care apartments – granted 24 December 2018.
- 19/00776/VAR - Variation of condition 3, 7 and 31 of planning permission 18/00460/HYBRID to allow the repositioning of the approved access road in respect of the care home element only and repositioning of the proposed care home from the approved masterplan – granted 7 August 2019.
- 19/00778/VAR - Variation of conditions 2, 24, 8, and 27 of planning permission 18/00460/HYBRID to substitute approved plans with revised plans which proposed a retail store 1.1 metre deeper and proposed details of materials, external lighting and bat boxes for the Aldi phase – granted 7 August 2019.
- 19/00792/NMA – Non-material amendment to planning permission 18/00460/HYBRID to amend the wording of conditions 28, 29 and 30 relating to the travel plan coordinators – agreed 22 May 2019.
- 19/01618/ADV - Display 3x tray signs; 1x roof letters with sign tray; 2x key seller; 1x double menu; 1x banner frame; and 1x height barrier – pending consideration.
- 19/01636/ADV - Display Two totem signs – pending consideration.
- 19/01719/ADV - Various site signage including 4 no. freestanding signs, 1 no. banner unit, 12 no. dot signs, 1 no. digital booth screen and 1 no. play land sign – pending consideration.

- 19/01717/ADV - Installation of 6 no. fascia signs, 1 no. mcdelivery signs and 3 no. booth letters – pending consideration.

REPRESENTATIONS

Ward Councillor(s)

16. One Ward Councillor (Cllr Robinson) objects to the application putting forward the traffic issues off Landmere Lane this application would cause. Cllr Robinson states that the bigger issue here is; why the Council in its Master Plan for the site did not stipulate facilities for local communities. A takeaway is the last thing the site needs – a destination restaurant/bar would be much more welcome for residents and could have been included in the master plan. Cllr Robinson advises that, if a takeaway is approved, he would propose opening hours are limited to 6am to 10pm to avoid more noise/disruption to local residents.

Adjacent Ward Councillors

17. One adjacent Ward Councillor for Musters Ward (Cllr Jones) objects to the application. Cllr Jones is concerned about placing young people adjacent to the air pollution from the busy A52 and doesn't accept the Air Quality Report as it isn't based on actual measurements in the real location but on predictors and it is immoral not to know the real patterns and levels of air pollution from traffic on the A52 compounded by other vehicles entering and existing Landmere Lane. Cllr objects to the two drive through fast food retails as they will suck traffic from the A52 and there will not be in any sense a service or a local centre for local residents. Cllr Jones comments that a fundamental tenet of the Melton Road development was to promote sustainable forms of travel and the Council is seeking to reduce the impact of the Borough on climate change - Drive-in fast food outlets are counter to both policies. The development is counter to promoting healthy living and the proposals do not serve the interest of the people locally. Cllr Jones states that he is aware that the application may try to present this as a local centre rather than a well sited attraction to passing traffic, however the application is not a central site to the housing – it is cut off from it. Finally, Cllr Jones comments that the application contains no health facilities – rather the reverse.
18. Following the submission to further details Cllr Jones adds to his original objection that; the Air Quality Report appears to include actual readings rather than predictions and that the stated affect would be negligible on what exists. Cllr Jones considers that the WHO standards should be given greater weight and that the levels in any event will be compounded by other vehicles entering and existing Landmere Lane. Cllr Jones further comments on the submitted report but concludes that the such fast food outlets are counter to promoting healthy living and that the area beyond the fast food outlet is where plastic and paper litter is discarded.
19. One adjacent Ward Councillor for Musters Ward (Cllr Major) objects to the planning application on the basis that the development is clearly designed to service passing traffic and not create a local centre, the type of layout encourages users to drive not creating a pleasant environment that local residents will utilise and that there is a clear need for additional health and community facilities The scheme is purely commercial seeking to offer low

wage employment opportunities which does not reflect the principles outlined in the Supplementary Planning Document. Cllr Major is amazed to see a proposed nursery in this location so close to the A52 and fails to see when the Nottingham Knight roundabout routinely fails to meet air quality standards, that the same issues wouldn't apply. Cllr Major would like to see Ruddington Town Centre included in the impact test and she is convinced they have enough fast food outlets in the borough already and that this convenient location for passing traffic would serve to take more trade from local centres having a detrimental effect on them.

20. One adjacent Ward Councillor for the Ruddington Ward (Cllr Walker) objects to the application and would like the Council to reconsider what the people of Rushcliffe need. More fast food retailers is not in the interest of the people of this borough and we should reconsider using the land in much more localised and entrepreneurial approach that benefits the businesses and business owners of Rushcliffe.
21. One adjacent Ward Councillor for the Ruddington Ward (Cllr Gaunt) objects to the plan and would like the Council to reconsider what the people of Rushcliffe need. Yet more fast food retailers in this area is not in the interests of the people of this borough. This kind of development will increase car traffic, noise litter on our roads and anti-social behaviour.

Town/Parish Council

22. Ruddington Parish Council, as an adjacent Parish Council, does not object to this application.

Statutory and Other Consultees

23. Nottinghamshire County Council as Highway Authority acknowledges the extant permission for this site for extra care apartments granted through application 18/00460/HYBRD. It is acknowledged, having reviewed the Transport Assessment supporting the application, as well as further supporting detail, it is apparent the revised application will generate significantly more traffic than the extant permission, with an expected net increase of circa 200 vehicles on Landmere Lane in both the Am and PM peaks. The supporting modelling information has been provided and reviewed, and the Highways Authority conclude that, despite receiving a significant amount of additional traffic, the Landmere Lane arm of the junction still operates well within the acceptable levels. The HA acknowledges that this may appear surprising but given the increased traffic level, but this is because this junction currently has a substantial amount of available capacity.
24. The HA raise no issues with the remaining junctions, save for the approach from the A606 to the Wheatcroft Island as this is over capacity currently and will remain over capacity after the development. However, with the increase of 2% arising from the development, the HA does not consider such an impact merits refusal of the application. The HA notes that this situation will be significantly improved once the 2022 Highways England works to the Wheatcroft roundabout are completed. With regard to the proposed access from Landmere Lane into the development site this has been reviewed by the Casualty Reduction Team who have not raised any significant concerns and do not consider it necessary to amend the form of the junction to cater for the

additional traffic associated with the proposed drive through units. In conclusion, the HA raise no objection to the development subject to the previously requested conditions for the wider development being carried forward to encompass the current application.

25. Nottinghamshire County Council as Lead Local Flood Authority raise no objection subject to a condition requiring the submission of a drainage strategy for the site.
26. The Borough Council's Conservation and Design Officer raises no objection to the proposal. The Officer notes that there are no designated or non-designated heritage assets nearby and that the proposed buildings are modern examples of similarly branded outlets, the quality of design of which has risen notably in recent years. Comments are made on the proposed advertisements (which are subject to a separate application).
27. The Borough Council's Environmental Health Officer initially raised concerns regarding 2 sensitive receptors that had not been taken into account in relation to noise and air quality assessment. The proposed care home has not been considered as a potential sensitive receptor within the air quality assessment. In terms of noise impact, no consideration has been given to the suitability of the location for the proposed day nursery, which is likely to be exposed to high levels of noise from traffic on the A52, a particular issue because the proposed outdoor play/teaching areas appear to be closest to the highway. In respect of odour, it is recommended that extraction details are agreed prior to the use commencing, and in respect of lighting recommends a condition requiring the agreement of a lighting scheme. The Officer recommends the agreement of a "Method Statement" relating to construction techniques and a phase 1 Desk Top Contaminated Land Study.
28. Environmental Health provided revised comments in relation to contamination, having considered a report submitted relating to a previous application at this site, advising that a Desk Top Study is not required but a condition relating to any unexpected discovery of ground contaminants should still be applied.
29. Following receipt of additional Noise and Air Quality data, the EHO provided further comments. In respect of noise, the evidence provided in relation to the play area is accepted and it is noted that the consultants advise a 3 metre high acoustic fence is installed around the play area adjacent the A52. The officer agrees with this recommendation. The revised assessment did not consider noise levels from Macdonalds, Costa and the retail units, therefore the officer recommended that a condition is attached requiring further assessments be obtained. The additional Air Quality information provided by Redmore Environmental Technical addendum has been reviewed and have no further comments to make on Air Quality, however a construction management condition is recommended to ensure dust emissions are controlled during the construction phase.
30. Following amendments to hours and submission of additional Air Quality, the Environmental Health Officer raised no further issues. With the amendments to the opening hours now proposed (amended to cease trading at 11pm) no further noise data is required.

31. The Borough Council's Environmental Sustainability Officer noted that the preliminary ecology survey was supplied and the field survey was carried out on the 23/1/2019, which includes this site. This date is outside of the optimum survey season but based on the habitats present, this survey should be reliable. No evidence of protected species using the site or any part of the site was found. Ultimately no objection is raised to the development and the Officer recommends a number of conditions.
32. The Borough Council's Licensing Officer raises no objections to the granting of planning permission, however certain uses will be required to be licenced by the Council prior to commencement of use for hot food and drink after 11pm to 5am and the issues of nuisance will be commented through this process under the Licensing Act 2003.
33. Highways England commented that further modelling work was required in order to demonstrate that the A606 junction with the development site and the A52 continue to operate satisfactorily and queues do not extend back to the A52 circulatory as a result of the application. HE recommended a holding objection be put in place, which would expire on the 22nd of October 2019. HE request that they are consulted on the drainage strategy for the application.
34. Following receipt of further highway data, Highways England provided revised comments recommending that conditions should be attached to any planning permission that may be granted. In summary, from review of the proposed trip generation and distribution onto the highway network, they consider that these figures are acceptable. The proposed proportion of the primary trip generation for the drive thru and retail facilities is also acceptable. HE does query the applicant's proposal that only 50% of trips generated by the Nursery would be considered primary as they do not consider that a large proportion of trips would be pass-by or diverted. However, due to the scale and location of the development, HE does not expect that a large proportion of the trips associated with this use would route via the Strategic Road Network (A52) as such the nursery would not have any material impact on the A52 traffic. HE notes that the applicant has provided LinSig modelling data based on an opening year of 2021 and that this shows an increase in the traffic expected on the A52/Wheatcroft round about however, HE are content that this does not present any performance issues for the SRN. In relation to drainage, HE comment that as the surface water strategy for the site has not been agreed, they raise no objection to the application subject to a condition requiring the submission and agreement of all surface water drainage matters.
35. Nottinghamshire County Council Planning – Minerals and Waste: NCC cite a number of policy documents relating to Waste and minerals safeguarding which cover the Nottinghamshire Area. They consider that proposals should take account of these documents. However, it is then confirmed that no minerals safeguarding zones are affected by the proposals and 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.
36. Public Health: NCC state that the Spatial Planning for Health and Wellbeing of Nottinghamshire' document approved by the Nottinghamshire Health and Wellbeing Board in May 2016, with the Planning and Health Engagement Protocol 2017 identifies that local planning policies play a vital role in ensuring

the health and wellbeing of the population and how planning matters impact on health and wellbeing locally. In addition, a health checklist is included to be used when developing local plans and assessing planning applications. NCC recommends a checklist is completed when assessing applications on health and wellbeing to identify opportunities for maximising potential health gains and minimizing harm, addressing inequalities taking account of the wider determinants of health. In terms of Obesity NCC recommend 6 themes are considered to promote a healthy lifestyle as part of the application. There is also a public health response which highlights concerns about the location of the proposed development. They highlight that the clustering of fast food outlets can have a detrimental impact to the health and wellbeing of children and young people within Rushcliffe. NCC then go on to provide commentary and evidence in relation to obesity and the proximity of fast food outlets and schools within Rushcliffe.

37. NCC confirm that they will not be requesting any planning contributions as part of the application.
38. RBC Planning Policy note that the indicative masterplan for the Edwalton SUE identifies the application site as providing up to 4 hectares of B1 and employment generating development, not retail uses. To the north of the site, planning permission has already been granted for a local centre consisting of a number of small retail units together with a supermarket, serving the needs of the strategic allocation in line with policies 3 and 20. This planning permission has been implemented due to the discharge of conditions and the provision of an access road within the red line of 14/00001/FUL. In respect of the Retail Impact of the proposal as well as the Sequential test in relation to town centre uses, the officer recommends that the evidence provided is evaluated by an independent assessor with specific reference to a possible site on Wilford Lane and the retail impact the development would have on Ruddington Local Centre.
39. RBC Planning Policy (revised comments following retail impact assessment) – Having reviewed the retail consultant’s comments and conclusions and seen confirmation that impact on the co-op at Ruddington were also considered and that the sequential test has been met subject to condition. As there will be no significant adverse impact in the neighbouring centre, the Officer raises no objection to the proposal.

Local Residents and the General Public

40. 136 representations have been received objecting to the proposals on grounds that can be summarised as follows:
 - a. Proposal is to serve passing motorists.
 - b. More local services needed.
 - c. Traffic generation/congestion.
 - d. Litter and pests.
 - e. Proposals do not benefit surrounding housing estates.

- f. Proximity of fast food to nursery and primary school.
- g. Noise disturbance.
- h. Pollution/air quality.
- i. Not in keeping with the area.
- j. Personal desire for local business rather than usual conglomerates.
- k. Safety concerns from traffic.
- l. Lack of consultation with the public.
- m. Impact upon obesity.
- n. Poor development.
- o. Disturbance from late night opening.
- p. Anti-social behaviour and crime.
- q. Impact upon landscape.
- r. Design impact upon the street scene.
- s. Already multiple Macdonalds in the area.
- t. Odour impacts.
- u. Impact upon house values and insurance premiums.
- v. Lack of community need.
- w. Lack of amenity area for the nursery use.
- x. Not safe environment for nursery institution.
- y. Parking provision.
- z. Community would support alternative development.
- aa. Paying high council tax.
- bb. Objection to all night opening.
- cc. Doesn't comply with planning policy.
- dd. Scale of the development.
- ee. A GP/Dentist/Health Centre facility would be preferable.
- ff. Impact upon views from footpath.

- gg. Disturbance from headlights.
 - hh. Impact upon the amenity of nearby residential properties.
 - ii. Objection to fast food chain.
 - jj. Will affect the conservation area.
 - kk. Impact upon small businesses and local shops.
 - ll. Loss of community feel.
 - mm. Impact upon badgers, wildlife and the countryside.
 - nn. Issues with waste off site.
 - oo. Loss of privacy.
 - pp. Impact from light pollution.
 - qq. Impact upon health facilities
41. 4 representations have been received supporting the proposal for the following reasons:
- a. Plans look really good.
 - b. Shouldn't lead to too much traffic.
 - c. Proposal would bring much needed facilities to the care home

PLANNING POLICY

42. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019.

Relevant National Planning Policies and Guidance

43. National Planning Policy Framework. Relevant paragraphs in the NPPF will be referred to in the appraisal section below.

Relevant Local Planning Policies and Guidance

44. Local Plan Part 1:Core Strategy

Policy 1: Presumption in Favour of Sustainable Development

Policy 3: Spatial Strategy

Policy 5: Employment Provision and Economic Development

Policy 6: Role of Local and Town Centres

Policy 10: Design and Enhancing Local Identity

Policy 12 Local Services and Healthy Lifestyles

Policy 17 Biodiversity

Policy 20: Strategic Allocation at Melton Road, Edwalton

45. Local Plan Part 2: Land and Planning Policies

Policy 1: Development Requirements
Policy 15: Employment Development
Policy 18: Surface Water Management
Policy 27: Main Town Centre Uses Outside District Centres or Local Centres
Policy 39: Health Impacts of Development
Policy 40: Pollution and Land Contamination
Policy 41 Air Quality

46. Relevant policies in the Core Strategy and Local Plan Part 2 will be expanded upon and included in the assessment of the proposal below.

47. Edwalton Development Framework Supplementary Planning Document.

APPRAISAL

48. The main consideration of this application are considered to be:

- Principle of development
- Retail Impact and Town Centre Uses
- Design, Impact Upon the Street Scene
- Impact upon neighbouring amenity
- Highway Safety
- Air Quality
- Health
- Biodiversity
- Flooding and Drainage

Principle of Development

49. This application proposes a mixed-use development on an open area of land off Landmere Lane in Edwalton. The development site forms part of a wider site allocated through Policy 20: Strategic Allocation at Melton Road, Edwalton of the Rushcliffe Core Strategy 2015. The site also forms part of the land parcel allocated through the Edwalton Development Framework. Policy 20 allocated the wider site for a strategic site for housing for around 1500 dwellings, up to 4 hectares of B1 and/or employment generating development, a neighbourhood centre and other community facilities as appropriate. Figure 1 contained within Policy 20 shows the indicative distribution of the proposed uses of the allocation. The site, which is the subject of this application, is located within the "Employment" land shown blue on Figure 1. Part B of Policy 20 explains, within the area of land identified for employment, (3) there should be provision of B1 and/or non-B class employment generating uses towards the south of the site in proximity to the existing Wheatcroft Business Park to provide a wide range of local employment opportunities where appropriate.

50. The site also forms part of a wider site which benefits from an extant planning permission for "Hybrid application comprising full planning permission for the erection of an Aldi food store (Use Class A1), together with car parking, landscaping and associated works, and Outline planning permission (all matters reserved except for access) for a care home and extra care

apartments” (Application reference: 18/00460/HYBRID). The current application site falls within the outline part of the site so benefits from outline permission for a care home or extra care apartment uses.

51. Evidence provided as part of the above hybrid application demonstrated that the care home use and extra care apartments contained a strong employment element and, therefore were considered to be compliant with both Policy 20 (B) of the Core Strategy and Edwalton Development Framework.
52. The development before the Council under the current application is for approximately half of the “outline permission” area and seeks to replace the extra care apartment facility, due to lack of market demand. Instead, it is proposed to develop the site for a drive thru unit (A3 and A5) a further drive thru unit (A3 and A5) the erection of a retail terrace (Class A1, A3, A5 and D1 use) and the erection of a day nursery (Class D1 use). The application details suggest the development will provide a range of employment opportunities for approximately 110 individuals and given the type of businesses proposed there is potential to operate intensively during certain periods of the day. As such, it is anticipated that the proposed scheme would provide significantly more employment opportunities than the permitted use of an extra care apartment block. Furthermore, the proposals offer a number of different land uses, which are more diverse and offer a wider spectrum of types of employment uses and therefore being compliant with part B 3 of Core Strategy Policy 20. As such, the proposed uses would be considered appropriate and acceptable in principle in this regard, subject to discussion below surrounding retail and town centre impact.

Retail Impact and Town Centre Uses

Policy Background

53. Policy 6 of the Core Strategy explains the hierarchal approach the Council will take towards supporting developments for town centre uses within the Borough. It explains that the hierarchy places Nottingham City Centre at the top with town centre, district centres and local centres designated below this. Paragraph 3 of Policy 6 states that new retail development of an appropriate scale, as identified through masterplans, will be required to serve new sustainable communities, including the strategic development at Land off Melton Road, Edwalton.
54. The retail led development to serve the Melton Road Edwalton was granted under planning permission 14/00001/FUL for “Erection of Local Centre comprising a foodstore (class A1) and 4 No. units for Class A1, A2, A3, A5 and/or D1 use, together with car parking and associated infrastructure and landscaping”. This development has commenced as the access and junction works have been installed.
55. Paragraph 6 of Policy 6 states that development of retail and leisure uses in out-of and edge-of-centre locations will need to demonstrate suitability through a sequential site approach and also provide a robust assessment of impact on nearby centres. The Local Plan Part 2 sets thresholds at which retail impact assessments will be required for the scale of main town centres development in edge-of and out-of centre locations.

56. Policy 27 of the Local Plan Part 2 states that development for main town centre uses outside of the defined district and local centres and centres of neighbourhood importance will only be permitted if, following a Sequential Assessment it can be demonstrated that the development could not be accommodated within a suitable and available centre or edge of centre location, having demonstrated appropriate flexibility in the format and scale of the development.
57. Policy 27 of the Local Plan Part 2 states that, development for main town centre uses, with a net floor space of 500 sqm² or above, in edge or out of centre locations including within Centres of Neighbourhood Importance, will be permitted if, following an Impact Assessment, it would not have a significant adverse impact on existing centres.
58. The National Planning Policy Framework at paragraph 86 and 89 echo's the requirements of the Policy 27 and, in respect of retail impact, at paragraph 89 states that Impact Assessments should include assessment of;
 - a) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Assessment

59. The application has been accompanied by a retail impact assessment and sequential test in order to demonstrate that the proposed retail and town centre uses will not detrimentally affect the vitality and viability of existing designated retail areas and that there are no sites which are sequentially more preferable which could accommodate the development.
60. The initial sequential test examined a total of 5 sites in and around the West Bridgford area and found none to be suitable to accommodate the development for a variety of reasons including site size and unsuitable site accesses.
61. The Retail Impact Assessment (RIA) looked at the impact the development would have upon the nearby centres, namely West Bridgford District centre and Clifton District Centre (falling within Nottingham City boundary). The RIA examined the likely impact of the proposed development taking account of: Scale of the proposed development, Existing vitality and viability of centre, Trade diversion, and Impact on town centre investment and vitality and viability.
62. The submitted RIA concludes that the proposed retail and drive-thru units will divert a very limited level of trade from the existing scale owing to their limited scale and the fact that they provide a very different offer/function to that provided within the district centres. The existing vitality and viability of both of these centres is considered to be good and in terms of trade diversion, it is expected that the development would divert less than 10% of the overall trade

from these two centres. The RIA notes that no investment is planned for either centre and therefore the proposed development would not impact upon this.

63. The Council have had both the sequential test and the Retail Impact Assessment reviewed and assessed for their suitability by an independent retail consultant, employed by the Council.
64. From an initial review of the evidence provided by the applicant, the Council commissioned the consultant to not only review the information provided by the applicant but also consider a site on Wilford Lane in West Bridgford in relation to the sequential test, and also the retail impact upon Ruddington. Further to this, the applicant provided a technical note to attempt to address these two specific issues on the 8th October 2019.
65. Having reviewed both the initial Retail Impact Assessment and Sequential Test together with the further Technical Note, the Local Planning Authority is satisfied that there are no other sequentially preferable sites which could accommodate the development. The Wilford Lane site is not any better connected to West Bridgford Centre as there are no direct public transport links.
66. In terms on retail impact, the Council is satisfied that the proposal will not cause significant detriment to Clifton and West Bridgford Centres. Furthermore, subject to a condition being imposed upon any planning permission granted, stating that the larger unit (unit 3) shall not be used for a food supermarket, it is considered that the proposal will not adversely impact on similar provision at Ruddington.
67. Having assessed the information provided and had its findings independently assessed by a retail specialist, it is considered that, where there are adverse consequences of the development, these are limited in scale and effect and can be further mitigated against by use of the above condition. As such, the development is considered to broadly accord with Policy 6 of the Core Strategy, Policy 27 of the Land and Planning Policies document and Section 7 of the National Planning Policy Framework.
68. It is noted that the current permitted development regime allows for the permitted change of use between category's A3 and A1 and therefore, in the future, the larger units 5 and 6 could change to an A1 use. This floor space has not been included in this assessment against the impacts identified above and therefore in this instance, it is considered necessary to remove the permitted development rights for these units in relation to their use for A1 purposes.

Design, Impact upon the Street Scene

Policy Background

69. Policy 10 of the Local Plan Part 1 requires that all new development should, amongst other things, make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce local characteristics. Specifically, with regard to design, the policy requires that all development be assessed in terms of its massing, scale and proportion, proposed materials, architectural style and detailing.

70. Similarly, the criteria for assessing development proposals set out in policy 1 of the Local Plan Part 2 broadly echo the requirements of policy 10. Additionally, policy 1 also requires that new development should not lead to an over intensive form of development within the site and its height should be sympathetic to the character and appearance of the neighbouring buildings and surrounding area.
71. Paragraph 124 of the NPPF 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.*”
72. Paragraph 127 requires 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.

Assessment

73. The design approach for this development is considered to be contemporary in its nature. The buildings contain mono-pitched roofs, simple elevation treatments and common materials pallet across the development. The principal building, unit 5, would be two stories in height and would sit comfortably when read in conjunction with the office development on the corner of Landmere Lane. The substantial trees, which are a positive feature along Landmere Lane, would be retained and safeguarded as part of the development.

74. From within the site the layout forms around a central carpark with the majority of the buildings facing inwards with large amounts of glazing offering significant levels of natural surveillance.
75. The level of hardstanding proposed, whilst synonymous with such commercial led development, is regrettable however, there would be small amounts of landscaping proposed to break up the monotony of the singular surface material. However, the Council recognises the design approach which has led to this by providing significant manoeuvring and circulation space as well as complying with car parking requirements. The Council accepts the balance between the two in this instance.
76. In terms of permeability and wider connections, the site contains internal footpaths linking it to the adjacent supermarket development and due to the layout of the parking areas, traffic speeds will be low resulting in a relatively safe environment for pedestrians. The proposed plan shows footpath links to the wider footpath network, however as this is outside of the application site, such details need to be assessed in conjunction with the proposals for the adjacent developments, which are reserved by conditions on their respective planning permissions. As such, a condition requiring such details in this instance is also required, if the application is to be approved.
77. Overall it is considered that, when read as part of the wider development on land south of Landmere Lane, with the food store and care home, the development would appear cohesive and would result in a high quality appearance, which would contribute positively to the public realm.
78. The development is therefore considered to comply with Policy 10 of the adopted Core Strategy and Policy 1 of the adopted Local Plan Part 2, as well as section 12 of the NPPF

Impact upon Neighbouring Amenity

Policy Background

79. Policy 10 of the Local Plan Part 1 also requires that new development be assessed in terms of its impacts on neighbouring amenity (such as massing, overshadowing, loss of privacy, noise).
80. Policy 1 (1) of the Local Plan Part 2 requires that there is no significant adverse impact upon amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated. Policy 1 (5) requires that noise attenuation is achieved, and light pollution minimised.
81. Paragraph 127 of the NPPF requires developments to 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 fear of crime, do not undermine quality of life of community cohesion.

Assessment

82. The application proposes a mixed-use development to be located within a larger development parcel, which also features a food store and a substantial care home facility. This development will add to this site, four more buildings and a large amount of car park and hard standing. In addition, as reported within the transport assessment, the road network will see an increase in traffic due to the nature of the proposed uses compared to the previous proposed development for this site (extra care apartments).
83. In terms of visual harm from the design and scale of the development, the nearest sensitive building would be the adjacent care home, which has recently been approved but is yet to be commenced on site. However, this building is substantial itself and due to the layout of the site, with the building weighted to the west of the plot, would not be significantly harmed by the scale and massing of the proposed structures.
84. In terms of impact upon privacy from overlooking, unit 5 would be two storeys in heights, however due to its design and location within the plot, the principal windows will only have views over the front car park. Unit 4 would be the closest building to the care home facility with three small windows in the west elevation. However, these offer small views of the communal gardens of the care home, and within the building the nearest feature is a lounge room. Bedrooms are proposed to feature further along the rear elevation of the care home but given the oblique angle and separation distance, it is not considered that the views from the windows within the nursery will significantly impact upon the privacy of future residents of the care home. The residential properties on Acacia Way are some 150m away from the development, on the opposite side of Melton Road, and there are intervening buildings, therefore there will be no significant impact upon visual amenity of these properties arising from the structures themselves.
85. It is acknowledged that the development is mixed and commercial in its nature and is designed to attract visitors. The Transport Assessment is clear that the site is well served by public transport, as well as pedestrian and cycling links to the wider networks. The site's location, on the fringe of an urban extension means that the majority of the nearby occupiers will have ample opportunities to walk and cycle to the services provided at this site.
86. The Transport Assessment does, however acknowledge that there will be a significant uplift in traffic levels as a result of the development and whilst this has been found sound from a highway safety point of view, the disturbance arising from such traffic should also be assessed in terms of its impact upon the amenity of existing and future occupiers.
87. The A606 (Melton Road) is the main highway link to the site from the principle urban area of West Bridgford to the north. This is an existing classified road which already experiences significant traffic levels due to its connections to the A52 strategic road network.
88. The A52 passes the site to the south and is the main connecting highway to the east and west. It is also acknowledged that the types of uses proposed for this site, including the dive thru restaurants will attract a significant portion of

its custom from this highway and these users will enter off the Wheatcroft Island junction, onto a small stretch of the A606 Melton Road.

89. Therefore, it is anticipated that the residential properties close to the site along the Melton Road and A52 will experience the most amount of uplift of traffic levels (and consequential disturbance) arising from this development.
90. It is likely that the dwellings fronting Melton Road sited on Hemlock Road and Magnolia Close would potentially be most affected. These properties sit outside the Melon Road/Landmere Lane and Melton Road/Acacia Way junction as well as being close to the Wheatcroft Round about junction.
91. It is firstly noted that the closest highways of both the A52 and Melton Road to these properties is already dual carriageway which feeds into significant, modern traffic light junctions, which are heavily engineered and designed as such to deal with a significant level of capacity. These improved junctions were installed as part of other/earlier phases of the wider urban extension, including the residential properties. It is also noted that no further physical highway junction works are required from a capacity/highway safety point of view (see Highway Safety section of this report).
92. The existing road network and nearby junctions are detailed to already cater for a vast amount of traffic to support existing and committed development. The Transport Assessment reports that the additional trips arising from the development at peak times at the closest junctions are as follows:

Table 4.7 – Net Traffic Effect

Junction	Vehicle Movements	
	AM Peak	PM Peak
Melton Road/Rose Way	20	26
Melton Road/Acacia Way	20	26
Melton Road/Landmere Lane	195	209
Wheatcroft Roundabout	84	95

93. Whilst these trips, when viewed independently appear significant, when considered in the context of the road network and the volume of traffic already using these junctions at these peak times, and the disturbance to the nearby residential properties, it is not considered that the additional trips will not cause significant and demonstrable harm to the overall amenity for these closest residents at peak times.
94. It is accepted that, due to the nature of the proposed uses and the requested hours operation, there is the potential for uplift outside of these peak traffic times and at times later into the evening where the general road network is quieter. However, with less cars being present using these junctions at those times, traffic build up is expected to be significantly less, as commuter and school time traffic would not be present. This means that customers using the junctions would be more likely to access the main site quicker without having to be idle at the sensitive junctions for longer periods. In addition to this, it is

noted that the closest dwellings to the site were constructed and marketed following the creation of the significantly engineered access point. It is also noted there is a separation distance of 30m between the front elevation of the properties on Hemlock Road and the right-hand turn lane featured within the junction. This separation is even further between the dwellings and the carriageway leading up to Landmere Lane from the Wheatcroft Island.

95. Having considered all of the above, the Local Planning Authority is of the opinion that, although an uplift of traffic close to residential properties will take place and that a degree of harm will undoubtedly occur as a consequence, this harm is not considered significant given the sites context and as such is acceptable in this particular instance in relation to disturbance from traffic generation.
96. The proposed uses have the ability to generate noise disturbance through their general operation including from patrons using the site, deliveries to the site, people movements and noise arising from plant equipment which may serve the end users.
97. The application has been accompanied by an Environmental Noise Assessment to review and assess the potential noise issues in relation to the development. The executive summary finds that, subject to a raft of mitigation measures, including acoustic fencing, restrictions on delivery hours and acoustic restrictions for associated plant equipment, the development has been found to have an acceptable impact upon the adjacent residential nursing home as the closest sensitive receptor.
98. This Assessment was reviewed and commented on by the Council's Environmental Health Officer, who sought evidence in relation to the suitability of the proposed location for the nursery use in close proximity to the A52, a particular issue because the play/amenity are closest to the highway.
99. An updated Technical note was provided by the Noise consultant in respect of this particular issue, which provided further evidence and increased the noise attenuation fence to border the nursery to 3m high.
100. This evidence was reviewed, and the Council now consider that the relationship between the nursery and the A52, in relation to noise impacts is acceptable subject to attenuation being provided.
101. The Environmental Health advice originally concluded that the findings of the Noise Assessment and the additional technical note were acceptable however, as certain details were absent in relation units 5 and 6 a condition was suggested to be imposed requiring further information, post permission. However, since the applicant has revised the opening hours for all units on site to cease at 11pm, the Environmental Health Officer has concluded that no further information is required to be submitted and that the development, subject to the suggested attenuation, will be acceptable in terms of noise impacts.
102. To conclude on the matter of nearby amenity, the relevant reports and scheme have satisfactorily taken account of the nearest sensitive receptors, including those to be provided within the development. It is considered that there would be a low level of harm arising to the amenities of the occupiers of Hemlock

Road and Magnolia Close. The residents of the adjacent care home and the future users of the nursery would be, subject to mitigation measures, satisfactorily protected from the noise arising from the development.

103. The development is therefore considered to comply with both Local Plan Part 1 Policy 10 and Local Plan Part 2 Policy 1, as well as the provisions of the NPPF with regards to residential amenity.

Highway Safety

Policy Background

104. Policy 1 (2) of Local Plan Part 2 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 the advice provided by the Highway Authority.
105. The National Planning Policy Framework at paragraph 108 states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
106. Paragraph 109 of the NPPF states 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. In accordance with paragraph 111 of the NPPF, the application has been accompanied by a Transport Assessment

Assessment

108. The Transport Assessment (TA) has been prepared by Connect Consultants and is divided into five sections:
- Site Transport Context – This section considered the accessibility of the site in terms of a range of transport modes.
 - Proposed Development – This section analyses the proposed development including the provision of each use, proposed access points, servicing provision and layout arrangements.
 - Traffic Assessment – This section of the report provides details of the traffic data used for the assessment of the study area junctions.
 - Junction Capacity and Collision Analysis – This section carries out junction analysis and collision analysis at five of the local junctions.
 - Summary and Conclusions.
109. In terms of the site context the TA reports that the site is surrounded by a pedestrian network that includes crossing facilities and a residential catchment

within walking distance of the site. The surrounding area is conducive to cycling and bus interchanges that provide access to a variety of destinations. The site is a prominent location relative to the highway network and overall has a good level accessibility by all relevant transport modes.

110. The layout and design of the development has been considered as part of the TA. The prevailing points are that the access will be served in conjunction with the adjacent food store development, the layout has been designed to accommodate a 16.5m articulated goods vehicle a 10m rigid vehicle and an 8.45m rigid vehicle. In terms of car parking, reference is made to the NCC Highways Design Guide, Consultation Draft December 2018 (HDG). In summary, the Policy indicates that an appropriate level of provision would be approximately 23 car spaces for the retail units (Units 1, 2 and 3), 25 car spaces for the Nursery (Unit 4), and 14 spaces for the “Costa” (unit 6) giving an approximate total provision of 62 car parking spaces. The cumulative provision proposed in front of these units amounts to 65 spaces. Unit 5 (Macdonalds) has been assessed subject to its own parking assessment and has been shown to be appropriately sized relative to demand.
111. In terms of cycle provision, the HDG suggests a requirement of 6 spaces based on the uses and floor space. The development is seeking to provide 16 spaces, a figure well in excess of the required amount.
112. The traffic impacts at the following junctions have been assessed based on increased trip arising from the proposed development:
 - 1) Site junction formed with Landmere Lane
 - 2) Landmere Lane/A606 Melton Road signal junction
 - 3) Wheatcroft Island Roundabout
 - 4) A606 Melton Road/Acacia Way signal junction
 - 5) A606 Melton Road/Rose Way signal junction
113. The existing traffic flow data was used from the Transport Assessment which accompanied the extant planning permission for the site 18/00460/HYBRID. The assessment also took account of traffic from committed developments including sites which have been granted permission but are yet to be fully operational or in use.
114. The assessment is made based on the future assessment year of 2021 as this is the assumed year of opening and 2032 as this is the year used in the Greater Nottinghamshire Transport Model (GNTM). Each proposed use has been assessed in terms of the trip generation it will create and this is considered alongside the committed developments.
115. The net traffic effect of the proposed development based on the above assumptions is summarised at Table 4.7 of the report, shown below;

Table 4.7 – Net Traffic Effect

Junction	Vehicle Movements	
	AM Peak	PM Peak
Melton Road/Rose Way	20	26
Melton Road/Acacia Way	20	26
Melton Road/Landmere Lane	195	209
Wheatcroft Roundabout	84	95

116. The conclusion held within the TA in respect of traffic generation is that the potential increase will be modest.
117. Based on the anticipated traffic impact of the proposal, concluded in Section 4 of the TA, this data is then used to assess the capacity tests at the 4 key junctions as well as collision analysis.
118. The capacity assessment within the TA shows that the site access junction will operate within capacity. The net traffic effect of the development on the operation of the study area is minimal and it is the addition of the GNTM committed development traffic that has the greatest traffic effect.
119. The summary of the submitted TA found that the development is acceptable from a transport perspective.
120. The TA has been reviewed by Highways England as well as the local Highway Authority (NCC). Both bodies initially requested further technical data and clarification, and this resulted in Highways England issuing a holding objection for the development. However, following a review of the additional data provided, Highway England removed their holding objection and commented that they raise no objection to the development, subject to a condition requiring the submission and approval of a drainage scheme. Highways England comment that figures used in relation to trip generation are acceptable and whilst a query is made in relation to the type of trips arising from the nursery development use, no concerns are apparent in relation to impacts upon the Strategic Road Network (A52).
121. The Highways Authority (HA) also welcomed further data and clarification. Having reviewed the TA and the additional technical data, the HA comment that the development will generate significantly more traffic than the extant permission with an expected net increase of circa 200 vehicles on Landmere Lane in both the Am and PM peaks. The supporting modelling information has been provided and reviewed and the Highway Authority conclude that, despite receiving a significant amount of additional traffic, the Landmere Lane arm of the junction still operates well within the acceptable levels.
122. The HA acknowledges that this may appear surprising but given the increased traffic level, this is because this junction currently has a substantial amount of available capacity. The HA raise no issues with the remaining junctions, save

for the approach from the A606 to the Wheatcroft Island as this is over capacity currently and will remain over capacity after the development. However, with an increase of 2% arising from the development the HA does not consider such an impact merits refusal of the application.

123. The HA notes that this situation will be significantly improved once the 2022 Highways England works to the Wheatcroft roundabout are completed. With regard to the proposed access from Landmere Lane into the development site, this has been reviewed by the Casualty Reduction Team who have not raised any significant concerns and do not consider it necessary to amend the form of the junction to cater for the additional traffic associated with the proposed drive through units
124. The HA, in conclusion, raise no objection to the development, subject to the previously requested conditions for the wider development being imposed upon any approval.
125. Having regard to the substantial level of highways information provided as part of the Transport Assessment, as well as modelling data submitted to Highways England and the Highway Authority, the traffic and trip generation is not considered to result in cumulative impacts upon the road network that would be severe.
126. The site layout is considered suitable as it provides adequate manoeuvring space for service vehicles and the proposed parking provision has been found appropriate for the proposed uses resulting in a development that caters for itself and will not result in parking displacement within the adopted public highway. The site's access to Landmere Lane is considered to be safe and suitable for all users, subject to a condition requiring details of pedestrian links to be provided (as per the previous permission for the site).
127. Having regard to the above, the development is considered to comply with the above stated policies of the Local Plan Part's 1 and 2 as well as Section 9 of the NPPF.

Air Quality

Policy Background

128. Policy 41 of the Local Plan Part 2 states that Planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated. In areas where air quality is a matter of concern, development proposals that are sensitive to poor air quality will be required to demonstrate that users or occupants will not be significantly affected by poor air quality, or that such impacts can be effectively mitigated. Development proposals must not exacerbate air quality beyond acceptable levels, either through poor design or as a consequence of site selection.
129. Paragraph 181 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should

be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

130. For reference, an Air Quality Management Area is an area designated by Local Authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Assessment

131. This application site does not fall within an Air Quality Management Area as identified by the Local Plan.

132. The application has been accompanied by an Air Quality Assessment compiled by Redmore Environmental. The assessment acknowledges that the proposals have the potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation, as well as exposing future users of the children's day nursery to existing air quality issues.

133. The Executive Summary of the Assessment concludes that, from a review of the dispersion modelling results indicated, predicted air quality impacts as a result of traffic generated by the development were not significant at any sensitive location in the vicinity of the site. The results of the assessment also demonstrated that the predicted pollution levels were below the relevant air quality standards at all locations across the site and as such, exposure of future users of the children's day nursery to poor air quality is considered unlikely as a result of the proposals.

134. This Report was reviewed by the Council's Environmental Health Officer who raised initial concerns and requested the following further information;

- Consideration of particulate matter with an aerodynamic diameter of less than 2.5 (PM2.5) concentrations;
- Consideration of the World Health Organisation (WHO) air quality guidelines; and
- Inclusion of the proposed care home as a discrete receptor within the modelling.

135. Following these comments, additional modelling was undertaken by the consultant. Figure 1 of the addendum shows the sensitive receptor points which were used in the analysis. The update confirmed that concentrations were well below the relevant AQOs (Air Quality Objectives) and AQTV (Air Quality Target Values) at all sensitive receptor locations. The update notes that the PM2.5 (Particulate Matter with a diameter of less than 2.5mm) concentration is predicted to be slightly above the WHO Air Quality Guidelines of 10µg/m³ at the proposed day nursery. However, the report notes that the criteria provided by the WHO is a guideline and has not been included within European or UK air quality legislation. As such, the report considered it most appropriate to compare pollutant concentration to the AQTV, which is the current standard adopted in the UK and is therefore the most relevant criteria for an assessment of this nature. The report concludes that the air quality impacts associated with the development are predicted to be negligible and pollutant concentrations at the children's day nursery are below the relevant

legislative standards. As such, air quality factors are not considered a constraint to the development.

136. This additional information has again been reviewed by the Council's Environmental Health Officer who comments that further confirmation is required that the data used included idling vehicles. Other than this, they have no further comments to make, subject to a construction management plan condition to ensure dust emissions are controlled during the construction phase.
137. Notwithstanding the above, the Council observed concerns from the community that the report did not measure air quality levels at the nearest residential properties, despite the findings for the levels at the nursery and care home (within and adjoining the site) being acceptable. Concerns were also observed that the data did not take account of idling vehicles using the drive thru facilities.
138. As such, a second addendum was provided to the Council to accompany the Air Quality Assessment whereby additional analysis was undertaken. This report included an increase in the number of receptors, including the residential properties at Hemlock Road and Magnolia Way. The report found that the concentrations were well below the relevant AQOs and AQTV at all sensitive receptor locations. Additional, potential impacts are classified as negligible in accordance with the relevant IAQM guidance (Institute of Air Quality Management). Air Quality affects as a result of the operation of the development were considered to be not significant. The report notes that the inclusion of the on-site vehicle exhaust emissions, including idling vehicles, in the dispersion model has not affected the conclusions of the original Air Quality Assessment Report.
139. Having considered the evidence provided from both the initial assessment and the subsequently addendums, the Council is satisfied that the proposed development will not cause unacceptable levels of Air Quality for the users of the development (including the children's nursery) as well as the care home residents and residential properties close to Melton Road. The development therefore accords with policy 41 of the Local Plan Part 2 and paragraph 181 of the NPPF.

Health

Policy Background

140. Policy 39 (Health Impacts of Development) of the Local Plan Part 2 states that the potential for achieving positive health outcomes will be taken into account when considering development proposals. Where any significant adverse impacts are identified, the applicant will be expected to demonstrate how these will be addressed and mitigated.
141. Policy 39 goes on to state that where applicable, development proposals should promote, support and enhance health by:
 - Providing the right mix of quality homes to meet people's needs and in locations that promote walking and cycling;

- Providing employment developments in locations that are accessible by cycling and walking;
 - Supporting the provision and access to healthcare services;
 - Retaining and enhancing accessible Green Infrastructure;
 - Alleviating risks from unhealthy and polluted environments such as air, noise, water pollution and land contamination;
 - Designing homes that reflect the changes that occur over the lifetime, meet the needs of those with disabilities and reduce the fear of crime; and
 - Supporting and enhancing community cohesion.
142. Paragraph 91 of the NPPF requires that decisions aim to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sport facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Assessment

143. The proposed development intends to include the provision of take away uses (A5) and although the plans indicate a particular type of end user, the assessment of this planning application must be concerned only with the land use, and not the brand or specific entity which would occupy a development in the future. Planning permissions run with the land and would be available for any subsequent landowner to exercise.
144. The findings of the transport assessment found that the site as a good level of pedestrian and cycling links to the wider communities and that the cycle provision which was intended to be provided as part of the development exceeds the required level.
145. The development site is also delivered as part of the wider Edwalton Development Sustainable Urban Extension, which included a vast amount of accessible public open space and access to Sharphill Wood. The development has also been found to be acceptable in terms of its impact upon Air Quality.
146. The information provided by NCC is also helpful as it clarifies that the childhood obesity rate within the Borough for year 6 students is at 23.6% vs the national average of 34.3%. However, it notes that adulthood obesity is similar to the national average at 63.3%. The data provided by the public health response also states that Rushcliffe has a fast food outlet density of 64.2.9 % per 100,000 residents in 2015 compared to 88 per 100,000 residents in England.
147. This data suggests that Rushcliffe fairs significantly better in terms of childhood obesity rates compared to the rest of the country and according to the spatial evidence provided, better than other Boroughs within Nottinghamshire.
148. The Publication draft Local Plan Part 2 Policy 39 included a requirement for the submission of the County Council's Health Impact Assessment (or 'checklist') for applications over a certain size threshold. This requirement was removed from the policy as the Local Plan Inspector did not consider that it was justified or effective as worded ([see paragraphs 172 and 173 of the Inspector's Report](#)). This requirement was therefore struck out and does not

form part of the adopted Local Plan. The supporting text to adopted Policy 39 instead encourages the use of the checklist for planning applications.

149. This development site will be delivered as part of the wider Edwalton Development and when read as a whole, the two proposed A5 units are the only A5 units which feature within the Allocation. The proximity of the primary school is noted however, childhood obesity rates within Rushcliffe are far below the national average and therefore preventing such a use in this location because of its proximity to the primary school is not considered to be justified. Whilst the position of the nursery development is closer to the proposed A5 units, nursery school children are not at free will to use such facilities.
150. Overall it is considered that the development, when read and experienced in conjunction with the wider delivery of the Allocation, will not result in any significant adverse impacts and the development will not expose nearby residents to health issues either immediately or in the long term.

Biodiversity

Policy Background

151. Policy 17 of the Core Strategy requires development on or affecting non-designate sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.
152. Policy 38 of the Local Plan Part 2 states that where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains. Policy 38 (4) goes on to require that, outside of the Biodiversity Opportunity Areas, developments should, where appropriate, seek to achieve net gains in biodiversity and improvement to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.

Assessment

153. The planning application has been accompanied by an Ecology Assessment compiled by Urban Green. The desk-based study and field study was conducted in order to identify habitats and determine the suitability for any protected and notable species to occur on site.
154. The Assessment concludes that the proposed development will have a negligible impact on designated sites that are located within proximity of the site. It acknowledges that the hedgerow is intended to be retained. In terms of protected and notable species, it concludes that there are no opportunities for roosting bats on site and that the habitats which are most suitable for commuting and foraging bats will be retained. No evidence was found of water vole using the ditch to the east of the site.
155. The report puts forward a number of required actions including hedgerow planting and the installation of bat boxes within the proposed buildings. Removal of any scrub, tree and hedgerow should be undertaken outside of the

breeding season for birds. Recommendations are also made in relation to the general construction activities.

156. The evidence has been reviewed by the Councils Environmental Sustainability Officer who raises no objection to the development, subject to recommendations.
157. As mentioned above, the development is being delivered in conjunction with a wider mixed development which, as part of the scheme, installed substantial ecological benefits including new tree planting, wildflower planting and the establishment of open space areas. In respect of this site, there are opportunities for habitat creation in the form of the installation of bat boxes within the proposed buildings and this could be secured via condition. Therefore, the development as a whole or when considered independent would deliver a net gain to biodiversity and is subsequently compliant with policy 38 of the Local Plan Part 2 and the provisions of the NPPF.

Flooding and Drainage

Policy Background

158. Policy 2 of the Core Strategy requires all new development to incorporate measures to reduce surface water run-off, and the implementation of Sustainable Drainage Systems into all new development will be sought unless it can be demonstrated that such measures are not viable or technically feasible.
159. Policy 18 of the Local Plan Part 2 requires that, to increase the levels of water attenuation, storage and water quality, and where appropriate, development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the drainage hierarchy.
160. Policy 18 states that planning permission will be granted for development which:
 - a) is appropriately located, taking account of the level of flood risk and which promotes the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems;
 - b) reduces the risk to homes and places of work from flooding;
 - c) delivers a range of community benefits including enhancing amenity (ensuring a safe environment) and providing greater resistance to the impact of climate change;
 - d) contributes positively to the appearance of the area;
 - e) accommodates and enhances biodiversity by making connections to existing Green Infrastructure assets; and
 - f) retains or enhances existing open drainage ditches.

Assessment

161. The application site is located within flood zone 1 and is therefore sequentially preferable in terms of flood risk.

162. The application has been accompanied by a Flood Risk and Drainage Strategy Statement. The statement draws upon the previous flood and drainage information supplied for the approved development at the site (18/00460/HYBRID). In terms of the drainage strategy proposals, the proposed drainage strategy includes for an attenuation facility of at least 352m³ that is located at the lower eastern side of the site. This attenuation facility has the capacity to store surface water runoff from the site proposals in the peak 100year+30% climate change rainfall event with a restricted discharge of 3.6 l/s.
163. The restricted discharge rate is based on the limitation of 5 l/s/ha and the sites proportion of the overall development site allowance of 10.6 l/s, as set by the overall site developer. Supporting surface water Microdrainage Source Control calculations are appended to the report. Foul water from the development proposals would be conveyed under gravity to the foul water pumping station located in the proposed Aldi site (to the east). This is in line with the overall site development strategy.
164. The Lead Local Flood Authority raise no objection to the proposal subject to conditions which seek to obtain further details in relation to the manner in which surface water is discharged from site. Such a condition is considered necessary and proportionate to ensure that the method is secured, approved and subsequently implemented.
165. The developer has adequately demonstrated that the surface water and foul water can be adequately managed in accordance with the sustainable drainage hierarchy and subject to a condition requiring details of the disposal of surface water, the development is considered to be acceptable and compliant with both national and local planning policies identified above.

Other matters

166. The neighbour representations received as part of this application have been duly considered and the majority of matters raised have been addressed above. However, matters such as nearby property values, request for reductions in council tax and commercial desirability are not planning issues which are material to this application. Reference has been made to the impact upon the Conservation Area. It is presumed the Conservation Area being referred to is Edwalton Conservation Area and given the separation distance to this and the intervening development, it is not considered there will be any harm upon the setting of this heritage asset.

Conclusion and Planning Balance

167. The proposed development is considered to be acceptable in principle and broadly compliant with Policy 20 of Local Plan Part 1: Core Strategy due to the significant employment generating uses proposed and having regard to the extant permission for the site. This development would bring forward sustainable economic growth, providing employment through construction and as part of the use of the development. The proposed town centre retail uses will not cause significant detriment to the vitality of nearby centres.

168. A moderate level of harm has been identified to the amenities of the nearby residential properties though an increase in traffic levels at more sensitive times of the day.
169. The scheme has been found acceptable in terms of air quality impacts, highway safety impacts, impacts upon health, as well as flooding and surface water drainage.
170. Overall, the scheme is considered to represent a sustainable form of development, economically, socially and environmentally and is broadly in accordance with the adopted Local Plans Parts 1 and 2 as well as the NPPF. Any harm identified to amenity of the area and nearby residential properties is not considered to be excessive or unacceptable and is outweighed by the benefits of the scheme. In the absence of any other material considerations which indicate otherwise, the application is recommended for approval subject conditions.
171. The Local Planning Authority has worked positively and proactively with the applicant, throughout the course of the application and including throughout pre-application discussions to address a variety of issues including highway safety, amenity, air quality and retail impact. The Council has therefore complied with paragraph 38 of the National Planning Policy Framework 2019.

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:

Location Plan – 1566-10
HDD Site Development Plan – 1566-110 Rev L
Costa Unit Plans, Sections and Elevations – 1566-202
Costa Height Barrier - 26996
Retail Units Plan – 1566-201 Rev B
Nursery Unit Plans – 1566-200 Rev B
Ground floor, first floor & roof plans – 7641-SA-8725-P006 A
Proposed Elevations and Section – 7641-SA-8725-P005 A
Street lighting layout – LL1088/001 Rev C

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].
3. The buildings hereby approved shall be constructed using the external facing and roofing materials detailed on the approved plans and supporting documents submitted considered as part of the application and no alternative or additional materials shall be used.

[To ensure the satisfactory appearance of the development and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

4. The larger Class A1 retail unit hereby approved (identified as Unit 3 on the Proposed Site Plan 1566-110 Rev L) shall not be used as a food supermarket (Use Class A1). The unit shall be used for other A1 purposes including, but not limited to, use as an A1 sandwich shop, or for the principal purpose of the sale of other convenience goods (such as alcohol, newspapers/magazines and household cleaning products).

[To ensure the use of the site does not impact upon the viability and vitality of nearby local centres in accordance with Policy 6 (Role of Town and Local Centres) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 27 (Main Town Centre Uses Outside District Centres or Local Centres) of Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3, Class A, units 5 and 6 as shown on the approved plans shall not be used for the purposes of Class A1 (shops) at any time.

[To ensure the use of the site does not impact upon the viability and vitality of nearby local centres in accordance with Policy 6 (Role of Town and Local Centres) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 27 (Main Town Centre Uses Outside District Centres or Local Centres) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. The development hereby approved shall not be occupied until details of the sheltered cycle storage to serve the development have been submitted to and approved in writing by the Local Planning Authority. The agreed cycle provision shall then be installed prior to the first use of the relevant building and retained as such in perpetuity.

[To ensure the development is served by adequate provision of cycle storage to encourage cycling as a mode of transport for the site's users in accordance with Policy 2 (Climate Change) and 14 (Managing Travel Demand) of the Rushcliffe Local Plan Part 1: Core Strategy].

7. No development shall commence until cross section drawings and detailed finished floor levels of the land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

[To ensure the development is of a satisfactory appearance, in the interest of highway safety and to ensure the finished floor levels are 150mm above the surrounding land to prevent surface water flooding. In accordance with Policy 1 (Development Requirements) and 18 (Surface Water Management) of Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition as adjusting land levels and setting drainage would be the first action of this development and such details are required to be agreed beforehand].

8. The units hereby approved shall only be open to the public between the hours of:

7am – 11pm Monday (inclusive) – Saturday, Sunday and Bank Holidays

[In order to protect the amenities of nearby residential properties in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. No unit hereby approved shall receive deliveries outside of the following hours of the day:

7am – 10pm Monday – Saturday
8am - 8pm Sunday and public holidays

[In order to protect the amenities of nearby residential properties in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:

- a) The means of access for construction traffic;
- b) parking provision for site operatives and visitors;
- c) the loading and unloading of plant and materials;
- d) the storage of plant and materials used in constructing the development;
- e) wheel washing facilities;
- g) a scheme for the recycling/disposal of waste resulting from construction works; and
- h) details of dust and noise suppression to be used during the construction phase.

The approved statement shall be adhered to throughout the construction period

[To protect the amenities of neighbouring residents and in the interests of highway safety to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the agreed measures are implemented throughout the construction phase of the authorised development].

11. The development hereby approved shall not be occupied until details of the noise attenuation fencing, as required by the submitted Noise Impact Assessment and subsequent addendums, has been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall then be installed prior to first occupation of any part of the development and retained as such in perpetuity.

[In order to safeguard the amenity of the existing and future occupiers in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. Prior to the installation of any extraction equipment on any A1, A3 or A5 use, within any relevant unit, full details of all proposed extract ventilation system(s) for that unit shall be submitted to and be approved in writing by the Local Planning Authority. This submission(s) shall include the following:
- a. The extract vent should terminate not less than 0.6 metres (ideally 1 metre) above the ridge of the building and not less than 1 metre above any openable window/skylight;
 - b. details of when the extraction systems will be used;
 - c. details of the expected noise levels generated by the fan, including a full octave band analysis;
 - d. details of how the equipment will suppress and disperse fumes and/or odour produced by cooking and food preparation and/or noise from vibration produced by the equipment's use; and
 - e. the siting and appearance of the equipment.

[In order to protect the amenity of nearby and future residential occupiers and to ensure the appearance of the equipment is satisfactory in order to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. Prior to the installation of any fixed plant and/or machinery to each of the A1, A3 or A5 units, details of the siting and appearance of the equipment and a noise scheme detailing the noise outputs for both day-time and night-time operation shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter any fixed plant and/or machinery shall be installed, operated and maintained in accordance with the approved details for the lifetime of the development.

[In order to protect the amenity of nearby and future residential occupiers and to ensure the appearance of the equipment is satisfactory in order to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The development hereby approved shall be carried out in accordance with the approved Travel Plan dated June 2019 including the operational and monitoring measures contained within the approved document.

[In order to encourage modal shift towards more sustainable methods of travel and to monitor the impacts of the measures proposed within the approved plan in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

15. No part of the development hereby permitted shall be brought into use until an appropriate scheme of footway/uncontrolled pedestrian crossing

improvements have been provided to link the development to the existing cycle facilities on the northern side of Landmere Lane, in accordance with details to be submitted and approved in writing by the Local Planning Authority.

[In the interests of pedestrian safety and encourage suitable transport and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

16. No part of the development hereby permitted shall be brought into use until a suitable foot /cycleway has been provided across its frontage, in accordance with details to be submitted and approved in writing by the Local Planning Authority.

[In the interests of pedestrian safety and encourage suitable transport and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

17. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas relevant to the corresponding unit(s) are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

[In the interests of Highway safety and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

18. Prior to the first use of the development hereby approved, the approved lighting scheme (as shown on Drw Street Lighting Layout – LL1088/001 Rev C) relevant to the corresponding unit(s) shall be fully installed. The lighting scheme shall then be retained and operated in accordance with the External Lighting Impact Assessment Rev B dated 13/6/2019 free from any impediment for its intended use in perpetuity.

[In order to protect the amenity of nearby and future residential occupiers and to ensure the appearance of the equipment is satisfactory in order to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and to encourage the use of the site by protected species in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

[To make sure the site, when developed is free from contamination, in the interests of public health and safety and to comply with Policy 40 (Health Impacts of Development) of the Rushcliffe Local Plan Part 2: Land and

Planning Policies].

20. No development (including site clearance, breaking ground or site preparation) shall take place within any part of the development until the existing trees and/or hedges which are to be retained within the development (either within or adjacent to the site) have been protected in accordance with the approved Arboricultural Impact Assessment dated June 2019. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure the existing vegetation, trees and hedgerows are adequately protected during the construction phase of the development to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition because tree protection is required to be in place prior to any machinery being brought on to site so as the trees will not be damaged through the construction phase].

21. Prior to the erection of any building hereby approved, a hard and soft landscaping scheme relevant to the corresponding unit shall be submitted to and approved in writing by the Local Planning Authority. The agreed landscaping scheme shall then be fully installed prior to the first occupation of that phase of development hereby approved.

[To ensure the development is of a satisfactory appearance in accordance with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

22. Prior to the erection of any building hereby approved, details of ecological habitat accommodation to be incorporated into the building shall be submitted to and approved in writing by the Local Planning Authority. The habitat accommodation shall then be installed prior to first use of that building and retained as such in perpetuity.

[In order to ensure that the development renders a net gain to biodiversity in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

23. The development hereby approved shall be carried out in accordance with the approved "Flood Risk and Drainage Strategy Statement" dated 31st May 2019 and both surface water and foul drainage provision shall be installed prior to first use of any of the buildings hereby approved and maintained as such in perpetuity.

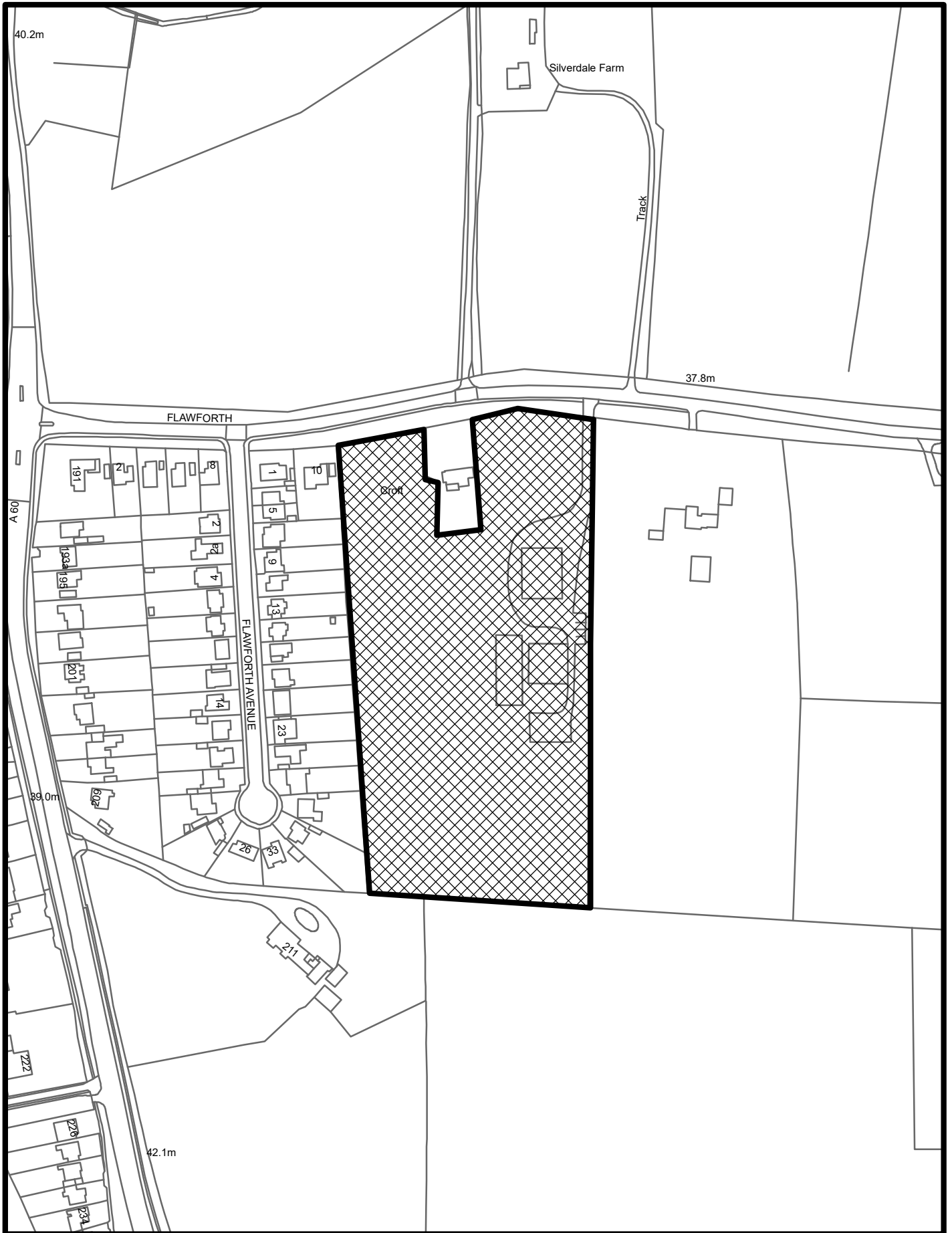
[To ensure that surface water and foul water is adequately dealt with as part of the development to comply with Policies 17 (Managing Flood Risk), 18 (Surface Water Management) and 19 (Development Affecting Watercourses) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

24. No development hereby approved shall commence until details of the manner in which surface water drainage arising from the site is to be dealt with and disposed of are submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be installed prior to first use of the buildings hereby approved and operated in accordance with the approved details for the life of the development.

[To ensure that surface water and foul water is adequately dealt with as part of the development to comply with Policies 17 (Managing Flood Risk), 18 (Surface Water Management) and 19 (Development Affecting Watercourses) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition as it is anticipated that the drainage provision would be the first action of the development and therefore these details need to be agreed prior to installation].

25. The removal of any scrub, trees or hedgerow hereby approved as part of this development shall take place outside of the bird nesting season unless the activity is supervised by a suitably qualified ecologist. If any nesting birds are found during such works, works should stop immediately and not continue until such a time as outside of the bird nesting season.

[To ensure the construction does not impact upon protected habitats in accordance with the National Planning Policy Framework 2019].



Application Number: 19/01063/FUL
south of Flawforth Lane Ruddington



scale 1:2500

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19/01063/FUL

Applicant Linden Limited

Location Land South Of Meadowcroft Flawforth Lane Ruddington Nottinghamshire

Proposal Demolition of existing buildings, construction of 56 dwellings, creation of new vehicular and pedestrian access and provision of associated public open space, landscaping, drainage and highways infrastructure.

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The application relates to a 2.6 hectare site located to the east of Ruddington, situated to the south of Flawforth Lane and to the east of Flawforth Avenue. A rectangular area to the north is omitted from the site, this encompasses a residential dwelling (Meadow Croft). The site abuts a residential property and paddock to the east at Nursery House. Outline planning permission has been granted for around 180 homes on land immediately to the south of the site (planning reference 19/00535/OUT).
2. The site is in use as a horticultural nursery and is partly occupied by a two storey office/commercial building and a series of greenhouses and polytunnels. The site is largely open in character with the exception of a previous nursery tree plantation to the south west corner of the site. The site is an adopted housing allocation and has been removed from the Green Belt through the adoption of the Local Plan Part 2. The boundary of the Ruddington Conservation Area abuts the south west corner of the site.

DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for the erection of 56 dwellings including access, landscaping and public open space following the demolition of the existing structure. The housing mix would comprise 30% (17) affordable units, the breakdown of units would be 7 intermediate, 8 affordable rent and 2 social rent. The affordable mix would include four 1 bedroom units. A new site access would be created from Flawforth Lane to the north east corner of the site, the existing access would be closed.
4. The development would be set back from the Flawforth Lane frontage with additional tree planting proposed to the front of the site. An attenuation area is proposed to the north west corner. A 320m² children's play space (LEAP-Local Equipped Area of Play) would be located to the south west corner of the site. A footpath connection to the adjacent site, which benefits from outline planning permission, is proposed.
5. The application also proposes a scheme of highway improvements including an improved footpath on the southern side of Flawforth Lane to improve connectivity between the site and the A60 and contributions towards the improvement of the A60 junction.

6. The submission includes the following documents:
- Planning Statement and Design and Access Statement
 - Landscape Baseline Report
 - Landscape Baseline Report and Green Belt Summary
 - Phase 1 Geo- Environmental Desk Study
 - Arboricultural Implications Assessment and Method Statement and plan
 - Statement of Community Involvement
 - Ecological Appraisal
 - Utilities and foul drainage assessment
 - Flood Risk Assessment and Surface Water Drainage Strategy
 - Transport Assessment
 - Energy Statement
 - Heritage Statement

SITE HISTORY

7. 8/K1/78/D/551- Erect two detached bungalows and garages. Refused in 1978. Appeal dismissed.
8. 93/00018/ADV- Retain hanging sign. Granted in 1993.
9. 05/01166/FUL- Use of land as builder's compound (for 18 months). Refused in 2005

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr Walker) objects on the basis that the application is premature. The land is still part of the Green Belt and the Local Plan Part 2 has not yet been finalised. They agree with The Parish Council and the Highways response to the consultation and the Environmental & Sustainability Officer recommendation that any trees and hedges on site should be retained, barring any identified adversely in the Tree Survey. Following adoption of the Local Plan Part 2, clarification regarding Cllr Walker's position on the application was sought and she confirmed that, as she opposed adoption of the Plan, her objection still stands.

Town/Parish Council

11. Ruddington Parish Council object to the application on the basis that it is premature, the land is still part of the Green Belt as (at the time of their comment) the Local Plan Part 2 has not been finalised. They agree with the Highways response to the consultation and the Environmental Sustainability Officer recommendation that any trees and hedges on site should be retained, barring any identified adversely in the Tree Survey. A greater character and diversity of house types would be welcomed. In the event of planning permission being granted, the Parish Council seek a request for Section 106 funding for improvements to the infrastructure within Ruddington as detailed in the consultee response (and detailed in the Section 106 table attached to this report).

Statutory and Other Consultees

12. Nottinghamshire County Council as Highway Authority submitted comments on 12 June recommending that the application be deferred until the 13 points raised in their consultee response had been addressed. Discussions have taken place between the agent/highway engineer and the Highway Authority to overcome the points raised. Highways subsequently confirmed (via email on 10 October) that the majority of these highway matters have now been addressed. The only outstanding matter relates to the provision of controlled pedestrian crossings at the A60 junction. They have received a cost estimate from their signals team, and have passed this onto the applicant's highway engineer to consider.
13. Nottinghamshire County Council Planning seek planning contributions towards Transport and Travel via a Section 106 agreement for Bus Stop Improvements/installations to the value of £20,000; £202,704 towards Primary education and £216,447 towards secondary education. A library contribution of £1,976.00 is sought. Memorandum of Understanding (MOU) contributions may be sought in relation to major road network improvements, the Borough Council administer the development contributions strategy and Highways England will collect the contribution.
14. NHS Nottingham West CCG request a contribution of £51,520 based on £920 per dwelling for 56 dwellings all 2+ beds. Any contribution for this development would be put towards extending Ruddington Medical centre further or increasing capacity at neighbouring practices.
15. The NHS West – Nottingham Universities Trust whilst not a consultee commented on the application, requesting a contribution to be secured by S106 agreement of £43,550.00 to provide capacity for the Trust to maintain service delivery during the first year of occupation of each unit, not provided through standard NHS funding mechanisms.
16. The Environment Agency has no comments to make, the application should be referred to the LLFA.
17. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) do not object, subject to a condition requiring a detailed surface water drainage scheme to be submitted to and approved by the Local Planning Authority in consultation with the LLFA prior to commencement. Requirements of the scheme are detailed in the full consultee response.
18. Sport England comment that the proposal does not fall within their remit. Standing advice is provided in their consultee response.
19. Historic England have no comments to make.
20. Highways England do not object.
21. Nottinghamshire County Council Rights of Way Officer notes there are no public rights of way within/adjacent the site.

22. Severn Trent note that a sewer modelling assessment may be required. The foul connection to the public sewer would be subject to a formal sewer connection approval under the relevant legislation.
23. The Trent Valley Internal Drainage Board commented that the site is outside of the Board's district but within their catchment. There are no Board-maintained watercourses in close proximity to the site. No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority, has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board's requirements for any such scheme are detailed in their consultee response.
24. The Borough Council's Environmental Sustainability Officer notes that an Ecological Appraisal has been supplied, the supporting surveys are in date and appear to have been carried out in accordance with best practice. No protected/ priority species were identified on site, however there is the potential for amphibians and reptiles, badgers, hedgehogs and brown hare. It is unlikely that there would be a material impact on the conservation status of a European protected species if developed sensitively. The development provides opportunities for ecological enhancement, it should be demonstrated that this development as proposed will provide a net gain for biodiversity. A number of recommendations are detailed in the full consultee response.
25. The Borough Council's Conservation Officer initially commented that a geophysical survey of the adjacent site identified some targets in the north section nearest the application site and, therefore some archaeological potential to the southern corner of the application site. Following the receipt of further information however, the Conservation Officer provided revised comments, noting that the targets in the geophysical survey are actually a former field boundary. Furthermore, given the previous development of the northern 2/3rds of this site, and areas likely disrupted by tree roots, he concluded that no further archaeological assessment of this site was justified and no condition should be applied.
26. With regard to impacts upon the setting of listed buildings and the conservation area, the setting back of the development from the northern end of the site helps to mitigate any minor impact on the setting of Easthorpe House (grade II listed) the semi-natural parkland (undesigned) of which extends to the northern side of Flawforth Lane. The proposal would have no impact on the setting of the conservation area, screened by intervening modern development to the west and south and the frontage set back helping to mitigate against any impacts to the northwest. The proposal would achieve the heritage objectives described as being desirable in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition to the above, the Conservation Officer also made comment on the layout of the scheme and house types, his recommendations are detailed in the full consultee response available on the Council's website.
27. The Borough Council's Design and Landscape Officer commented that the Arboricultural report is an accurate reflection of the trees of site. The important trees in terms of public amenity are located on the Flawforth Lane frontage and are shown to be retained, including a mature oak tree. The silver birch tree belts to the south west corner of the site are understood to be important to local

residents, however they have little wider public amenity value and are not visible from public vantage points. These trees appear to be nursery stock planted too close together, requiring thinning out. Given that the group of silver birch trees would be located within the middle of the gardens of the proposed development, it would not be conducive for future occupiers to retain them. It is considered that the best course of action is to remove the trees and condition a landscape plan to ensure suitable replacement tree and hedgerow planting takes place on this boundary. The landscaping plan appears largely appropriate but the extent of the hedgerow on the western boundary is unclear, more boundary planting should be considered to the western boundary/western half of the southern boundary. The proposed trees on the open space in the north east corner of the site could be large growing species. Tree protection should be conditioned in accordance with BS5837

28. The Borough Council's Environmental Health Officer does not object. The Phase I Desktop Study recommends that a Phase II Ground Investigation be undertaken, this investigation should include the elements detailed in the consultee response. Conditions are proposed, requesting a Phase II Investigation; an asbestos survey; a method statement for demolition and construction; and prohibiting the burning of waste.
29. The Borough Council's Strategic Housing Manager commented that the site lies within the 'Ruddington' housing submarket area. Under Policy 8 (Housing Size, Mix and Choice) of the Rushcliffe Local Plan Part 1: Core Strategy they would therefore seek the provision of 30% affordable housing on the site. This would equate to 17 affordable units on a scheme for 56 units overall. 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 7 intermediate units, 7 affordable rent and 3 social rent units.
30. The proposed provision of bungalows in the housing mix is welcomed, however the application fails to provide for smaller units, specifically 1 bed maisonettes/bungalows. It is suggested that the plans are amended to provide four 1 bedroom maisonettes, and a bungalow in place of a 3 bedroom house, to provide a more a more balanced affordable housing mix. The plans should be amended to show the different tenures, defining which are affordable rent, social rent and shared ownership. 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.
31. The Borough Council's Planning Policy Manager provided comments prior to the adoption of the Local Plan Part 2 and therefore these comments refer to assessing whether very special circumstances exist to outweigh the inappropriateness of the development in the Green Belt. The application falls to be considered under LPP2 policies: 1 (Development Requirements), 6.2 (Housing Allocation Land South of Flawforth Lane Ruddington), 18 (Surface Water Management, 32 (Recreational Open Space), and 39 (Health Impacts of Development).

32. Both this application and the outline planning application to the south of the site (planning reference number 19/00535/OUT) identify either a pedestrian connection or possible pedestrian connection between the two sites. It is considered that the linkage would ensure connectivity between the two sites, to the village centre and to the business park and country park. In order to ensure compliance with policy 14 of the Core Strategy (in promoting sustainable travel by non-car modes), it is recommended that some form of planning condition is used in order to secure this linkage.
33. The Borough Council's Community Development Manager commented that the plans meet the criteria for on-site children's play provision although the provision of a junior as well as infant swing is requested. 0.0704 ha of unequipped play/amenity public open space is expected. Contributions of £22,712 towards sports halls and £24,121 towards swimming are requested. A total sports pitch provision of £33,404 is requested. The Rushcliffe Borough Council Leisure Facilities Strategy 2017-2027 requires 0.4 hectares of provision for allotments per 1,000 population.

Local Residents and the General Public

34. Fourteen representations have been received objecting to the proposals on grounds which can be summarised as follows:
- a. Concerns regarding overlooking from the east facing properties adjacent to Flawforth Lane, these should be south facing instead.
 - b. Seek safeguards regarding hours of work, noise, dust, use of chemicals.
 - c. Plans ignore the dwelling within the site at Meadow Croft.
 - d. Style of proposed dwellings to rear of Meadow Croft are not appropriate and not in keeping with surrounding properties.
 - e. Concerns regarding overlooking of Meadow Croft from the proposed 6 houses to the rear, it would be more appropriate to have similar style and sized dwellings in this space. Consideration should be given to exchanging plots 47-52 with plots towards to the top of the site (such as plots 20, 18 and 19, or plots 30 and 31).
 - f. Seek assurance that the proposed footpath is not going to be immediately adjacent to Meadow Croft, and that there will be shrubs and plants between the footpath and boundary.
 - g. Concerns regarding overshadowing, loss of light and loss of privacy to 9 Flawforth Avenue.
 - h. Concerns regarding adequacy of parking/loading/turning areas and noise as a result of use.
 - i. Initial proposal for the RUD5 site was for 40 homes, now it is 56 representing an 40% increase.
 - j. Site is within the Green Belt.

- k. 22 more properties are being constructed on the same area of land as that built on for Flawforth Avenue, therefore suggesting that the site is over-populated.
- l. None of the houses are affordable and village does not need more 4+ bed dwellings.
- m. Adverse impact on rural nature of village.
- n. Loss of Green Belt and current horticultural use.
- o. Application is premature, should await adoption of LPP2. The LPP2 considers the site for 50 houses not 56 as proposed, the number should be reduced accordingly.
- p. Concerns regarding additional road traffic, impact on Flaworth Lane and surrounding Trunk Roads.
- q. Inadequacy of Flaworth Lane to act as a relief road during closure of A52.
- r. Proposal will exacerbate traffic issues on Flaworth Lane. Safety hazard regarding egress from site onto Flaworth Lane.
- s. No acknowledgement in the application of the need for a pedestrian crossing at the Kirk/Flaworth Lane crossroads, it should be made easy for residents to walk into the village given the parking issues, currently the crossroads are unsafe. Safe family access to the village needs to be prioritised.
- t. The application should include improvements to the Kirk Lane/A60 junction to allow easy crossing of the A60 by pedestrians and filter lanes for turning traffic.
- u. Cumulative impact of sites on local services. Impact on local services i.e. medical facilities, schools and parking within the village.
- v. Proposal would result in an additional 112 cars and 110 children, schools are already at capacity. At 4 people per house, this would require 226 doctors places.
- w. Concerns regarding removal of sycamore tree, no 4817 on the tree plan, the trees that have already been removed have impacts on wildlife, concerns about this being denuded further.
- x. An apple tree adjacent to 11 Flaworth Avenue was shown on the first plans from Landmark Planning, this has now disappeared from the plans.
- y. No root protection show on the plan for the trees at the rear of No. 11.
- z. Landscaping scheme shows a substantial gap from numbers 9 to 15 Flaworth Avenue, seek assurance of a strong buffer to these properties. Concern regarding proximity to trees at No. 9.

- aa. The site is on the rural edge of Ruddington. Existing trees should be retained even if they are not specimen quality as new planting takes years to establish.
- bb. The planted perimeter to the east of the site will not give sufficient screening as it is too narrow towards the south. The width should be increased to at least 6 metres for the full length of the east boundary.
- cc. Concerns regarding the loss of mature trees including a cluster of 30-40 birch trees to the south west corner of the site. Environmental impact and loss of an important screen for Flawforth Avenue residents.
- dd. Concerns regarding impact of waste water and drainage as a result of the development.
- ee. Concerns regarding impact on the openness of the adjacent conservation area.
- ff. Flawforth Churchyard and Ruddington Hall c. 1km from site.
- gg. Consideration should be given to sensitive lighting.
- hh. Concerns regarding impact on protected species and the presence of bats.

PLANNING POLICY

- 35. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

- 36. The relevant national policy considerations for this proposal are those contained within the 2019 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. 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.
- 37. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means;
 - “c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless;
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (and designated as Green Belt); or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.”
38. Paragraph 67 requires Local Authorities to identify a supply of specific, deliverable housing sites for years one to five of the plan period (with an appropriate buffer) and developable site or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.
39. Paragraph 108 states that *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
 - b) *safe and suitable access to the site can be achieved for all users; and*
 - c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*
40. Paragraph 109 goes on to state 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.”*
41. 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.
42. Paragraph 193 identifies that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
43. In accordance with the Planning (Listed Buildings and Conservation Areas Act) 1990, Local Planning Authorities shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses (section 66). Special attention should

also be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas (section 72). Considerable importance and weight should be attached to any harm to these heritage assets or their setting. The courts have held that this creates a negative presumption (capable of being rebutted) against the grant of planning permission where harm will be caused and that the balancing exercise must begin with this negative weight/presumption even where the presumption in favour of sustainable development is engaged under the Framework.

Relevant Local Planning Policies and Guidance

44. Policy 1 of The Rushcliffe Local Plan Part 1: Core Strategy reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Policy 10 of the Core Strategy (Design and Enhancing Local Identity). The 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. Section 2 of this policy sets out the design and amenity criteria that development shall be assessed against.
45. The proposal falls to be considered under the design and amenity criteria listed under Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies (LPP2). As set out in paragraph 3.70 of the LPP2, Land south of Flawforth Lane has been removed from the Green Belt. The site is allocated under Policy 6.2 (Housing Allocation – Land South of Flawforth Lane, Ruddington).
46. Other relevant policies from the LPP2 are as follows:
 - Policy 12 - Housing Standards
 - Policy 13 - Self-Build and Custom Housing Provision
 - Policy 18 - Surface Water Management
 - Policy 19 - Development affecting Watercourses
 - Policy 20 - Managing Water Quality
 - Policy 21 - Green Belt
 - Policy 28 - Conserving and Enhancing Heritage Assets
 - Policy 29 - Development affecting Archaeological Sites
 - Policy 32 - Recreational Open Space
 - Policy 37 - Tress and Woodlands
 - Policy 38 - Non-designated Biodiversity Assets and the wider Ecological network
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination
 - Policy 42 - Safeguarding Minerals
 - Policy 43 - Planning Obligations Threshold

APPRAISAL

47. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of

sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.

48. The application relates to an edge of settlement site, which previously fell within the Green Belt. Through the adoption of the Local Plan Part 2 (LPP2), the site has now been allocated for residential development and has been removed from the Green Belt. Under LPP2 Policy 6.2 (Housing Allocation – Land South of Flawforth Lane, Ruddington) the site is identified as a housing allocation for around 50 houses. Under this policy, the development will be subject to the following requirements:
- a) the trees and hedgerows which form the boundary of the site should be retained;
 - b) the setting of the Conservation Area and Grade II Listed Easthorpe House should be preserved;
 - c) a financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham); and
 - d) it should be consistent with other relevant policies in the Local Plan.

Compliance with Policy 6.2 of the LPP2.

49. In considering criteria a) of this policy (retention of boundary trees/ hedgerows), the application proposes the retention of the tree cover on the Flawforth Lane frontage. The landscaping plan proposes the reinforcement of the tree cover on the highway frontage and the retention of the existing hedgerow on the eastern and western boundaries. A hedgerow would run along approximately half the width of the southern boundary. The hedgerow would be removed at the point at which the site abuts the adjacent Local Plan Part 2 site at Land East of Loughborough Road which was recently granted outline planning permission for a residential development.
50. The concerns regarding the proposed removal of the silver birch trees to the south west corner of the site are noted. The Design and Landscape Officer notes that these trees are former nursery stock that has been allowed to mature, the trees are too close together to be viable without work to thin-out the trees. The trees are set off the boundary located within the middle of the proposed gardens of the dwellings, the retention of the trees would not be conducive to future occupiers. The trees are not visible from the public realm and it is not considered that they possess a high amenity value that would justify their retention. A public open space and LEAP is proposed to the south west corner of the site. The application plans show additional planting around this public open space.
51. Criteria b) of LPP2 Policy 6.2 requires consideration to be given to the Impact on Ruddington Conservation Area and the Grade II listed Easthorpe House. As the site is adjacent but not within the conservation area, the statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged. However, in accordance with policies within the NPPF, Core Strategy and Local Plan Part 2, it is necessary to have regard for the impact of the proposal on the setting of the conservation area. Part of the southern site boundary abuts the adjacent Ruddington Conservation Area. The south west corner of the site, abutting the conservation area would comprise a LEAP/ public open space. This area would not be visible from the public realm.

The proposal would not impact upon or harm the setting of the conservation area given the adjacent relatively modern properties to the west on Flawforth Avenue, and the set-back frontage helping to mitigate against any impacts to the northwest. It is therefore considered that the proposal complies with the relevant policies which seek to ensure that development does not have an adverse impact on the setting of the conservation area.

52. The Grade II listed Easthorpe House is located approximately 240 metres to the north of the application site, with intervening mature tree cover to the south of Easthorpe House providing a degree of screening. The setting back of the development from the northern end of the site helps to mitigate any potential harm on the setting of this listed building. The proposal would, therefore achieve the heritage objective described as being desirable in sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
53. Criteria c) of LPP2 Policy 6.2 (Financial contributions to the MOU) states that financial contributions will be sought for A52 and A46 highway improvements. Comments were, however provided by Highways England, based on the most up-to-date information, confirming that MOU contributions would not be sought from the Flawforth Lane scheme, due to the scale of the proposal. This approach, potentially in conflict with criteria c) of LPP2 Policy 6.2 is justified in an email from Highways England dated 18 July 2019 which states: "The MoU only relates to developments which have an impact of 30 or more trips on a junction in any peak hour (see para 3.3). The Flawforth Lane site of 56 dwellings, when examined does not generate this level of impact and as such does not need to comply with the requirements of the MoU". It is, therefore considered that a departure from criteria c) of this policy is justified.
54. Criteria d) requires that the proposal is consistent with other relevant policies in the Local Plan. These matters are discussed further in the following paragraphs.

Other relevant policies in the Local Plan

Design and Amenity

55. In considering the design and amenity criteria listed under Policy 1 of the LPP2, the main consideration is the impact upon the residential amenities of Meadow Croft to the front of the site, the properties on Flawforth Avenue to the west, and Nursery House to the east.
56. In respect of Meadow Croft, the application site abuts this dwelling on three sides, although the bulk of the residential development would be situated to the rear (south) of this dwelling with the exception of the proposed dwellings on Plots 55- 56, which would be situated to the east of Meadow Croft. The closest dwelling on plot 56 would be set 4.9 metres from the side boundary with Meadow Croft. The proposed dwellings to the south (rear) of Meadow Croft would be 12.9 metres from the boundary with this neighbour at the closest point. The adjacent dwellings on plots 51 and 52 would be bungalows. It is not considered that there would be an undue overlooking, overbearing or overshadowing impact on this neighbour.
57. The application site abuts the rear gardens of the dwellings on Flawforth Avenue to the west. The development would retain a good separation distance.

The closest dwelling would be set 5 metres from the western boundary. This property would side on to the boundary with no habitable room windows in the side elevation. The separation distance between the closest dwelling on the application site and the closest adjacent dwelling on Flawforth Avenue (building to building distance) would be c. 25 metres. Given the set-back position of the proposed dwellings on plots 35- 42 from the western boundary and the separation distance from the neighbouring dwellings on Flawforth Avenue, it is not considered that these dwellings would give rise to an excessive or unacceptable overlooking impact on the existing neighbouring properties. The closest properties on plots 32 and 46 would be orientated broadly side on to the western boundary and thus the main front and rear windows would not directly overlook the neighbouring properties on Flawforth Avenue.

58. In terms of the relationship with Nursery House to the east, the access road would be set around 13 - 15 metres from this boundary. The boundary hedgerow would be retained and supplementary planting is proposed between the access road and the boundary with this neighbour. Given the distance from the boundary, and the position of this neighbouring dwelling set back from the site boundary, it is not considered that the development would adversely impact upon the amenities of this neighbour.
59. The layout of the scheme would ensure that there would not be any excessive or unacceptable overbearing, overshadowing or overlooking impacts on neighbouring properties due to the positioning, scale and layout of the dwellings in relation to the adjacent properties.
60. The proposed dwellings would be set back a minimum of 9 metres from the eastern side boundary with the adjacent open countryside. The set back of the built form from this boundary, coupled with the retention of the boundary hedgerow would limit the prominence of the dwellings from the adjacent open countryside.
61. It is therefore considered that the application accords with Policy 10 of the Core Strategy, Policy 6.3 of the Local Plan Part 2, 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

Landscaping

62. The application site comprises a privately owned nursery with no public rights of way across the site. The landform within the site runs on a gradual, consistent gradient with no notable features. Public views of the site are from Flawforth Lane on the eastern approach into Ruddington. The residential development would be set back from the highway frontage and the frontage tree cover would be retained.
63. The application is supported by a Landscape Baseline Report which recommends, in summary the following:
 - The retention of tree and hedgerow cover at the northern boundary of the site fronting Flawforth Lane.

- Respecting the existing development setback from the highway so as not to make new development any more prominent within the setting of Flawforth Lane.
 - Locate any requirement for storm water attenuation at the northern boundary of the site (low-point).
 - Reinforce the treed setting alongside the southern boundary of the site to protect the wider open character of the surrounding countryside.
 - Development should be set back from the adjoining Conservation Area at the south-west boundary.
64. The Landscape Baseine Report states that these recommendations have been adopted in the submitted scheme. The proposed retention of the existing boundary trees and hedgerows as far as possible (with the exception of where the site abuts the Land East Of Loughborough Road site) coupled with the proposed supplementary planting would retain the landscaping setting of the site.

Strategic Housing

65. The application proposes the provision of 30% (17) affordable units in line with the Borough Council's strategic housing requirements. The originally submitted scheme did not include any one bed units and subsequently amendments were sought to provide a more balanced affordable housing mix to meet the appropriate needs of the population as required by the evidence base. The application plans were subsequently revised to include four 1 bedroom units within the affordable mix.

Highways

66. Policy 1 (Development Requirements) of the LPP2 requires that a suitable means of access to the development is achieved without detriment to the amenity of the adjacent properties or highway safety, and the provision of parking is in accordance with the advice provided by the Highways Authority.
67. The application is supported by a Transport Assessment, details of site access and layout. This concludes that the proposal can achieve a safe and suitable access by all modes of travel and the proposal would not result in a severe impact. Therefore, the proposed development would accord with the aims of the NPPF.
68. Nottinghamshire County Council as Highway Authority submitted comments recommending that the application is deferred until the 13 points raised in their consultee response had been addressed. Discussions have taken place between the agent/highway engineer and Highways to overcome the points raised. A revised layout plan was provided by the applicant to incorporate the measures recommended by Highways, this was accompanied by a tracking plan for refuse vehicles and a revised access plan. Highways subsequently confirmed that the matters had been addressed, the only outstanding matter relating to the provision of of controlled pedestrian crossings at the A60 junction, which is a matter to be agreed between the applicant and the Highway Authority.
69. With regards to the Kirk Lane/A60 junction, Highways initially commented that: *"There is no proposal to improve pedestrian facilities at the Kirk Lane/Flawforth*

Lane/Loughborough Road signalised junction. However, as all pedestrians from this development will use the Kirk Lane signals to get to Ruddington for schools and shopping etc. we would require that this development should model the installation of the pedestrian crossings at this junction and proposed appropriate improvements to create a safe facility for pedestrians to reach the nearby facilities and not be vehicle dependant.” With respect to this matter, the applicant has provided a technical note which recommended the applicant pay a contribution towards highways to add a pedestrian control to the implementation of the works required at the crossroads. Detailed technical approval would be required to be agreed with NCC Highways, however such improvements would improve pedestrian connectivity with Ruddington centre.

70. It is considered that with the imposition of suitable conditions and S278 agreements to both secure financial contributions to assist in the provision of localised highway improvements, there are no highway safety reasons to refuse the planning application. In particular, the NPPF makes it clear in 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.

Air Quality

71. The NPPF (Section 15) confirms that planning decisions should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. The site is not located within an Air Quality Management Area but to assist in meeting national and local objectives it is recommended that provision of electric charging points is secured by way of condition.
72. The National Planning Practice Guidance (NPPG) contains guidance on air quality. It requires local planning authorities to consider whether development would expose people to existing sources of air pollutants, and/or give rise to potentially significant impact (such as dust) during construction for nearby sensitive locations. A condition is recommended requiring the submission and approval of a construction management plan to help minimise construction nuisance from dust.

Ecology

73. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
1. There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”
 2. there is no satisfactory alternative; and

3. the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
74. The application is accompanied by a Phase 1 Ecological Appraisal, which identify no protected or priority species, although there is potential for amphibians and reptiles, badgers, hedgehogs and brown hare. It is unlikely that there would be a material impact on the conservation status of a European protected species if developed sensitively. The development provides opportunities for ecological enhancement, it should be demonstrated that this development as proposed will provide a net gain for biodiversity
75. To ensure that the proposed development is undertaken in a way that will minimise adverse impacts on biodiversity and secure future long-term management to retain biodiversity and deliver biodiversity gain, a range of mitigation measures would be required and secured by the imposition of suitable planning conditions. The proposal would, therefore, accord with the aims of Paragraph 174 of the Framework and the provisions of Policy 17 of the Core Strategy.

Waste

76. 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.”
77. 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.
78. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works. On a development on this size it is not considered necessary for the site to achieve appropriate provision to allow for the recycling of waste for items which are not covered by our kerbside collection service, e.g. glass and textiles. It is considered that adequate provision for storage facilities at residential premises are achieved by ensuring that there is sufficient and discrete provision for bins. The road layout ensures that adequate provision for servicing of the development is achieved.
79. Before granting planning permission the local planning authority will need to be satisfied that the impacts of non-waste development on existing waste

management facilities are acceptable and do not prejudice the implementation of the Waste Hierarchy. It is noted that the County Council as the Waste Authority are satisfied 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.

80. Taking into account the above comments and suggested conditions, it is considered that waste management is adequately considered alongside other spatial planning concerns, and the design and layout of new residential properties complements sustainable waste management, including the provision of appropriate storage and segregation facilities to facilitate collection of waste

Noise

81. The NPPF (Section 15) advises that planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment. In doing so they should; *“Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.”*
82. With regard to the potential impact upon nearby residential properties, Environmental Health request a method statement including details for the control of noise to be secured by way of a condition, and a limitation of work to reasonable daytime hours as detailed in their consultee response. In the event that a crusher is required, this shall be sited as far as possible from nearby properties and operated in accordance with its process permit. Environmental Health have not raised concerns regarding the impact upon future occupants of the development from any nearby sources of noise.

Contamination

83. 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. In relation to contaminated land, the Environmental Health Officer reviewed the Phase I Desktop Study from BRD Environmental Ltd dated February 2019 and recommend a Phase II Ground Investigation be undertaken.
84. The Phase I report identified potential contamination risks and therefore set out a number of recommendations as detailed in section 3.7 of the report, to be considered in a Phase 2 Contamination Assessment. A Phase 2 report was subsequently provided, based on the recommendations of the Phase I report. The report identifies the presence of contaminated soils and groundwater. Thus, in line with the recommendations of the Environmental Health Officer, a remediation report and validation statement will be required. The submission of these statements can be secured at the appropriate time by a condition of any planning permission.

Health and Wellbeing

85. 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.
86. The provision of open space and green space including an equipped play area would support these policy ambitions. Modifications took place during the course of the application to address an identified shortfall in play equipment provision. The Community Development Manager confirmed that the plans meet the criteria for on-site children's play provision.
87. The application proposes a footpath linkage with the adjacent residential site to the south, which would ensure connectivity between the two sites, to the village centre and to the business park and country park. An equipped play area would be provided on the neighbouring development, the details of will need to be provided to satisfy a condition of the permission and to ensure that the facility compliments that to be provided on the current application site, and to ensure that the overall provision addresses the needs of a wide age group.

Drainage

88. 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.
89. A site specific Flood Risk Assessment and Drainage Strategy has been submitted with the application. This identifies that the site is within Flood Zone 1 and at a low risk from all sources of flooding. It is concluded that the surface water discharges generated from the development of the site would not exceed the greenfield rate. Attenuation features have been designed to accommodate the 1 in 100 plus 40% climate change storm event without flooding from surface water.
90. The Lead Local Flood Authority, having reviewed the submitted Flood Risk Assessment (FRA) and Drainage Strategy, April 2019, by Glanville Ltd, have no objection subject to a condition requiring the submission and approval of a detailed surface water drainage scheme based on the principles of the FRA. A condition is recommended to secure the appropriate details.

91. It is acknowledged that Section 94 of the Water Industry Act 1991 imposes a continuing duty on all sewerage undertakers to provide, maintain and where necessary improve its systems for collecting and treating foul and wastewater drainage so as to effectually drain its areas and effectually deal with the contents of its sewers. The planning authority must also take into account that the developer has the absolute right to connect to the public sewerage system under section 106 of the Water Industry Act. Any improvements considered necessary to improve existing capacity at the pumping station will be undertaken by Severn Trent under their separate legal obligations.

Archaeology

92. A Geophysical Survey of the adjacent application site (19/00535/OUT) identified some targets close to the boundary the Flawforth Lane application site. As such, it was initially considered that there could be some archaeological potential to the southern corner of the application site. It was, however clarified that the identified targets related to a former field boundary rather than archaeological remains. The south west corner of the site is likely to have been disrupted by tree roots and given the development of the northern two thirds of the site, it is not considered that a further archaeological assessment of the site is justified.

Contributions

93. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework.
94. The Rushcliffe Borough Council Community Infrastructure Levy (CIL) Charging Schedule, including the associated instalment policy and payment in kind policy came into force on 7 October 2019. The total CIL liability for the development is estimated to be £212,520, with potential for Social Housing Relief reducing the notional receipt to around £171,300.
95. This report has a S106 table attached which sets out the contributions being sought by infrastructure providers or equivalent and the Borough Council's considered position on this. In light of the adoption of CIL, the table has been updated with details of those infrastructure requirements to be covered by the CIL.

Conclusion

96. The site is located within Ruddington, one of the Borough Council's key rural sustainable settlements identified for growth, where a minimum of 250 houses is proposed in the Core Strategy. The Local Plan Part 2 identifies that Ruddington has scope to sustain around 525 dwellings in total. Through the adoption of the LPP2, the application site has been allocated for residential development of around 50 dwellings and removed from the Green Belt, thus removing a significant policy constraint to the delivery of housing. For the

reasons set out above, the proposed development would comply with relevant policies in the Development Plan, in particular the site specific policy 6.2 which sets out the requirements for any development of the site, and the NPPF. It is considered that the proposal satisfies criteria a) (retention of boundary trees/hedgerow) and b) (preserving the setting of the Conservation Area and Grade II Listed Easthorpe House). Having sought technical advice on criteria c) (financial contributions to A52/ A46 improvements), Highways England have confirmed, based on up-to-date information, that the development falls below the threshold at which MOU contributions would be sought. It is considered that in line with criteria d), the proposal is consistent with other relevant policies in the Local Plan.

97. Negotiations have taken place during the consideration of the application to address concerns raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s)

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

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

2. The development hereby permitted shall be implemented in accordance with the following plans and documents:

- Planning Statement
- Site Location Plan
- Landscape Baseline Report
- Landscape Baseline Report and Green Belt Summary
- BRD1661-OR2-A Phase 1 Geo- Environmental Desk Study
- Arboricultural Implications Assessment and Method Statement
- Arboricultural Implications Plan
- Design & Access Statement
- Ecology Report
- Utilities And Foul Drainage Assessment
- Flood Risk Assessment & Surface Water Drainage Strategy
- Transport Assessment
- Energy Statement
- Heritage Statement, received on 24 April 2019; and

- 1237-003 (Planning Layout - Flawforth Lane)
- 16462 B (Playspace layout)
- Geo-Environmental Site Investigation
- 1237-007 REV A (Revised Affordable Plan)
- 1237-006 REV C (Revised Boundary Treatments)

- 1237-005 REV D (Revised Materials Plan)
- 1237 A22-01 HT A22 (Revised A22 House Type)
- ADC 1658 051 (Swept Path Analysis)
- ADC 1658 002 (Access Junction Layout Option 2)
- 1237 TPG Triple Garage (Triple Garage Elevations)
- 1237 TG REV A Double And Twin (Double & Twin Garages)
- 1237 SG Single Garage (Standard Garages);
- and the following revised house types: PEM REV B –Pembroke, 1237 NAS – Nash, 1237 MYL REV A – Mylne, 1237 MOU REV A – Mountford, 1237 MOU D – Mountford, 1237 LEV – Leverton, 1237 KNI – Knightley, 1237 HAR – Harcourt, 1237 GRA REV B – Grainger, 1237 GOO – Goodridge, 1237 EVE02 - Eveleigh V2, 1237 EVE – Eveleigh, 1237 EMM – Emmett, 1237 ELL – Elliott, 1237 A30-01 HT A30, 1237 A26-01 HT A26, and 1237 A10-01 HT A10, and BRD1661-OR3-A, received on 11 September 2019.

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

3. The facing and materials shall be in accordance with drawing number 1237-005 Rev D Materials Proposals Drawing received on 11 September 2019 unless otherwise agreed in writing with the Borough Council.

[To ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No development shall take place above damp course level until the technical approval under S38 (or equivalent) has been agreed with Nottinghamshire County Council for the construction of the roads and associated works within the site. The development shall thereafter be implemented in accordance with the approved details and no dwelling shall be occupied until the roads necessary to serve that property have been constructed to at least base level.

[To ensure an adequate form of development in the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the Flood Risk Assessment (FRA) and Drainage Strategy, April 2019, Glanville Ltd., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to 9.5 l/s for the developable area.

- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- If appropriate, details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.

[To ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy. To prevent the increased risk of. This is a pre commencement condition to ensure that flood risk is mitigated and the measures can be incorporated in to the build phase].

7. The development shall be undertaken in accordance with the landscaping scheme as shown on plans 16505 Rev B Sheet 1 of 2 and 16505 Rev B Sheet 2 of 2 received on 11 September 2019.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation

[To make sure that a satisfactory landscaping scheme for the development is implemented in the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

8. No development shall take place until details of the means of protection of existing hedgerows and trees whilst construction works are being undertaken have been submitted to the Local Planning Authority. All existing trees and/or hedges which are to be retained are to be protected in accordance with the approved measures and that protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority.

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition to ensure protection during construction works of trees, hedges and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired].

9. No development, including any demolition and site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. the means of access for demolition and construction traffic;
 - b. the erection and maintenance of security hoarding;
 - c. wheel washing facilities (including full details of its specification and siting);
 - d. measures to control the emission of dust and dirt during construction;
 - e. a scheme for recycling/disposing of waste resulting from and construction
 - f. works;
 - g. the days and times of construction activity and of materials delivery and disposal activity; and
 - h. A scheme for temporary signage and other traffic management measures, including routing and access arrangements.

If the use of a crusher is required, this should be sited as far as possible from nearby properties and be operated in accordance with its process permit.

[To protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

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

11. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[To ensure an adequate form of development in the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. Prior to the occupation of any dwellings, a remediation report and validation statement shall be submitted to and approved by the Borough Council and the appropriate measures shall be carried out in accordance with the details as approved.

[To protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. Prior to occupation of any dwelling, a scheme for external lighting shall be submitted to and approved in writing by the Borough Council, the lighting shall be implemented prior to the occupation of the dwellings in accordance with the approved scheme and maintained for the lifetime of the development

[To protect the amenities of the area and to comply with and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted, a further protected species survey shall be carried out and submitted to the Borough Council. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

[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].

15. No removal of hedgerows, trees or shrubs shall take place between 1st March and 30st September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

16. Prior to first occupation, 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 of hedgerows
- Vegetation clearance shall not occur during the bird nesting season, which runs from March to September inclusive
- Ongoing management of the SUDS for wildlife

- 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
- Details of connectivity to the neighbouring site at Land East of Loughborough Road.

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. This is a pre-commencement condition due to the need to ensure adequate mitigation and management is in place before any intrusive site works take place].

17. Prior to the occupation, 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].

18. Prior to the construction of any dwelling proceeding above foundation level, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve each dwelling on the site. If any plots are to be without provision then it must be demonstrated why the positioning of such apparatus to the external fabric of the dwelling or garage, or the provision of a standalone vehicle charging point would be technically unfeasible or would have an adverse visual appearance on the street-scene. Thereafter, no dwelling shall be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure, where practicable, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

[To comply with and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

19. No part of the development shall be occupied until the footway improvements on Flawforth Lane have been completed as indicatively shown on the submitted plan Drawing title: ADC1658/002 Rev P5 (Access Junction Layout Option 2), received on 11 September 2019, design and layout of which shall be agreed by the Highway Authority subject to a Section 278 agreement.

[To ensure an adequate form of development in the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

20. Prior to the occupation of more than 50% of the dwellings, the equipped outdoor play area shall be completed in accordance with drawing 16462 Rev B (Playspace layout), received on 11 September 2019.

[To ensure the provision of the equipped play area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe

Notes to Applicant

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

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

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.

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

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

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

Section 278 Agreement (Highways Act 1980) - In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which

you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Jan Witko on telephone number 0115 9774364.

Highway works to deliver the alterations to the speed limit requires a Traffic Regulation Order. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and requires public consultation. The Applicant should contact the Highway Authority as soon as possible to discuss how best this is achieved.

Severn Trent note that a sewer modelling assessment may be required. The foul connection to the public sewer would be subject to a formal S106 sewer connection approval under the Water Industry Act.

A Precautionary Method of Working (PMW) as recommended by the consultant ecologist should be followed for amphibians and reptiles.

A horsetail removal strategy is required to avoid the spread of this native, but invasive plant species.

A landscaping buffer should be implemented along the eastern and southern boundaries and this should include native species of local provenance

An ecology and landscape management plan should be produced and agreed with the means to implement this plan in perpetuity.

Permanent artificial wild bird nests and bat boxes should be installed within buildings and on retained trees (including Swallow/swift and sparrow cups / boxes) and amphibian and reptile refugia within any green infrastructure and hedgehog corridors.

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

Any existing trees / hedgerows should be retained and enhanced, 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/landscapingandtreeplanting/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

- on or adjacent to sensitive habitats.
- 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, water efficiency, sustainable travel (including electric car charging points, cycle storage, improved cycle connectivity and green travel plan), management of waste during and post construction and the use of recycled materials and sustainable building methods.

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

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

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

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

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
Public Open Space and SUDS	Layout, provision and maintenance (including sud pond) - would need details of management company and management plan	Management of on-site open space and SuDS infrastructure	Maintenance to be provided by management company or nominated organisation – funded through service charge on properties	To be secured by way of a planning condition – details of long term maintenance secured by S106
Equipped play space	RBC Leisure Facilities strategy requires 0.25 HA of equipped play area per 1000 population. Therefore on site provision of 0.032 hectares is required. Area of at least 0.0704 hectares required for unequipped play/ amenity public open space equivalent.	The submission shows the provision of a LEAP (Local Equipped Area Play) to the SW corner of the site of 320sq.m (0.032ha) 0.69ha of public open space proposed. Footpath linkage with adjacent site.	LEAP to be aimed at younger audiences (3-8 years). Linkages with neighbouring site which is envisaged to provide equipment for older audiences. LEAP meets the criteria but the inclusion of a junior swing to allow provision	Secured by planning condition and S106 – Developer to provide or provided through S106 contributions. Long term Maintenance secured by S106 as part of the open space management.
Allotments	RBC Leisure Facilities Strategy requires 0.4hectares per 1000 population. 4,000/1000 = 4 sqm per person 4 x 2.3 residents per dwelling = 9.2 sqm per dwelling 9.2 x £8.00* = £73.00 per dwelling	Not shown on masterplan	No preference between onsite provision and off site contribution	TBC

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
Education	Primary: £202,704 (12 places x £16,892 per place).		Off-site contribution towards the costs of providing additional places	TBC
	Secondary: £216,447 (9 places x £24,157 per place).		CIL liable	TBC
Libraries	NCC request 129 (population) x 1.532 (items) x £10.00 (cost per item) = £1,976.00		Off- site library contribution	TBC
Affordable Housing	<p>Core Strategy Policy 8 requires 30% affordable housing (17 homes). Breakdown of affordable housing is:-</p> <p>Social rent 3</p> <p>1 x 1 bed starter flat. 1 x 3 bed house 1 x 1 bed bungalow/ downsizing flat</p> <p>Affordable rent 7</p> <p>2 x 1 bed starter flat 1 x 2 bed house 2 x 3 bed house 1 x 1 bed bungalow/</p>	<p>Developer proposes 17 affordable homes in the following mix:</p> <p>7x intermediate housing</p> <ul style="list-style-type: none"> - 2x 2 bed units - 5x 3 bed units <p>6x affordable rent</p> <ul style="list-style-type: none"> - 5x 2 bed - 1x 6 bed <p>4x social rent</p> <ul style="list-style-type: none"> - 4x1 bed 	<p>The Borough Council agrees with the revised affordable housing mix which now includes 4x1 bed units.</p> <p>The ‘pepper potting’ of the affordable units within two groups is broadly supported. The bungalows for elderly residents should be located together and close to the exit where public transport services on the A60 can be more easily accessed.</p>	To be confirmed with strategic housing

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	<p>downsizing flat 1 x 2 bed bungalow/ downsizing flat</p> <p>Intermediate 7</p> <p>3 x 2 bed house 3 x 3 bed house 1 x 2 bed bungalow/ downsizing flat</p> <p>1 bed 'flats' should be provided as maisonettes with each flat unit having their own entrance</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.</p>	
<p>NHS West - Nottingham Universities Trust</p>	<p>The Universities Trust requests a contribution of £43,550 to provide capacity for the Trust to maintain service delivery during the first year of occupation of each unit, not provided through standard NHS funding mechanisms</p>	<p>N/A</p>	<p>Whilst the request could potentially be found CIL compliant should it be supported by appropriate justification, it is not considered that the request as evidenced by the Nottingham University Hospital NHS Trust in the supporting documents would be Regulation 122 CIL Compliant, with the obligation as requested not considered to be fairly and</p>	<p>N/A</p>

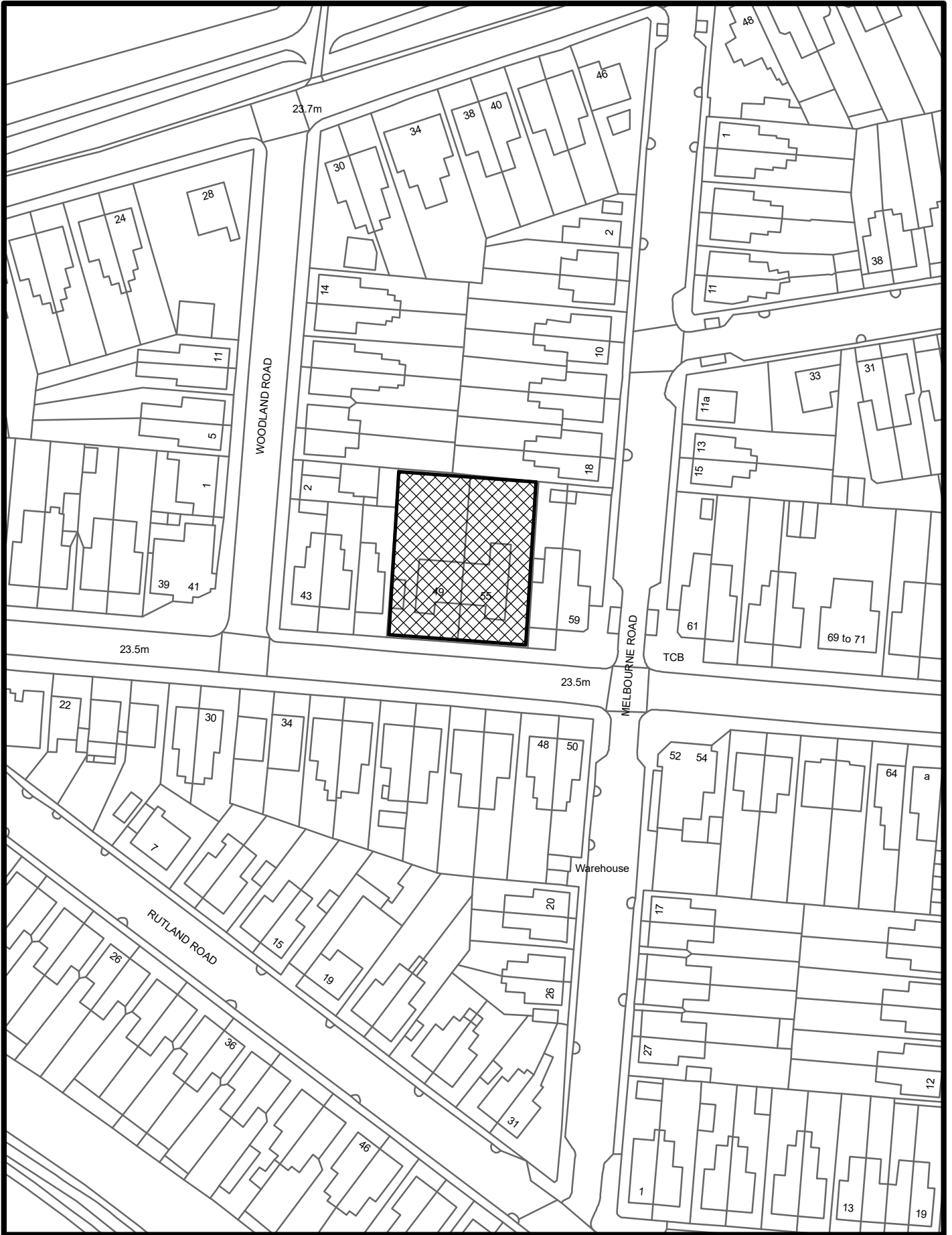
Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
			reasonably related in scale and kind to the development.	
Health	<p>CCG standard formula require contribution of £920 per dwelling (2bed+) 56 dwelling = £51,520</p> <p>Contributions to be put towards extending Ruddington Medical Centre or increasing capacity at neighbouring practices.</p> <p>Contribution is justified for the purposes of providing additional / replacement health care facilities in the vicinity of the site to serve the development.</p> <p>“Ruddington Medical centre is a purpose built facility extended several years ago by adding an additional floor to the building to cope with the rapid expansion of the village. Since then further additional housing developments have taken</p>		CIL liable	Prior to the first occupation of the first Dwelling.

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	<p>place which have put pressure on the extended facility to the point that it is now at capacity. The Church House branch surgery (part of East Leake Medical Group), is at capacity with no opportunity to develop further space as it is constrained by existing buildings.</p> <p>Any contribution for this development would be put towards extending Ruddington Medical centre further or increasing capacity at neighbouring practices”.</p>			
Leisure	<p>Indoor leisure</p> <p>A contribution from this application for indoor leisure provision would be sought. The Sports England sports facilities calculator generated on 05/08/2019, suggest a contribution as follows.</p>		CIL liable	

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	<ul style="list-style-type: none"> • Sports Halls- £22,712 • Swimming- £24,121 			
	<p>Sports pitches</p> <p>The Rushcliffe Playing Pitch Strategy 2017 identifies a current shortfall of pitch provision that this development would worsen. The Sport England Playing Pitch Demand Calculator (with Rushcliffe specific data) provides the following commuted sum for offsite provision £20,987 capital cost and total life cost (per annum) of £4,139 of which contributions would sought for a period of 3 year bringing the maintenance contribution to £12,417. Therefore the total cost is £33,404</p>		CIL liable	
Highways	<p>Bus stop improvements to the value of £20,000. For improvements to bus stops: RU0153 Flawforth Lane; RU0154 Flawforth Lane.</p>		To ensure the appropriate facilities are provided to encourage the use of sustainable transport options. The current bus stop facilities do not meet	Prior to the first occupation of the first Dwelling.

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	Real time displays and shelter. No bus service contributions sought.		the standards set out in the County Councils Public Transport Planning Obligations Funding Guidance for Prospective Developers.	
A60/ Kirk Lane junction improvements	Pedestrian crossing provision on the A60/ Kirk Lane junction. Highways have provided a cost estimate of XX for the scheme of works	Contribution towards crossing provision to be secured via S106 rather than by way of a 'prior occupation' condition		
Flawforth Lane footway improvements	The Highway Authority seeks the widening of the footway between the site access and the A60/Flawforth Lane/Kirk Lane junction due to increased pedestrian flows	Widening of footway between the site and the A60 junction to a width of 2 metres.	Securing the footway improvements by way of a 'prior to occupation' condition	n/a
Highway Contribution to Strategic Road Network via S278 with Highways England	Memorandum of Understanding not required (below threshold)	N/A	Development below threshold requiring contribution as confirmed by Highways England	n/a
Ruddington Parish Council	The Parish Council requested a sum of £22,250 towards the costs of providing a community centre and Parish Office in the centre of the village.		Parish Council receive a receipt of a proportion of the CIL liability.	TBC

Item/Policy	Detail/requirement	Developer proposes	RBC proposes	Trigger
	The Parish Council also request contributions to enhance and improve the facilities and public open space at Elms Park/Jubilee Fields- this has been covered in Leisure provision above.			
Monitoring Fee	S106 monitoring costs of £273 per principal obligation X by the number of years over which monitoring will be required			TBC
Indexation	All S106 financial contributions subject indexation – BCIS All In Tender Prices Index			
Legal Costs	TBC			



Application Number: 19/00478/FUL
49-55 Trent Boulevard West Bridgford



scale 1:1000

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Applicant Mr B Meaden & P Buckingham

Location Numbers 49 To 55 Trent Boulevard West Bridgford Nottinghamshire

Proposal Demolition of existing bungalows and erection of 4 no. detached dwellings, erection of boundary wall and associated parking.

Ward Lady Bay

THE SITE AND SURROUNDINGS

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

DETAILS OF THE PROPOSAL

4. Planning permission is sought for the demolition of the bungalows and the erection of four detached four bedroom houses with 1.2m high boundary walling fronting Trent Boulevard, and two parking spaces for each dwelling. The dwellings would have the appearance of two storey buildings with accommodation in the roof spaces served by dormer windows, roof lights, and a front glazed gable feature to two plots (2 & 3).
5. The design and appearance would be traditional with contemporary elements. The two 'outer' dwellings would be the same design (one a handed version of the other) and would have an angled ground floor front elevation bay window with a first floor flat roofed angled projection above, and a flat roofed front dormer. The two 'inner' dwellings would also be the same design (again one a handed version of the other) and would have a front gable feature with a triangular window and a higher ridge than the two 'outer' dwellings. All four dwellings would have two rear dormer windows. The external materials would be a combination of brick and white/putty render for the walls, grey Duo Edgemere grey plain concrete roof tiles and dark grey cladding for the dormers.
6. In order to minimise flood risk to future occupants, the ground floor levels would be around 0.7m above ground level, with steps to the front and rear entrances.
7. The Design & Access Statement states:

- The dwellings are designed with a contemporary style in mind, drawing inspiration from the street scene, and remaining subservient in scale to neighbouring properties.
 - Splitting the elevations into three elements references the style of neighbouring properties with ground floor bay windows, large first floor windows and converted lofts.
 - The scaling of the elevations sits comfortably in relation to the neighbours and acts as a contemporary re-interpretation of traditional properties in the area.
8. A Flood Risk Assessment was also submitted.
9. As a result of concerns raised by officers, relating to siting, scale, design and appearance, impact on the amenities of neighbouring properties (47 & 57 Trent Boulevard) and the garden sizes of the proposed dwellings, and in order to address comments from the Highway Authority, revised details have subsequently been submitted.

SITE HISTORY

10. Permission was refused for a single storey side and rear extension (no. 49) in 2010 (ref. 10/01900/FUL). Permission was granted for single storey rear extensions (no. 49) in 2012 and 2015 (refs. 12/00107/FUL and 15/00985/FUL).

REPRESENTATIONS

Ward Councillor(s)

11. One Ward Councillor (Cllr S Mallender) objects on grounds summarised as follows.
- a. Agrees with the comments of the Highway Authority.
 - b. There is already a very high demand for on-street parking in this area and more will result in danger to pedestrians and other users of the road and pavement, including children attending the nearby primary school.
 - c. Agrees completely with the comments made by the Environmental Sustainability Officer.
 - d. Considerable detriment to the amenity of neighbouring properties, in particular, 47 & 57 Trent Boulevard, 14 Melbourne Road and 2 Woodland Road from considerable overbearing, overshadowing and loss of privacy & light.
 - e. The proposed houses would be detrimental to the street scene in that four narrow properties placed extremely close to neighbours on either side and to each other, would have a terracing effect on a stretch of Trent Boulevard where houses are at least 2 metres apart. The 'type 1' design with the large windows and angled first floor projections are of a design that takes no account of the design of other properties nearby.

- f. Overdevelopment of the site with four properties each with very little amenity space.
 - g. The design of the Victorian/Edwardian houses on Trent Boulevard is usually much lower at the rear which is not the case with these proposed buildings, and previous applications for blocks of flats and three and two storey houses have been rightly refused on this site for these reasons.
 - h. The numbering in Lady Bay often gives the impression that there are missing buildings, the original Victorian builders often constructed dwellings from either end of roads so that there are often quite large gaps in numbering. The two bungalows on the site were built in the former gardens of the buildings either side.
 - i. There is a severe shortage of bungalows and affordable properties in Rushcliffe as a whole and West Bridgford and Lady Bay in particular. The loss of two bungalows is detrimental to the provision of housing types in the area and particularly in consideration of the needs of elderly and/or disabled people who may wish to remain in the area but are unable to find suitable accommodation.
12. One Ward Councillor (Cllr R Mallender) objects on grounds that the development represents over development of the site and will cause loss of light and overlooking to neighbouring properties on both sides and at the rear.

Statutory and Other Consultees

13. The Borough Council's Design & Conservation Officer commented (with respect to the original plans) that the design and access statement contains information illustrating that it is semi-detached properties which make up by far the most prominent form of development within the local area. Given the size of the site and the nature of immediately adjacent dwellings it does seem strange, therefore, that the application is for 4 detached properties rather than 2 semi-detached pairs.
14. The dwellings would be positioned only 1 metre apart and would appear rather tall and slender as a result. He acknowledged that detailing on many properties within Lady Bay creates a vertical emphasis - window arrangements tend to be stacked vertically with wider bays on the ground floor and narrower window openings above, sometimes topped by gables which draw the eye upwards. Whilst the proposed designs include forward gables which act as 'arrows' pointed upwards, the fenestration detailing on all 4 units features the widest windows at first floor which is at odds with the typical pattern elsewhere. The horizontal material changes also detract from vertical emphasis. It may be that vertical emphasis is being consciously avoided as a result of the tall slender nature of the units, but it results in designs very different from their context.
15. He appreciated that the bungalows on the site are clearly very much out of context, and obviously lack any element of vertical emphasis. Any replacement should, however, try and be in keeping with context and that could likely be better achieved with some relatively modest amendments to the current scheme. Even just creating a vertical hierarchy of window widths would be step in the right direction.

16. It would be far better to seek semi-detached designs where detailing emphasises verticality rather than tall slender detached units where detailing seems to emphasise horizontal lines.
17. There are no designated heritage assets nearby and the previously developed nature of the site means that it is highly unlikely that any archaeology will exist. The nearest listed buildings are at the Lady Bay Primary School some 100 metres or so to the east. Given the continuous built frontage along both sides of Trent Boulevard, the proposal would have no impact upon the special significance of Lady Bay Primary and would not harm its setting as a listed building, achieving the desirable objective described within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
18. The Borough Council's Environmental Health Officer (EHO) has no objection but recommends conditions to require the submission of a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction before works commence, and to prevent the burning of waste on the site.
19. The Borough Council's Environmental Sustainability Officer notes that the applicant has stated no protected or priority species, habitats or sites are present on or adjacent to the site. This appears reasonable considering the urban setting, and no records within the immediate vicinity, although bats are recorded elsewhere in the locality. There is potential for wild birds, bats and hedgehogs to roost, forage and shelter on the site, and the development provides opportunities for ecological enhancement. The conservation status of European Protected Species is unlikely to be impacted by the development. He also makes recommendations to mitigate any impacts where necessary on species/habitats and to provide enhancements. (The full comments are available on the website).
20. The Borough Council's Emergency Planning Officer comments that finished floor levels should be in accordance with the Flood Risk Assessment (FRA), sleeping accommodation should be restricted to the first floor, and the buildings should be built with flood resistance/repairable design including electrical sockets etc 300mm above ground floor level.
21. The Nottinghamshire County Council as Highway Authority commented (with respect to the original plans) that the proposal would be conceptually acceptable from a highway safety point of view subject to the following amendments being made:
 - the applicant will be expected to provide dropped kerb vehicular crossings in front of each vehicular access, with any redundant crossings reinstated to footway;
 - 1 off street parking space for each 4 bedroom dwelling is considered inadequate and could lead to on-street parking in the area to the detriment of highway safety, including pedestrians. 4 bedroom houses would appeal to families, and as the site is in a sustainable location within close proximity to local services and bus stops, a minimum of 2 off-street parking spaces, with a depth of 5m, should be accommodated for each dwelling;
 - 1.0m x 1.0m pedestrian visibility splays on each side of the vehicular access should be shown on the plans; and

- The proposed Aco Channel drain for the private driveway is acceptable; however, details of the means of draining the water away should be provided.
22. With respect to the revised plans, they reiterate the previously recommended conditions relating to provision of the parking areas and dropped kerb vehicular crossings. Having considered the matter further, and given the nature of development in the area, and the wide footway fronting the site, they consider that the provision of formal pedestrian splays is not justified in this instance.
 23. The Nottinghamshire County Council as Lead Local Flood Authority (LLFA) has no comments as the application falls outside of the guidance set out by Government for applications that require a response from the LLFA.
 24. The Environment Agency has no objections but recommends that the development is carried out in accordance with the flood risk assessment.

Local Residents and the General Public

25. 35 written representations have been received with respect to the original and revised proposal raising objections and comments which are summarised as follows (the full comments are available on the website):
 - a. The design, scale and height, including angular geometric shapes and other contemporary features is at odds with the style and spacing of Victorian and Edwardian houses on Trent Boulevard and would rather unpleasantly dominate the existing street scene and appear cramped. The designs would not 'take their lead' from neighbouring properties as recommended in the Rushcliffe Residential Design Guide (RRDG) and would not be 'sympathetic to local character and history' as outlined in the National Planning Policy Framework.
 - b. The proposed houses are very large in comparison to the gardens which are well below the size recommended in the RRDG for detached properties, resulting in overdevelopment of the site.
 - c. Significant harm to amenity of neighbouring properties by overbearing impact, overshadowing, loss of light and overlooking/loss of privacy.
 - d. Would fail to comply with the 25 degree and 45 degree guidelines and other separation distance guidelines including the 30m distance between habitable rooms across private gardens referred to in the RRDG.
 - e. Insufficient off street parking resulting in on street parking, congestion and danger to pedestrians including school children & cyclists, and the angled frontages will make it impossible for cars not to intrude on the pavement. Parking facilities in Lady Bay are already at saturation point.
 - f. It is stated that the proposal seeks to redevelop buildings that are no longer required for their intended use. Both have been fully occupied for over the last 35 years and are occupied now. There are many 4 bedroom, multi-storey houses in the surrounding area and very few bungalows which are much more suitable for less able people.

- g. Not a brownfield site.
- h. Increased flood risk with less natural ground to act as a sponge to flood waters and, despite the flood barriers, Lady Bay is still an Environment Agency Flood Zone and this will make it worse.
- i. Conversion into properties for multiple occupation and flats is a concern.
- j. Redevelopment of the site and returning it to family accommodation is welcome, especially as its present condition is the result of the destruction of the previous two large bungalows and replacement with cheap speculative student accommodation by the same developer. New houses would certainly be more in keeping with the surrounding area, as long as they do not adversely affect the amenity of adjacent properties.
- k. The revised plans appear to make no effort to address any concerns and previous objections still stand.
- l. The revised plans show some minor changes mostly to areas where Council guidelines have been breached (e.g. garden size and some parking space increases).
- m. Request the council considers putting a time limit on how long it takes to complete a dwelling, and set rules for noise, disturbance, and health and safety guidelines during builds.

PLANNING POLICY

- 26. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2).
- 27. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide (PPG).
- 28. The Borough Council's Residential Design Guide (RRDG) is also relevant.

Relevant National Planning Policies and Guidance

- 29. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development.
- 30. There are three overarching objectives to sustainable development: economic, social and environmental.
 - economic objective – 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;
 - social objective – 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

- environmental objective – 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.
31. Chapter 12 'Achieving well designed places' states that planning policies and decisions should ensure that developments 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, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
 32. Chapter 14 'Meeting the challenge of climate change, flooding and coastal change' states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. Applications for some minor development and changes of use should not be subject to the sequential or exception tests. However, a site-specific flood risk assessment should be provided for all development within Flood Zones 2 and 3.
 33. Chapter 16 'Conserving and enhancing the historic environment' states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
 34. The NPPF (and Rushcliffe Local Plan Part 2: Land and Planning Policies) define previously developed land (often described as brownfield land) as: '*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure*'.
 35. The National Planning Practice Guidance (NPPG) on flood risk and coastal changes states that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1 (land with a low probability of flooding from rivers or the sea) unless the Strategic Flood Risk Assessment for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change).

Relevant Local Planning Policies and Guidance

36. Policies 3 (Spatial Strategy), 8 (Housing Size, Mix and Choice), 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy are relevant to the consideration of the proposal.
37. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements.
38. Policy 8 states that residential development should provide a mix of housing tenures, types and sizes in order to create mixed and balanced communities. All residential developments should contain adequate internal living space, and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants. Consideration should also be given to the needs and demands of the elderly as part of overall housing mix, in particular in areas where there is a significant degree of under occupation and an aging population.
39. Policy 10 states that all new development should be designed to make a positive contribution to the public realm and sense of place, create an attractive, safe, inclusive and healthy environment, reinforce valued local characteristics.
40. Policy 11 states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
41. Policies 1 (Development Requirements), 17 (Managing flood risk), and 38 (Non-designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies are relevant to the consideration of this application.
42. Policy 1 states permission for new development will be granted provided that, where relevant:
 - there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated;
 - 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;
 - sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space;
 - the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area; it should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy;

- there is no significant adverse effects on important wildlife interests;
- the amenity of occupiers or users of the proposed development would not be detrimentally affected by existing nearby uses;
- there is no significant adverse effect on any historic sites and their settings including listed buildings.

The use of appropriate renewable energy technologies will be encouraged within new development and the design, layout and materials of the proposal should promote a high degree of energy efficiency.

43. Policy 17 states that planning permission will be granted in areas where a risk of flooding or problems of surface water exist provided that it does not increase the risk of flooding on the site or elsewhere.
44. Policy 38 requires, where appropriate, to seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
45. The Rushcliffe Residential Design Guide (RRDG) states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged. Guidance on garden sizes and separation distances is also included, and reference is made to the 25 and 45 degree guides, which are used to assess the impact of proposed development on neighbouring properties in terms of overbearing impact and overshadowing.
46. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in assessing the impact on heritage assets is relevant.

APPRAISAL

47. The site is located within the built up area, within a highly sustainable location, close to services and transport links. In terms of the strategy for delivery of housing within the Borough (see Policy 3 of the Core Strategy), the location of the site sits at the highest level of the locational hierarchy. The site has a long established use for residential purposes, albeit accommodating a less intensive number of units to that currently proposed. It is considered that the existing bungalows do not have any particular architectural or historic merit and, whilst the comments in the written representations relating to a shortage of bungalows are noted, a refusal on grounds of the loss of two bungalows could not be justified. Having regard to these factors, the redevelopment of the site for residential purposes is considered acceptable in principle.
48. As stated at paragraph 9, officers had concerns about the design and appearance of the dwellings shown on the original plans. As noted by the Design and Conservation Officer, the horizontal emphasis of relatively large first floor front windows and dormers would be at odds with the predominant pattern of Victorian properties along Trent Boulevard. The revised plans show each window replaced with two first floor windows with a vertical emphasis,

and (on plots 1 and 4) two similar windows within one dormer. The ridge heights have also been lowered.

49. As stated at paragraph 2, although properties in the area are predominantly red brick Victorian semi-detached houses, there is a variety of more recent dwellings in terms of period and design/style, finished in brick and render, and no. 47, adjacent to the site, is a detached house. In addition, there are other examples of detached properties in the immediate vicinity and elsewhere in Lady Bay. Whilst it is acknowledged that the contemporary elements of the design and use of render would appear as a contrast to the immediate Victorian neighbouring properties, it is considered that the revised proposal would represent a balanced combination of traditional and contemporary design which would be appropriate to the context, sympathetic to the character of the area, and would add interest to the street scene. It is, therefore, considered that the design and appearance would comply with guidance in the NPPF and RRDG, which states that appropriate innovation or change should not be prevented or discouraged, and that a positive design approach to local context does not mean a repetition of what went before.
50. The submitted plans show that there would be around 1m between the proposed dwellings and 57 Trent Boulevard, which is less than other properties in the vicinity, although not significantly, and around 2m between 47 Trent Boulevard and Plot 1, which is comparable to some existing properties in the vicinity. Whilst the two 'inner' dwellings would be 0.7m higher than the two 'outer' dwellings and would appear somewhat slender, they would be the same height as no. 57 which is typical of Victorian properties in the area. Consequently, it is considered that the dwellings would not have an undue cramped appearance in the street scene or result in an undue terracing effect.
51. It is acknowledged that the frontages would be predominantly hard surfaced driveways/parking areas. However, the existing frontages are hard surfaced, as is the case with the majority of properties in the vicinity.
52. Officers were also originally concerned that the siting, scale and height of the two 'outer' dwellings would have an unacceptable overbearing impact on and overshadowing to 47 and 57 Trent Boulevard, and that raised rear patio areas combined with the angled rear elevations could result in overlooking of the neighbouring gardens. Both of the neighbouring properties have rear elevation habitable room windows close to the boundary and two storey rear projections typical of properties of the period. No. 47 has a ground floor rear/side extension which has 'squared off' the footprint of the house to create a kitchen/dining/living room (incorporating the original rear living room) served by 4 side elevation windows facing the site, roof lights and rear elevation patio doors. No. 57 has a rear elevation living room window adjacent to the site boundary, and 2 side elevation kitchen/dining room windows facing the boundary and a rear elevation window in the rear projection. Both properties also have rear elevation bedroom windows adjacent to the site boundary.
53. The revised plans show the rear parts of the two 'outer' dwellings reduced in scale, and the raised patios and angled rear elevations omitted. The plans also show that the two storey parts of the proposed dwellings would comply with the 45 degree guide referred to in the RRDG when measured from the centre of the rear elevation living room and bedroom windows at nos. 47 and 57. The position of the dwelling on plot 4 would not comply with the 25 degree guide when measured from the top of one of the side elevation kitchen/dining room

windows at no. 57. However, this living area is served by other side and rear facing windows. A similar relationship would exist between windows in the side elevation of no. 47 and the dwelling on plot 1. In this instance the windows most affected serve the living room, which are two narrow openings. Again, the open plan nature of the accommodation means that this area is also served by other side facing windows/roof lights and rear facing doors. Furthermore, some of the side windows already face the boundary treatment and the built form of the existing property on the site, albeit this is currently a bungalow.

54. It should be noted that this method of assessment (the 25 degree guide) is used as a guide to the likely impacts of the development and it is still necessary to have regard for the context of the proposal, the relationship with the neighbouring properties and whether the windows affected provide the sole means of light/outlook to the accommodation. Whilst it is accepted that there would be some impact on the side elevation living room windows at these properties, as these rooms both have rear elevation windows facing the gardens of the properties, it is considered that any overbearing impact or overshadowing would not be of a magnitude that would justify a refusal.
55. In view of the distance between the proposed dwellings and those on the opposite side of Trent Boulevard and adjacent to the rear on Melbourne Road and Woodland Road, and as the proposal would be in accordance with the guidelines in the RRDG, it is considered that there would be no significant adverse impact on the amenities of these properties, or other adjacent properties, in terms of overshadowing, overbearing impact and overlooking/loss of privacy. It is, however, considered that a condition is necessary to remove permitted development rights for extensions/alterations to the two 'outer dwellings' in order to protect the amenities of 47 and 57 Trent Boulevard. It is also considered that future occupants of the development would have an acceptable standard of amenity.
56. The revised plans also show the rear gardens would be a minimum of 110 square metres, which would comply with the RRDG with respect to detached dwellings. The rear gardens would also have depths of between 15.2m and 17.3m to the boundaries, in excess of the 10m referred to in the RRDG. In view of this, and as it is considered that sufficient off street parking would be provided, (see paragraph 59 below) it is considered that the proposal would not represent an over intensive form of development.
57. The site is located in Flood Zones 2 and 3 on the Environment Agency's Flood Zone maps, which has a medium to high risk of flooding. However, the Strategic Flood Risk Assessment indicates that the site falls outside of the area identified to be 1 in 1000 annual chance of flooding. As such the area has a low probability of river flooding, equivalent to Flood Zone 1 which has a low risk of flooding. In view of this and the guidance in the NPPG, it is concluded that the site is equally comparable to other sites identified in the Strategic Housing Land Availability Assessment in West Bridgford, and the sequential test has been passed. As the Environment Agency does not object and the site is in a sustainable location close to local services/facilities, employment and public transport, it is considered that the exception test is also passed.
58. As the Environment Agency have no objections, and with a condition to ensure that the development is carried out in accordance with the FRA, it is considered that the development should be safe for its lifetime without increasing flood risk elsewhere.

59. The revised plans show two off street parking spaces for each dwelling, which would comply with the recommendations of the Highway Authority. The site is in one of the most sustainable locations in the Borough in terms of access to local services/facilities in Lady Bay and West Bridgford own Centre which are within a reasonable walking distance. The site is also on a bus route. In view of the above and in the absence of an objection from the Highway Authority, a refusal on grounds of insufficient parking and impact on highway safety could not be justified.
60. In view of the comments of the Design and Conservation Officer, it is considered that the setting of the listed buildings at Lady Bay Primary School would be preserved. Consequently, the proposal achieves the objectives described as desirable in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
61. With respect to ecology, the Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc) Regulations 1994, contain three tests which Natural England must apply when determining a licence application. This licence is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations. The three tests are:
- a. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - b. there must be no satisfactory alternative; and
 - c. favourable conservation status of the species must be maintained.
62. In this case the Environmental Sustainability Officer commented that the applicant's statement that no protected or priority species, habitats or sites are present on or adjacent to the site appears reasonable considering the urban setting and no records within the immediate vicinity, although bats are recorded elsewhere in the locality. He comments that there is potential for wild birds, bats and hedgehogs, to roost, forage and shelter on the site, and that the development provides opportunities for ecological enhancement. He also considers that the conservation status of European Protected Species is unlikely to be impacted by the development. It is, therefore, considered that it is not necessary to apply the tests in this instance. However, the existing rear gardens are somewhat overgrown and comprise lawn, small trees and scrub type vegetation, and there is potential for species to be found on the site. Consequently, it is considered that a condition to require bird/nesting boxes to be incorporated into the development is appropriate, in accordance with policy 38 of Local Plan Part 2, which promotes the incorporation of features that benefit biodiversity.
63. With respect to other matters raised in the written representations, it is considered that the site is previously developed (brownfield) land in accordance with the definition in the NPPF and Local Plan Part 2. The 30m distance was the recommended 'back to back' distance in the former 'Space Between Buildings' guidelines which were superseded by the RRDG in 2009. Since then the long established nationally recognised distance of 21m has

been applied in most cases. In this case, the rear elevations of the proposed dwellings would not face the rear elevations of any existing properties, properties to the north front roads that run at right angles to Trent Boulevard rather than running parallel to it.

64. There is no record of applications for blocks of flats and three and two storey houses at the site being refused. Concern or speculation about future use of the development cannot be used to resist the application. The dwellings could be occupied by up to 6 unrelated people sharing communal facilities and planning permission would not be required. Occupation by more than 6 unrelated people, and conversion of the dwellings to flats, would require planning permission.
65. The planning system cannot stipulate a time limit for completion of the development. However, in view of the level of demolition and construction involved, and proximity to neighbouring properties, it is considered that a condition is necessary to require the submission and approval of a method statement detailing techniques for the control of noise, dust and vibration, as recommended by the EHO. Burning of waste cannot be prevented by planning condition, this is an environmental health matter.
66. The application was not subject to pre-application discussions. Discussions have taken place with the applicant's agent during the consideration of the application and he was made aware of concerns about the proposed development, and revised details have been submitted resulting in an acceptable scheme and a recommendation to grant planning permission.

RECOMMENDATION

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

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

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

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

Project No. 124 - 002 Revision F, 003 Revision F, 004 Revision E, 006 Revision F, 007 Revision F, 008 Revision E.

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

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

[The condition needs to be discharged before work commences on site as this information was not included in the application and it is important to agree

these details in order to minimise the impact on adjacent and nearby residents during demolition and construction of the development, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

4. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment by SCC Consulting Engineering dated January 2019, and the mitigation measures detailed at Page 6, Part 3a and Page 9, Part 6a). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements, and the mitigation measures shall be retained thereafter throughout the lifetime of the development.

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

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

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

6. The materials specified in the application shall be used for the roofs of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

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

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

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

unless the Borough Council gives written consent to any variation.

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

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

[To ensure the incorporation of features that benefit biodiversity, and to comply with 38 (Non designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

10. Plot 1 shall not be occupied until the ground floor side elevation kitchen window and the first & second floor side elevation en-suite windows have been installed with obscure glazing to group 5 level or privacy or equivalent and mechanisms to restrict the openings to no more than 10cm, and the windows shall be retained to these specifications for the lifetime of the development.

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

11. Notwithstanding the provisions of Schedule 2, Part 1 Class A - C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings at Plots 1 and 4 including no alteration to or insertion of windows other than those shown on the plans, without the prior written approval of the Borough Council.

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

Notes to Applicant

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

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

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property,

including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

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

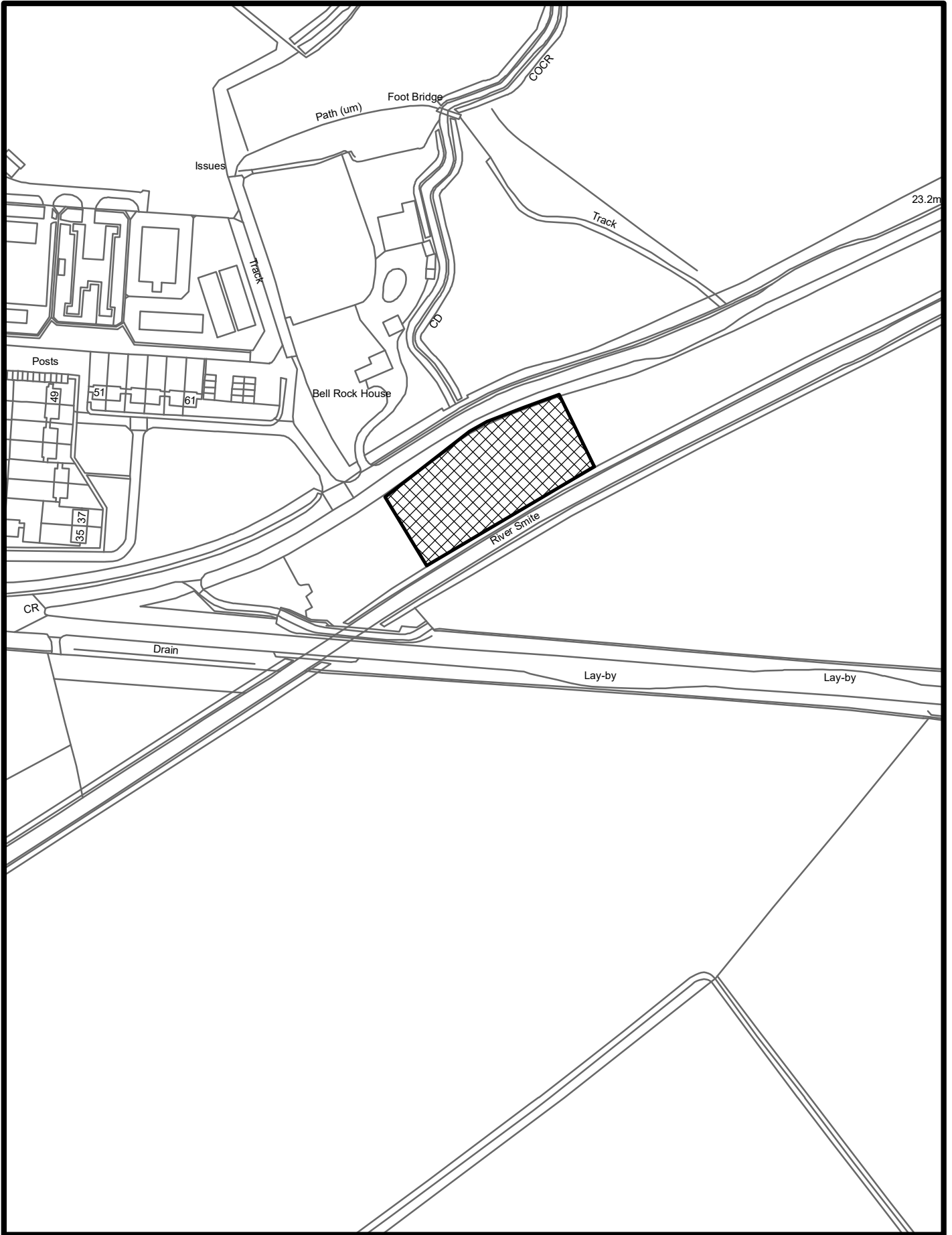
The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

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

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

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

Dropped kerb vehicular crossings in front of each vehicular access, with any redundant crossings reinstated to footway will need to be provided before any of the dwellings are occupied. If any street furniture needs to be relocated, this will be at the applicant's expense. You should contact Nottinghamshire County Council on 08449 808080 to arrange for these works to be carried out.



Application Number: 19/01565/FUL
land off Grantham Road Whatton



scale 1:2500

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19/01565/FUL

Applicant Mr Tom Daws

Location Land Off Old Grantham Road Whatton Nottinghamshire

Proposal Erection of a single, self-build dwelling with associated parking and access.

Ward Cranmer

THE SITE AND SURROUNDINGS

1. The application site comprises agricultural grazing land with a relatively flat topography. The land lies adjacent to the Old Grantham Road (north West) and contains a pond and mature vegetation to the north east. The land is bounded by a hedge to the north west and the River Smite to the south east, which lies beyond a small earth bund. Post and rail fences separate land to the north east and on visiting site there was no physical separation with land to the south west, which retains extant permission for a timber supply business on site.
2. The site in general occupies a location outside the reasonable settlement boundaries of Whatton to the east, with built form to the west of the site formed by the tightly defined development of HM Prison Whatton and the associated Cranmer Avenue housing, which associates with the HM Prison use, forming part of the HM Prison estate. A number of industrial developments are present in the area, including extant permissions on adjoining sites to the north east and south west of the application site.

DETAILS OF THE PROPOSAL

3. This application seeks planning permission for the erection of a single self-build dwelling on the site. The dwelling would be of traditional design and mixed 1.5 and 2 storey form, utilising a material palette of brick and render with clay tiles to the roof.
4. The existing hedge to the site frontage would be retained with access taken from the same approved access for the timber yard business on land to the south west. A parking and turning area would sit to the front of the dwelling whilst private gardens would extend to all sides of the dwelling.

SITE HISTORY

5. 17/01408/FUL - Erection of steel framed unit for agricultural timber supply business and associated single, self-build dwelling unit – REFUSED – Subsequent Appeal issued with a SPLIT decision, permitting the business unit, and refusing the residential.

REPRESENTATIONS

Ward Councillor(s)

6. The Ward Councillor (Cllr M Stockwood) has confirmed, following discussions, that she raises no objection to the development. She notes the inspectors previous decision but also the local feeling of support for the development.

Town/Parish Council

7. Whatton in the Vale Parish Council raise no objection to the proposed development.

Statutory and Other Consultees

8. The Borough Council's Environmental Health Officer does not object. They note the submitted noise report and find no fault with the methodology nor conclusions, accordingly recommending a condition to ensure that all of the noise amelioration measures as stated within Section 10 of the submitted Noise Assessment are implemented and are retained for the lifetime of the development. The Borough EHO also recommends a contaminated land report is secured by condition due to the site lying in close proximity to identified areas of potential contamination. The officer also recommends a construction method statement be secured by condition due to known residential receptors in the locality.
9. Nottinghamshire County Council as Highway Authority have not provided any comment on the current application. It is, however of note that the previously refused scheme reference 17/01408/FUL did not bring about any highways objection, with the access approved as part of the inspectors split decision allowing the timber supply unit. The scheme currently under consideration utilises the same access layout as previously considered.
10. The Trent Valley Internal Drainage Board noted that the board maintained watercourse, 'The Old Smite' exists in close proximity to the site to which Byelaws and the Land Drainage Act 1991 apply. They confirmed that the boards consent would be required to erect any building or plant any tree within 9m of the top edge of the culvert. They also confirmed the Boards consent was required for any works that would increase the flow of a board maintained watercourse.

Local Residents and the General Public

11. 10 representations were received in support of the application. The reasons for support are summarised below:
 - a. The dwelling would enhance the character and appearance of the area.
 - b. The dwelling would be for a 'true' local need.
 - c. The property would enhance the landscape.
 - d. The dwelling would soften the appearance of the surrounding industrial units.

- e. The dwelling would be in close proximity to other residential uses such as that opposite.
- f. The design is individual to the site, and therefore appropriate to the area.
- g. The need for the occupants to live adjacent their business for security is appropriate.
- h. The house will support the local school, public house and post office.

PLANNING POLICY

- 12. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2).
- 13. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide (NPPG).
- 14. The Borough Council's Residential Design Guide (RRDG) is also relevant.

Relevant National Planning Policies and Guidance

- 15. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development.
- 16. There are three overarching objectives to sustainable development: economic, social and environmental.
 - Economic objective – 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;
 - Social objective – 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
 - Environmental objective – 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.
- 17. 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.

18. With particular regard to rural housing, paragraph 77 of the NPPF identifies that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 78 goes on to further identify that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
19. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
20. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify in paragraph 109 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.
21. Chapter 12 'Achieving well designed places' states that planning policies and decisions should ensure that developments 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, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
22. Section 15 - 'Conserving and enhancing the natural environment' states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
23. The National Planning Practice Guidance on Rural Housing states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.
24. Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process.

However, all settlements can play a role in delivering sustainable development in rural areas - and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

Relevant Local Planning Policies and Guidance

25. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
 - Policy 1: Presumption in Favour of Sustainable Development
 - Policy 3: Spatial Strategy
 - Policy 10: Design and Enhancing Local Identity

26. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements. In other settlements, development will meet local needs only which will be delivered through small scale infill development or on exception sites. Beyond this, where small scale allocations are appropriate to provide further for local needs, these will be included in the Local Plan Part 2.

27. Policy 10 (Design and Enhancing Local Identity) states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics; reflect the need to reduce the dominance of motor vehicles.

28. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policies in the Rushcliffe Local Plan Part 2 are relevant:
 - Policy 1: development Requirements
 - Policy 13: Self Build and Custom Housing Provision
 - Policy 22: development Within the Countryside
 - Policy 38: Non-Designated Biodiversity Assets and the Wider Ecological Network

29. Policy 1 sets out that planning permission for new development will be supported provided that where relevant, a list of criteria are met. This list includes aspects such as suitable access being provided, sufficient amenity spaces for end users, the relationship with nearby uses in terms of the amenity of future occupants and aspects such as ensuring no significant impact on wildlife, landscape character.

30. Paragraph 3.10 of the document seeks to clarify that beyond the housing allocations, development to meet 'local needs' at 'other villages' will be limited to small scale infill development, exception site development (see Core Strategy Policy 8) and the allocation of land by Neighbourhood Plans to meet needs that may be identified by local communities preparing Neighbourhood

Plans. Small scale infilling is considered to be the development of small gaps 'within the existing built fabric of the village' or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area.

31. Policy 13 states that proposals for self-build and custom housing will be supported where the development is in an appropriate location, subject to compliance with all other relevant policy requirements in the Local Plan and national policy, including Green Belt, landscape, historic and environmental designations.
32. Policy 22 identifies that the countryside should be considered as all areas outside the greenbelt and beyond the physical edge of settlements. The policy thereafter seeks to identify appropriate forms of development within the countryside. This includes rural workers dwellings where there is an evidenced need and residential development in the form of extensions and replacement dwellings. This policy does not identify new dwellings as appropriate within the countryside.
33. Policy 38, where appropriate, seeks to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
34. The Rushcliffe Residential Design Guide (RRDG) states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged. Guidance on garden sizes and separation distances are included.

APPRAISAL

35. The main considerations in the determination of this application relate to the principle of establishing a residential use in this location, design and amenity matters and technical matters such as highways, trees and drainage. In determining this application, the recent appeal decision, refusing permission for a dwelling on this site, is a material consideration, which should be given significant weight.

Principle of development

36. With regard to the principle matter of proposed residential development on the site, Policy 3 of the Core Strategy outlines the distribution of housing development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. The text at 3.3.17 states elsewhere in the Borough development will meet local needs only through small scale infill development or on exception sites.

37. There is no suggestion that the development sought represents a rural exception. It must, therefore be assessed as to whether the development represents 'small scale infilling'. Paragraph 3.10 of the recently adopted LPP2 helps define small scale infilling as the development of small gaps 'within the existing built fabric of the village' or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area.
38. The planning Inspector in dismissing the previous appeal for a dwelling on this site noted that the site would not represent an infill plot as it would not represent a plot in an otherwise built frontage. The agent has argued that the split appeal decision allowing development of the timber business to the south west, and the subsequent approval for mixed business uses on land to the north east materially changes the conclusions of this assessment.
39. Whilst neither of the permissions on land either side of the proposed site have yet to be implemented, their existence is a material consideration. As with the Inspectors decision the proposed development of a single residential unit clearly meets the intention of the policy as a 'small scale' development. The consideration therefore falls as to whether the development site would represent 'infill'. Since the previous appeal decision the Borough Council has adopted the LPP2 which identifies infill as the development of small gaps within the existing built fabric of the village or previously developed sites.
40. This site is not previously developed land and is therefore 'greenfield'. The industrial unit approvals to either side of the site are not considered to constitute the 'built form of the village' as intended for infill plots, as now identified in paragraph 3.10 of the LPP2. The village of Whatton lies further to the east of the site and whilst industrial premises have been permitted to extend out of the village along the Old Grantham Road, they are not considered to have extended the built form of the settlement or village environment. It is perhaps of note that the latest 2017 approval for business units on land north east of this site was assessed against countryside policies, and allowed on the basis that well designed new employment uses can be appropriate in such locations. These industrial units, should they be constructed, would not convey any feeling of natural surveillance or community expected of a village, and the Old Grantham Road frontage represents an unlit road with a more rural and now partially industrial character.
41. The agents' comments over lighting must be addressed. Their selective photographs show lighting to the junction of the A52 and Old Grantham Road, a junction to a major trunk road where lighting is naturally expected, and lighting at the junction with Cramner Avenue. Lighting does not however extend the length of Old Grantham Road, past the site or up to the village of Whatton. This further adds to the rural context of the site.
42. The Cramner Avenue estate opposite the site is also noted, however the built form of this development in association with HM Prison Whatton is strongly defined and the application site lies clearly beyond the boundaries of this other contained form of residential development.
43. Given the considerations as set out above, the development is not considered to fall within a village or settlement and therefore the development as proposed would not be considered to meet the definition of small scale infilling as

advocated in the LPP2. The development would not constitute infill development as envisaged in 3.3.17 and would, therefore, be contrary to policy 3. New build open market residential schemes are also not a form of development identified in policy 22 of the LPP2 as appropriate in the Open Countryside and the scheme would also be contrary to this policy. Policy 13 supports self-build homes where they generally accord with the other policies of the development plan. In this case the development would not achieve the goals of policy 13 of the LPP2.

44. The commentary on local need is noted, however the requirement of policy is that local need is met through small scale infilling. The local need is acknowledged, however the proposed site is not considered to be one appropriate for housing development given it would not meet the definitions of small scale infilling 'within' settlements or exception housing.
45. It is noted that the agent has also made reference to a number of other decisions issued by the Borough Council in recent years, suggesting they have similar context to this application and gained approval. These applications were determined prior to the adoption of the local plan part 2, the policies of which have better defined the scope of infill development, and the adoption of which has improved the Borough Council's land supply position so that the so called tilted balance need no longer be applied. These matters as identified above represent material changes to the planning policy position of the Borough Council as Local Planning Authority since determination of the previous applications the agent refers to, and these matters can therefore only be acknowledged but given limited or no planning weight. Member's attention is drawn to the requirement to determine every application on its own merits and in accordance with the provisions of the development plan, unless material considerations indicate otherwise.

Living Conditions

46. The Borough Environmental Health Officer has raised no objection to the proposed residential use in this location. They have requested a planning condition that the amelioration measures identified in the noise report are implemented prior to occupation. This includes acoustic fences to the side and rear boundaries towards the adjacent approved industrial sites and towards the A52. Given the conclusions of the report and the comments of the Borough EHO, there is no reason to consider that adequate amenity could not be provided for future occupants.
47. The Borough EHO has also referenced the potential for land contamination on site. Given the sensitive end users, a land contamination report is therefore considered appropriate and necessary to ensure any contamination is identified and appropriately addressed for the safety and security of the construction workers and end users.

Amenity

48. The general physical form of the building would not impact any nearby residential amenities. The recommendation from the Borough EHO for a construction method statement is noted, however given the location of the site, and the scale of development as proposed, the requirement for such a statement would not seem reasonable or commensurate to the development

proposed. General working hour's recommendations from the Borough EHO team are considered reasonable by way of informative.

Design

49. The general design of the building as a traditional building in terms of its materiality would not raise any undue concerns. The set back of the building into the site would ensure it would not be unduly prominent whilst other buildings in the area are generally of a more commercial and industrial nature.
50. The requirement for boundary fencing as acoustic defences is noted, as well as the definition of more general boundary features and possible gates to the edge of the site. No details of these features have been provided and in order to ensure the features would be designed in an appropriate manner for the rural location, a condition requiring submission of such details would be appropriate, in the event that planning permission was granted, in order to protect the rural amenities of the area.

Landscaping and Trees

51. The development site includes a number of mature trees, hedgerows and a pond to the north eastern end of the site. The built form proposed would not impact any of these features as identified in the submitted tree survey. An appropriate tree and hedge protection plan would be considered appropriate to be secured by condition, in the event that planning permission was granted, to ensure the features in closest proximity to the site are protected appropriately.
52. The development plans also suggest an area of new planting and landscaping to the site as biodiversity and amenity enhancements. The details of these features would need to be secured by way of appropriate landscaping condition, however subject to this the general quantum of planting could provide an appropriate enhancement.

Flood Risk and Drainage

53. The site lies within flood zone 1 and is therefore at low risk of flooding, and represents a sequentially preferable location for development. With regard to drainage, no details are currently provided. A condition requiring details of surface water and foul drainage would, therefore be considered necessary to ensure the most appropriate means are utilised on this site in accordance with the requirements of policy 18: Surface Water Management of the LPP2.
54. Policy 19 of the LPP2, 'Development Affecting Watercourses' also identifies that development should protect a 10m buffer to any open watercourse where it is already present. The scheme would achieve this with an 11m distance from the rear of any built development to the edge of the River Smite.

Highway Safety and Parking

55. The site would provide appropriate off street parking and turning facilities to serve the residential unit, whilst utilising the same access point as considered under the previous application, shared with the wood yard, which was approved by the planning Inspector. As such, it is not considered there are any

highway safety or parking issues, subject to conditions over the material finish of the access and appropriate drainage preventing any discharge to the highway.

Conclusions

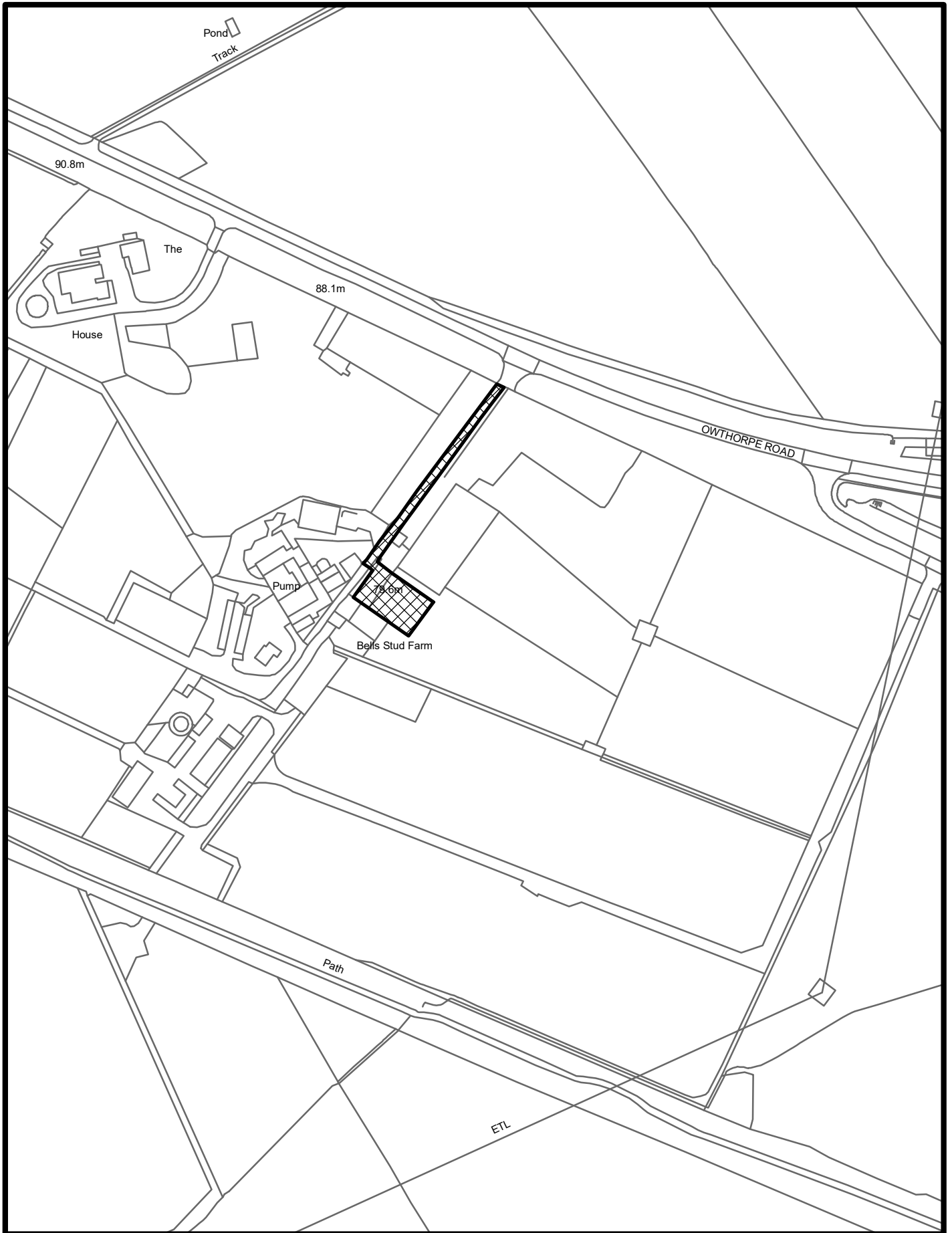
56. Given the considerations as set out above, whilst there is no issue with the technical considerations associated with the development of the site subject to appropriate conditions, it is considered that the principle of establishing a residential use in this location is fundamentally at odds with the Borough Council's spatial strategy for development, as outlined in policy 3 of the core strategy. Following the Borough Council's recent adoption of the Local Plan Part 2: Land and Planning Policies document the Borough Council does not show any deficit in 5 year land supply and as such the Spatial Strategy can be given full weight, and the 'so called' tilted balance need not apply. Given these considerations, it is recommended that this application be refused.
57. This application was not the subject of pre-application discussions, but does represent a further submission of a scheme that was previously refused, with an associated appeal dismissed by the Planning Inspectorate. There are considered to be fundamental objections to the principle of development on this site and as such negotiations have not taken place.

RECOMMENDATION

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

1. Policy 3 of the Rushcliffe Borough Local Plan Part 1: Core Strategy sets out the spatial strategy for housing delivery in the Borough which seeks to ensure that sustainable development will be achieved through a strategy which promotes urban concentrations by directing the majority of development towards the built up areas of Nottingham and Key Settlements. In other settlements such as Whatton the Core Strategy at para 3.3.17 envisages that development should be for local needs only through small scale infill development or on exception sites. The proposed dwelling sits outside the built up part of Whatton and would not constitute infill development as envisaged in 3.3.17 of the Core Strategy, and further clarified in 3.10 of the Local Plan Part 2: Land and Planning Policies. The development would, therefore be contrary to policy 3 of the Core Strategy.

Furthermore, the development as proposed would not meet any of the appropriate forms identified for the open countryside under Policy 22 of the Local Plan Part 2. The development of this Self Build accommodation would also be contrary to policy 13 of the Local Plan Part 2, which seeks to support this type of development where it accords with all other policies of the development plan.



Application Number: 19/01767/FUL
Kilgraney Farm, Owthorpe



scale 1:2500

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19/01767/FUL

Applicant Ms Juliet Donoghue

Location Kilgraney Farm Owthorpe Road Cotgrave Nottinghamshire

Proposal Change of Use of land to allow parking (retrospective).

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The application relates to a site located with the open countryside, approximately half a mile to the south east of Cotgrave. Access to the site is via a shared driveway from Owthorpe Road, which serves a cluster of residential properties and barn conversions. The application site encompasses a 693 sqm broadly rectangular plot of land extending from the east of the private drive, opposite Manor Cottage. There is an adjacent manege to the north. The front third of the site is hard surfaced, the rear two thirds comprises paddock land. The site falls within the Green Belt.

DETAILS OF THE PROPOSAL

2. The application seeks to regularise the use of the hardstanding for parking. The hard surfaced area appears to comprise of rubble/aggregate covered over with chippings. No new built development is proposed as part of the application. The submitted block plan dated 19 August showed a 33 metre deep area of hardstanding to be used for parking. A site visit was carried out, through which it was ascertained that only the front third of the site was hard surfaced, with the remainder of the site encompassing part of a field. Discussions took place with the agent and the plans were revised on 8 October to reduce the depth of the parking area to 11 metres to reflect the actual situation on the ground. The application therefore now seeks the retention this parking area.

SITE HISTORY

3. 11/01789/FUL- Conversion of stables to two dwellings; construct garage block. Granted in 2012. Conditions discharged under 12/00490/DISCON
4. 12/00396/NMA - Conversion of stables to two dwellings; construct garage block. Granted in 2012.
5. 13/00737/FUL - Erection of a 10 stall stable block; storage building with staff accommodation above; temporary site access and parking area. Granted in 2013.
6. 15/03061/FUL - Erection of a 10 stall stable block; storage building with staff accommodation above; temporary site access and parking/area. Granted in 2016. Conditions discharged under 18/02916/DISCON

7. 17/02345/VAR - Vary condition 4 of planning permission 11/01789/FUL to allow one garage to be used as a storage unit in connection with Manor House, Kilgraney Farm. Pending consideration.

REPRESENTATIONS

Ward Councillor(s)

8. One Ward Councillor (Cllr Butler) declares an interest.
9. One Ward Councillor (Cllr Healy) does not object.

Town/Parish Council

10. Cotgrave Town Council object to the application on the basis of drainage issues and flooding on the adjacent fields, it is therefore not friendly to the environment.

Statutory and Other Consultees

11. Nottinghamshire County Council as Highway Authority do not object to the proposal, commenting that the parking area is associated with existing permitted development at the site, and as such will not result in any additional impact on the public highway.

Local Residents and the General Public

12. Representations have been received from 20 local residents and the general public in support of the proposal with the comments summarised as follows:
 - a. The hardstanding has been in situ for a long time, the cars parked there do not affect anyone and cause no disruption.
 - b. Allows more space for neighbours and visitors.
 - c. Site has been used for parking for 12 years with machinery on the area before.
 - d. Without the car park the road would become congested, concerns about safety of pedestrians if a build-up of cars were to happen.
 - e. Build-up of traffic could spook horses.
 - f. Without the hardstanding there would be nowhere to park without blocking the access road, the car park avoids cars reversing onto the main road.
 - g. Parking on Owthorpe Road would pose considerable dangers as this is a busy road connecting Cotgrave with the A46.
 - h. The proposal enhances the area by avoiding double parked cars.
 - i. Provides a crucial turning space, the space is needed for space to turn horse box and trailer.

13. Representations have been received from three local residents objecting to the proposal with the comments summarised as follows:
- a. The car parking should be in line with the permissions granted, these being: Parking at the Kilgraney Manor House - 7 spaces for a 7 bed house; parking for the two new cottages (11/01789/FUL) - 3 garages and a parking space (none of which are currently used for parking); and the proposed stable block (15/03061/FUL) - 4 spaces and 2 horsebox spaces.
 - b. The application extends the existing unofficial car park 3-4 times, over the whole winter turn out area, the expansion will attract more traffic and the loss of more green areas to unsightly hardstanding.
 - c. If planning permission is granted, the car park should be fenced to ensure safety, landscaping should be agreed in detail, and no additional lighting should be allowed.
 - d. There is already a planning permission for a stables and car park (15/03061/FUL), the area of land in the current application has already been approved and designated as a paddock, and an area planted with trees. The new car park, in addition to that already approved, would take away designated paddock land and trees from the approved stables.
 - e. The Planning Statement claims that the proposed parking area has been used and an overflow car park and refers to the whole area as an area of hardstanding. There is no hardstanding on the area behind the existing unofficial car park, no vehicles (cars/horseboxes) have ever been parked on this area, this is an overgrown field.
 - f. It is untrue that the land has been used for parking for 15 years, woodchip was laid in 2004 to create a winter manege but no hard surfacing was involved.
 - g. The car park was supposed to be a temporary area of hardstanding for builders/deliveries during the stable conversion works, this was never returned to field and is unauthorised. This was laid in 2012.
 - h. Parking standards suggest the extended car park would provide a minimum of 22 spaces, in addition to the parking provision for the new stables, and the provision for Kilgraney Manor, and Manor Cottage/Broadgate House. The proposal would result in the provision of 38 parking spaces which would be excessive.
 - i. The approved landscaping scheme for 15/03061/FUL proposed the reinstatement of the unauthorized car park to fields and landscaping, the current application would replace the paddock, trees and hedge with an unnecessary car park.

PLANNING POLICY

14. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the Local Plan Part

2: Land and Planning Policies, which was adopted on 8 October 2019. Other material considerations include the National Planning Policy Framework (NPPF) (2019) and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

15. The relevant national policy considerations for this proposal are those contained within the 2019 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. The site falls within the Green Belt and therefore the proposal falls to be considered under section 13 of the National Planning Policy Framework (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 134 of the NPPF. Paragraph 143 sets out that development in the Green Belt should be regarded as inappropriate which is, by definition, harmful and should not be approved except in very special circumstances. Exceptions to inappropriate development are set out in paragraph 145 of the NPPF. Paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes engineering operations and the material change of use of land.

Relevant Local Planning Policies and Guidance

17. Policy 1 of The Rushcliffe Local Plan Part 1: Core Strategy reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Policy 10 of the Core Strategy (Design and Enhancing Local Identity). The 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. Section 2 of this policy sets out the design and amenity criteria that development should be assessed against.
18. The proposal falls to be considered under Policy 1 (Development Requirements) of the Local Plan Part 2. Given the location of the site within the Green Belt, the proposal falls to be considered under Policy 21 (Green Belt). This policy states that decisions should be in accordance with the Green Belt policy set out in the NPPF.

APPRAISAL

19. The application seeks retrospective planning permission for the retention of an area of hardstanding for use as a car park. It should be noted that there would

be no extension of the existing hard surfaced area. The block plan originally submitted denoted an area of hardstanding measuring 33 metres in depth, projecting beyond the extent of the adjacent manege to the north. Through on-site observations, it was noted that the area of hardstanding only occupies the front section of the site, beyond which there is an overgrown field. Discussions subsequently took place with the agent and the plans were amended accordingly to show an 11 metre deep area of hardstanding.

20. The main consideration is whether the development represents inappropriate development in the Green Belt. The car parking area constitutes both an engineering operation and a change of use of the land. Both of these types of development fall within the categories of 'other forms of development' that are not inappropriate as listed under paragraph 146 of the NPPF. This is on the proviso that such forms of development preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
21. The application relates to a level, hard surfaced car park with no means of enclosure. As such, its retention would not impact upon the openness of the Green Belt, although it is acknowledged that the vehicles parked on the area will have some impact, albeit they are clearly temporary and moveable. The consideration then, particularly in considering whether the change of use to a parking area is not inappropriate, is whether the development conflicts with the purposes of including land within it, these being:
 - a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
22. It is not considered that the proposal conflicts with criterion a, b, d and e. Therefore, the main consideration is criterion c) of the above in terms of whether the development encroaches upon the countryside. Although the cluster of dwellings are all situated to the west side of the shared private drive, there are various forms of development to the eastern side of this drive, notably the site use for the storage of railway sleepers, which extends significantly eastward, in addition to a manege immediately to the north of the application site. Permissions was granted in 2018 for an extension to the hardstanding at the railway sleeper site (planning reference 18/01817/FUL).
23. The car park does not project significantly beyond the front fence line of the manege and thus it results in a fairly minor incursion into the adjacent paddock. It is not considered that the car park results in a significant encroachment to the degree that its retention would be contrary to the criterion c) of the purposes of Green Belt, referred to above. The car park is, therefore not considered to be an inappropriate form of development in the Green Belt.
24. Highways do not object to the proposal, noting that the parking area is associated with existing permitted development at the site, and as such it would not result in any additional impact on the public highway.
25. The comments regarding a potential conflict with approved application 15/03061/FUL for the erection of a stable block, storage and parking are noted.

The plans approved pursuant to the conditions of the planning permission (under 18/02916/DISCON) show a gravel drive, grass verge, hedgerow and tree planting on part of the site of the current car park. In the event that planning permission is granted for the retention of the car park, it would not be possible to implement the permission for the stable block as approved and/or the details agreed pursuant to the conditions of the permission. It should, however be noted that this permission lapsed on 23 February 2019 and the development has not been commenced within the time period.

26. The comments regarding the excessive provision of parking are noted. Planning permission was granted in 2011 (11/01789/FUL) for the conversion of stables to two dwellings and the erection of a garage block at Kilgraney Farm. Notwithstanding subsequent amendments to the garage, the original proposal involved the provision of two spaces per dwelling and would have allowed no additional provision for visitors etc. Given the narrow, single track nature of the shared drive, any additional cars parked on the drive could result in the restriction of this access. It is therefore considered that the retention of the parking area is justified.
27. Discussions have taken place with the agent during the consideration of the application to clarify the extent of the car park for which permission is sought. Amendments have been made to the proposal, addressing officers' questions, thereby resulting in a more acceptable scheme and a recommendation to grant planning permission.

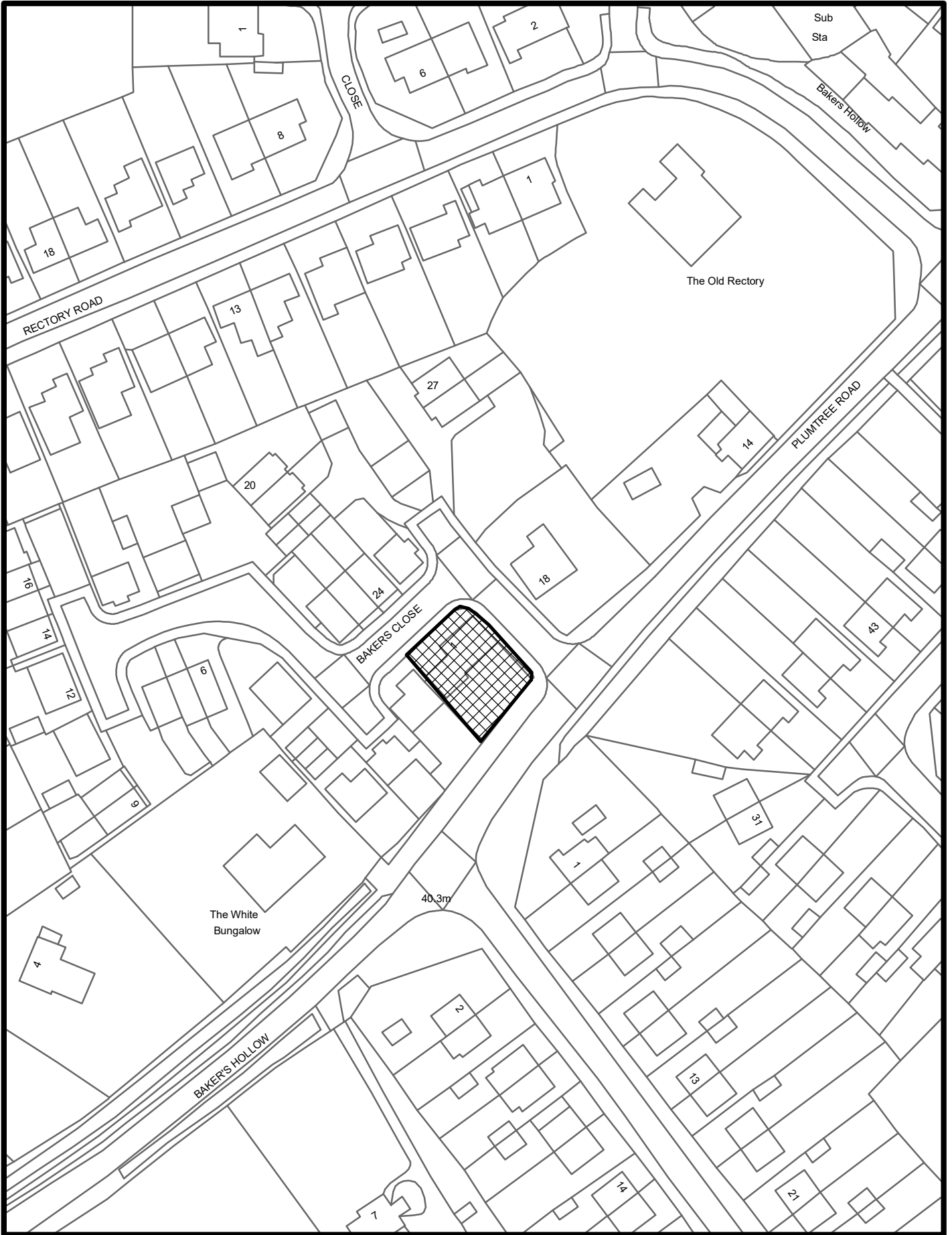
RECOMMENDATION

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

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

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. There shall be no extension of the existing car parking area as denoted on the revised Block Plan received on 8 October 2019.

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



Application Number: 19/01901/FUL
1 Bakers Close Cotgrave



scale 1:1000

page 165

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Rushcliffe Borough Council - 100019419

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19/01901/FUL

Applicant Mr and Mrs P Ellis

Location 1 Bakers Close, Cotgrave, NG12 3RG

Proposal Single storey rear/side extension.

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The application relates to a modern two and a half storey detached dwelling located within a cul-de-sac on the west side of Cotgrave. The site forms part of a relatively small residential estate (27 dwellings) constructed within the last ten years and situated off the north-west side of Plumtree Road. The site is the first house within the cul-de-sac and faces north-west with its rear elevation facing Plumtree Road to the south-east. The application property occupies a higher land level relative to Plumtree Road.
2. The application dwelling itself is constructed from red/brown bricks with large brown plain tiles. The rear garden is around 10 metres long and enclosed by a 1.5 metre high close boarded timber fence with an additional 500 millimetre trellis along the north-east boundary and a 2 metre high hedge on road side elevation of the fence along the south-east boundary. The property has an original double garage attached to the south-west side wall but otherwise has not been previously enlarged.
3. To the south-west is a similarly proportioned detached dwelling at 2 Bakers Close. To the north-west on the opposite side of Bakers Close are a two storey end terrace at 24 Bakers Close and a two storey detached dwelling at 26 Bakers Close. To the north-east is an older two storey detached dwelling at 18 Plumtree Road. Some 25 metres to the south-east on the opposite side of Plumtree Road and roughly at the same level as the application site are the dwellings at 1 Mensing Avenue and 33 and 35 Green Platt.
4. The application site is located within an area of Archaeological Alert.

DETAILS OF THE PROPOSAL

5. Planning permission is sought to construct a single storey rear and side extension that would project some 3.6 metres out from the rear wall of the existing dwelling and extend some 9 metres across the whole rear the house. The proposed extension would have a flat roof measuring 2.95 metres in height with two centrally proportioned 2 metre by 1.5 metre lantern lights that would upstand a further 300 millimetres above the flat roof. The proposed extension would be constructed from bricks to match the existing dwelling with a flat GRP membrane to the roof. There would be two large sliding doors in the rear (south-east) elevation and a triple light window in the side (north-west) elevation.

SITE HISTORY

6. There are no other planning application that are considered relevant to the determination of this application.

REPRESENTATIONS

Ward Councillor(s)

7. One Ward Councillor (Cllr Healy) has declared an interest as a near neighbour and family friend of the applicant.
8. One Ward Councillor (Cllr Butler) has not objected to the application.

Parish/Town Council

9. At the time of writing this report no comments have been received from Cotgrave Town Council.

Local Residents and the General Public

10. At the time of writing this report no comments have been received.

PLANNING POLICY

11. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019. The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant, particularly where the Development Plan is silent. Additionally the Rushcliffe Residential Design Guide 2009 as a Supplementary Planning Document is a material consideration.

Relevant National Planning Policies and Guidance

12. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means “approving development proposals that accord with the development plan without delay”. Importantly, the NPPF requires that planning permission be granted “where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date” unless the application of policies in this NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
13. Chapter 12 of the NPPF concerns achieving well-designed places. Specifically it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place. Importantly, 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. However, where the design of a proposed development accords with

clear expectations of plan policies, design should not be used by decision makers as a valid reason to object to the development.

Relevant Local Planning Policies and Guidance

14. Policy 1 of the Rushcliffe Local Plan Part 1: Core Strategy reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 of the Core Strategy states, *inter alia*, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Of particular relevance to this application are 2(b) whereby the proposal should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
15. In setting out the development requirements for the Borough, policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies broadly echoes policy 10 of the Core Strategy. Specifically it states that planning permission will be granted for extensions provided that there is no significant adverse effect upon the amenity of adjoining properties or the surrounding area; and the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. Extensions should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
16. Policy 29 of the Local Plan Part 2: Land and Planning Policies, states that where a development proposal affect the site of known or potential archaeological interest, an appropriate archaeological assessment and evaluation will be required to be submitted as part of the planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.
17. Consideration should also be given to the supplementary guidance provided in the Rushcliffe Residential Development Guide which suggests that the style and design of any extension should respect that of the original dwelling and should not dominate over it. The Guide also requires that 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

18. The main issues to consider in this application are:
 - The principle of development.
 - The design of the proposed development and its impact on the appearance of the existing dwelling and on the character of the surrounding area.
 - The impact of the proposed development on the amenity of neighbouring properties.
 - The impact of the development upon archaeology.

19. The proposed development is an extension to an existing residential property within Cotgrave. As such the principle of the development is considered to be acceptable.
20. The proposed extension would be a relatively modest addition to the rear of this large, modern, detached dwelling. Its contemporary design is typical of similar rear extensions at dwellings across the Borough and is considered to be sympathetic to the modern style of the existing dwelling. The scale and proportion of the proposed extension are such that it would remain subordinate to the host dwelling and would not dominate over it. Moreover the use of matching materials would ensure the appearance of the extension would blend with that of the existing dwelling. As such it is considered that the extension would not have an adverse effect on the appearance of the existing house. Notwithstanding this, if members are minded to grant planning permission, it is recommended that a condition be imposed requiring the materials used in the external construction of the proposed development to be of a similar appearance to those used in the existing house to ensure that a satisfactory external appearance of the dwelling is preserved.
21. Apart from the property to the north-west at 18 Plumtree Road, which dates from the late Victorian era, the majority of the other properties in the immediate surrounding area are relatively modern, two-storey dwellings. Whilst the rear of the application property faces towards and is visible from Plumtree Road, given that the site is elevated above that road and given the existing boundary treatment that surrounds the rear garden of the site, it is considered that the proposed extension would not be particularly prominent within the street scene. In any case the extension would be viewed in the context of being within the back garden of the property. As such it is considered that the proposed development would not appear at odds with the other buildings in the area nor look out of place in the street scene.
22. Overall, the proposed extension is considered to be visually acceptable, sympathetic in size and design to the existing dwelling and street scene. It therefore complies with the policies and guidance outlined above.
23. The proposed extension would be some 6.5 metres from the boundary of neighbouring property at 2 Bakers Lane to the south-west and over 10 metres from the boundary with 18 Plumtree Road to the north-east on the opposite side of the entrance into Bakers Close. Given these separation distances and given that the proposed extension would be less than 3 metres in height, it is considered unlikely that it would have any significant overbearing or overshadowing impact on either of these neighbouring properties. The window in the north-east side of the extension would face towards the existing boundary fence/trellis and is unlikely to afford any significant overlooking or loss of privacy to the property at 18 Plumtree Road.
24. Similarly given the distance of the proposed extension from the rear/side facades of the properties at 1 Mensing Avenue, and 33 and 35 Green Platt to the south-east would be over 40 metres, and given the existing boundary fence and hedge along the south-eastern boundary of the application site, it is considered that proposed development would be unlikely to give rise to any significant impact upon the amenities of the occupiers of those neighbouring properties.

25. Overall, the proposal is considered to be acceptable in terms of residential amenity and complies with the policies and guidance referred to above.
26. The application site is on the edge of Cotgrave some distance from its historic core. Moreover it is understood that prior to the construction of Bakers Close an archaeological investigation was carried out by the developer. As such it is considered unreasonable to require the applicant to carry out further archaeological surveys, particularly as the proposed extension is close to the footprint of the existing dwelling where it is unlikely that undisturbed archaeological remains would be present.
27. No negotiations were necessary during the consideration of the application and it is acceptable and can be recommended for approval.

RECOMMENDATION

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

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

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

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

- Requesta Plan site location plan at 1:1250 scale (ref: TQRQM19224102259109) received on 13 August 2019.
- Building and Design Services “Block Plan” drawing received on 2 September 2019.
- Building and Design Services “Proposed Elevations & Floor Plans” drawing received on 2 September 2019.

[For the avoidance of doubt having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 and the policy 1 Rushcliffe Local Plan Part 2: Land and Planning Policies 2019]

3. The external materials used in the construction of the development hereby permitted must be of a similar appearance to the materials used on the exterior the existing dwelling.

[To ensure the appearance of the development is satisfactory having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy 2014 and policy 1 the Rushcliffe Local Plan Part 2: Land and Planning Policies 2019]

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Planning Committee

14 November 2019

West Bridgford No.1 Tree Preservation Order 2019

Report of the Executive Manager – Communities

19/00136/TORDER

Objector FPCR Ltd on Behalf of Simms Developments

Location Land North of Wilford Lane located to the East and West of Becket Way

Proposal Objection to West Bridgford No.1 Tree Preservation Order 2019

Ward Compton Acres

THE SITE AND SURROUNDINGS

1. The West Bridgford No.1 Tree Preservation Order (TPO) 2019 protects trees either side of Becket Way on land north of Wilford Lane in Compton Acres. The land to the east of Becket Way was previously cleared of most vegetation ahead of a proposed supermarket which was never constructed. The land to the west of Becket Way is a neglected paddock. Both sites are now covered in long grass and dense patches of brambles, with some large individual trees and a small number of denser groups.
2. To the north of the sites is the Becket School, the nearest residential properties are at Bede Ling to the East, also to the East of the site is an area of sports pitches with Public Rights of Way running through them. To the West runs the tramline from Clifton to Nottingham.

DETAILS OF THE PROPOSAL

3. The TPO protects 12 individual trees and 2 'areas' where it was not possible to determine the exact number and species of trees due to a lack of access. Most of the trees are located to the East of Becket Way with 2 individual trees located to the West.

SITE HISTORY

4. The TPO was made as a response to the planning application to construct retail and residential units on land north of Wilford Lane, reference 18/02920/HYBRID. The application was recently refused and is subject to a yet to be determined appeal. Prior to this application the site to the east of Becket Way was owned by Sainsbury's who cleared most of the site prior to a development that ultimately did not take place. The land to the west of Becket Way is an old paddock, but it currently being marketed for sale.

REPRESENTATIONS

5. One objection has been received from the agent acting on behalf of the owner of the site to the east of Becket Way. They object for the following reasons:
 - Although the trees are visible from the public highway none are considered to have high arboricultural or landscape value through the BS5837 assessment. The Tree Evaluation Method for Preservation Orders (TEMPO) also finds the majority of trees not worthy of a TPO.
 - The area category is intended for short term protection and local authorities are advised to use it as a temporary measure until they can fully assess and reclassify trees in the area.
 - Area 1 and 2 consist of outgrown hedgerow forms, although visible from the highway they cannot be considered significant as they do not provide any high value specimens or any other outstanding merit and are considered typical and commonplace. Properties on Bede Ling will need to apply to carry out routine pruning of overhanging branches.
 - Trees T9 - T11 are set back from the boundary and hold little visibility to Wilford Lane or the footpath to the East. These trees along with A2 are under constant pressure to be pruned by the adjacent Beckett School.
 - Objection is raised to the appropriateness of the TPO as although the trees are visible to the public, if the trees were removed they would not result in a significant detrimental impact on the local amenity. The inappropriate inclusion of many of the trees also calls the expediency and appropriateness of the TPO into question. The Order should not be confirmed and instead withdrawn.

Local Residents and the General Public

6. Interested parties were notified of the TPO, this includes all adjoining land owners, no comments or objections were received from the property owners on Bede Ling or the Beckett School. Heineken UK who own the land to the West of Becket Way have not objected.

Relevant National Planning Policies and Guidance

7. Best practice in relation to TPO's is set out on the Gov.uk website at: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

APPRAISAL

8. As part of the planning application a BS5837 tree survey was carried out, such surveys categorise the quality of trees in the following way 'A' being high quality, 'B' moderate, 'C' low and 'U' for trees which are dead or dangerous. The survey determined that all the trees apart from T4 were category B, "trees of reasonable quality with an estimated remaining life expectancy of at least 20 years." T4 was classed as a category C tree, "Trees of low quality with an estimated remaining life expectancy of at least 10 years". The purpose of such a survey is to determine the quality of trees with a view to the site being developed, whereas a TPO primarily concerns itself

with the appearance and public amenity value of the trees. It is entirely reasonable for a BS5837 class B or class C tree to be protected as it shows the trees have a reasonably long enough life expectancy to warrant ongoing protection.

9. The land subject to the objection was cleared in 2012 to enable a supermarket to be constructed, but shortly afterwards a decision was taken by the applicant not to proceed with the development. As a result of this clearance most of the retained trees are located close to the edge of the site to enable large scale development to take place. In addition, the trees retained were the best quality and those considered at the time to be of sufficient value to warrant retention. One of the reasons for the refusal of the 2018 application to develop the land for mixed retail and residential use was due to the “loss of a substantial protected Lime tree [T3] which occupies a prominent position close to the frontage of the site and makes a significant contribution to the amenities and character of the area.”
10. The objection used TEMPO, a points-based assessment, to consider the appropriateness of the trees for protection and concluded the trees did not meet the criteria to warrant protection. Such assessments are always subjective, and the way the objector’s final scores were determined was not submitted to the Council, so the Council has no way of understanding the specific reasons why the trees are not considered to be appropriate for protection. TEMPO considers the amenity value of trees, retention span, visibility expediency and miscellaneous other factors. There seems to be a large discrepancy between the low TEMPO scores and the fact the BS5837 tree survey considered almost all the trees to be moderate condition. The Council has its own points-based assessment for assessing possible TPO’s, this covers the main considerations of TEMPO, but gives different weights and values. The Council’s assessment allows a consistent evaluation, and this demonstrates all the trees covered by the TPO would meet the criteria to justify protection, which is a score of 11 or above (out of a possible maximum score of 16). A comparison between the scores is given below.

TPO Reference	TEMPO assessment in objection. 1-6 TPO indefensible 7-11 Does not merit TPO 12-15 TPO defensible	RBC Assessment A score of 11 or more justifies a TPO (potential maximum score of 16)
T3	13	15
T4	6	12
T5	9	13
T6	13	14
T7	8	12
T8	8	12
T9	5	11
T10	5	11
T11	5	11
T12	5	11
A1	9	13
A2	8	13

11. It is not strictly good practice to use an area classification, but it remains a tool to be used when making TPO’s. The area classification was used due to

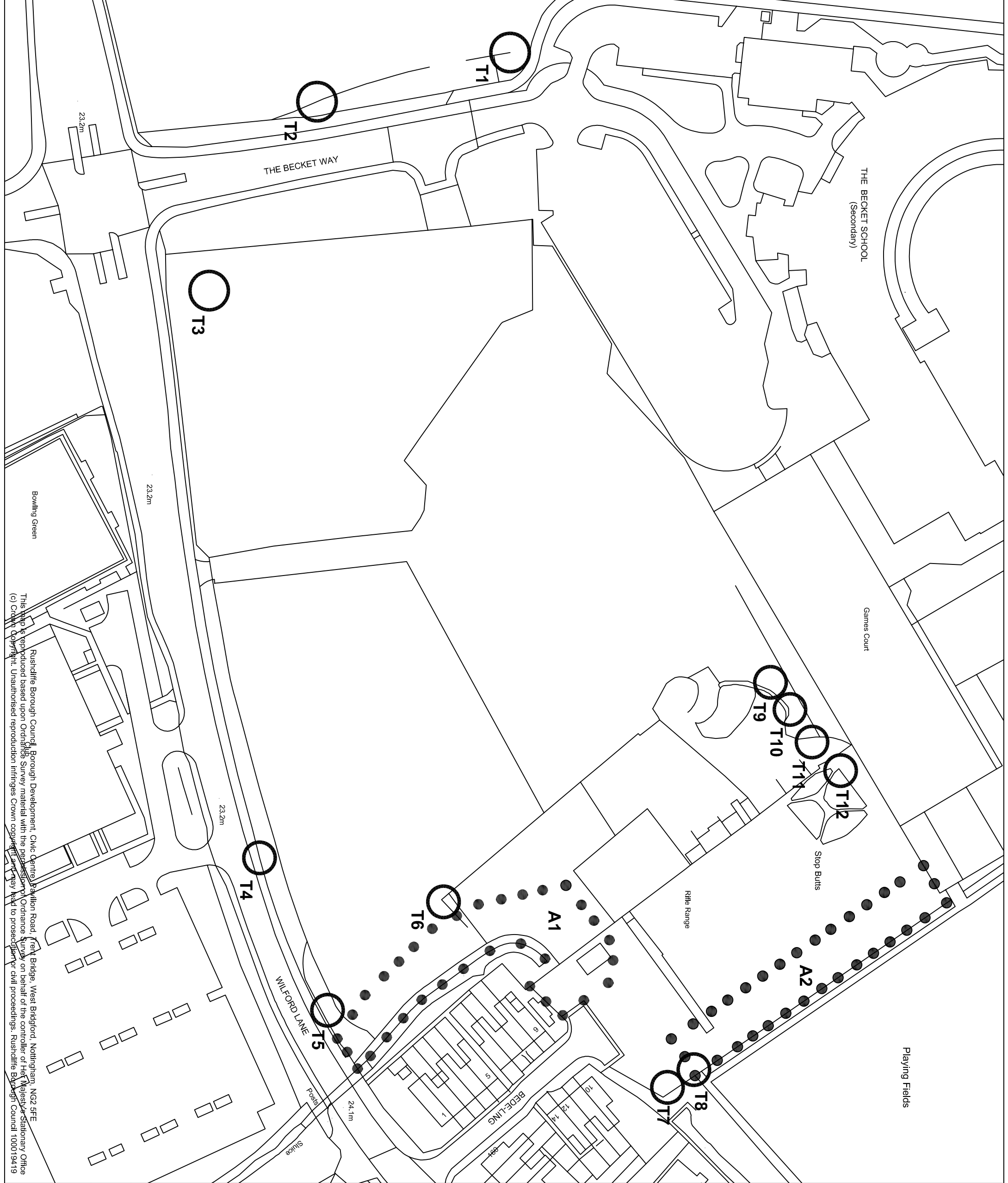
limited site access and the assessment was made from public vantage points. TPO's can be modified and once the future use and development of the site has been decided, and it is cleared and accessible, it is likely that a better assessment of the trees could be made with a view to changing A1 and A2 to a group classification which would specify the number of trees of each species. The purpose of using the area classification was to imply that, in parts of the site, the trees have collective value but are not necessarily woodland. The fact the objection considers the trees in the areas to be "typical or commonplace" is no reason to not protect them as any species can be protected.

12. Local authorities are able to make TPO's when it is "*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*". Amenity is not defined in law, but Government advice suggests "*TPO's should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public.*" This is usually taken to mean that trees should at least be visible from a public vantage point. It is accepted that some trees are more prominent than others, but all the protected trees are currently visible from either Beckett Way, Wilford Road, Bede Ling and West Bridgford Footpath 8, which runs from Bede Ling through the playing fields to the East of the site. At the current time it is considered all the trees have sufficient public amenity value due to their visual prominence from public vantage points to warrant protection.
13. Both Government advice and the guidance supporting TEMPO assessments makes it clear that the future benefit and amenity value of trees should be considered as TPO's are often made as a result of development pressure. At some point this site is likely to be developed to a greater or lesser extent and the public value of some of the trees could increase in the future and for this reason, the Council considers that all the trees should remain protected until the future of the site is decided.
14. The Council is also required to consider whether it is expedient to make a Tree Preservation Order. Given that the objection to the Order applies to all trees, even ones where the objections recognises that a TPO is defensible, combined with the fact that the recently refused planning application showed that many trees would be felled, including the prominent Lime tree on the junction of Wilford Lane and Compton Acres, there is a foreseeable risk to the trees if they were not protected.
15. The owners of properties on Bede Ling and the adjacent school may have to apply to prune back overhanging branches, whilst it is recognised that this may be a minor inconvenience it is not a reason to prevent the Order being confirmed. The adjoining landowners have been notified of the TPO and none have objected to the Order.
16. It is clear that a TPO is expedient and that the trees protected are sufficiently visible to the public to warrant protection. It is considered that as all the protected trees bar one are BS5937 category B with a minimum expected useful life of 20 or more years that their retention within the TPO is justified and that it should be confirmed.

RECOMMENDATION

It is RECOMMENDED that the West Bridgford No.1 Tree Preservation Order 2019 be confirmed without modification.

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Project
West Bridgford No. 1 Tree Preservation
Order 2019

Drawing title
Land East and West of the Becket Way,
North of Wilford Lane, West Bridgford

Date
June 2019

Project officer
T Pettit

Scale
1:1000

Drawn
TP

Checked

Reference
665.15

Rev.

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Planning Committee

14 November 2019

Planning Appeals

Report of the Executive Manager – Communities

LOCATION	Land East Of Main Road And South Of Stragglethorpe Road Main Road Cotgrave Nottinghamshire		
APPLICATION REFERENCE	18/02821/FUL		
APPEAL REFERENCE	APP/P3040/W/19/3229908		
PROPOSAL	Development of crematorium and memorial gardens with associated access, parking and landscaping.		
APPEAL DECISION	ALLOWED	DATE	24 September 2019

PLANNING OFFICERS OBSERVATIONS

This application was reported to the Planning Committee on the 14th March 2019 with an Officer recommendation to support the grant of planning permission subject to the applicant entering into a S106 for the provision of funding for bus stop infrastructure. Members resolved to refuse planning permission on the following grounds:

The site falls within the Green Belt as defined by Saved Rushcliffe Borough Local Plan 1996 Policy ENV15. The proposal would involve a new building in the Green Belt and a form of development which does not feature as one of the exceptions to inappropriate development within the closed lists in paragraphs 145 and 146 of the National Planning Policy Framework. Therefore, the proposal amounts to inappropriate development, which is harmful by definition. The Borough Council, as Local Planning Authority, does not consider that it has been adequately demonstrated that very special circumstances exist, including quantitative and qualitative need for a crematorium at this location, to outweigh the harm to the Green Belt. A decision to refuse planning permission would accord with paragraph 143 of the NPPF which states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' and would be contrary to the objectives of Chapter 13 'Protecting Green Belt Land' of the National Planning Policy Framework and the objectives of Policy 4 'Nottingham - Derby Green Belt' of the Rushcliffe Local Plan Part 1: Core Strategy.

The Inspector agreed that the proposal would be inappropriate development in the Green Belt and would reduce openness in this location. It would also represent an encroachment

into the countryside and so would offend one of the 5 purposes that Green Belts serve. The Framework states that substantial weight should be given to any harm to the Green Belt. In addition, the potential loss of 'best and most versatile' agricultural land must be added to this harm. Set against this, he considered that there is the clear quantitative and qualitative need for a new crematorium, which attracts considerable weight in favour of the proposal. He concluded that any new crematorium in this area is likely to require a Green Belt location, with similar implications for openness and encroachment into the countryside. The appeal site is not subject to any significant constraints other than its Green Belt designation and is well located to serve the needs of the proposed catchment. It has also been identified as being the most suitable location for such a development and would also offer the opportunity for biodiversity gains.

Together, he concluded that these considerations carry substantial weight in favour of the proposal. Overall, he found that the other considerations in this case clearly outweigh the harm that is identified. Accordingly, he considered that very special circumstances exist which justify the development. It would therefore accord with saved Policy ENV15 of the Rushcliffe Replacement Local Plan (2006), Policies CS1 and CS4 of the Rushcliffe Local Plan Part 1: Core Strategy (2014), and guidance in the Framework relating to Green Belts.

Planning permission has therefore be granted subject to planning conditions. A S106 agreement is in place for contributions towards improvements to bus stop infrastructure.