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Our reference:
Your reference:
Date: Friday, 6 December 2019

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Monday, 16 December 2019 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely



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 14 November 2019 (Pages 1 - 22)
4. Planning Applications (Pages 23 - 82)
The report of the Executive Manager - Communities.
5. Planning Appeals (Pages 83 - 86)
The report of the Executive Manager - Communities.

Membership

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

Rushcliffe Community
Contact Centre

Rectory Road
West Bridgford
Nottingham
NG2 6BU

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

By telephone
Monday to Friday
8.30am - 5pm

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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 14 NOVEMBER 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, P Gowland, L Healy, A Major, F Purdue-Horan, C Thomas, D Viridi,
A Phillips and B Gray

ALSO IN ATTENDANCE:

Councillors S Mallender, J Walker and J Wheeler

OFFICERS IN ATTENDANCE:

D Mitchell	Executive Manager - Communities
I Norman	Legal Services Manager
A Pegram	Service Manager - Communities
T Coop	Democratic Services Officer
M Hilton	Area Planning Officer
G Sharman	Area Planning Officer

APOLOGIES:

Councillors K Beardsall and J Murray

63 Declarations of Interest

Councillor A Major declared an interest in planning application 19/01507/FUL and advised that she would withdraw from the committee during this item.

Councillor M Stockwood declared an interest in planning application 19/01565/FUL and advised that she would withdraw from the committee during this item.

Councillor R Butler declared a non-pecuniary interest in planning application 19/01767/FUL and advised that he would withdraw from the committee during this item.

64 Minutes of the Meeting held on

The minutes of the meeting held on 12 September 2019 were agreed as a true record and were signed by the Chairman.

65 West Bridgford No. 1 Tree Preservation Order 2019

The Executive Manager – Communities submitted a report advising of objections that had been received to the West Bridgford No.1 Tree

Preservation Order 2019 – Land North of Wilford Lane located to the East and West of Becket Way.

Members of the committee considered the objections and **RESOLVED** that the order be confirmed without modification

66 **Planning Applications**

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

19/01233/FUL – proposed roof-light to front and side elevations, window to side elevation, dormer window to rear elevation, basement window to side, fencing to first floor patio area – Flat 2, 7 Trevelyan Road, West Bridgford.

Updates

In accordance with the Council's public speaking protocol, Councillor S Mallender, Ward Councillor addressed the committee.

DECISION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the 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].

19/01507/FUL – Erection of two drive thru units (A3, A5), retail Terrace (A1, A3, A5, D1) and Day Nursery (D1), with associated car parking and infrastructure – Land off Landmere Lane, Edwalton, Nottinghamshire.

Councillor A Major had declared an interest in this item and withdrew from the meeting at this point.

Update

Further representations from the General Public objecting to the proposal and further comments from Councillor Robinson received after the agenda was published were circulated to the Committee before the meeting, together with

updates from the officers.

In accordance with the Council's public speaking protocol, Scott Davidson (Applicant) and Simon Cumberland (objector) addressed the Committee.

Comments

The Committee requested that electric charging points be provided within the development.

DECISION

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

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

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

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

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 that unit 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].

26. Prior to the construction of any building 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 the development, including the number of points to be provided and location within the site. The electric vehicle charging points shall be provided in accordance with the approved details, unless it has been demonstrated that it is not technically feasible to provide the charging points to serve any unit or area on site. The electric vehicle charging infrastructure shall be provided in accordance with the approved details prior to the development being brought into use, or where the infrastructure serves a particular unit the bringing into use of that unit or area of the site, and thereafter the infrastructure shall be retained and maintained in accordance with the approved details.

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

Councillor A Major re-joined the meeting.

19/01063/FUL – 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 – Land off Meadowcroft, Flawforth Lane, Ruddington.

Update

A representation from a local resident received after the agenda was published was circulated to the committee before the meeting, together with an update from officers recommending an additional condition.

In accordance with the Council's public speaking protocol, Peter Wilkinson (Applicants Agent), Louise Mote (objector) and Councillor J Walker (Ward Councillor) addressed the Committee.

Comments

Members of the Committee considered whether safety fencing could be provided around the attenuation area and neighbouring residential property, at Meadow Croft.

DECISION

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 and means of enclosure to the attenuation basin(s). 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 Local Plan Part 1: Core Strategy].

21. Prior to construction of any dwelling proceeding above foundation level, a scheme for the boundary treatment between the site and the residential curtilage of Meadow Croft shall be submitted to and approved by the Borough Council. Thereafter, no dwellings shall be occupied until the boundary treatment has been implemented in accordance with the agreed scheme and this boundary treatment shall be retained for the lifetime of the development.

[In the interest of neighbouring amenity and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

22. The dwellings hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with

criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

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.

19/00478/FUL – Demolition of existing bungalows and erection of 4 no. detached dwellings, erection of boundary wall and associated parking – 49-55 Trent Boulevard, West Bridgford.

Update

Representations from a local resident and Councillor S Mallender objecting to the proposal were received after the agenda was published and were circulated to the Committee before the meeting, together with a consultation response from Severn Trent Water and an officer update recommending an additional condition.

In accordance with the Council's public speaking protocol Stuart Thompson (objector) and Councillor S Mallender (Ward Councillor) addressed the Committee.

Comments

The Committee expressed their concerns that the proposed development would result in unacceptable overshadowing to the neighbouring properties having an adverse impact on the amenities of the occupants of those properties and that the proposal would have an adverse impact in the street scene and would be detrimental to the character of the area.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS.

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.
2. 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.

19/01565/FUL – Erection of a single, self-build dwelling with associated parking and access – Land off Old Grantham Road, Whatton.

Councillor M Stockwood who had declared an interest in this item withdrew from the meeting at this point.

Update

Comments from the applicant's agent, contained in a letter received after the agenda was published, were circulated to the committee before the meeting.

In accordance with the Council's public speaking protocol Tom Daws (Applicant), addressed the Committee.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS.

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.

Councillor M Stockwood re-joined the meeting.

67 Adjournment

In accordance with the Council's Constitution, the Chairman closed the meeting at 10.25pm and all remaining items were adjourned to the next Planning Committee, to be held on Monday 16 December 2019.

The meeting closed at 10.25 pm.

CHAIRMAN



Planning Committee

16 December 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

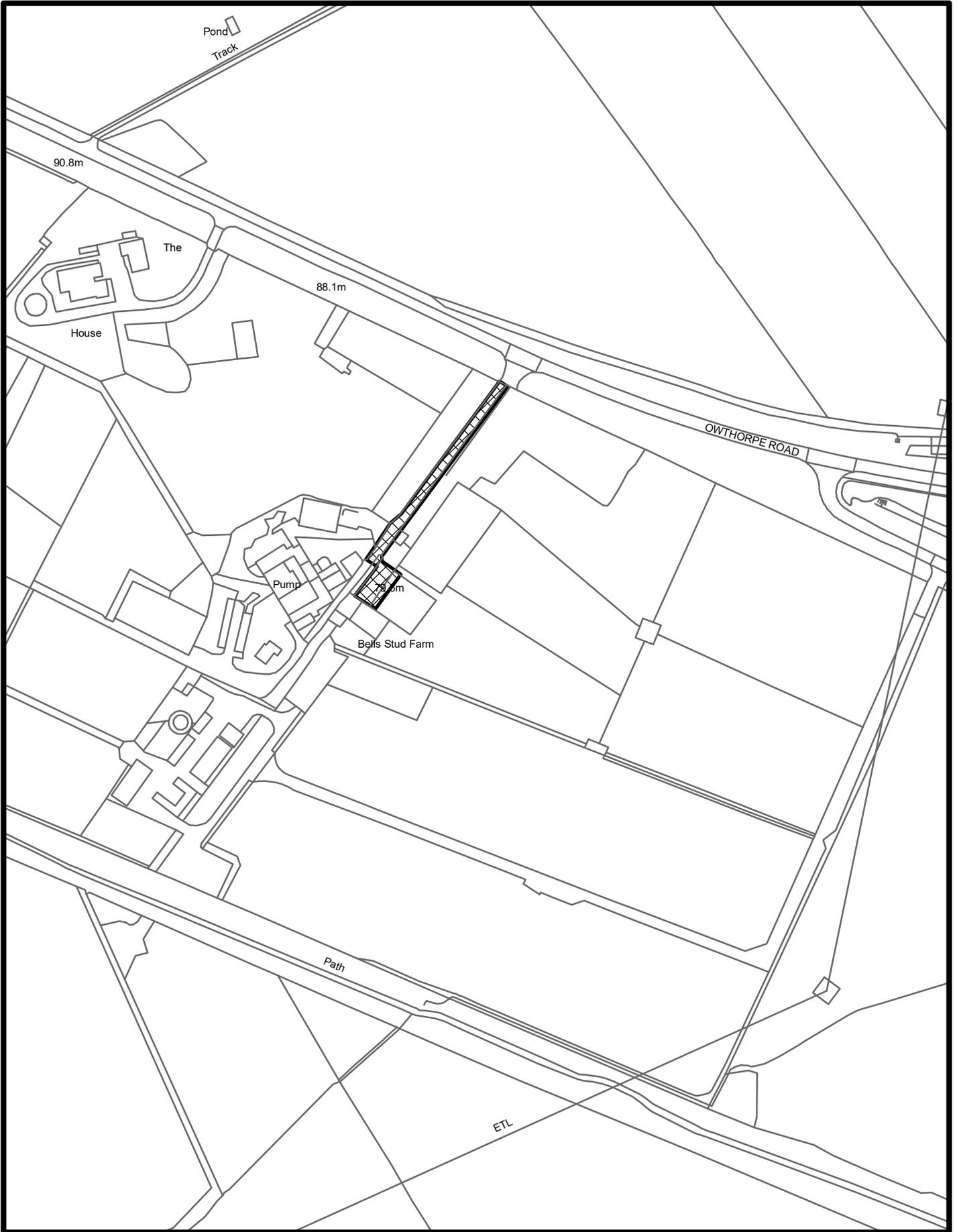
<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

Application	Address	Page
19/01767/FUL	Kilgraney Farm, Owthorpe Road, Cotgrave, Nottinghamshire Change of Use of land to allow parking (retrospective).	27 - 34
Ward	Cotgrave	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
19/01901/FUL	1 Bakers Close, Cotgrave, Nottinghamshire Single storey/rear side extension	35 - 41
Ward	Cotgrave	
Recommendation	Planning permission be granted subject to conditions	
<hr/>		
19/01616/FUL	Land At Manor Park Ruddington Nottinghamshire NG11 6DS Erection of 43 no retirement apartments for older people, guest apartment, communal facilities, access, car parking and landscaping.	43 - 65
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
19/01939/FUL	52 Hill Drive, Bingham. Nottinghamshire	67 - 73
	Proposed change of use from garden room to dog grooming salon	
Ward	Bingham West	
Recommendation	Planning permission be granted subject to conditions	

19/02316/FUL	36 Orford Avenue, Radcliffe on Trent, Nottinghamshire	75 - 82
	Single Storey rear extension with new pitch roof over existing garage and porch.	
Ward	Radcliffe on Trent	
Recommendation	Planning permission be granted subject to conditions	

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



scale 1:2500

page 27

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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.
3. A revised 'red line' site plan was received on 14 November 2019. The site plan has been amended to be drawn tight with the area of existing hardstanding.

SITE HISTORY

4. 11/01789/FUL- Conversion of stables to two dwellings; construct garage block. Granted in 2012. Conditions discharged under 12/00490/DISCON
5. 12/00396/NMA - Conversion of stables to two dwellings; construct garage block. Granted in 2012.
6. 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.

7. 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
8. 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)

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

Town/Parish Council

11. 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

12. 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

13. 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.
14. 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

15. 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

16. 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.
17. 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

18. 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.
19. 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

20. 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.
21. 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.
22. 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.
23. 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).
24. 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.

25. 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.
26. 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.
27. 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.
28. 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

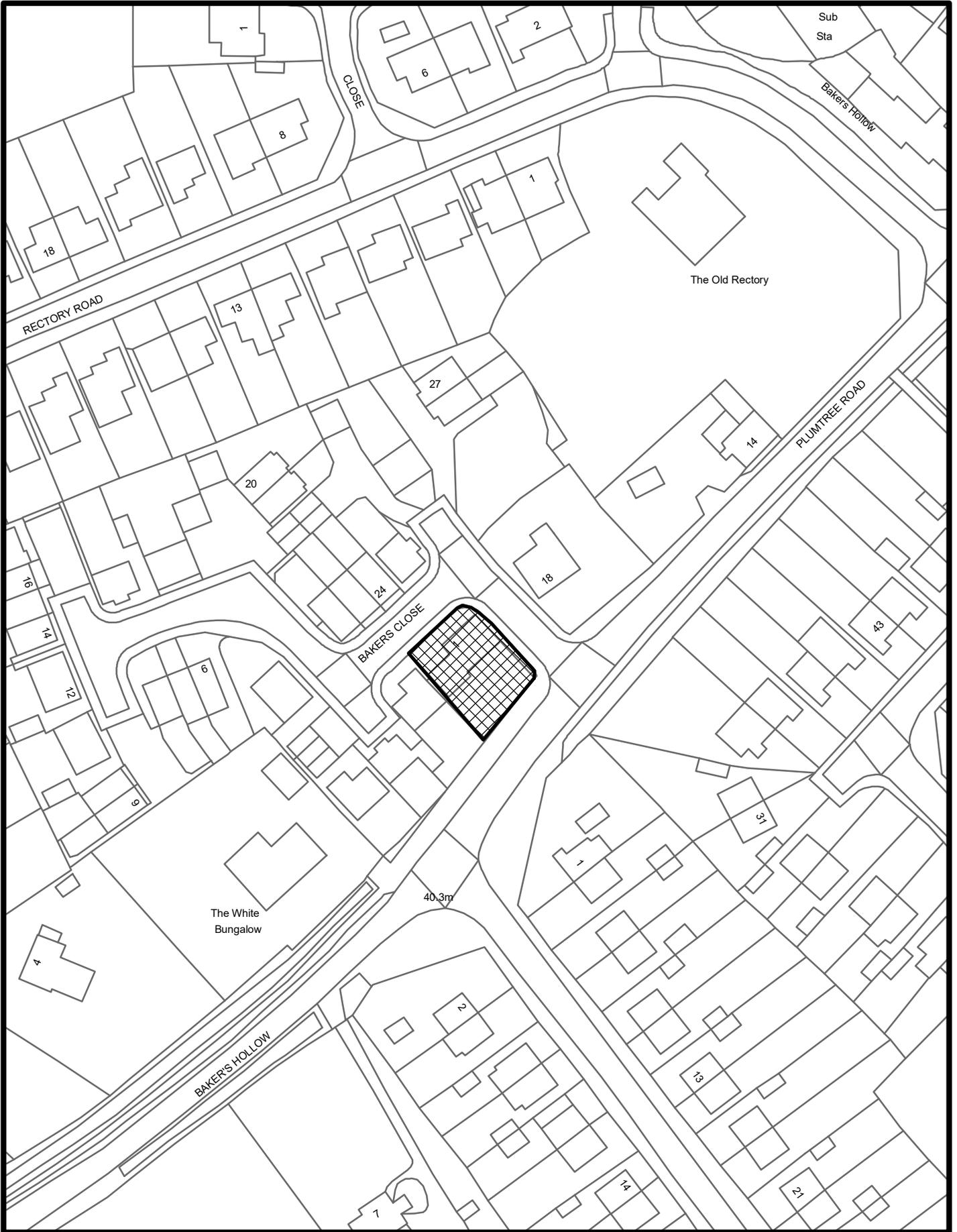
It is RECOMMENDED that planning permission be granted subject to the following condition(s)

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. The change of use hereby approved shall only apply to the area shown within the red line denoted on the revised Block Plan received on 14 November 2019. There shall be no extension of the existing car parking area as denoted on this block plan.

[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 35

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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 polices, 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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19/01616/FUL

Applicant Churchill Retirement Living

Location Land At Manor Park Ruddington Nottinghamshire NG11 6DS

Proposal Erection of 43 no retirement apartments for older people, guest apartment, communal facilities, access, car parking and landscaping.

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The site is located in the Ruddington Conservation off Manor Park, a private road maintained by residents. This is a vacant brownfield site which extends to approximately 0.89ha, and formerly accommodated Orchard House Retirement Home, which has now been demolished. The site boundaries are defined from Manor Park Road to the north by a stone wall, 1.8m high close boarded fence and hedges. The East boundary with Coppertop is defined by a 1.8m high panel fence. The rear wall of Hunters Cottage abuts the site on the northwest boundary. The West boundary is a 1.8 - 2m high metal hooped topped fence. The site has no physical boundary with Manor Park green to the south, which is a small wooded copse. The site in the main is covered in demolition rubble with a small asphalt area by the entrance. There are a number of mature trees on the site along with some self-set scrub. There are no TPOs on the site, although all trees benefit from a degree of protection by virtue of the Conservation Area designation. The site is relatively flat although it rises from the entrance.
2. The area is characterised in the main be by large Edwardian detached dwellings mainly two storey in height, set within large gardens. Located close to the centre of Ruddington, the site has ready access to most facilities.

DETAILS OF THE PROPOSAL

3. Full planning permission is sought for the redevelopment of the site to provide 43 retirement apartments including communal facilities, access, car parking and landscaping. The proposed building would be 3 storeys in height. The development would utilise a mixture of red brick, ivory render and black mock paneling, reflecting the surrounding material palette and of a design to reflect the character of the location. Vehicular access to the development is proposed to be off Manor Park. The proposed development would provide up to 21 car parking spaces. A buggy store would be located in the western section of the site, beyond the area of proposed car parking, along with a plant room which would accommodate plant to facilitate ground source heat pumps.
4. The proposed development would include an amenity space in the form of a communal garden area, which would be maintained in perpetuity by the management company. This area of communal garden would be located in the centre of the site and around the periphery of the proposed development.

5. The proposal would result in the loss of some vegetation on the site but this would be replaced and supplemented with additional tree planting.
6. The application is supported by the following documents:
 - a) Planning Statement;
 - b) Design and Access Statement
 - c) Preliminary Ecological Appraisal
 - d) Heritage Statement
 - e) Landscape Strategy
 - f) Transport Statement
 - g) Affordable Housing Statement;
 - h) Statement of Engagement;
 - i) Archaeological Desk Based Assessment
 - j) Arboricultural assessment & method statement

SITE HISTORY

7. 94/00905/FUL - Change use of main building from rest home to single dwelling unit; form 2 additional flats; convert outbuildings to 2 additional dwellings – Application Permitted December 1994.
8. 99/00620/COU - Change of use to offices - Application permitted October 1999.
9. 07/01943/FUL - Construct 3 storey building (plus basement) to provide 40 units of housing care (C2 use) with communal facilities/parking provision (revised proposals); new cycle and mobility scooter store. Application permitted January 2008.

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr J Walker) objects due to the height of the proposed build as it will impact the privacy of the residents around Manor Park and it will then become the tallest building in all of Ruddington, surpassing the church. The developers will also require some sort of provision for the upkeep of the private road and have not yet had any discussions with the Residents Association about its upkeep or lighting (of which there is none). The Councillor is also interested to see how developers will manage the increased traffic during the building phases, especially around school hours.
11. One Ward Councillor (Cllr M Gaunt) has some reservations around the lack of parking that appears to be available for staff, visitors and residents. The height of the building appears to be an issue as the base of the property is already substantially higher than properties across the street and this could have privacy issues for subsequent residents.

Town/Parish Council

10. Ruddington Parish Council object to the proposal on the following grounds:

- a. The site is the highest point on Manor Park and a 3 storey building would be too imposing and excessive in this location when compared to the Grade II listed buildings;
- b. The development is too intensive for the site;
- c. Insufficient parking, although it will not impact on the public highway this will still impact on the surrounding residents as well as parents and schoolchildren attending the nearby school; and
- d. Request section 106 Monies towards GP surgeries and the development of a new community centre.

Statutory and Other Consultees

11. Nottinghamshire County Council as Highway Authority comment that it is understood that the proposed accommodation is for elderly persons requiring limited support and only a single lodge manager is to be employed, with no additional staff. Based on the assessment of parking provision included within the Transport Statement, the level of parking provision proposed would appear to be appropriate. Considering the sites location on a private road, any overspill parking resulting from insufficient on-site parking is unlikely to impact on the public highway. The proposed development is considered unlikely to result in an adverse impact on the public highway, and as such the Highway Authority would not wish to raise an objection to the proposal.
12. The Borough Council's Community Development Manager comments that; *"The development falls below the 50 dwelling threshold for contributions for leisure facilities so a contribution for this development would not be sought."*
13. The Borough Council's Conservation Officer advises that *"A large portion of the site has been previously developed and as a result no archaeological conditions were considered necessary in relation to the 2007 permission, it being considered that the vast majority of the proposed development would only encounter previously disturbed ground with no archaeological potential despite the sites location within the historic core of the village. I would suggest this view remains sound in light of the latest proposal and I would not advocate any archaeological conditions or requirements."*
14. *The site is located within the Manor Park character zone of the Ruddington Conservation Area and on a site adjacent to South Manor, a grade II listed Building and formerly part of the grounds to that property. No structures associated with South manor stand within the site today, although there are former associated structures to the east within the curtilages of separate residential dwellings developed in the mid-to-late 20th century including a grade II listed icehouse within the gardens of Coppertop to the northeast of the application site.*
15. *Whilst the mid-20th century buildings previously on the site have been removed a notable quantity of material left over from their demolition remains within the site giving it a somewhat negative appearance, albeit the substantial boundaries with the public realm ensure that the site has no real presence within the conservation area and doesn't actively detract from local character as a vacant site. The main heritage assets to be considered in relation to*

impacts from the proposal are: South Manor, its icehouse, S Peters Church (all grade II listed) and the Ruddington Conservation Area. Whilst there are other listed buildings nearby including Churchside and the Hermitage (again, both grade II).

- 16 *The site is not at all apparent from Vicarage Lane and Church Street to the south, and from within the site the parish church, which is comparatively nearby, is not visible beyond a screen of tall and mature trees. Whilst the site itself is not currently visible from the public realm of Manor Park beyond limited visibility around the access point the proposed building would be far more visible owing to being three stories in height, comparable to both South manor and to Orchard House (the building which previously occupied the application site).*
- 17 *Manor Park consists of late 19th and early 20th century properties the majority of which are large detached villas built in revival styles popular at the end of the Victorian period. The Manor is itself the largest of these properties and grade II listed and built in the early 19th century with extensive additions and alterations in 1852, the building sits in expansive grounds on the South side of Manor Park extending down to Vicarage Lane. The manor is a grade II listed Building and Manor Park is a distinct character zone within the Ruddington Conservation Area dominated by high Victorian style villa properties set in substantial plots.*
- 18 *The proposal is for a building of very similar size, footprint and height to that previously approved back in January of 2008 when Orchard House was still standing. Height is slightly greater overall given the switch to elements of pitched roof whilst retaining 3 storey construction. Flat roofed areas appear to have a total height similar to eaves level on the adjacent Manor, whilst the pitched roofed areas have ridges slightly higher than those of the Manor, no part of the proposed building will be as tall as the numerous chimneys which add visually to the total height of The Manor and the two buildings will be far enough apart that the slightly higher ridge would not be at all obvious.*
- 19 *The building would read as another large and detached property within Manor Park, albeit larger than the residential villas which make up the majority of the area. The Manor itself is not particularly prominent within the public realm and as such the proposed development would not detract from, nor compete with the significance of the manor as a listed building.*
- 20 *I'm slightly conflicted as to the design. In many respects it is more traditional and more suited to its context. The flat roofed areas exist mainly around the margins of the building on its west side such that they are unlikely to be especially prominent from ground level views except when looking into the semi-enclosed front courtyard area. The northeast corner in particular will be prominent in the public realm and some effort has been focused here to ensure that the detailing and character of this part of the design will fit in with the character of Manor Park. The most public, north facing, elevation achieves great articulation via the recessed courtyard which allows the main entrance to be readily legible as a feature. I am satisfied that the scheme as proposed would achieve the standard of 'good design' advocated within the NPPF and would not harm either the settings of nearby listed buildings insofar as their settings contribute towards and inform their special architectural and historic significance, or the special architectural and historic character and appearance*

of the Ruddington Conservation Area as are described as 'desirable' objectives within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (respectively)."

- 21 The Borough Council's Landscape and Design Officer identified a discrepancy in the plans regarding the retention of tree T9 and sought confirmation that T9 is to be retained. He accepts the removal of the other prominent tree, T13, a mature Cedar as the tree has been heavily pruned and has lost branches in the past resulting in an unnatural looking canopy. The roadside hedge is a poor quality line and contains a lot of Sycamore saplings, he does not object to this being removed and replaced with something more appropriate. T6 and this is shown to be retained. Clarity is sought for trees to be retained on western boundary.
- 22 The Borough Council's Environmental Sustainability Officer advises that a Preliminary Ecological Appraisal has been supplied, however this recommends further ecological surveys are carried out for reptiles and bats and the application should not be determined until these has been supplied.
- 23 Following the submission of the additional surveys, the ESO provided further comments advising that; *"The site consist of woodland, scattered trees, scrub, poor semi-improved grassland, hedgerow and hardstanding. The site is used by foraging bats, amphibians and potentially for foraging and nesting wild birds and hedgehogs. The development provides opportunities for ecological enhancement. The conservation status of European Protected Species is unlikely to be impacted by this development if properly mitigated."*
- 24 No objection is raised to the proposal subject to various conditions relating to a construction method statements being submitted and approved which should incorporate an Ecological Method Statement, as part of a Construction Management Method Statement, covering working practices on site, a Biodiversity Net Gain Statement and element to be included in any landscaping scheme proposed.
- 25 In addition, he advises that consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability including electric vehicle charging points and cycle storage, management of waste during and post construction and the use of recycled materials and sustainable building methods. These matters can be dealt with and encouraged by means of a note to applicant.
- 26 Trent Valley Internal Drainage Board *"The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site."*
- 27 *Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and Planning Authority."*

Local Residents and the General Public

26. There have been 24 representations from residents raising the following matters:
- a. Building too close to road.
 - b. Conflict with contractor's vehicles and school children.
 - c. Design and materials.
 - d. Doubles the number of residents in Manor Park.
 - e. Drainage not adequate and concern about run off onto highway.
 - f. Fails to meet Historic England's advice note on Conservation areas.
 - g. Fencing too close to building.
 - h. Impact on adjacent property resulting from exhaust fumes.
 - i. Impact on the church and heritage.
 - j. Inappropriate development in the Conservation area.
 - k. Light pollution.
 - l. Loss/damage to trees.
 - m. Maintenance to adjacent properties need to be protected.
 - n. Noise and disturbance.
 - o. Occupants will not form part of the Manor Park community.
 - p. Overbearing on Manor Park as a whole.
 - q. Overlooking and loss of privacy – residential amenity.
 - r. Parking, not enough on site, will lead to further parking on highway leading to concerns at school times.
 - s. Plant room too close to neighbouring property.
 - t. The building is too high and out of character with the area.
 - u. The site is too small for the proposal/over development.
 - v. The road is private road potential damage.

PLANNING POLICY

27. 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).

28. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide (PPG).

Relevant National Planning Policies and Guidance

29. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. Paragraph 8 advises that there are 3 objectives of sustainable development which the planning system should deliver - economic, social and environmental. This paragraph emphasises the role of the planning system to support strong, vibrant and healthy communities by ensuring that a sufficient range and number of homes to meet the needs of present and future generations can be provided and to create a high quality built environment with accessible local services, which reflect the community's needs and support its health, social and cultural well-being.
30. Section 5, 'Delivering a sufficient supply of homes', outlines the need for planning policies and decisions to support the Government's objective of significantly boosting the supply of homes. It also outlines policies towards rural housing.
31. Section 12, 'Achieving well-designed places', states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Paragraph 127 states 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. It should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to the local character and history, including the surrounding built environment and landscape setting. In line with NPPF paragraph 130, 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.
32. Section 9, 'Promoting Sustainable Transport', states that proposals should provide a safe and suitable access to the site for all users. Paragraph 109 states that development should only be 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.
33. Section 14, 'Meeting the Challenge of Climate Change, Flooding and Coastal Change, sets out the approach to development within areas at risk from flooding.
34. 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, protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity.

35. Section 16, 'Conserving and Enhancing the Historic Environment', states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In determining applications account should be taken of the impact of a proposed development on the significance of a designated heritage asset.
36. The Council also has statutory duties under section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the settings of listed buildings and preserving or enhancing the special character and appearance of the surrounding Conservation Area.

Relevant Local Planning Policies and Guidance

37. 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 8 - Housing Size Mix and Choice
- Policy 10 - Design and Enhancing Local Identity
- Policy 11 - Historic Environment
- Policy 17 - Biodiversity

38. Policy 1 of the Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Following on from this Core Strategy policy 3 sets out the spatial strategy for the sustainable development of Rushcliffe. It supports a policy of urban concentration through a settlement hierarchy to determine where development would be considered sustainable.
39. Policy 8, Housing Size, Mix and Choice, states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities.
40. Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed in terms of the criteria listed in section 2 of policy 10. Of particular relevance to this application are the following:
 - 2a) The structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and layout of spaces;
 - 2b) The impact on the amenity of occupiers or nearby residents;
 - 2h) The potential impact on important views and vistas within the landscape; and
 - 2i) The impact on the setting of heritage assets.
41. Core Strategy policy 11, Historic Environment, states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

42. Core Strategy policy 17, Biodiversity, aims to protect and increase the biodiversity of Rushcliffe, including protected habitats and species.
43. The following policies in the Rushcliffe Local Plan Part 2: Land and Planning Policies are relevant:
- Policy 1 - Development Requirements
 Policy 17 - Managing Flood Risk
 Policy 18 - Surface Water Management
 Policy 28 - Conserving and Enhancing Heritage Assets
 Policy 29 - Development affecting Archaeological Sites
 Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
44. Policy 1, Development Requirements. This policy sets out a general criteria which new development should meet. Of particular reference to this application are the following paragraphs of this policy:
- (1) There should be no significant adverse effect 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.
 - (2) A suitable means of access should be provided for the development without detriment to the amenity of adjacent properties or highway safety. Sufficient parking provision should also be provided in line with Highways advice.
 - (3) Sufficient space should be provided within the site to accommodate the proposal together with ancillary amenity and circulation space.
 - (4) The scale, density, height, massing, design, layout and materials of proposals should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.
 - (5) Appropriate noise attenuation should be achieved and light pollution minimised.
 - (6) There should be no significant adverse impact on wildlife habitats. Where possible the application should demonstrate a net gain in terms of biodiversity.
 - (7) There should be no significant adverse impact on landscape character.
 - (9) There should be no significant adverse effect on any historic sites and their settings including Conservation Areas and Listed Buildings.
45. Policy 17, Managing Flood Risk, sets out where planning permission will be granted in areas where a risk of flooding exists.
46. Policy 18, Surface Water Management, states 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 and take account of the level of flood risk.
47. Policy 28, Conserving and Enhancing Heritage Assets. This sets out a criteria against which proposals affecting heritage assets will be considered, including whether the proposal would preserve or enhance the character and

appearance of the heritage asset, by virtue of siting, scale, building form, massing, height, materials and quality of detail and would be sympathetic to the character and appearance of the asset and any features of special historic interest, architectural, artistic or archaeological interest that it possesses.

- 48 Policy 29, Development affecting Archaeological Sites. This advises on the treatment of applications on sites of known or suspected archaeological interest, including the provision of appropriate archaeological assessments.
- 49 Policy 38, Non-Designated Biodiversity Assets and the Wider Ecological Network, seeks to preserve and restore priority habitats and protect priority species in order to achieve net gains in biodiversity.

APPRAISAL

- 50 The material planning consideration in this particular application to be assessed are as follows:
- a) Principle of development;
 - b) Design and impact on the character of the surrounding area;
 - c) Impact on residential amenity;
 - d) Highways and Parking;
 - e) Impact on trees;
 - f) Ecology; and
 - g) Planning gain

Principle of development

- 51 The starting point for the determination of any proposal is the Development Plan. 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).
- 52 Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and National Planning Practice Guide (NPPG).
- 53 Policy 1 of the Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Following on from this Core Strategy policy 3 sets out the spatial strategy for the sustainable development of Rushcliffe. It supports a policy of urban concentration through a settlement hierarchy to determine where development would be considered sustainable. Ruddington is one settlement where development is considered sustainable and Policy 8 of the Core Strategy also seeks to secure a mix and choice of housing in tenure, type and size in order to create balanced communities and the provision of this type of accommodation supports that aim. Therefore, it is considered that the principle of development of this site is accepted.
- 54 The application site is a previously developed (brownfield) site, which previously had the benefit of planning permission for care apartments, in the built-up part of Ruddington and occupies a prominent site within the conservation area.

Design and impact on the character of the surrounding area.

- 55 The Design and Access Statement states that *“the development proposal has evolved as a result of pre-application engagement with the Local Planning Authority and the general public and that the design of the proposal has had full regard to the character of the area, neighbouring amenity and the scale and design of neighbouring buildings in the vicinity of the site, both proposed and existing.”* The design of the proposal is to be judged against the aspirations of local and national policies including:
- a) Integrate well with the surroundings in terms of scale, siting and design;
 - b) Be in keeping with the character of the area and be of local distinctiveness;
 - c) making a positive contribution to the public realm and creating a sense of place;
 - d) Incorporate materials that are in keeping with the locality;
 - e) Utilise energy efficient building types;
 - f) Provide a safe and secure environment;
 - g) Conserve local character and distinctiveness, and create a sense of place;
 - h) Make the most efficient use of the land available; and
 - i) Provide dwelling types that are appropriate to the mix of the area, whilst meeting the needs and demands of older people.
- 56 In terms of the proposals impact, the Conservation & Design Officer acknowledges the site is not at all apparent from Vicarage Lane and Church Street to the south, and from within the site, the parish church, which is comparatively nearby, is not visible beyond a screen of tall and mature trees.
- 57 Whilst the site itself if not currently visible from the public realm of Manor Park beyond limited visibility around the access point, the proposed building would be far more visible owing to it being three stories in height, comparable to both South manor and to Orchard House (the building which previously occupied the application site).
- 58 The proposal is for a building of very similar size, footprint and height to that previously approved back in January of 2008 when Orchard House was still standing. The height of the proposed building is slightly greater overall given the switch to elements of pitched roof whilst retaining 3 storey construction. Flat roofed areas appear to have a total height similar to eaves level on the adjacent Manor, whilst the pitched roofed areas have ridges slightly higher than those of the Manor, no part of the proposed building would be as tall as the numerous chimneys which add visually to the total height of The Manor and the two buildings will be far enough apart that the slightly higher ridge would not be at all obvious.
- 59 The building would be another large detached building within Manor Park and although close to the Listed Manor, it is considered that the proposal would not detract from, nor compete with the significance of the Manor as a listed building.
- 60 The northeast corner in particular would be prominent in the public realm and some effort has been focused here to ensure that the detailing and character

of this part of the design would fit in with the character of Manor Park. The most public, north facing elevation achieves great articulation via the recessed courtyard which allows the main entrance to be readily legible as a feature.

- 61 The developer has taken the decision to use a design and a pallet of materials which reflects the character of Manor Park, as opposed to a more modern style, as the previously approved 3 storey flat roofed structure. In this respect the proposal is considered acceptable.
- 62 In his concluding remarks, the Conservation Officer comments that *“the scheme as proposed would achieve the standard of 'good design' advocated within the NPPF and would not harm either the settings of nearby listed buildings insofar as their settings contribute towards and inform their special architectural and historic significance, or the special architectural and historic character and appearance of the Ruddington Conservation Area as are described as 'desirable' objectives within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (respectively).”* It is considered that no designated heritage assets or their settings would receive harm to their heritage significance as a result of the proposed development within the application area. This is in accordance with Policy 10 of the Rushcliffe Local Plan (2014) and Sections 66 and 72 of the TCP (LB&CA) Act 1990.
- 63 The proposed building would be prominent within the street scene, but its design and appearance would not so imposing or have such an adverse impact to justify a refusal of the development. It is considered that Policies 10 and 11 of the Core Strategy, Policies 1, 28 and 29 of Rushcliffe Local Plan Part 2 and Section 12, para 127 within the National Planning Policy Framework have satisfactorily been met and the proposal in terms of design and impact on the character of the surrounding area is considered to be acceptable.

Impact on residential amenity

- 64 Concerns have been raised from the occupier of adjacent properties about overlooking and loss of privacy. With regard to Copper Top, this property is located to the east of the proposal site and their existing building would be 22.99m from the proposed building at its nearest point. Tree planting is proposed on the boundary which would provide additional screening. That property is also orientated so the principal elevation faces onto the highway with limited windows facing onto the site. A 1.8 metre high fence is also proposed along the common boundary which would provide additional protection at ground floor level.
- 65 The proposed plant and buggy building would be located to the southern side of Hunters Cottage and these would screen the building from the ground floor window, negating any overlooking. The rear elevation of Hunters Cottage immediately abuts the boundary with the application site and contains two windows serving rooms at ground floor within the property (appear to serve a study and bathroom). Due to the changes in level from the roadside through the site, these windows are located just above ground level within the application site.
- 66 With regard to the concerns of residents that the plant room would impact on the amenity of the occupiers of Hunters Cottage, the applicants agent has

confirmed that this would house the plant for the ground source heat pumps which have limited to no noise impact. No details of the plant building or buggy store have been provided and those details will be required by condition, together with details of the plant to be accommodated within the plant building.

- 67 A further question regarding maintenance access has been raised, but this is a private legal matter between the parties, but the details submitted in the form of the site plan do not appear to hinder access.
- 68 South Manor is located to the west of the site and the proposed building would be in excess of 22m away from the property. There are existing trees which are proposed to be retained with new planting added between the two properties, it is therefore considered that the screening along with the separation distance would ensure that there is no detrimental overlooking.
- 69 As the Residential Design Guide highlights that, in line with Government Guidance, it is recognised that privacy can be achieved in many different way and techniques. It is considered that the screening of the building and its orientation would ensure that there is no detrimental impact on the neighbouring properties.
- 70 It is considered that the proposal is compliant with the requirements of Core Strategy policies 1 and 10 and Policy 1 of the Rushcliffe Borough Local Plan Part 2.

Highways and Parking

- 71 The number of parking spaces to be provided would be 21, representing approximately 1 for every 2 units or 0.49%. As part of the transport assessment (TA) the applicant has produced an analysis of existing similar operations which demonstrates that the average demand for parking spaces in this form of development is approximately 0.42 spaces per unit.
- 72 The Highway Authority have assessed the TA and are satisfied with the content and, as such, taking the above into account are satisfied that 21 spaces are adequate. Should parking occur on the road which creates problems, that would be a private matter.
- 73 The matter of maintenance of the private road is not a material planning consideration, but a private matter, although the applicant has confirmed that they will meet any legal obligation required by title.
- 74 A further concern has been raised in respect of the potential for conflict between vehicles and school children and parents using the road to gain access to the school. This matter can be controlled via and appropriate worded condition restricting movement of vehicles associated with the construction period to outside peak school drop off and collection times.
- 75 Having judged the proposal against the Rushcliffe Borough Local Plan Part 2 Policy 1, the proposal is considered acceptable in terms of highway requirements.

Impact on trees

- 76 Although there would be some removal of trees and the landscape strategy has been assessed by the Councils Design and Landscape Officer, who acknowledges that the proposal is generally acceptable having confirmed that tree T9 a Sycamore, a frontage tree is to be retained. A Cedar within the site is to be removed as part of the proposal but it is confirmed that it is of little aesthetic value due to the works previously undertaken to it. The applicant has also agreed to open discussions with the Design and Landscape Officer to assess the overall landscape proposal and it is proposed to apply an appropriately worded condition to support this approach.

Ecology

- 77 Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity it encourages developers to provide an increase in appropriate natural habitat and ecological features, over and above that being affected, in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.
- 78 The ESO advises that there is an opportunity to ensure biodiversity net gain with this development. The initial finding of the ecological studies identify the potential for bats and birds using the site along with mammals such as hedgehogs. It is understood that bats forage on the site and that birds use it as a nest site. It is also used by Hedgehogs and potentially amphibians. As part of the proposal and to support biodiversity net gain it is proposed that appropriate conditions are applied.
- 79 A number of other matters were raised and in particular landscaping, which if sensitively done can further enhance the opportunities for wildlife, and these opportunities would be developed and explored through the use of the proposed landscaping conditions.
- 80 It is considered that there is a need to undertake mitigation measures to protect these species and as such details of the proposed mitigation strategy are to be sought via condition which will ensure compliance with Policy 17 of the Core Strategy and policies 1 and 38 of the Rushcliffe Local Plan Part 2,

Drainage

- 81 Residents have raised concerns about the drainage of the site which is a matter for Building Control and as the details of how that will be achieved are not known at this stage, including the run off of surface water, an appropriate condition is proposed requiring full details to be provided before commencement of development on site to ensure compliance with policy 18 Rushcliffe Local Plan Part 2

PLANNING GAIN

Affordable Housing

- 82 Policy 8 of the Core Strategy states that new residential developments within the borough are required to provide the specified level of affordable housing

(30% in the case of Ruddington) on sites of 5 dwellings or more or 0.2ha or more. Based on a development of 43 apartments, this would equate to 12.9 affordable units. The policy recognises that the provision of affordable housing should take into account scheme viability.

- 83 Policy 8, Part 5 sets out how the overall proportion and mix for affordable housing will be determined. It states that the ability to deliver affordable housing alongside other requirements, taking into account broad assessments of viability will be considered as part of this process. It goes on to state that where the findings of local assessments are disputed on a particular site, a financial appraisal of the proposal will be expected in order to determine an appropriate level of affordable housing.
- 84 An Affordable Housing and Viability Statement was submitted in support of the application. The Statement advises that it has been agreed in previous discussions with the Local Authority that provision of on-site affordable housing would be impractical and that an offsite contribution would be acceptable. It goes on to state that subject to viability, any affordable housing contribution should be by way of a commuted sum. The applicant's viability assessment concludes that the scheme is unviable assuming any s106 contributions and that there is no ability for the scheme to make any affordable housing contribution.
- 85 The Council has sought input from an independent viability assessor to verify these findings. The independent viability assessor disagreed with the findings of the submitted viability assessment and concluded that the scheme could viably make a contribution towards affordable housing (albeit not the full affordable housing commuted sum, of £226,700).
- 86 The applicant has agreed to make a financial contribution towards offsite provision. Having assessed the viability of the proposal it is accepted that the full contribution cannot be made and it is considered that the requirements of Policy 8 of the Core Strategy have been met in respect of affordable housing.

Health

- 87 A request has been made from the Nottingham Universities Hospitals NHS Trust for a financial contribution of £13,818 toward supporting additional service demand. This is requested on the basis that it is necessary for the developer to contribute towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. The request is being considered for its compliance with the Community Infrastructure Tests and further clarification is being sought on this point. The applicant has agreed to make this contribution and this would be secured through the Section 106 mechanism and it will be included if the request is found to be sound.

Planning Balance and Conclusion.

- 88 The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently

for longer, feel more connected to their communities and help reduce costs to the social care and health systems. It is recognised that there is an increase in the ageing population and that there is a growing market need to provide appropriate accommodation across a range of tenures to cater for this increase. It is also recognised that specialist retirement accommodation has a part to play in meeting housing need, particularly as it can result in freeing up larger family homes. This need for a variety of housing types weighs in favour of the proposal in the planning balance.

- 89 It is considered that there may be some slight (less than substantial) harm to the appearance of the Conservation Area but it is considered that the proposal is sympathetic to the character and appearance of the neighbouring buildings, adjacent Listed Building and surrounding Conservation Area by virtue of its scale, density, height, massing, layout and materials, an opinion supported by the Conservation and Design Officer, it would 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. As such it is considered that any harm would be outweighed by the public benefits of the scheme, of bringing back into use this unsightly vacant site whilst contributing to the provision of homes for the elderly, a sector where growth is needed within the borough.
- 90 The application was subject of pre-application advice and the scheme was submitted in general accordance with that advice. The applicant has worked positively and proactively with the Council throughout the application process to secure the scheme now for consideration. Having regard to the above and having taken into account matters raised, there are no other material considerations which are of significant weight in reaching a decision on this application.

RECOMMENDATION

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

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

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

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

Plan Ref: 30042RT PL002 – Site Plan/Roof Plan

Plan Ref: 30042RT PL003 - Site Plan/Ground Floor Plan

Plan Ref: 30042RT PL004 – Ground Floor Plan

Plan Ref: 30042RT PL005 – First Floor Plan

Plan Ref: 30042RT PL006 – Second Floor Plan

Plan Ref: 30042RT PL007 – Roof Plan

Plan Ref: 30042RT PL008 – North and East Elevations Sheet 1

Plan Ref: 30042RT PL009 – South and West Elevations Sheet 2

Plan Ref: 30042RT PL0010 - Courtyard Elevation Sheet 3

[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. Each unit of the development hereby permitted shall be occupied only by:
 - a) persons of State pensionable age;
 - b) persons living as part of a single household with such a person or persons;
 - c) persons who were living in the unit as part of a single household with such a person or persons who have since died.

[In order to support the considerations of the viability assessment which effectively reduced the level of financial obligations required from this development based on the demographic of the proposed occupiers and subsequently to prevent the sale of these units on the open market to any individual and to comply with policy 43 (Planning obligations Threshold) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy 18 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

5. Prior to the installation of security lighting/floodlighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any such scheme shall have regard to The Bat Conservation Trust Bats and artificial lighting guidance note (2018). The lighting shall be installed only in accordance with the approved details and retained as such for the life of the development.

[To protect the amenities of the area, non-designated biodiversity assets and the wider ecological network in compliance with policies 1 and 38 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

6. Before the use is commenced, a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved in writing by the Borough Council. The agreed details shall be implemented before the development is brought into use and thereafter retained for the lifetime of the development in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

7. The proposed access road, service areas and car parking areas shall be provided in hard wearing materials in accordance with details submitted to and approved in writing by the Borough Council and the car parking spaces shall be clearly marked out, before the development is first occupied. The approved access, service and parking areas shall be retained for that purpose thereafter for the life of the development.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

8. During the construction phase there shall be no delivery/collection of goods, materials or arrival/departure of personnel visiting/working on the site during the hours the James Peacock Infant and Nursery School is open for the dropping off and collection of pupils (8:00 am till 9:00am and 3:00pm until 4:00). Details of the management of which shall be submitted to and approved in writing by the Borough Council prior to the commencement of any development of the site. The approved management plan shall be implemented in full and adhered throughout the construction phase of the development hereby approved.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

9. Notwithstanding the details submitted, no development shall take place until a detailed landscaping scheme for the site, to be agreed with the Councils Landscape and Design Officer, 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 and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[In the interests of amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before work commences on site in order to identify any trees/natural growth that is to be retained as part of the landscaping scheme].

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

[To ensure existing trees are adequately protected during the development and to comply with policies 1 and 37 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 trees/natural growth to be retained is appropriately protected before work commences].

11. 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 a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning

Policies].

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

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before development commences to ensure that the development can be undertaken having regard to the existing and intended finished ground and floor levels].

13. Prior to their construction, full details of the proposed Plant Room and Buggy Store shall be submitted to and approved by the Borough Council and the buildings will be thereafter constructed in accordance with the approved details.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

14. Prior to the development progressing beyond ground floor slab level, a statement of Biodiversity Net Gain from the development shall be submitted to the Borough Council for approval. Any approved mitigation and enhancement scheme, which must include installed within buildings and on retained trees (including Swallow/swift and sparrow cups / boxes) and hedgehog corridors, shall thereafter be implemented prior to the first occupation of any unit and retained for the lifetime of the development.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. Prior to the commencement of any works on site, an Ecological Method Statement shall be submitted to and approved in writing by the Borough Council and Good practise construction methods should be adopted including:

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

Any approved scheme shall be adhered to thereafter until the development is complete.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. 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 plan shall have full regard to the Ecological Method Statement required by condition 15 above, and shall include:

- 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 Policy 1 of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. 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].

17. Prior to construction commencing on the plant room, shown on the approved plans to be adjacent Hunters Cottage, full details of the ground source heat pump, including noise levels associated with the plant and any necessary measures to mitigate against vibration, shall be submitted to and approved in writing by the Borough Council. If this information is inconclusive or incomplete then it will be necessary to undertake and submit the results of a full noise assessment, in accordance with BS 4142:2014: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties. Thereafter, the plant shall be installed, operated and maintained only in accordance with the approved details.

[In the interests of the amenities of the area and adjacent residential occupiers and to comply with Policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

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.

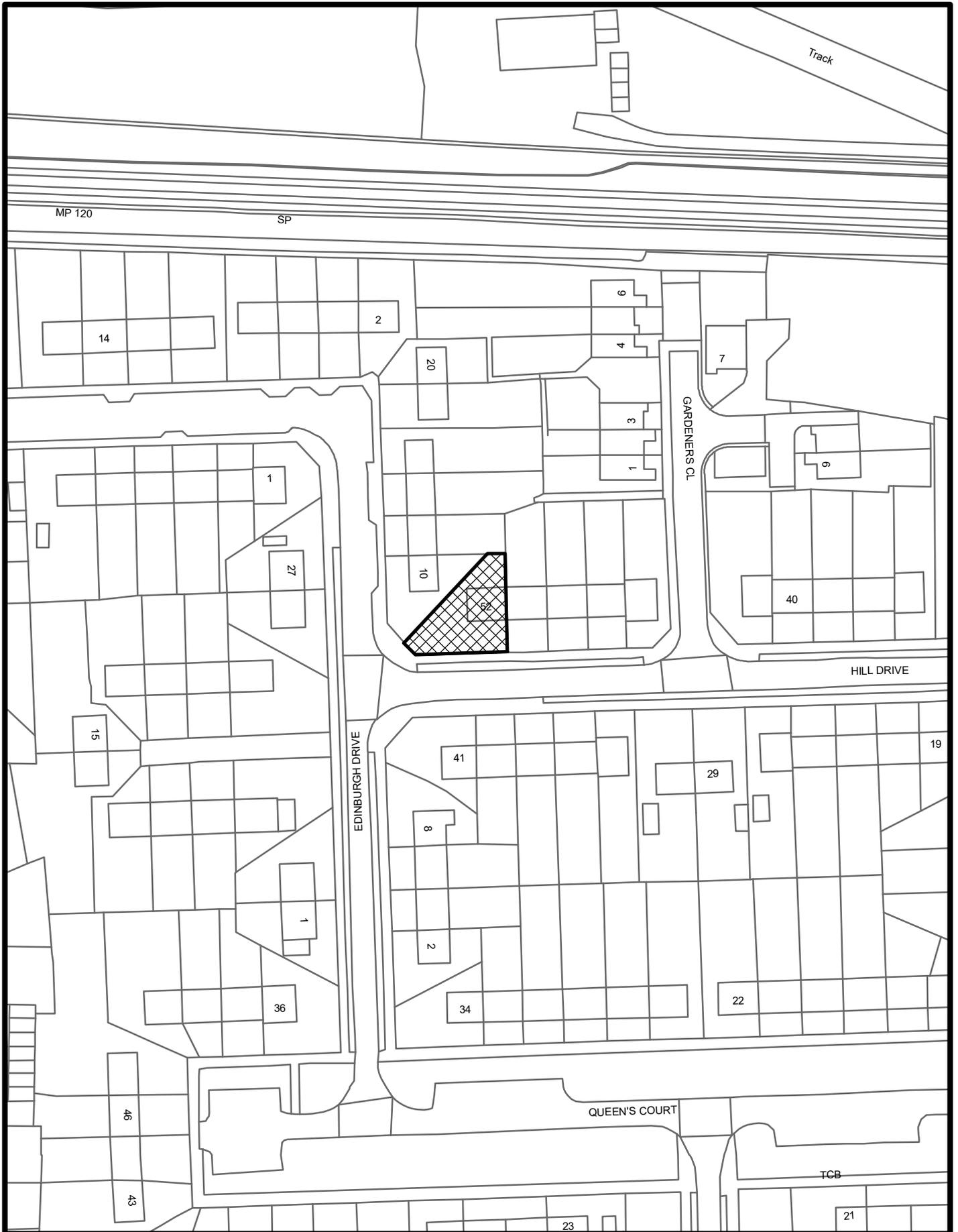
You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact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

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 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.

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Application Number: 19/01939/FUL
52 Hill Drive, Bingham



scale 1:1000

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19/01939/FUL

Applicant Miss Kay Tinkley

Location 52 Hill Drive Bingham Nottinghamshire NG13 8GA

Proposal Proposed change of use from garden room to dog grooming salon.

Ward Bingham West

THE SITE AND SURROUNDINGS

1. 52 Hill Drive is a two storey end of terrace property on a corner plot within the Market Town of Bingham. The property lies within a larger area of properties, all of similar style and design. The house has a driveway for 3 or 4 cars to the site frontage, accessed from Hill Drive. To the side and rear of the house are the private gardens which contain a number of small outbuildings and a car port.
2. This application relates particularly to a small outbuilding within the private rear gardens of the property. The building in question is an existing structure finished in white with a flat roof. The outbuilding is built in proximity to boundaries with the 3 closest residential neighbours to the north, east and west.

DETAILS OF THE PROPOSAL

3. This application seeks permission to use an existing garden outbuilding to the northern (rear) corner of the plot for a dog grooming business.
4. It is proposed that the building would be open for use between the hours of 0900 and 1600 Monday to Friday and 0900 until 1400 every other Saturday. The outbuilding is a small single room structure with a maximum size of 4.57m by 2.4m. The proposed use would involve only one dog being attended to on site in relation with the business at any one time.

SITE HISTORY

5. The site has no relevant planning history.

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr J Stockwood) declared an interest on the application under the panning code.

Town/Parish Council

7. Bingham Town Council offered no comments on the application.

Statutory and Other Consultees

8. Nottinghamshire County Council as Local Highways Authority have no objections.
9. The Borough Environmental Health Officer provided comment that they required further information from the applicant on the controls that will be put in place to prevent noise from the use e.g. customer appointments, equipment used, construction of building and measures that will be taken to prevent dog barking prior to making an assessment.

Local Residents and the General Public

10. One public comment raising no objection to the scheme.

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.

Relevant National Planning Policies and Guidance

12. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development.
13. 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.
14. 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.

Relevant Local Planning Policies and Guidance

15. 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 10: Design and Enhancing Local Identity
16. 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.
17. 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 policy in the Rushcliffe Local Plan Part 2 is particularly pertinent:
 - Policy 1: development Requirements
18. 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 etc.

APPRAISAL

19. In considering the proposal, the main considerations relate to the impact of the use on the amenity of neighbours. Highway safety, in the form of traffic generation and parking provision, is also a material consideration.
20. With regard to amenity, the comments of the Borough EHO are duly noted. However, the proposal involves the use of an existing timber outbuilding, with the use proposed for limited daytime hours, with only one appointment at a time. The size of the outbuilding would be self-regulating in this regard and would not allow for more than one person and one dog to work inside the unit. As such there are no concerns the business could be any more intensive than as described.
21. The additional information requested by the EHO would seem unreasonable and unnecessary in respect of the use as proposed, and subject to conditions limiting the use to just within the outbuilding, and limits on hours and number of dogs being groomed as discussed, the scheme would be considered an appropriate small scale and low volume use for the area. The travel of customers to and from the building would be low scale and would not raise concerns in relation to highway safety and parking. Given the above it is

considered that the use could operate without any detriment to the residential amenity of surrounding occupiers.

22. With regard to highways and parking the existing site has a large gravel drive with dropped kerb access and room for 3 or 4 cars. This would seem appropriate to cater for the scale of use proposed and in the absence of any objection from the highways authority, it is concluded that the proposal would not raise any parking and highway safety issues.
23. Given the consideration of matters as set out above, it is considered that the proposed development would accord with the relevant policies of the adopted development plan, with the small scale scheme supporting small local business, supporting a more sustainable work from home lifestyle and not representing a scale of operation likely to cause any detriment to the amenities of surrounding residents of the wider area. With this to mind it is recommended that permission be granted.
24. No negotiations were necessary during the consideration of the application and it is considered the proposal is acceptable and can be recommended for approval.

RECOMMENDATION

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

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

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

2. The dog grooming business hereby permitted shall only take place only within the outbuilding the subject of this application, and not within the dwelling or external areas of the site save for access and egress.

[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].

3. The use hereby permitted shall only take place between the following approved hours:

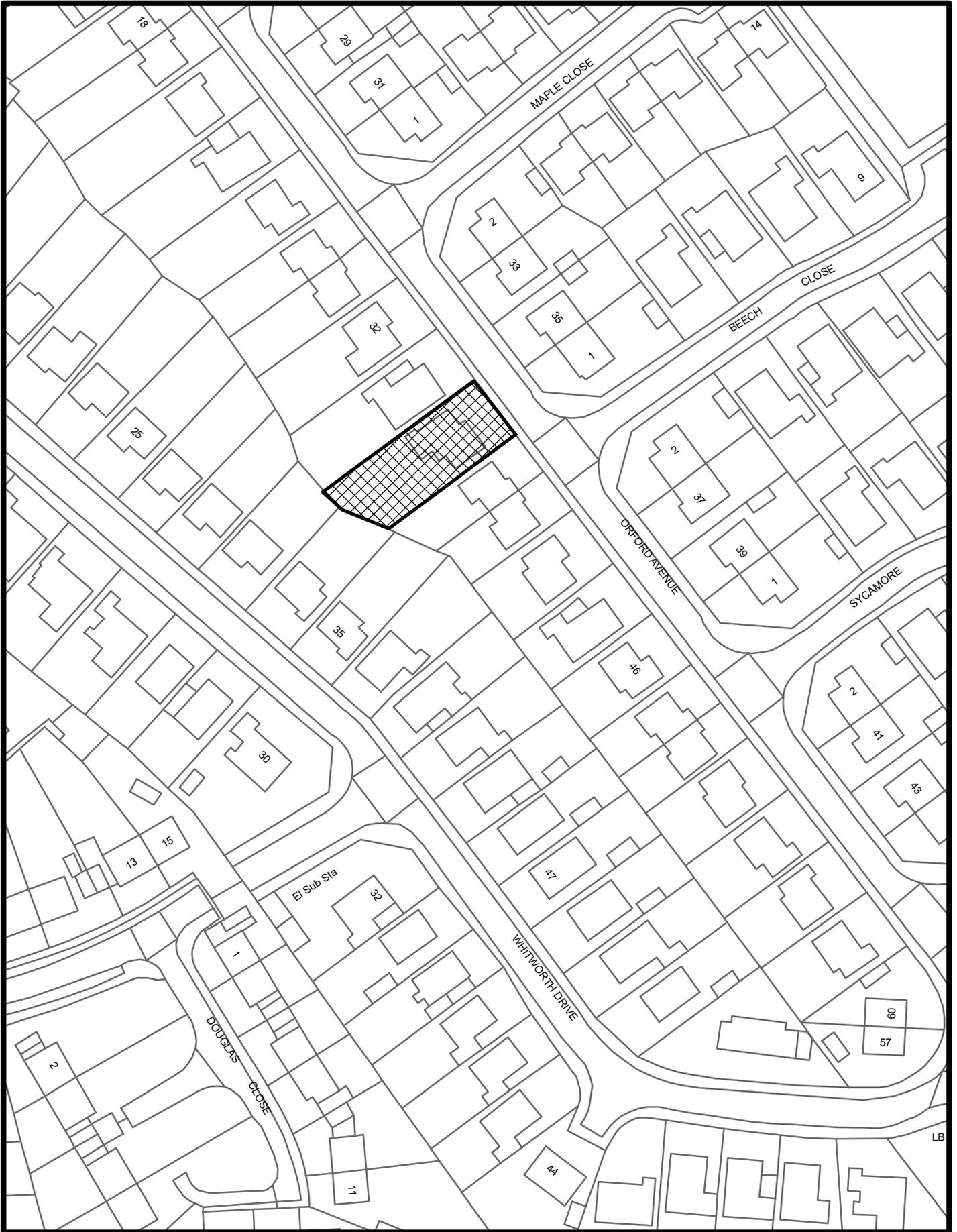
Monday – Friday: 0900 – 1600;
Saturdays: 0900 – 1400;
Sundays: No operations at any time.

[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].

4. Only one dog shall be attended to, or held on site in association with the business, at any one time.

[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].

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Application Number: 19/02316/FUL
36 Orford Avenue, Radcliffe on Trent



scale 1:1000

page 75

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Rushcliffe Borough Council - 100019419

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19/02316/FUL

Applicant Mr C Spencer

Location 36 Orford Avenue Radcliffe On Trent Nottinghamshire NG12 2DD

Proposal Single Storey rear extension with new pitch roof over existing garage and porch.

Ward Radcliffe On Trent

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached dwelling of traditional construction, being red brick with a dark concrete tile roof. It is located on a modern 1950's/60's housing estate within an established residential area of Radcliffe on Trent in an area of dwellings of a similar age and style.

DETAILS OF THE PROPOSAL

2. The current application seeks planning permission for a single storey rear extension with a new pitched roof over an existing garage and porch.

SITE HISTORY

3. There is no planning history on the property, however there is an existing conservatory at the rear, most likely built pursuant to permitted development rights.

REPRESENTATIONS

Ward Councillor(s)

4. One Ward Councillor (Cllr Brennan) objects to the proposal stating *"I do not support this application. It is likely to be over-bearing to the neighbouring property at 38 Orford Avenue and represents an over-intensive development given the size of the plot."* Following submission of revised plans confirming the site layout as existing, Cllr Brennan maintained her objection to the proposal.
5. One Ward Councillor (Cllr Upton) objects to the proposal stating *"I OBJECT to this planning application, because in my opinion, the size, scale, height and length of the proposed rear and side extension will be overbearing and overshadowing to the adjacent property (38 Orford Avenue), and it is over-intensive development for the size of the curtilage."*

Town/Parish Council

6. Radcliffe on Trent Parish Council object to the proposal on the grounds of over-shadowing and over-bearing

Local Residents and the General Public

7. Representations have been received from the residents at 38 Orford Avenue and 33 Whitworth Drive objecting to the proposal on the following grounds:
 - a. The proposed extension overbearing in relation to the current property footprint, and their own garden and property in regards to length and height.
 - b. It will create a terraced effect at 90 degrees to the existing rear profile along the length of the neighbouring garden (like a new bungalow being constructed perpendicular to existing).
 - c. The proposal will dominate the outlook.
 - d. Pitch roof design dramatically increases its visual footprint.
 - e. Bedroom window would cause a loss of privacy.
 - f. Queries and concerns regarding the line of the large diameter Severn Trent combined sewer that services Orford Avenue
 - g. Mature trees within 30m of the proposed build will most likely impact on the required depth and construction of the footings.
 - h. Building work so close to neighbouring properties would cause disruption.
8. The neighbour at no. 38 Orford Avenue requested that the case officer visit his property to view the application site. During the site visit for the application the neighbour's property was visited and the impact assessed.
9. On receipt of revised plans of the existing elevations showing recently removed structures the neighbour at no. 38 Orford Avenue commented; *"The revised block plans show items that are not there anymore. The old timber flat roof shed that was there was only 8" higher than the existing 6 ft fence. On the revised plan this is shown as an "outhouse" and shown as brick on the plan - this was not the case. It's height in relation to the existing conservatory extension was not the case. The greenhouse was set lower than shown. Our previous comments remain."*

PLANNING POLICY

10. 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 Radcliffe on Trent Neighbourhood Plan also forms part of the Development Plan when considering applications within the Neighbourhood Plan area. 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

11. 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 the 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.
12. 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

13. 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
14. 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.
15. The Radcliffe on Trent Neighbourhood Plan contains policies on design matters but none are directly relevant to the current proposal.
16. 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

17. The dwelling sits on an ample sized plot, slightly larger than its immediate neighbours and it is not considered that the proposal would lead to an over-intensive or cramped development, ample garden and circulation space remaining.
18. It is accepted that the proposed extension has a fairly long projection of 7.5m beyond the rear elevation of both 38 and 36 Orford Avenue and this is the main reason for the objections that have been received.
19. The extension would be partly positioned on the site of a former outbuilding and green house that sat adjacent to the shared boundary (which had already been removed when the case officer visited the site). The outbuilding was timber with a flat roof height of circa 2.3m running for a length of 3.3m along the shared boundary. The outbuildings removed would have had limited impact.
20. The eaves and side elevation of the proposed extension would be set in c.1m from the shared boundary with no. 38, giving a c.2.5m separation distance from the extension in line with the side elevation of no. 38. The eaves of the extension would be 2.2m high, only 20cm higher than the existing fence, and the roof would have a very shallow pitch with a maximum height of 3.2m, the highest ridge point being 2.4m off the boundary.
21. It is considered that the separation distance and the relatively low roof height of the extension would help alleviate any over-bearing impact. It should also be considered that an extension with a lesser projection but with a ridge height of up to 4m could, subject to certain other criteria, be built adjacent to the boundary without planning permission, potentially creating a much more over-bearing structure than that proposed.
22. There is a set of patio doors on the rear elevation of no. 38 Orford Avenue serving a dining room. These doors are c. 2.9m off the shared boundary. The boundary consists of a 2m high close boarded fence and the former outbuilding at no. 36 sat adjacent the patio doors. The dwellings are on a diagonal orientation with one another and although there may be an element of over-shadowing later in the day towards these patio doors, any over-shadowing would not be direct. When the 45° guide is applied to the extension in relation to the patio doors it fails on the horizontal and passes on the vertical.
23. The 45° guide helps assess the over-shadowing/loss of light impact of a structure on the nearest neighbouring window. In this case given that the extension does not fail in both the horizontal and the vertical it is not considered that any loss of light or overshadowing would have an unacceptable negative impact on the amenities of no. 38 Orford Avenue. Furthermore, it should be noted that the 45° guide is generally only applicable to 2 storey extensions or higher or if there are significant changes in level.

24. There are no principal windows proposed in the south-east elevation facing the boundary with no. 38 Orford Avenue but there would be a repositioned small window serving a relocated toilet (this in itself would not require planning permission). A small window in the rear south-west elevation facing the boundary with no. 33 Whitworth Drive would serve a bedroom. This boundary consists of a 2m high close boarded fence and mature tree and shrub planting and the window would be 10m from this boundary and 25m from the rear elevation of no. 33 Whitworth Drive.
25. The principal window in the extension would be on the inner side elevation facing towards the boundary with no. 34 Orford Avenue, 8.9m away. This boundary consists of a 2m high close boarded fence. It is not considered that the proposed extension would lead to any undue over-looking or loss of privacy towards nearby dwellings.
26. The proposal would see the roof of the proposal continued as a mono-pitch roof over the existing flat roof garage at the side of the property and round on to the front elevation over the existing flat roofed porch. It is considered that this new roof would not have a detrimental impact on nearby dwellings or the street scene in general and would not be incongruous within the street scene, improving the look of the dwelling from the public realm.
27. Whilst, subject to all other considerations, a lack of private amenity space can be an indicator of overintensive development, in this instance, the proposal would retain a rear garden area of approximately 214 sqm, well in excess of the guideline figure in the Residential Design Guide and considered adequate to serve a property of the resultant size and accommodation. Therefore, it is not considered that the proposal represents overintensive development and refusal on these grounds could not be sustained.
28. The issue regarding Severn Trent sewers is not a material planning consideration and building near or over such infrastructure would be subject to a separate consent regime administered by the statutory undertaker. Furthermore, the depth and construction of the footings and disruption caused by building work are not planning issues and do not have any weight when considering an application.
29. On balance it is considered that the proposed extension would not have an unacceptable impact on the amenities of neighbouring dwellings in terms of over-shadowing, loss of privacy or over-bearing, over and above those impacts resulting from the previous layout. Materials would match those of the existing dwelling and this is considered acceptable.
30. The applicant's agent was informed of the objections and was asked to consider an amendment to the plans to address neighbour's concerns as a matter of courtesy. The applicant did not wish to amend the plans, however it is considered that scheme as submitted is acceptable without amendment.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): A103(1), A104(1) and A105(1).

[For the avoidance of doubt and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].



Planning Committee

16 December 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.

LOCATION	Land South West Of 98 Nicker Hill Keyworth Nottinghamshire	
APPLICATION REFERENCE	18/02578/FUL	
APPEAL REFERENCE	APP/P3040/W/19/3229690	
PROPOSAL	Proposed erection of new dwelling.	
APPEAL DECISION	Appeal Allowed	DATE 6th November 2019

PLANNING OFFICERS OBSERVATIONS

This application was reported to the Planning Committee on the 17th January 2019 with an Officer recommendation to support the grant of planning permission. Members were concerned that the proposal would involve a new dwelling situated in the garden area of no.98 Nicker Hill with access located in between numbers 182 and 184 Mount Pleasant which would result in the access being shared by 184 Mount Pleasant and the proposed dwelling, resulting in a loss of one parking space at 184 Mount Pleasant, leading to the demand for parking on street where parking is already restricted. The Committee resolved to refuse planning permission on the following grounds:

“The proposal would be likely to generate increased vehicular movements and lead to reduced parking space for 184 Mount Pleasant which would result in a detrimental impact to the residential amenity of the neighbouring properties at number 182 and 184 Mount Pleasant by reason of increased noise and disturbance from vehicle movements, contrary to paragraph 127 of the National Planning Policy Framework (NPPF) 2018 and Policy GP2 (Amenity and Design) of the Rushcliffe Borough Non Statutory Replacement Local Plan.”

A noise assessment was submitted with the appellant’s appeal. The Inspector was satisfied the proposal would not give rise to significant harm to the occupiers of the adjoining houses. The Inspector was also satisfied with the off-street parking provision at both the application site and no.184 Mount Pleasant. He considered that the space available to turn a car around on the drive would be limited, at the present time a car which has pulled onto the drive in forward gear would have no alternative than to reverse onto the road to which he concluded that the proposed arrangement would not be unusual for such a property, and the highways authority has no objection on safety grounds.

The Inspector concluded on the main issue in the appeal that the proposal would not cause harm to the living conditions of the occupiers due to the additional vehicle movements that would arise as a result of the proposal, and the noise associated with that, and would therefore comply with Policy 1 of the RLPP2, which requires, amongst other things, that a suitable means of access can be provided which does not harm living conditions or highway safety, and the Framework which seeks to create places that are safe, accessible and provides a high standard of amenity for existing and future users.

Planning permission was therefore granted subject to planning conditions.

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