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Our reference:
Your reference:
Date: Wednesday, 4 March 2020

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 12 March 2020 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 13 February 2020 (Pages 1 - 58)
4. Planning Applications (Pages 59 - 158)

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 Borough
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Rushcliffe
Borough Council

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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 13 FEBRUARY 2020**

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),
K Beardsall, N Begum, A Brennan, P Gowland, L Healy, A Major, F Purdue-
Horan, C Thomas and D Viridi

ALSO IN ATTENDANCE:

Councillors T Combellack, N Clarke, M Gaunt, D Simms, R Upton, J Walker

OFFICERS IN ATTENDANCE:

| | |
|------------|---------------------------------|
| D Mitchell | Executive Manager - Communities |
| A Pegram | Service Manager - Communities |
| S Sull | Monitoring Officer |
| P Taylor | Area Planning Officer |
| L Webb | Democratic Services Officer |

APOLOGIES:

Councillors J Murray

9 Declarations of Interest

There were no declarations of interest.

10 Minutes of the Meeting held on 16 January 2020

The minutes of the meeting held on 16 January 2020 were agreed as a true record and were signed by the Chairman.

11 Planning Applications

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

As ward Councillors for Cotgrave Councillor Richard Butler and Councillor Leo Healy withdrew from the meeting and did not take part in the following discussion. The Vice-Chairman took the Chair.

19/02209/FUL – Construction of 4 no replacement retail units following demolition of the existing run of retail units approved under prior approval 19/01047/DEMOL, with associated access, parking and hard and soft landscaping – Cotgrave Shopping Centre, Candleby Lane, Cotgrave,

Nottinghamshire.

In accordance with the Council's public speaking protocol Councillor Richard Butler (ward Councillor) addressed the committee on behalf of an objector.

DECISION

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

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 plans:

3522 01C SITE LOCATION PLAN

3522 02L-SITE BLOCK PLAN

3522 03J-PROPOSED FLOOR PLANS

3522 05D PROPOSED ELEVATIONS

3522 06 PROPOSED CGIS 1

3522 07 PROPOSED CGIS 2

3522 12 Proposed Context Elevations

COTG-A-2001 B

Proposed External Levels CGP4-BSP-ZZ-XX-DR-C-210 P4

Swept Path Analysis CGP4-BSP-ZZ-XX-DR-C-SK03 P2

Proposed drainage layout CGP4-BSP-ZZ-XX-DR-C-240 P4

Design and access statement, Tree report, Historic Environment Desk-Based Assessment, Cotgrave Shopping Precinct, Phase 2 Ecological Appraisal, Drainage Strategy, Car Parking Appraisal, Transport Statement

[For the avoidance of doubt, in the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. No part of the development hereby permitted shall be brought into use unless or until enhancements to the two bus stops on Candleby Lane (RU0338 and RU0835) have been made to the satisfaction of the Local Planning Authority, and shall include a real time bus stop pole & display including associated electrical connections, enforceable bus stop clearway and lighting in shelter at stop RU0338 and a real time bus stop pole & display including associated electrical connection, raised boarding kerb and enforceable bus stop clearway at stop RU0835.

[To encourage the use of buses as an alternative to the car; and to comply with policy 1 of the Local Plan Part 2: Land and Planning Policies)

4. No part of the development hereby permitted shall be brought into use

until the widened vehicle access onto Candleby Lane shown indicatively on drawing 02 Revision L is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No part of the development hereby permitted shall be brought into use until the proposed parking, turning and improved servicing arrangements as shown for indicative purposes on drawing number 02 Revision L have been provided and constructed with provision to prevent the discharge of surface water from the parking area to the public highway. The provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Before the use of the buildings is commenced, an insulation scheme to effectively reduce the transmission of noise to adjacent properties, shall be submitted to and approved by the Local Planning Authority. The sound insulation scheme shall have regard to BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings, and BS4142:2014, stating all assumptions made. The approved scheme shall be installed prior to the use commencing and be retained for the life of the development.

[In the interest of the amenities of nearby residential properties and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. If external lighting is to be installed, it must be designed, located and installed so as not to cause a nuisance to neighbouring residents. The details of any such lighting shall be submitted to and approved by the Local Planning Authority, together with a lux plot of the estimated illuminance. The lighting shall be implemented in accordance with the approved scheme and shall be retained as such thereafter.

[In the interest of residential amenity and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved method statement.

[In the interest of highway safety; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 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 mitigation measures are fully incorporated into any working practices during the demolition/construction phase of development].

9. A minimum of 6 replacement trees, of a species and details of which have been submitted to and approved in writing by the Borough Council shall be planted in position(s) previously agreed in writing by the Borough Council, during the first planting season after the felling of the tree(s) to be removed. Any tree(s) within a period of 5 years from the completion of the planting which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Borough Council gives written consent to any variation.

[In the interest of amenity and landscape value; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

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 without the written approval of the Borough Council.

[In the interest of amenity and landscape value; and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 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 tree protection measures are erected prior to the construction phase of the development].

11. The opening hours of all 4 units hereby approved shall be limited to Monday to Saturday: 8am-8pm and Sundays: 10am-4pm.

[In the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

12. Deliveries to all 4 units hereby approved shall be limited to

Monday to Friday: 7am to 8pm
Saturday: 7am to 8pm
Sunday: No deliveries

[In the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

13. Units annotated as 1-3 on the approved plans shall be used for A1

Retail purposes only. Unit 4 Shall be used for either A1 Retail and/ or A3 cafe only.

[For the avoidance of doubt and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

14. Details of any external seating shall be submitted to the Local Planning Authority prior to an area being used for any such purposes. The seating shall thereafter be installed and retained in accordance with the approved details.

[For the avoidance of doubt, in the interest of amenity; and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation and the details of such a scheme have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be fully implemented during the relevant stages of the construction phase.

[To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible and to comply with NPPF 16 (Conserving and enhancing the historic environment), policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences on site to ensure that measures are in place to record any finds of archaeological importance that may be found during excavations on site].

Notes to Applicant

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. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

The above proposals involve works within the public highway, that is land over which you have no control. The Highway Authority will therefore require you have any the relevant legal agreements / licenses in place to cover the design

and construction of the works prior to their commence . Please contact Mr Jan Witko Tel. 0115 9774364 at an early stage to how best this can be achieved.

Councillor Richard Butler and Councillor Leo Healy rejoined the committee at this point. Councillor Richard Butler resumed his place as the Chairman.

19/01287/FUL - Residential development of 167 new homes on land south of Packman Dyke together with associated infrastructure, including ground remodelling for flood compensation works, landscaping and public open space, and vehicular access via Wilford Road. Watercourse realignment, ground remodelling and other sustainable drainage measures, landscaping and public open space on land north of Packman Dyke - Land North East Of Marl Close, Wilford Road, Ruddington, Nottinghamshire.

Updates

Representations were received from officers making a correction to the number of residents objecting to an application and from the Environmental Health officer in relation to noise and air quality were received after the agenda was published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol Steve Harley (agent of applicant) and Councillor Mike Gaunt (ward Councillor) addressed the committee.

DECISION

THE EXECUTIVE MANAGER – COMMUNITIES BE 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 approved shall be implemented in accordance with the following plans and documents:
 - a. Site Layout and house types as set out on that plan and submitted with the application. MI133-SL-001W - received 22 January 2020;
 - b. Surface Materials MI133-SL-003G - received 22 January 2020;
 - c. Materials Layout MI133-SL-002H - received 22 January 2020;
 - d. Means of Enclosure MI133-SL-004E - received 31 October 2019;
 - e. Site Access Design WOE14515-SA-03-001-AO7 received 4 December 2019;
 - f. Misc. Engineering Refuse Vehicle Tracking MI133-EN-035A - received 12 December 2019;

- g. Flood Risk Assessment WM11065 - FRA & DS V3.0 - received 31 October 2019;
- h. Combined Report Ground conditions 15 May 2019;
- i. Report of Community and Stakeholder Engagement 15 May 2019;
- j. Landscape Masterplan DEF_063C.002 Rev C - received 24 January 2020;
- k. Arboricultural Assessment - received 15 May 2019;
- l. Geophysical Survey - received 15 May 2019;
- m. Landscape and Visual Impact Appraisal - received 15 May 2019;
- n. Design and Access Statement - received 15 May 2019;
- o. Planning Statement, Oxalis Planning 15 May 2019;
- p. Transport Assessment Addendum - received 15 May 2019;
- q. Framework Travel Plan - received 15 May 2019;
- s. The biodiversity Metric - received 3 October 2019
- t. Ecological Mitigation measures DEF_063C.003 - received 3 October 2019

[For the avoidance of doubt and to comply with Policy 1 (Development Requirements) and Policy 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies, in the interests of amenity, and to accord Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

3. No development hereby permitted shall take place until an appropriate agreement under Section 278 of the Highways Act 1980 has been entered into with Highways England to facilitate improvements to A52 junctions in accordance with the provisions of the A52/A606 Improvement Package Developer Contributions Strategy Memorandum of Understanding May 2019.

[To ensure that the A52 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety. The agreement is a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development and to avoid abortive works by the applicant(s)].

4. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The Statement shall have regard to the CEMP and LEMP approved under conditions 12 and provide for:

- Access and parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- 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 thereafter be carried out in full accordance with the approved Construction Method Statement throughout the construction period.

[In order to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management to comply with Policies 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington) and Policy 1 (Development Requirements) of the Rushcliffe 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].

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

[To ensure the development is constructed to highway adoptable standards and to ensure compliance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a

comprehensive development and to avoid abortive works by the applicant(s)].

6. The development shall not be brought into use unless or until the following works have been provided in accordance with plans previously submitted to and approved in writing by the Local Planning Authority:
 - i. The proposed new site access junction on Wilford Road as shown indicatively on Drawing no. WIE-SA-03-001-A07.
 - ii. The proposed Village Gateway on Wilford Road as shown indicatively on Drawing No. WIE-SA-03-001-A07.
 - iii. The proposed footway/cycleway improvements on Wilford Road as shown indicatively on Drawing No. WIE-SA-03-001-A07.

Thereafter the approved works shall be implemented, retained and maintained in accordance with the approved details for the lifetime of the development.

[To ensure a suitable form of access is provided, in the interest of highway safety residents and to ensure compliance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No dwelling shall be occupied until the driveway and parking areas associated with that plot has been surfaced in a bound material, and constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The surfaced drives and parking areas and provision to prevent the unregulated discharge of surface water shall then be maintained in such bound material for the life of the development.

[In the interests of highway safety residents and to ensure compliance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Prior to first occupation the owner or the occupier of the site shall appoint and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the (WIE14515-101-R-4-3-3-Framework Travel Plan) whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.]

9. The travel plan coordinator shall, within 6 months of the first occupation, produce or procure a Detailed Travel Plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be submitted to and approved in writing by the

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

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy].

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

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy.]

11. Prior to the commencement of the development hereby permitted a scheme of on plot (excluding private rear gardens) and public open space landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
 - a. planting plans;
 - b. written specifications including cultivation and other operations associated with tree, plant and grass establishment;
 - c. a schedule of plants noting species, plant sizes and proposed numbers/densities;
 - d. existing landscape features such as trees, hedges and ponds to be retained accurately plotted (where appropriate);
 - e. existing landscape features such as trees, hedges and ponds to be removed accurately plotted (where appropriate);
 - f. existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
 - g. a timetable/ phasing for implementation and completion of the landscaping scheme;
 - h. a Landscape Management Plan, including long term design objectives, management responsibilities;
 - i. details of how the landscape proposals comply and compliment with the ecological requirements under condition 12.
 - j. Details of the footpath/cyclepath connections within the wider site area.

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

[To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the aims of Policy 10 (Design and Enhancing Local Identity), and Policy 16 (Green Infrastructure, landscape, Parks and Open Space) of the Local Plan Part 1 Rushcliffe: Core Strategy and Policies 1 (Development Requirements) and 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development, due to the need to ensure adequate mitigation is in place before any intrusive site works take place and to avoid otherwise abortive works by the applicant(s)].

12. No development shall take place until a Landscape & Ecology Management Plan (LEMP) is submitted to and approved in writing by the local planning authority. The LEMP shall have full regard to the mitigation and enhancements together with the summary and conclusions of the Ecological Assessment dated and shall include:
- Details of habitat creations and enhancement of hedgerows;
 - Bird and bat boxes shall be integrated into the building fabric (the former targeting house sparrow, starling and swift) into the fabric of a proportion (circa 20%) of the proposed dwellings/their garages;
 - Ongoing management of the SUDS and landscaped areas for the benefit of wildlife and biodiversity;
 - The plan will detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and shall their the ongoing maintenance; and
 - A pre-commencement walkover survey for badgers/grass snakes by an appropriate ecologist.

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

[To ensure the appropriate wildlife protection is provided during development, and 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 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core

Strategy and to comply with Policies 1 (Development Requirement) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

13. Prior to the commencement of any development on site, a grass snake translocation strategy shall be produced and submitted to the Local Planning Authority for approval. Any approved scheme shall be implemented in full thereafter.

[To ensure that a process is in place to take proper account of Grass snakes which have been identified on site which are a protected under the Wildlife and Countryside Act 1981 and it is an offence to injure or kill them, and to comply with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition due to the need to ensure adequate mitigation is in place before any intrusive site works take place].

14. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy WM11065 - FRA & DS V3.0, Wardell Armstrong, has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall provide justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365. The scheme shall thereafter be implemented in accordance with the approved details prior to completion of the development.

[To ensure that the developments has sufficient surface water management, and does not increased risk of flooding onsite nor does it increase the flood risk off-site in accordance with the NPPF and to comply with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development, due to the need to ensure adequate mitigation is in place before any intrusive site works take place and to avoid otherwise abortive works by the applicant(s)].

15. The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment and Drainage Strategy V3.0, August 2019, Wardell Armstrong) and the following mitigation measures it details:
 - a. Finished floor levels shall be set no lower than the levels shown on drawing WM11065-113 on page 105 of the FRA.
 - b. Construction shall be phased as described in section 4.5.1 of the FRA.

- c. Compensatory storage shall be provided as described in section 4.3 of the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

Thereafter the measures detailed above shall be implemented, retained and maintained throughout the lifetime of the development.

[To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policies 1 (Development Requirements), 6.1 (Housing Allocation – Land West of Wilford Road, Ruddington), 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. No development shall be carried out until a Phasing Plan, including details of phasing for the approved development, has been submitted to and approved in writing by the local planning authority. The phasing plan shall include details of:
 - a. the timing of the provision of infrastructure to serve the proposed development (including road improvements and drainage facilities) in relation to the provision of any new residential units;
 - b. the timing of biodiversity, SUDS and landscaping features;
 - c. the timing and provision of internal footpaths/cyclepaths;
 - d. The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the local planning authority.

The development shall thereafter be carried out in accordance with the approved phasing plan.

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

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

the Local Planning Authority.

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies 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.]

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

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

19. Prior to installation of any lighting, full details shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a lux plot of the estimated illumination along with details of the heights, locations, design and finish of the lighting. The installations shall be designed, located and installed so as not to cause a nuisance to neighbouring residents, and to avoid significant impacts on foraging commuting bats. The lighting shall thereafter be installed, retained and maintained in accordance with the approved details.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policies 10 (Design and Enhancing Local Identity) and 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

[To ensure that adequate drainage facilities are provided in connection with the development as well as to reduce the risk of creating or exacerbating a flooding problem in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and to comply with Policies 1 (Development Requirements), 17 (Managing Flood Risk) and 20 (Managing Water Quality) of the

Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that flood risk and sewage capacity requirements are mitigated and the measures can be incorporated in to the build phase].

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

[To ensure a satisfactory development in the interests of amenity, accessibility and highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the development is undertaken with agreed levels from the outset and to avoid otherwise abortive works by the applicant(s)].

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

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with Policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

23. 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.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policies 1 (Presumption in Favour of Sustainable Development) and 5 (Employment Provision and Economic Development) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

24. Prior to the occupation of each dwelling submitted as part of the planning application each dwelling shall be provided with ducting to enable the connection to high speed fibre optic Broadband.

[To assist in reducing travel demand by enabling working from home initiatives in accordance with the aims of Policy 19 (Developer Contributions) of the Rushcliffe Local Part 1 - Core Strategy].

25. No dwelling shall be occupied until a standard 32 amp single phase socket for the charging of electric vehicles has been fitted at an appropriate position in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the charging points shall be installed, maintained and operated in accordance with the approved scheme for the lifetime of the development.

[In order to address the causes and impacts of climate change and to enable the use of non-carbon based technology in accordance with the guidance contained within the National Planning Policy Framework, Policies 1 (Presumption in Favour of Sustainable Development), 2 (Climate Change) and 10 (Design and Enhancing Local Identity) of the Rushcliffe Borough Local Plan Part 1: Core Strategy 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].

26. With the exception of habitat creation and landscaping, there shall be no other groundworks undertaken within the highlighted area on the western boundary of the site as depicted as areas 1 and 2 on plan ref: DWG 03a Interpretation – North of the Geophysical Survey Report dated 18th April 2019. If during the undertaking of the works set out in this condition, any items of archaeological interest are found, the developer shall inform the Borough Council immediately.

[That part of the site shows up as considerable activity which may contain archaeological remains and the condition is required to ensure compliance with Policy 29 (Development Affecting Archaeological Sites) of the Local Plan Part 2: Land and Planning Policies].

27. 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

The Local Lead Floor Authority should be re-consulted with any changes to the

submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. Who will provide you with bespoke comments within 21 days of receiving a formal consultation.

Work affecting an ordinary watercourse requires consent from the lead local flood authority which in this instance is Nottinghamshire County Council. It is best to discuss proposals for any works with them at an early stage.

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 make every effort to prevent it occurring.

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

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

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

Section 278 Agreement (Highways Act 1980) - In order to carry out the off-site works required, you will be undertaking work in the public highway, which is

land subject to the provisions of the Highways Act 1980 (as amended) and, therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Jan Witko on telephone number 0115 9774364.

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

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

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

In respect of any conditions relating to drainage:

The developer must produce a comprehensive drainage strategy for the site. This strategy must include how surface water is to be dealt with. In particular showing how no surface water will be allowed to enter the foul or combined system through any means.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters; and
- ii) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The strategy shall also demonstrate how any land drainage issues will be resolved.

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

Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required.

If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.

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

In respect of ecology:

- a. Mature trees should be retained where possible.
- b. The hedgerows should be largely retained and enhanced.
- b. Hedgerow's should be buffered with a flower rich grassland strip.
- c. New wildlife habitats should be created where appropriate, including wildflower rich neutral and / or wet grassland and / or wetlands and ponds should be created and hedgehog corridors.
- d. Artificial wild bird nest sites should be installed within buildings (including for swifts and sparrow terraces) and roost / nest boxes on retained trees (including for tree sparrows).
- e. Good practise construction methods should be adopted including:
- f. 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.
- g. No works or storage of materials or vehicle movements should be carried out adjacent to the Packmans Dyke.
- h. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- i. Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal. Night working should be avoided.
- j. Your attention is draft to the requirements of condition 17 limiting the period when any trees or hedgerows should be removed. Every effort should be made to ensure that any trees or hedgerows are not removed during the bird nesting season and the practice of netting trees or hedgerows to prevent birds nesting should be avoided where practicable.

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

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

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

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

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

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

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980.

19/01983/REM - Reserved matters application for outline permission 18/00300/OUT to seek approval of the access, appearance, landscaping, layout and scale for the development of 175 new dwellings – Land North of Asher Lane, Ruddington, Nottinghamshire.

Updates

Representations were received from an objector, a consultee to the report and a planning officer who provided an additional condition to the report were received after the agenda was published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol Tom Collins (agent of applicant) and Councillor Jen Walker (ward Councillor) addressed the committee.

DECISION

APPROVAL OF RESERVED MATTERS BE GRANTED FOR THE ACCESS, SCALE, APPEARANCE, LAYOUT AND LANDSCAPING OF THE

DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITION(S)

1. The development shall be carried out in accordance with the following approved plans:

- Planning Layout – Drawing Number ASH-SL-001 Rev H
- External Materials – Drawing Number MUST_EX_001 Rev A
- House Type Brochure – Rev A
- Landscape Strategy Plan – Drawing Number 9160_L_01 Rev A
- Section 278 Layout General Arrangement – Drawing Number 1703-301 Rev A
- Engineering Layout North Plan (detailing levels) – Drawing Number PA/1703-102 Rev D
- Engineering Layout South Plan (detailing levels) – Drawing Number PA/1703-103 Rev D

[To ensure an acceptable development 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].

2. 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].

3. No building shall proceed above foundation level until such time that a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:

- (a) the treatment proposed for all ground surfaces, including hard areas;
- (b) full details of tree planting;
- (c) planting schedules, noting the species, sizes, numbers and densities of plants;
- (d) finished levels or contours;
- (e) functional services above and below ground;
- (f) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
- (g) the phasing and timescales for planting to take place

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

[To make sure that a satisfactory landscaping scheme for the development is 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].

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

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

5. The boundary treatment/means of enclosure, as detailed on the 'External Materials' plan, drawing number MUST_EX_001 Rev A, shall be erected prior to the occupation of the respective dwelling(s). In addition, details of the timing of the provision and ongoing maintenance of the timber knee rail shown on the plan shall form part of the open space scheme required pursuant to the Section 106 agreement. The means of enclosure shall be erected pursuant to the approved details and thereafter retained for the lifetime of the development.

[To ensure an acceptable appearance to the development 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 Local Plan Part 2: Land and Planning Policies].

6. The flat roof area over the single storey element on the rear of the Welbury house type shall not at any time be enclosed or used as a balcony/roof terrace.

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

7. 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].

8. 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].

9. Prior to the installation of any lighting to private drives or security lighting/floodlighting details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting shall be installed only in accordance with the approved details.

[To avoid unacceptable upward glare/light spillage in the interests of 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].

10. No dwelling shall be occupied until the access road and reconfigured junction with Musters Road and Western Fields has been constructed in accordance with the approved plan, Section 278 General Arrangement – Drawing Number 1703-301 Rev A.

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

11. No dwelling shall be occupied until the vehicle access, parking, manoeuvring and turning areas for that dwelling have been constructed in accordance with the approved drawings, and are available for use.

[To ensure a suitable access is provided 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. 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 a suitable access is provided 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].

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015, Schedule 2, Part 1, the garages contained within the housing plots hereby approved shall be kept available for the parking of motor vehicles at all times and the garages shall not be altered, reduced in size or converted to additional living accommodation without planning permission first having been obtained from the Local Planning Authority.

[To ensure the parking provision for each plot is made available at all times for the parking of vehicles to prevent increased on street parking which would cause a detriment to highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

14. No building shall proceed above foundation level until such time that a scheme detailing the methods to manage and control the use of the 'emergency access' off Asher Lane, as shown on the approved Planning Layout ASH-SL-001 Rev H, has been submitted to and approved in writing by the Borough Council. The approved scheme shall be implemented prior to the first dwelling being occupied, or such other timescale to be agreed with the Borough Council, and shall thereafter be retained and operate throughout the lifetime of the development.

[To prevent vehicles accessing the site via Asher Lane (other than in an emergency), 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].

15. The dwellings and garages shall be constructed using the materials detailed in the submission and on the approved plan, External Materials - Drawing Number MUST_EX_001 Rev A and no additional or alternative materials shall be used.

[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].

Notes to Applicant

East Midlands Airport advise that:

- Any Tall Equipment and Cranes used on site may require a permit from EMA Safeguarding, applications via the EMA Safeguarding Website below.
- Any renewable energy sources to be used on site must seek prior approval from EMA Safeguarding.
- A pre-start meeting to be arranged with EMA Safeguarding prior to construction starts.

Email ops.safety@eastmidlandsairport.com with reference number 2019-S29.

Web: <https://www.eastmidlandsairport.com/about-us/operational-documents/safeguarding/>

You are advised that the site is in close proximity to flight paths for East Midlands Airport and that the burning of material on site should be resisted to avoid significant smoke which might interfere with aircraft on approach to the airport or cause a danger to aircraft engines.

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

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

Condition 7 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

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

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.

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

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 Borough 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.

19/01871/VAR - Variation of conditions 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 16, 21, 22, 24, 26, 29, and 43, and removal of condition 41 of 16/02864/VAR to relocate village centre and memorial, remove bus gate, replace play areas with 'hierarchy of play space', removal of TPO trees, relocation of public art focal point, removal of references to 'green squares/squares' and to focal building in village centre, revision to swales/ponds, retention of bridleway in existing alignment, retention of north west car park, and revised access to allotments. – Land at Former RAF Newton, Wellington Avenue, Newton, Nottinghamshire.

Updates

Representations were received from Saxondale Parish Council and the applicant after the agenda was published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol Sarah Allsop

(applicant), Margaret Goulder (objector) and Councillor David Simms (ward Councillor) addressed the committee.

DECISION

THE EXECUTIVE MANAGER – COMMUNITIES BE AUTHORISED TO GRANT PLANNING PERMISSION, SUBJECT TO THE PRIOR SIGNING OF A DEED OF VARIATION TO THE S106 AGREEMENT, AND THE FOLLOWING CONDITIONS:

1. Application for approval of the final reserved matters shall be made to the local planning authority not later than 28th July 2022 and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 10 and 22 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].

2. No development shall take place until a Phasing Programme for the whole site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Phasing Programme shown on the Phasing Plan P18-2350_08 Rev G received on 12 November 2019 and shall include the phasing of the highways works.

The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

3. No development of an individual phase of development shall take place until a Statement of Design Principles for that specific phase of the site as agreed under Condition 2 has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019 and the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and shall include site specific architectural principles; sustainability features; range, type and quality of materials; focal point for the development (where relevant); the village centre features; variations in

block form, street layout and elevational treatment. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 22 of the Local Plan Part 1:- Rushcliffe Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

4. No development shall take place until a Public Transport Strategy for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019 and the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and shall include bus routes through the site with bus stops within 400m of any building; bus layover space near to the Community/village hall.

The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.

[To promote the use of public transport facilities and services in accordance with Policies 10, 14 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

5. No development of an individual phase shall take place until a Surface Water Drainage Scheme for that phase based on sustainable drainage principles in the context of an assessment of the hydrological and hydrogeological context of the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and Flood Risk Assessment and Drainage Strategy Rev B received 20th June 2011 under 10/02105/OUT and shall include:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent green field rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future ongoing maintenance of drainage features;

- The use of long term storage should be considered in the detailed design stage of the drainage scheme;
- Detailed design details of the proposed balancing pond and swales, including cross-sections and plans; and
- Proposals to ensure that there is no surface/storm water runoff onto adjacent land.

The development shall thereafter be implemented in accordance with the details approved and the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed in accordance with the approved details.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies] and Policy 10 and 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

6. No development on an individual phase shall take place until an Energy/low carbon Strategy for that phase has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and shall show how renewable energy/energy efficiency and climate change proofing, and the provision of public electric charging points within the village centre and commercial areas, together with a phasing plan showing the implementation of the proposals in each phase, are to be incorporated into the proposed development.

The development shall thereafter be implemented in accordance with the details approved and the phasing plan.

[To achieve improved energy conservation and the protection of environmental resources in accordance with national planning guidance as set out in the NPPF and in accordance with Policy 1 (Delivering Sustainable Development) of the Rushcliffe Borough Non-Statutory Local Plan and Policies 2 (Climate Change) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

7. No residential development shall take place until an Employment and Skills Strategy for the construction phase of the approved development has been submitted to and approved in writing by the Borough Council and no development of the commercial elements of the approved development shall take place until an Employment and Skills Strategy for the construction and operational phases of this form of development has been submitted to and approved in writing by the Borough Council.

These strategies shall provide for the recruitment of people in the locality and apprenticeships for young persons and shall include the date by which the Employment and Skills Strategy is to be implemented by the developer.

The development shall thereafter be implemented in accordance with the terms of these strategies.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policy 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

8. No development of an individual phase of development shall take place until an Ecology Management Plan for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November and shall include updated ecological surveys, measures to be taken to establish the existence of any protected species prior to site clearance, mitigation measures; bat boxes/barn; bird and barn owl nesting boxes) management, maintenance and monitoring schedules. Further updates shall be submitted if the development of part of any particular phase does not commence within 24 months of approval of the details approved pursuant to this condition.

The development shall thereafter be implemented in accordance with the details and timetable approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and satisfy Policy 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

9. No development shall take place until an Affordable Housing Scheme for the site has been submitted to and approved in writing by the Borough Council which will allow for the provision of a minimum of 5% affordable housing across the site as a whole and include the proposed affordable housing types, sizes and tenures for each phase of the site with a minimum of 5% affordable housing in each phase. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the distribution of affordable housing assists in the creation of an inclusive and mixed community in accordance with the National Planning Policy Framework and Policy 22 of the Rushcliffe Local Plan Part 1: Core Strategy. These

details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

10. No development shall take place until an On-site Leisure Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and Phasing Plan (Drawing Number P18-2350_08 Rev H received on 22 January 2020) and shall include a minimum provision for allotments - 0.85ha; 1.6ha of non-equipped play areas; 0.54ha equipped play areas; details of the proposed play equipment; 2.2ha formal playing pitches (priority use football/cricket); community orchards, green infrastructure, open space and lay-by for a youth bus identifying in which phase(s) the specific elements of the on-site leisure provision will be made, and shall include proposals for the ongoing management and maintenance of the site thereafter.

The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

11. Prior to the commencement of the 50th dwelling a Community/village Hall Scheme including its estimated construction cost for the site shall have been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and the Community Hall Plan (Drawing Number: 10548-01 Rev A) submitted under 10/02105/OUT and shall include ensuring the provision of the Hall before the commencement of construction of the 250th dwelling. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

12. No development shall take place until a Primary School Scheme for the

site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and the illustrative Primary School Plan (Drawing Number: 110548-0010) submitted under 10/02105/OUT and shall ensure the provision of a serviced site in Phase one of the development. The development shall thereafter be implemented in accordance with the details approved.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

13. No development shall take place until a Highways Delivery Scheme for the site has been submitted to and approved in writing by the Borough Council. This shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and shall provide for the delivery of the following works:

- a) The provision of informal pedestrian crossing arrangements (dropped kerbs) on both sides of the Kirkhill railway level crossing including tactile paving;
- b) The A6097 Kirk Hill signal controlled junction has been improved as shown for indicative purposes only in the Transport Assessment December 2010 Appendix 9;
- c) Either:
 - (i) Improvement to Bridleway 23, Footpath 2; or
 - (ii) The provision of suitable connections to Bridleway 23, Footpath 2 on the eastern side of the old A46 (B687) and to the residential development site known as Roman's Quarter:

as shall be agreed with the LPA.

Should the Applicant/Developer require either:

- (i) the use of any third party land; or
- (ii) any third party landowner to agree or grant rights /permissions/licenses over their land

to enable the construction of improvements to Bridleway 23,

Footpath 2 or future maintenance thereof the requirement to improve Bridleway 23, Footpath 2 shall cease and the Applicant/Developer shall provide connections to Bridleway 23, Footpath 2 on the eastern side of the old A46 (B687) and to the residential development site known as Roman's Quarter.

Such works shall be completed within 6 months of the completion of the construction of the new pedestrian/cycle bridge over the A46 and the adoption thereof or such later timescale as previously agreed with the Local Planning Authority.;

- d) The pedestrian/cycle bridge/link across the A46/B687 in accordance with the approved details;
- e) A school safety zone including appropriate signage, lining, traffic calming, parking restrictions, and pedestrian crossing arrangements; and
- f) The provision of a main residential/commercial access road within the site including roundabouts (or other features to be agreed), pedestrian/cycle crossing and traffic calming measures.

The development shall thereafter be implemented in accordance with the approved details.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

- 14. No development on new commercial land falling within use classes B2 and B8 as defined in the Town and Country Planning Use Classes (Amended) Order 2005 (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) shall be occupied, until the Newton link road has been widened to generally 7.3m with appropriate additional widening on bends.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

- 15. The proposed development shall be implemented in accordance with the Structures Retention Scheme (dated 26 April 2019) discharged under application reference 19/01054/DISCON that provides details for the retention of the control tower, the measures for its

protection/enhancement/ongoing maintenance and the provision of a memorial in accordance with the approved scheme.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development retains a sense of place and link with the history of the site and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy].

16. No development of an individual phase of development shall take place until a Contaminated Land Investigation and Risk Assessment Report undertaken by competent persons to assess the nature and extent of any contamination on the site, whether or not it originates on the site for that specific phase of the site as agreed under condition 2 has been submitted to and approved in writing by the Borough Council and shall include:
- a) The outcome of further assessments of the contamination hotspots referred to in the Geodyne Combined Phase 1 Desk Study and Baseline Ground Investigation Report submitted on the 7th October 2011.
 - b) A revised ground gas risk assessment shall be submitted for completion of the gas monitoring programme to confirm if gas protection methods are required on the site.
 - c) Further testing shall be carried out on the existing topsoil to determine suitability for retention on site.
 - d) A full radiological risk assessment and a survey report and remediation method statement.
 - e) An unexploded ordnance search.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

17. No development of an individual phase of development shall take place until a Detailed Remediation Scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council. This include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental

Protection Act 1990 in relation to the intended use of the land after remediation.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

18. No development of an individual phase of development shall take place until a Construction Method Statement for that specific phase of the site as agreed under condition 2 has been submitted to and approved in writing by the Borough Council and shall include the:
- a) measures for ensuring the means of exit from the site for demolition and construction traffic is restricted to the new Newton link road (with no exit onto Wellington Avenue) and best practicable measures for ensuring that the majority of such traffic entering the site does so by way of the new Newton link road and not by way of Wellington Avenue;
 - b) parking provision for site operatives and visitors;
 - c) storage of plant and materials used in constructing the development;
 - d) wheel washing facilities (including full details of its specification and siting);
 - e) measures to control the emission of dust and dirt during construction;
 - f) scheme for recycling/disposing of waste resulting from construction works;
 - g) siting and appearance of contractor's compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
 - h) proposals for topsoil handling, stripping, stockpiling, re spreading and after use;
 - i) procedures for the developers to monitor and enforce compliance with the principles and detailed requirements of the Statement.

The development shall thereafter be implemented in accordance with the details approved.

[In the interests of highway safety, to maximise the retention of agricultural soils on site and to protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due

to the need to design an appropriate scheme for the site to ensure a comprehensive development].

19. No development of an individual phase of development shall take place until a Waste Disposal Strategy for that specific phase of the site as agreed under condition 2 above has been submitted to and approved in writing by the Borough Council and shall include arrangements for maintenance and servicing including refuse collection/bin storage and incorporating a waste and recycling storage plan and a phasing plan for implementation. The recycling site shall be an area of no less than 15m x 15m within the village centre, the subsurface of which shall not have any utilities or services and include acoustic fencing on the perimeter of the site. The development shall thereafter be implemented in accordance with the details approved.

[To ensure that the development provides adequate facilities for waste collection and promotes recycling in accordance with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

20. No development shall take place on any individual phase until details of the access, appearance, landscaping, layout, and scale ("the reserved matters") for that specific phase of the development have been submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details.

[To comply with the requirements of section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

21. Each reserved matters application shall be accompanied by the following details, and this shall substantially accord with the Design and Access Statement (Ref: P18-2350_27 Rev G November 2019) received on the 12 November 2019, the Illustrative Master plan (Drawing Number: P18-2350_06 Rev L) received on 12 November 2019 and details approved under the above conditions:

- a) A detailed layout plan of the phase in context with the whole site.
- b) The siting, design and external appearance of the proposed buildings.
- c) The means of access; car parking and provision for service vehicles.
- d) Facing, roofing and hard surfacing materials.

- e) Plans, sections and cross sections of any roads or access/ service roads or pedestrian routes within the application site, and this shall include details of bridges, culverts, drainage, sewerage and public utilities.
- f) The layout and marking of car parking, servicing, manouvering areas and cycling storage for each building.
- g) The means of enclosure to be erected on site.
- h) The finished ground levels for the site and floor levels of the buildings relative to existing levels and adjoining land and in relation to the ground levels or contours proposed in any adjacent landscaping scheme.
- i) Plant and equipment and other structures.
- j) Recycling and bin storage facilities including an area for 3 wheeled bins for each dwelling and community bin storage for apartments and commercial areas.
- k) Details of the means of foul and surface water drainage together with a programme of implementation and means to ensure there is no run off onto Wellington Avenue.
- l) The detailed design of all junctions, which shall include details of visibility splays.
- m) Drainage and rainwater run off systems including SuDS which shall accompany any road layout submission and detail maintenance/ management arrangements.
- n) 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.
- o) The number and location of the affordable dwellings to be provided together with the mix of dwellings in terms of the number of bedrooms and the proportion of houses and flats, broken down between social rented, affordable rented and intermediate units for each phase.
- p) Detailed plans of the layout of the play areas, equipment, open space and other green infrastructure.
- q) Detailed plans and information relating to the opening up of culverted water courses.
- r) Each reserved matters application for residential development shall be accompanied by a statement assessing the development against the Building for Life Standards. The development shall thereafter be carried out in full accordance within the approved scheme.
- s) Each reserved matters application for a non-residential use (excluding the Community Hall and Local Centre Units) shall be accompanied by a statement detailing how each nonresidential building shall achieve a minimum of BREEAM Very Good (or the equivalent level of such national measure of sustainability for employment building design that replaces BREEAM).

The development shall thereafter be implemented in accordance with the details approved and for any phase the part of the development to which the particular item or facility relates shall not be occupied until each one has been completed for that phase in accordance with the approved details.

[To comply with the requirement of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the development will be satisfactory and in the interests of visual amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

22. No development of any phase shall begin until reserved matters submissions on landscaping have been submitted to and approved in writing by the Borough Council. The submissions shall include full details of both hard and soft landscape works for that phase and a programme for their implementation. Hard landscaping details shall include proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs and lighting) and proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines). Soft landscaping details shall include proposed contours, planting plans (including woodland planting and the community orchard), written specifications (including cultivation and other operations associated with plant and grass establishment) and schedules of plants/trees, including species use of plants/trees, numbers and densities. Only native species appropriate to the local area and of native genetic origin shall be used in areas of 'natural' planting around the boundaries of the site in habitat creation areas, and in green corridors through the site. The works shall be carried out as approved. Any tree (s) or planting which die, are removed or become seriously damaged or diseased within 5 years of completion of the development within that phase shall be replaced in the next planting season with others of a similar size and species.

[In the interests of amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development]

23. No work shall be carried out and no plant, equipment or materials brought on to the site, in any phase, until there has been submitted to and approved in writing by the Borough Council for that phase:
- a) a plan showing the location of, and numbering, each existing hedge and tree within the phase (including trees and hedges on the route of construction traffic), plus trees on adjoining land whose crowns overhang the site, and identifying all trees and hedges which are to be retained;
 - b) details of the species, trunk diameter, height and general health

- and stability of each tree to be retained;
- c) details of any proposed lopping or topping of any tree to be retained;
- d) details of any proposed alterations in ground levels and of any excavations proposed within the crown spread of any tree to be retained;
- e) details of the position and specification of fencing or other measures for the protection before and during the course of development of any tree or hedge to be retained.

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

[To ensure existing trees and hedgerows are adequately protected during the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

24. Development shall not begin on any phase until the existing trees and hedges in that part of the site which are to be retained have been protected in accordance with the details approved pursuant to condition 24 above. Protection shall be retained for the whole of the construction period of that phase. No materials, machinery or vehicles shall be stored, no buildings erected and no excavation works undertaken within the protected areas. No changes to ground levels shall be made within the protected areas without the prior written agreement of the Borough Council.

[In the interests of amenity and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy. These details are a pre-commencement requirement due to the need to design an appropriate scheme for the site to ensure a comprehensive development].

25. The maximum heights (to ridge) of any building shall not exceed a maximum of 3 storeys for B1 (office space); 13.5metres (Commercial); and 10.5metres (residential).

[To protect the visual amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

26. No residential unit shall be occupied until the access, servicing and car parking facilities associated with that unit has been provided in accordance with details submitted to and approved in writing by the

Borough Council and these facilities shall be retained for the lifetime of the development.

[In the interest of highway safety and to ensure a satisfactory development in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

27. No residential unit or occupier of any business unit hereby permitted shall be occupied until a Travel Plan Framework relating to that type of development has been submitted to and approved in writing by the Borough Council. This shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by appropriate sustainable modes as agreed with the Borough Council and shall include arrangements for monitoring of progress of the proposals. The approved Travel Plan / Plans shall be implemented in accordance with the timetable set out in that plan.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

28. No residential unit or business unit hereby permitted shall be occupied or brought into use until the owners/occupiers of the site have appointed and thereafter continue to employ or engage, a site-wide travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan Framework approved under Condition 28 for the lifetime of the Travel Plan. The details of the site-wide travel plan coordinator shall be provided and continue to be provided to the Local Planning Authority for the duration of the approved Travel Plan monitoring period.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

29. The site-wide travel plan coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan Framework monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority and which shall inform individual Travel Plans.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

30. Prior to the occupation of any business employing more than 20 employees, the owner and the occupier of each business unit, shall work with the site wide travel plan coordinator and within 5 months of occupation produce a detailed travel plan that sets out preliminary model split information and final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the approved Framework Travel Plan. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future site-wide travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

[To promote sustainable travel in accordance with the aims of Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

31. No dwelling shall be occupied until a standard 32 amp single phase socket for the charging of electric vehicles has been fitted at an appropriate position in accordance with details previously submitted to and approved in writing by the Borough Council.

[To enable the use of non-carbon based technology in accordance with the guidance contained within the National Planning Policy Framework, Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

32. Notwithstanding the provisions of the Town and Country Planning Use Classes (Amended) Order 2005 (or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification), any non-residential buildings falling within Classes B2 and B8 constructed pursuant to this outline planning permission shall only be used for B2 and B8 purposes. There shall be no subsequent change of use to one falling within Class B1(a) without the benefit of obtaining planning permission. Any such an application shall be supported with a Transport Assessment.

[To clarify the extent of the permission, to limit traffic generation and to ensure that adequate parking facilities are provided in connection with the development and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local

Plan Part 1: Core Strategy.]

33. No new non-residential unit shall be occupied until a scheme has been submitted to and agreed in writing by the Borough Council to cover the following:
- a) hours of operation of those premises,
 - b) details of delivery handling equipment and industrial processes to be undertaken,
 - c) details of externally mounted plant, equipment, tools and machinery or internally mounted plant, equipment, power tools and machinery which vents externally,
 - d) associated structural planting and external and internal buffer zones to mitigate any noise generated
 - e) hours of deliveries taken at or dispatched from and waste collection.

The units shall thereafter be used, and any plant /equipment shall be installed, and retained in accordance with the approved scheme.

[To ensure a satisfactory development and to protect the amenities of the area in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

34. Deliveries to and distribution associated with the existing B8 uses (hangars 1 -5) including plant and equipment, shall only take place between the hours of 08:00 - 18:00 Monday to Friday, 09:00- 13:00 Saturday and not at all on Sundays and Bank Holidays.

[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 and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

35. No goods or materials shall be stored or displayed for sale and no work shall be undertaken on the open area of any B1, B2 and B8 units on the site without the prior written approval of the Borough Council.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

36. No security lighting or floodlighting shall be installed, on the employment premises or associated open areas, until full details have been submitted to and approved in writing by the Borough Council. Such details shall include a lux plot of the estimated illumination. The installations shall be designed, located and installed so as not to cause a nuisance to neighbouring residents, and to avoid significant impacts

on foraging commuting bats. The development shall take place in accordance with the approved scheme and shall thereafter be retained in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

37. No part of the non-residential development shall be brought into use until the access, servicing and car parking facilities associated with that part of the development have been provided in accordance with details which shall first have been submitted to and approved in writing by the Borough Council and these facilities shall be retained for the lifetime of the development.

[In the interest of highway safety; and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

38. The approved Detailed Remediation Scheme must be carried out in accordance with its terms prior to the commencement of any development other than that required to carry out remediation in that phase. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a written verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and is subject to the approval in writing of the Borough Council. No new buildings shall be occupied until the verification report relevant to that building has been approved by the Borough Council.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

39. If, during the development, contamination not previously identified is found to be present at the site then no further development in that phase shall be carried out until the developer has submitted, and obtained written approval from the Borough Council for, an amendment to the Detailed Remediation Scheme detailing how this unsuspected contamination shall be dealt with, and the development shall be carried out in accordance with the approved scheme.

[To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

40. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of the interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have a separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

[To prevent pollution of the existing water environment and to comply with Policies 1 (Development Requirements) 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

41. This permission shall relate to the details submitted under 10/02105/OUT as originally submitted on the 3rd February 2011 and revised under 15/00583/VAR and 16/02864/VAR as amended by the following additional/revised plans and documents (such plans and documents may be subject to revision to accord with the above conditions):
- a) Illustrative Masterplan (P18-2350_06 Rev L, Pegasus Group)
 - b) Phasing Plan (P18-2350_08 Rev H, Pegasus Group)
 - c) Illustrative Landscape Masterplan (P18-2350_23 Rev G, Pegasus Group)
 - d) Illustrative Landscape Sections A-G (P18-2350_24 Rev D, Pegasus Group)
 - e) On-Site Leisure Provision (P18-2350_25 E, Pegasus Group)
 - f) TPO'd Tree Removal, Retention and Replacement Plan (P18-2350_28 Rev E, Pegasus Group)
 - g) Nottinghamshire Rapid Health Impact Assessment Matrix (Rev A, 07.11.2019)
 - h) Phase I & II Geo-Environmental Investigation (GML19112/2/0, Geo-Matters Ltd)
 - i) Transport Assessment (SKP/TM 21095-01_Transport Assessment Rev 2, David Tucker Associates)
 - j) ES Addendum - Transport (SP/TM/21095-02 ES Addendum -

- Transport Rev 1, David Tucker Associates)
- k) Design and Access Statement (P18-2350_27 Rev G, Pegasus Group)
- l) Technical Justification (Condition 22) June 2019, Turley
- m) Transport Assessment Addendum (SP/TM21095-03 Transport Assessment Addendum, David Tucker Associates)

[For the avoidance of doubt and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

42. The highway link between the northern most egress from the existing hangars/commercial area, marked as "Non-Commercial Vehicle Exit Only" on the Illustrative Masterplan (drawing number P18-2350_06 Rev L, Pegasus Group) between blocks "R2" and "R3" and the main development spine road shall not be brought into use until a scheme to prevent its use by commercial vehicles (greater than 3.5t in weight), restricting its use to exit only, and to discourage use of Wellington Avenue by traffic associated with the hangars / commercial area has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with approved details and retained and maintained as such for as long as the link serves a commercial area. Any such measures required by the aforementioned scheme shall be installed within the Highway on the residential side of the link only.

[In the interest of highway safety; and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policies 10 (Design and Enhancing Local Identity) and 22 (Strategic Allocation at Former RAF Newton) of the Rushcliffe Local Plan Part 1: Core Strategy.]

Notes to Applicant

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

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 education, open space, allotments, orchards, play areas, leisure contribution, highways, bridge, travel plan coordinator, travel plan, bus service, affordable housing, community hall, community contributions, Suds and monitoring. You are advised to view the Agreement for full details. The contributions have been calculated in relation to 550 dwellings. Payments are subject to indexation.

The term 'affordable housing' in this instance is as defined in the National Planning Policy Framework (Annex 2: Glossary) Social rented, affordable rented and intermediate housing provided to eligible households whose needs

are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes.

It should be noted that no financial contributions towards secondary school provision has been required on the basis that it has been demonstrated that South Nottinghamshire Academy at Radcliffe on Trent has sufficient capacity to accommodate pupils arising from this development. It is therefore anticipated that children of secondary school age would attend the South Nottinghamshire Academy at Radcliffe on Trent and not Toothill Academy.

The overall scheme for the development of this site will involve the provision of on-site infrastructure including road, foul and surface water sewers, mains water and other direct services. In addition to discussing normal planning requirements with the planning authority, the developer should approach

- a) the highway authority with regard to the formation of access to the highway and the requirement for the adoption of the estate road(s), if applicable; 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 in writing before any work commences on site.
- b) Severn Trent Water on 0800 783 4444 should be contacted about the design and provision of foul and surface water sewers and for adoption information; the Environment Agency, for information on flood risk and on- or off-site storm water requirements; the Nottinghamshire Constabulary Architectural Liaison Officer regarding measures to

- combat crime;
- c) the Council's Leisure Services Division for information on the provision and specification for open spaces and play areas,
- d) the Council's Landscape Officer for advice on incorporating existing landscape features as well as the principles for new landscaping and planting species and specifications, and tree preservation;
- e) East Midlands Electricity, if provision needs to be made for a new sub-station.
- f) Natural England in relation to nature/ecology matters and soil conservation

A flood risk assessment should be submitted at each stage of the planning process. For example, when more detail concerning the location of dwellings/land parcels is available, then areas must be identified to be set aside for the provision of SUDS measures. The Environment Agency do not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used. Surface water run off should be controlled as near to source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run - off which seeks to mimic natural drainage systems and retain on - site as opposed to traditional drainage systems which involve piping water off-site as quickly as possible. Please contact Stuart Taylor at the Environment Agency on 0115 8463654 regarding flood risk queries and your attention is drawn to the requirements and advice of the Environment Agency contained in the attached copy letter.

The site will be subject to the Control of Pollution (Oil Storage)(England) Regulations 2001 which apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres.

A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the regulations are available from the Environment Agency

In relation to condition 5 and 22 (q) you are advised that the current 750mm diameter surface water culvert runs underneath the existing development as shown within the submitted Flood Risk Assessment (Appendix B) drawing SK01:- Existing 750mm Diameter Sewer and Existing Ditches. The opening of the culvert would bring amenity and biodiversity benefits to the watercourse. Culverts also bring blockage risks and could increase risk of flooding to others. The Environment Agency would expect the details and information to cover the following requirements:-

- a) Information to demonstrate there is no flood risk from the open watercourse to the new development.
- b) Information showing the new alignment of the watercourse
- c) Cross sections of the new open watercourse
- d) Method statement for the planned works include bank works
- e) Biodiversity and ecological benefits from the works including all new

planting

f) Information to demonstrate adequate easements from the open watercourse.

The increased amount of waste water and sewage effluent produced by the new developments will need to be dealt with to ensure that there is no deterioration in the quality of the water courses receiving this extra volume of treated effluent. As such there may be a requirement for the expansion and upgrading of current sewage treatment systems, if the volume of sewage requiring treatment with the district increases. Close liaison with Severn Trent will be required. You are advised to consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development and you are advised to contact Severn Trent Water directly on 0116 2343834.

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

The development should comply with the Site Waste Management Regulations 2008.

The individual dwellings should be designed so as to accommodate:

- a) 3 x wheeled bins within the individual curtilages.
- b) apartment blocks should have land available to accommodate bulk containers for refuse and recycling. For each type of waste the formula is number of apartments x 240/1100= number of bulk containers.

Please contact Dave Thomas at Rushcliffe Borough Council on 0115 9148396 for further information.

Dog fouling bins and on street litter/ recycling bins as specified by the Borough Council will need to be located within areas such as open spaces and play areas, footpaths, car park and thoroughfares. Please contact Dave Thomas on 0115 9148396 for further information.

You are advised to contact Nottinghamshire Police Force Architectural Liaison Officer in respect to achieving a scheme that complies with Secured by Design and the seven attributes contained in the ODPM Document - Safer Places - The Planning System and Crime Prevention.

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

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

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

For further information on the content of contaminated land reports please contact the Borough Council's Environmental Health Department on 0115 9148322.

You are reminded that a number of trees on the site are protected by a Tree Preservation Order and therefore careful attention will need to be paid to any reserved matters application to ensure their retention and long term protection.

It is suggested that the developer works with artists/designers/design teams in order to create a high quality environment for people to work, live and play, which reflects the characteristics of local landscape and heritage. The developer is also encouraged to consider the use of public art which can be decorative or functional.

It is suggested that the developer work with the Parish Council and local youth groups to ascertain the type of equipment sought for the play area space.

Construction traffic shall use preferred routes which shall exclude such traffic passing through Newton Village.

The proposed development lies with a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority Properties Search Service on 0845 7626848 or at www.groundstability.com.

The evidence base for the site wide Energy Statement, referred to in conditions 6 shall include a detailed assessment of anticipated energy usage patterns across the site when occupied. The strategy shall include identification of opportunities for reducing energy loads and for generating on-site low or zero carbon energies.

The proposed development includes a bridge crossing of the A46. Such a crossing will require the prior consent of Highways Agency and County Council as Highways Authority.

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the public rights of way are within the application site. If it is intended to divert or stop up any public rights of way the appropriate legal

steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures. (Tel 01159 9148215) Due regard must be had at the reserved matters stage to ensure that access to these are maintained.

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 road works.

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 Nottinghamshire County Council as Highway Authority as early as possible.

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

The highway proposals associated with this permission involve works within the public highway which is land over which you have no control. The Highways Agency therefore requires you to enter into a Section 278 agreement to cover the design and construction of the works. Please contact Assistant Area Development Manager, Kamaljit Khokhar on 0121 678 8390 at an early stage to discuss the highways agreement.

With regard to condition 4 such a strategy shall ensure that the bus services and corresponding bus stops are available whether temporary or permanent within 400m of any building prior to it becoming occupied or being brought into use. This shall ensure the bus route is attractive to customers, the route through the site shall include fully lit bus stop poles with timetable cases and bus stop flags, raised kerbed bus boarders, and dropped kerbed wheelchair and pushchair access at all locations, lit bus shelters at 1 in 3 locations with real time displays, bus stop clearways and bus stop cages at key locations, 'supa' shelters at the district centre, appropriate layover points, and an information kiosk.

Advice regarding travel plans can be obtained from the Travel Plans Officer on telephone 0115 9774523.

Natural England have confirmed that they support the proposed mitigation strategy and given that bats are a European protected species through the Conservation of Habitats and Species Regulations (2010) , a licence for works affecting the bat roosts will need to be obtained. Under Regulation 53, activities which would otherwise contravene the strict protection regime offered to European Protected Species under regulation 41 can only be permitted where

it has been shown that certain tests have been met. Within the context of a planning application these are:

- a) The activity is for the purpose of preserving public health or safety or for other imperative reasons of overriding public interest
- b) There is no satisfactory alternative
- c) The favourable conservation status of the species in question is to be maintained.

You are advised to contact Natural England on 0300 0600789 for further advice.

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

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 9588248. If bats are present you should contact English Nature on 01476 584800.

Defra (now Natural England) advise an appropriately experienced soil specialist should be instructed to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the most sustainable use of the different soils on site, in particular in retaining the long term potential of agricultural soils on the site. Guidance is available in Defra 'Construction Code of Practice for Sustainable Use of Soils on Construction Sites and it is recommended that this is followed. Condition 19. Relating to the CEMP requires measures at (i) to minimise the potential compaction and structural degradation of top soils and ensure potential for re use is maximised. These measures should aim to ensure that:-

- a) Potential damage to top soils by vehicles is minimised
- b) Top soils are excavated and moved only when dry and friable in consistency
- c) The amount of organic matter incorporated into excavated soil strips is minimised (including by ensuring grass sward is closely mown and all cuttings are removed at an appropriate time prior to soil excavation);
- d) Topsoil stripping methods and construction of topsoil stockpiles are appropriate.

The fume extraction scheme should include both projected noise levels and details of equipment installed to suppress and disperse fumes and/or odour produced by cooking and food preparation.

In addition the following advice is given by the Head of Environmental Health:-

- a) The extract vent should terminate no less than 0.6 m (ideally 1m) above the ridge of the building and not less than 1m above any open able window/skylight.
- b) The extract vent should be installed internally as far as possible, if there

is

- a likelihood of conflict with any planning requirements).
- c) The system must be in use at all times when cooking is carried out in the premises.
- d) Details of the expected noise levels generated by the fan, which are required to be supplied, must include full octave band analysis.
- e) All mountings and fixings shall incorporate anti-vibration mounts in order to reduce airborne and structure-borne noise transmission.
- f) The extract vent should not be fitted with any restriction at the final opening i.e. cap or cowl
- g) The system should be designed to allow the collection and removal of rainwater in order to prevent water entering the fan unit.

Prior to preparing the scheme you are advised to discuss the details with one of the Borough Environmental Health Officers on (0115) 914 8322

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) 914 8322 beforehand

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

For further information on the content of contaminated land reports please refer to the Borough Council's publication "Developing Land within Nottinghamshire - A Guide to submitting Planning Applications for Land that may be contaminated". This booklet is available from Rushcliffe Borough Council's web site www.rushcliffe.gov.uk or by contacting the Environmental Health Services directly on (0115) 914 8322.

Where identified as required in the Detailed Remediation Scheme, prior to occupation of any building in a phase a total cover of 700mm, including 200mm imported certificated clean soil, plus a capillary break layer of 100mm shall be used for garden and landscaped areas (with the exception of the allotment land and community orchard). A scheme for the certified clean soil and capillary break layer for the allotment and community orchard areas shall be submitted to the Borough Council, prior to the commencement of development of these respective areas, and the scheme shall be carried out in accordance with the approved details. The certificates of analysis for the use of on site or imported clean soils for each phase shall be submitted to the Borough Council.

19/02622/FUL – Proposed new dwelling (resubmission) – Land West of School Lane, Colston Bassett, Nottinghamshire.

Updates

A Representation was received from Councillor Combellack (ward Councillor) after the agenda was published and was circulated to the Committee before

the meeting.

In accordance with the Council's public speaking protocol Josie McGuirk (Colston Bassett Parish Council - objector) and Councillor Combellack (ward Councillor) addressed the committee.

DECISION

GRANT PLANNING PERMISSION FOR THE FOLLOWING 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. No operations shall commence on site until a detailed Arboricultural Method Statement including tree protection measures has been submitted to and approved in writing by the Borough Council. The statement shall cover the implementation, supervision and monitoring of all temporary tree protection during the construction period including the appointment of a project arboriculturist, a work programme, and a schedule of monitoring & supervision. The method statement shall also include full details of the erection of tree protection barriers and, if required, the installation of temporary ground protection barriers in accordance with the best practice set out in 'BS5837, Trees in Relation to design, demolition and construction – Recommendations.' It should also take into account the movement of vehicles on site, the storage or materials, ground level changes, the excavation and storage of spoil, the location of service runs and the installation of hard surfaces. The development shall be undertaken in full compliance with the approved Statement and the approved tree protection shall be retained for the duration of the demolition and construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the tree protection barriers, and no excavation work shall be undertaken within the confines of the barriers 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 trees are adequately protected during construction of the development and to comply with policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences to ensure that no damage is caused to the trees within/adjacent to the site during the construction phase].

3. The development hereby permitted, including construction of the proposed vehicular access, driveway and parking area, shall be carried out in accordance with the following approved plans:

* SAL/1921/Ppsd/10 Revision A

- * SAL/1921/Ppsd/11
- * 1132 001 A
- * 1132 002 A

[For the avoidance of doubt 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 until the applicants, or their agents or successors in title, have secured the implementation of a programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation. The details of such a scheme of investigation shall be submitted to and approved in writing by the Borough Council also prior to the commencement of the development on the site.

[To ensure that any archaeological items are recorded and to comply with Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before an excavations take place on site to ensure that measures are in place to record any items of archaeological interest during the implementation of the development].

5. No development shall take place until an Ecology Report has been submitted to and approved in writing by the Borough Council, and the development shall thereafter be carried out in accordance with recommendations/mitigation measures contained in the report.

[To ensure the ecology of the site is protected and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before development commences on site to ensure that any ecological interest is identified before development commences and any impacts appropriately mitigated].

6. The vehicular access, driveway and parking area shall only be constructed using a no-dig construction in accordance with the details to be previously submitted to and approved in writing by the Borough Council.

[To ensure trees are adequately protected during construction of the development and to comply with policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. Construction of the building shall not proceed beyond damp proof course level until details of facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council. The development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Development Requirements) of the Rushcliffe

Local Plan Part 2: Land and Planning Policies]

8. The development hereby permitted shall not be occupied until details of the materials and method of construction to be used on the hard surfaced areas of the site have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

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

9. The development hereby permitted shall not be occupied until the vehicular access has been surfaced in a hard bound material for a distance of 5m behind the carriageway edge and provided with measures to prevent the discharge of surface water on to the public highway, and the visibility splays as shown indicatively on drawing SAL/1921/PPSD/10 have been provided. These facilities shall be retained and the area within the splays shall be kept free of all obstructions, structures or erections exceeding 1.05 metres in height for the lifetime of the 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].

10. The development hereby permitted shall not be occupied until details of all screen fencing/walling and means of enclosure to be erected on the site have been submitted to and approved in writing by the Borough Council, and screen fencing/walling and means of enclosure shall only be provided in accordance with the approved details.

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

11. Prior to the installation of external security lighting/floodlighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting shall be installed only in accordance with the approved details.

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

12. The dwelling shall not be occupied until a landscaping scheme has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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

13. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or roof lights other than those shown on the approved plans without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

14. Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no buildings or enclosures, swimming or other pools shall be provided on the site without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. Notwithstanding the provisions of Schedule 2, Part 1 Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no hard surfaces shall be provided on the site other than those shown on the approved plans without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

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

Any alterations to the School Lane boundary wall would require planning permission.

The development makes it necessary to construct a vehicular crossing over a verge of the public highway and you are therefore required to contact VIA (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.

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

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.

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

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

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

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

Condition 8 of this permission requires approval of details of the materials and

method of construction for any hard surfaces within the site. Where practicable, the method of construction should ensure that the finished surface is permeable to reduce risk of surface water run off from the site.

12 **Adjournment**

In accordance with the Council's Constitution, the Chairman closed the meeting at 10.20pm and all remaining items were adjourned to the next Planning Committee, to be held on Thursday 12 March 2020.

The meeting closed at 10.20pm.

CHAIRMAN



Planning Committee

12 March 2020

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 |
|---|--|-------------|
| 19/02780/FUL | 14 Brookside Avenue, East Leake, Nottinghamshire | 53 – 72 |
| | Front porch; demolition of garage and erection of single story side and rear extension; roof alterations including increase in height, front/ rear box dormer window and rooflights to front elevation to facilitate accommodation in the roof; external render and timber cladding | |
| Ward | Leake | |
| Recommendation | Planning permission be granted subject to conditions | |
| <hr/> | | |
| 19/00599/FUL | Manor House, 42 Fern Road, Cropwell Bishop, Nottinghamshire | 73 – 96 |
| | Construction of 3 new dwellings with associated parking and landscaping, and construction of new private access drive to Manor House. | |
| Ward | Cropwell | |
| Recommendation | Planning permission be granted subject to conditions. | |
| <hr/> | | |
| 19/01758/FUL and 19/01727/FUL | Bingham Rugby Union Football Town Pavilion Brendon Grove Bingham Nottinghamshire | 97 – 115 |
| | (i) 19/01758/FUL - Extension and alteration of existing pavilion to create additional indoor community facilities including additional indoor leisure space and improved changing facilities. Extension to car park to provide additional car parking spaces and coach parking facility and bin store. | |
| | (ii) 19/01727/FUL - Erection of 4 columns of LED floodlights. | |

Ward Bingham West

- Recommendation** (i) 19/01758/FUL – Planning permission be granted subject to conditions.
- (ii) 19/01727/FUL – Planning permission be granted subject to conditions

| Application | Address | Page |
|------------------------------|---|-------------|
| 19/02325/FUL | 28 Main Street, East Leake, Nottinghamshire | 117 – 142 |
| | Change of use from car repair workshop, retail unit and residential accommodation to cafe (A3) and residential (C3). Demolition of single storey rear addition to existing retail/residential building, and single storey and two storey flat roof section to commercial garage. Erection of 2 no. two storey detached dwellings to rear. | |

Ward Leake

Recommendation Planning permission be granted subject to conditions

| | | |
|------------------------------|---|-----------|
| 17/02345/VAR | Manor House Kilgraney Farm Owthorpe Road Cotgrave Nottinghamshire | 143 – 149 |
| | 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. | |

Ward Cotgrave

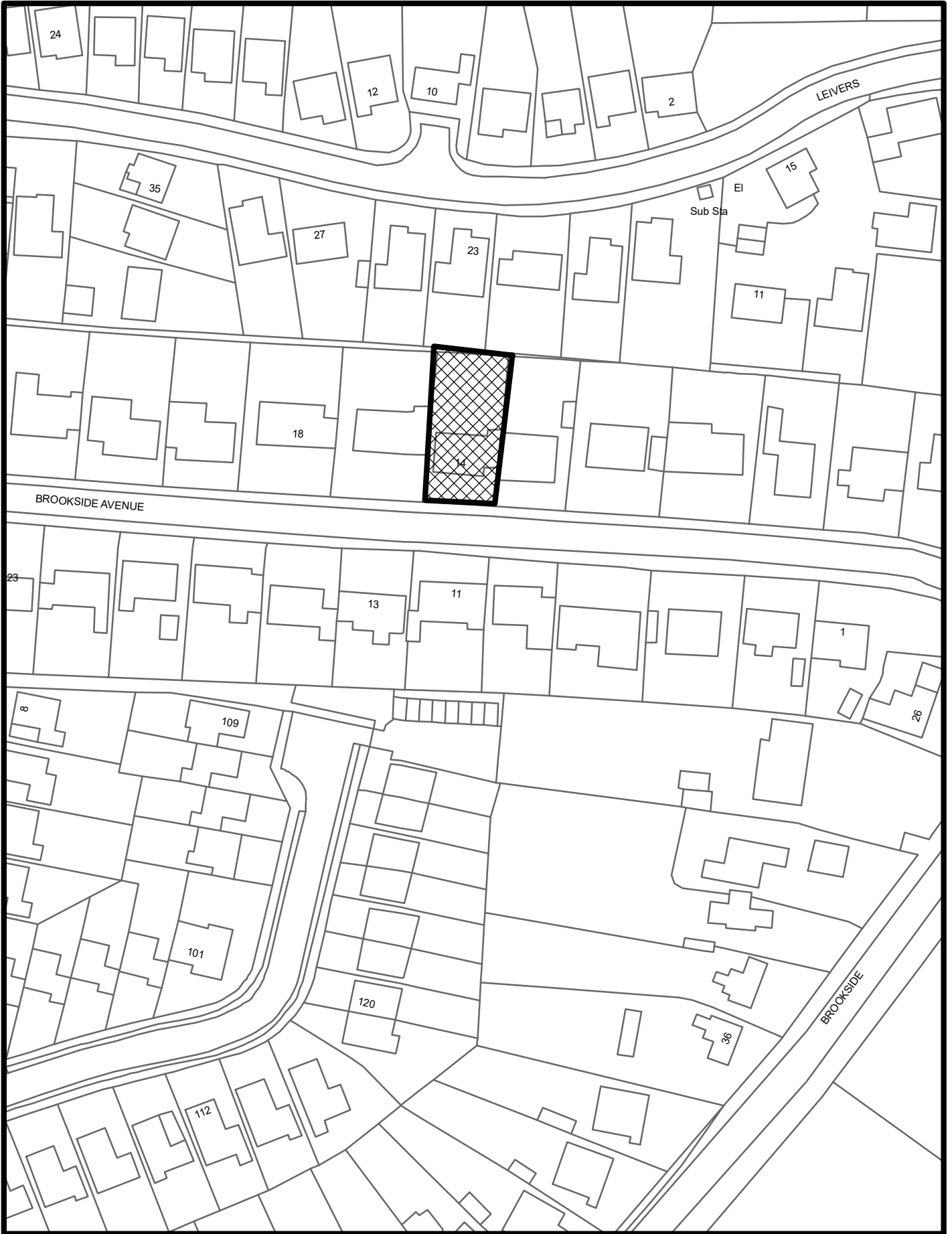
Recommendation Planning permission be granted subject to conditions

| | | |
|------------------------------|---|-----------|
| 19/02900/FUL | Meadow Cottage Station Road Upper Broughton Nottinghamshire | 151 – 157 |
| | Erection of single storey secure cycle store. | |

Ward Nevile and Langar

Recommendation Planning permission be granted subject to conditions

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Application Number: 19/02780/FUL
14 Brookside Avenue, East Leake



scale 1:1000

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19/02780/FUL

Applicant Mrs Lindsay Harris

Location 14 Brookside Avenue East Leake Nottinghamshire LE12 6PA

Proposal Front porch; demolition of garage and erection of single story side and rear extension; roof alterations including increase in height, front/ rear box dormer window and rooflights to front elevation to facilitate accommodation in the roof; external render and timber cladding

Ward Leake

THE SITE AND SURROUNDINGS

1. The properties along Brookside Avenue are primarily single storey bungalows, however a number have had alterations and dormers inserted within the roofspace to facilitate accommodation at first floor level. Brookside Avenue rises up from the Brookside junction, therefore the properties are staggered in height as you travel westerly along the avenue.
2. Number 14 Brookside Avenue is a brick built detached bungalow within the built up area of East Leake. There is a garden to the rear of the property approximately 16.5m in depth from the existing rear elevation, with a width of 16.6m. There is a 1m wide footpath on the western side of the property and to the east No 14's garage wall forms part of the boundary with no 12 and the remainder is made up of fencing.
3. Number 16, to the west of the site, has a large dormers to the front and rear. Its garage and a single storey rear extension form part of the boundary with the application site (no facing windows are present). The rear extension extends beyond the rear elevation of the application site property. The remainder of this boundary is comprised of a fence. No 16 is on a slightly higher level than the application site. To the east of the application site is no. 12 which is a single storey bungalow. This property also has a rear projection that extends beyond the rear elevation of the application property.
4. To the rear of the property are single storey bungalows on Leivers Close. No. 23 and 21 are approximately 30m from the existing rear elevation of the property. There is a 2m high boundary fence defining the boundary of the application site with these properties.

DETAILS OF THE PROPOSAL

5. The application seeks planning permission for a front porch; demolition of garage and erection of single story side and rear extension; roof alterations including increase in height, front/ rear box dormer window and rooflights to front elevation to facilitate accommodation in the roof; external render and timber cladding.
6. During the course of the application a number of changes have been made to the proposal including the increase in the overall ridge height of the property,

reduction in the height of the parapet walls to the flat roof extension, rear first floor door access altered together with removal of the roof terrace.

7. In respect of the proposal now under consideration the side/rear extension would start further back down the side of the bungalow than the existing garage. It would measure 2.592m extending back by 6.06m (4.5m when measured from the rear of the existing dwelling). It is proposed to extend the full width of the existing property having a resulting width of 12.770m. It would have a parapet height of 2.75m, two rooflights would be positioned within the flat roof area to serve the new ground floor accommodation. The resulting garden depth would be 12.3m.
8. The proposal also proposes to raise the ridge of the property to 5.1m in height (measured from dpc level), an increase of 375mm, incorporate 2 rooflights on the front elevation, and a dormer that spans the front and rear roofslope. The dormer would not, therefore, project above the new ridge height. No windows are proposed in the front element of the dormer. The rear dormer would be the full height of the roof and incorporate windows and a Juliet inward opening door and screen on the rear.
9. The proposed front porch would measure 0.9m x 2.24m x 2.645m in height having a flat roof. A side bedroom window is also proposed to be introduced at ground floor facing the side wall of number 12, which does not contain any windows. Other window alterations are proposed to the front elevation.
10. The walls of the existing and proposed alterations are to be clad in white render and timber with grey aluminium windows and doors and grey concrete roof tiles.

SITE HISTORY

11. There is no relevant planning history for the site.

REPRESENTATIONS

Ward Councillor(s)

12. One Ward Councillor (Cllr Thomas) objects to the application. *“This is an area where bungalows back onto bungalows and this proposed large extension is inconsistent with the neighbourhood in terms of massing, scale and proportion. With the full height windows at the rear there would be significant impact on the amenity of neighbours to the side and at the rear. The "terrace" structure remains shown in the plans despite the addition of the Juliet balcony, and should this application be approved, a condition would be needed to prevent the flat roof being used as outdoor space.”*
13. One Ward Councillor (Cllr Way) initially objected to the application on the grounds of an over-intensive development for the area and the lack of privacy afforded to neighbours, particularly with the roof terrace and windows and doors in the rear of the roof extension. However, following clarification that the revised plans involved the removal of the roof terrace she commented that; *“I am reasonably happy with the application if there is assurance that the property will not be developed in a way that compromises the privacy of neighbours. I realised that the balustrade had been removed but had concerns that this could*

be reinstated at a later date. If a condition that the flat roof cannot be used as a terrace in the future is added, I am happy to withdraw my objection.”

Town/Parish Council

14. East Leake Parish Council object on the grounds that concern was expressed that a balcony would cause loss of privacy to neighbours and that a bungalow style should be maintained.

Statutory and Other Consultees

15. None sought.

Local Residents and the General Public

16. 2 representations have been received raising the following concerns:
 - a. Overlooking.
 - b. Strongly object to a roof terrace or balcony.
 - c. No objection to the extension at number 14 apart from it being quite large for the property coming out slightly further than existing neighbouring property.
 - d. It would affect the light slightly in kitchen of neighbouring property as window is close to the boundary fence.
 - e. No objection to the dormer windows.
 - f. The development of Leivers Close required bungalow properties to the rear of Brookside to prevent impact on privacy from potential 2 storey detached builds.

PLANNING POLICY

17. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as the 'Core Strategy') and The Rushcliffe Local Plan Part 2: Land & Planning Policies (referred to herein as the 'Local Plan Part 2') and, in the case of the East Leake area, the East Leake Neighbourhood Plan. The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications.

Relevant National Planning Policies and Guidance

18. 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.
19. The proposal should also be determined in accordance with section 12 (Achieving well-designed places), particularly the criteria outlined in paragraph 127. 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.

Relevant Local Planning Policies and Guidance

20. 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.
21. 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 paragraphs of this policy:
 - 2b) The impact on the amenity of occupiers or nearby residents.
 - 2f) The massing, scale and proportions of a proposed development; and
 - 2g) The proposed materials, architectural style and detailing.
22. Policy 1 (Development Requirements) of the Local Plan Part 2 is relevant to the determination of this application. This states, amongst other things, that there should be no significant adverse effect upon the amenity, particularly residential amenity, of adjoining properties or the surrounding area by reason of the type and levels of activity on the site or traffic generated; that sufficient space should be provided within the site to accommodate the proposal together with ancillary amenity and circulation space; that 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.
23. The 2009 Rushcliffe Residential Design Guide provides guidance on the style and design of an extension, stating it should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion and roof form are very important.
24. The East Leake Neighbourhood Plan was adopted on 19 November 2015. The East Leake Neighbourhood Plan forms part of the Development Plan for Rushcliffe and is therefore a material consideration in decision making. Paragraph 30 of the NPPF states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. None of the policies within the plan are of direct relevance to the current proposal.

APPRAISAL

25. The dwelling sits on an ample sized plot and it is not considered that the proposal would lead to an over-intensive or cramped development, ample garden and circulation space would be maintained as a result of this development.

26. The proposed materials would introduce new materials in the vicinity. Whilst it would not be particularly in keeping with the materials used on either the host bungalow or indeed the majority of the other buildings in the vicinity, it is not considered that these changes visible from the public realm would have negative impact on the street scene or the area in general.
27. The single storey side/rear extension would have a projection to the rear of 4.5m. This would run along the boundary with the adjacent dwelling to the east, no. 12 Brookside Avenue, and around 1m off the boundary with number 16 to the west. The proposed rear extension would terminate roughly in line with the existing rear extensions/projections on both no's 12 and 16 adjacent the application site. It considered that the proposed extension would not have an adverse impact on these properties by way of loss of light or overbearing impact.
28. The proposed increase in ridge height and inclusion of a dormer to the front/rear, together with 2 rooflights to the front roofslope, whilst having a different appearance to the other properties along the street, there are a number of properties that do have dormer windows and, therefore, it is not considered that the proposal would have a significant negative impact on the street scene or the area in general.
29. Concern has been expressed regarding the possible overlooking that would result from the introduction of a roof terrace and dormer window to the rear of the property. The Town and Country Planning (General Permitted Development) Order 2015 permits alterations to the roof of a dwelling, subject to certain conditions. These 'permitted development rights' would permit a dormer window on the rear of a dwelling, providing that, amongst other things, the alteration is no higher than the existing roof. This can result in some substantial additions to the roof which would not require the submission of an application to the Borough Council, including a dormer window across the width of the roof which extends out from the ridge and drops down onto the wall plate, close to the eaves of the roof. Therefore, a dormer similar to that proposed in the current application could potentially be built as permitted development. This would represents a fallback position and carries weight in considering the current proposal.
30. The proposal was amended during the course of the application so as to remove the roof terrace. The revised plans, whilst retaining the flat roof to the extension, show a reduction in the height of the structure, by reducing the height of the parapet wall around the roof, and the removal of the glazed balustrade around the roof. The plans show a Juliet balcony with a balustrade across the door opening and this should prevent people stepping out on to the roof. It is considered that a condition restricting the use of the flat roof area, so as to not any time be used as a balcony/roof terrace, would ensure that the reasonable amenities of adjacent properties would be protected from overlooking and potential noise disturbance from this large area being used in such a way.
31. The resulting window and Juliet balcony would serve an en-suite and a bedroom and would result in obscure views of the adjacent properties across the roofs of their rear projections, to the rear garden areas. They would be positioned approximately 17m from the rear boundary (25m) to the rear elevations of properties on Leivers Close. The front roof lights would serve the

hall and staircase and be approximately 23m from the front elevation of no 11 opposite. It is considered that the oblique views and resulting distances of the first floor/roof windows/door to adjacent properties would not result in significant adverse overlooking impacts.

32. The proposed front porch, ground floor side window and window alterations to the front elevation are not considered to have an adverse impact on the street scene, or adjacent occupiers.
33. In light of the above, it is considered that the proposed building would be in conformity with policy 10 of the RLPP1 and policy 1 of the RLPP2 in respect of its impact upon the amenities of occupiers of neighbouring properties and the street scene.
34. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation of granting planning permission.

RECOMMENDATION

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

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

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

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

REV A_(08) 001 - O.S. SITE LOCATION AND LAYOUT
(08) 004 - PROPOSED GROUND FLOOR LAYOUT
REV A_(08) 005 - PROPOSED FIRST FLOOR LAYOUT
REV A_(08) 006 - PROPOSED ELEVATIONS

[For the avoidance of doubt having regard to 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]

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

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies.]

4. The flat roof area of the single storey rear extension hereby approved shall at no time be accessed and used as a balcony/roof terrace.

[To ensure the appearance of the development is satisfactory, to protect residential amenity and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no additional windows, doors or openings of any kind shall be formed in the rear elevation(s) at upper floor levels of the approved development.

[To ensure the appearance of the development is satisfactory, to protect residential amenity and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2 : Land and Planning Policies].

Notes to Applicant

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 not CIL chargeable, as ****. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

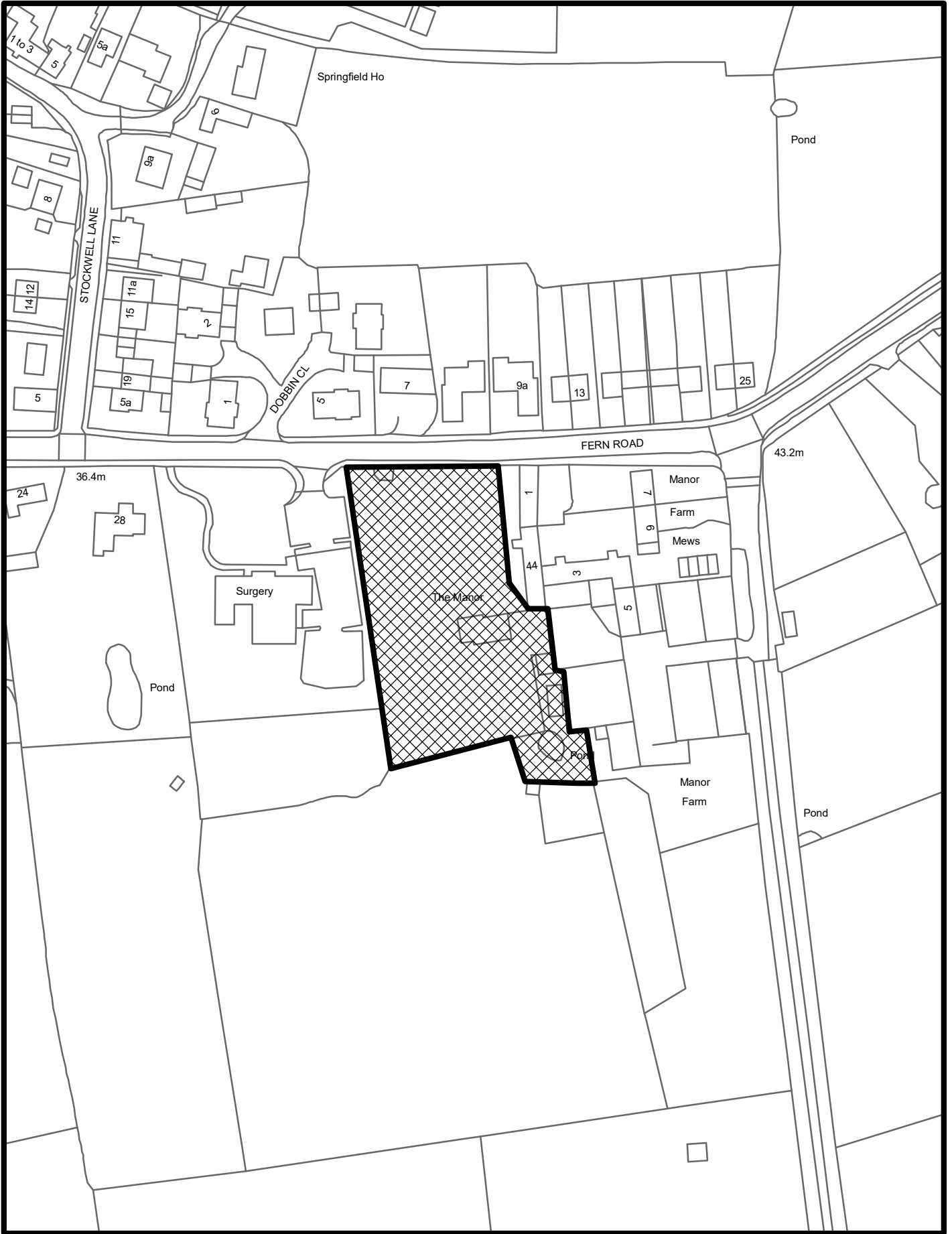
This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

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

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

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are

protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.



Application Number: 19/00599/FUL
Manor House, Fern Road, Cropwell Bishop



scale 1:1500

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19/00599/FUL

Applicant Risley Estates Ltd

Location Manor House, 42 Fern Road, Cropwell Bishop, Nottinghamshire, NG12 3BU

Proposal Construction of 3 new dwellings with associated parking and landscaping, and construction of new private access drive to Manor House.

Ward Cropwell

THE SITE AND SURROUNDINGS

1. The application site forms part of the existing garden area of the Manor House, a substantial Victorian house within the village of Cropwell Bishop. The main dwelling on the site is set back around 45 metres from the road and surrounded by extensive grounds to the front, western side and rear, where it backs onto open countryside.
2. A Doctor's surgery lies to the west of the site and to the east lies a development of former agricultural barns which have been converted to residential properties. On the opposite side of the road lie a variety of dwellings in terms of period and design, including a pair of recently built detached houses (nos. 9 & 9a Fern Road).
3. The site lies within the Nottingham & Derby Green Belt. Cropwell Bishop is defined under the Rushcliffe Local Plan Core Strategy as an inset settlement within the Green Belt, however, the application site is located just outside the boundary of the inset area and, therefore within the Green Belt.

DETAILS OF THE PROPOSAL

4. Planning permission is sought for the development of three detached dwellings, with associated gardens, driveways and parking areas, within the existing garden area of the Manor House. Two of the properties would be located side by side at the front of the site. Behind these would sit the existing Manor House and, to the west of this, the third proposed new dwelling.
5. A new access from Fern Road would be provided purely for the existing Manor House. The existing access to the site would be widened and relocated around 4 metres to the east. This would serve the proposed three new dwellings.

SITE HISTORY

6. 19/01140/OUT - Residential development for two dwellings (Outline application with all matters reserved except for access). Approved 20 December 2019.
7. 16/01019/OUT - Outline application for residential development comprising 2 dwellings. Approved 16 June 2016.

8. 89/00450/D1P - Erection of two dwellings. Approved 8 June 1989.

REPRESENTATIONS

9. The submitted plans were revised twice during the course of the application. Consultations were carried out in relation to the original plans submitted and both sets of amendments.
10. The first set of amendments (plans dated 21 October 2019) reduced the scale of the proposed dwellings on all plots and amended the siting and orientation of the property on plot 2.
11. The second set of amendments (plans dated 31 January 2020) amended the location of the proposed new access to serve the Manor House, in response to concerns raised by Highways Officers.

Ward Councillor(s)

12. The Ward Councillor for Cropwell (Cllr G Moore) has objected to the proposal on grounds that 3 houses is too intense a development for the site and that it appears one of the proposed dwellings spreads into the Green Belt.
13. In addition, road access is a factor, with Nottingham Road being a very busy road, particularly with a lot of vehicles turning in and out of the doctors' surgery.

Town/Parish Council

14. Cropwell Bishop Parish Council object to this application. In response to the original plans submitted with the application an objection was made on grounds of highway safety and access, and as the proposal was considered an overdevelopment of the site. It is noted that the outline permission previously granted was for only 2 properties.
15. In response to the second set of amended plans (dated 31 January 2020), the Parish Council maintained its objection, citing the following reasons:
- a. Overdevelopment of the site.
 - b. Green Belt – According to the Local Plan Part 2 issued in 2019 and the maps of the Green Belt, the gardens of these properties are placed in the Green Belt.
 - c. Highway Safety access/egress.
 - d. Three storey properties will be overbearing on ground that is already high. The properties will not be sensitive to the village style and surroundings.

Statutory and Other Consultees

16. Nottinghamshire County Council as Highway Authority submitted comments in relation to the original plans and in relation to both sets of amended plans. These comments are summarised below.

17. In relation to the original plans submitted the Highways Authority identified a number of issues that needed to be rectified before a favourable response could be provided. They advised that the applicant would need to provide a revised drawing to demonstrate a range of required amendments to the access width and visibility splays.
18. In relation to the first set of amended plans (dated 21 October 2019), they advised that the access arrangement for the new dwellings would be consistent with that approved under outline application reference 16/01019/OUT. This access as proposed was therefore considered acceptable.
19. However, the new separate access to serve the existing Manor House property was not considered acceptable as the visibility splay cut across land of the adjacent property, and as such required modifications to the boundary wall/vegetation to the east of the application site which were unlikely to be achievable.
20. In relation to the second set of amended plans (dated 31 January 2020), it was confirmed that the plans detailed a relocated access arrangement to enable the visibility splays to be achieved without encroaching into third party land. It was confirmed that there were now no Highway Authority objections to the proposal, subject to the conditions in relation to the construction of the access and parking areas prior to occupation of the dwellings.
21. The Trent Valley Internal Drainage Board confirmed that there are no Board maintained water courses in close proximity to the site.
22. The Borough Council Environmental Health Officer made comments on the initial plans submitted. These are summarised as follows.
 - a. Land Contamination - The Council's records indicate that this site has a low to medium risk of being contaminated land because of its former agricultural use. The application does not include a land contamination risk assessment. It is judged to be unlikely that any contamination on the site would prevent the development from going ahead but a risk assessment and any necessary remediation works should be carried out to ensure that there is no significant possibility of significant harm occurring to the future residents of the site.
 - b. Air Quality - The development is not likely to have a significant adverse impact on the local environment or on any air quality management areas, however, in line with NPPF the development should be designed to minimise its impacts. As residents are very likely to be reliant on cars for their travel it should be provided with suitable charging facilities for electric vehicles.
23. The Borough Council Conservation & Design Officer made comments on the initial plans submitted. These are summarised as follows.
24. The entire of the western half of the site is covered by a Historic Environment Record entry for ridge and furrow remains and earthwork banks. The likely impact of this proposal would be far greater than that of the 2016 outline approval where far less construction would have taken place within the area covered by the HER entry. It is not advocated that planning permission be

granted until such time that information has been provided to enable informed consideration of the potential impacts of the proposal.

25. Manor Farmhouse itself is also identified in the HER and it is considered that the building represents a non-designated heritage asset as a consequence of its architectural interest and quality. The house sits within a sizable and spacious plot backing onto agricultural land with now converted agricultural outbuildings in close proximity to the east.
26. The proposal results in the farmhouse being accessed via a narrow and constrained access driveway passing between frontage development, relegating the building to an essentially backland location with a diminished contribution to the public realm within the village. The Officer is not convinced that the proposal achieves the aspiration within the design and access statement of "*Conserves, enhances and respects the setting of important and historic buildings in the immediate neighbourhood*".
27. The former farmhouse presently sits within sizable and attractive grounds giving it a sense of status, whilst a reasonably substantial plot would still be afforded to the house this would no longer be particularly apparent within the public realm and would be significantly reduced in scale, to the limited extent to which glimpses of the house would remain it would be seen in tight association with neighbouring buildings of substantial scale in their own right, often of greater footprint and often of greater height.
28. The proposed design of the houses achieves a good sense of articulation and breaks down massing into smaller blocks, but even so their scale is such that even this visual softening leaves them as substantial building which compete for dominance with the existing house and some of the blocks end up being a little on the tall side for their footprint.
29. The Borough Council's Environmental Sustainability Officer has commented on the ecological assessment provided (with a survey carried out in April 2019). He advised that this survey is in date and appears to have been carried out according to best practice.
30. No protected or priority species were identified on the site. There is negligible potential for protected or priority species. The development provides opportunities for ecological enhancement. The conservation status of European Protected Species is unlikely to be impacted by this development.
31. Recommendations are made in respect of ecological enhancement which could be introduced to the site.
32. The Borough Council's Design and Landscape Officer commented on the original plans submitted with the application. These are summarised below.
33. The Chestnut tree on the frontage is now an important tree as it is the most prominent on the site and makes a strong visual contribution to the road. The application seems to indicate the Chestnut can be retained, but the driveway is to be repositioned closer to the tree. The applicant will need to seek some arboricultural advice as the application doesn't demonstrate that the tree would not be adversely affected by this and should also take into account the change

in levels which will be needed to alter the drive. There should be no change in levels within the root protection area of the Chestnut.

34. Whilst the 2 Cedars and Birch tree are more visible than they used to be there are no objections to their removal and the proposed planting will mitigate their loss. The proposed planting has some unusual trees, but on reflection they are appropriate. A detailed landscape condition and tree protection measures will be required.
35. In response to the revised plans, the officer advises that he has visited the site again and estimates the trunk of the Chestnut to be 500-600mm in diameter which would give a root protection area of 6-7.2m. Given that the drive appears to be 7m from the tree he is confident that the tree will be given sufficient space. He recommends a condition for tree protection measures and a landscaping scheme.

Local Residents and the General Public

36. 14 neighbouring properties were notified and the application was advertised by notices at the site. 3 public representations were received in relation to the original plans submitted with the application. In summary the following points were made:
 - a. The proposal represents an over development of the site and over development within the Green Belt. The proposed three storey properties would be out of character with the street scene and the neighbouring single storey barn conversions.
 - b. The proposed site is contained within the Manor House's garden which currently contains mature shrubs. Development on the site will be visually and environmentally damaging to the village aspect and charm.
 - c. The Manor House is one of the finest properties in the village. Whilst it is not listed it is a building of significance in the context of the village and has been there since the late 19th Century. Its physical presence and visibility enhances the village setting and provides a visual amenity for all residents of the village and those using the area.
 - d. Numbers of new dwellings in Cropwell Bishop have substantially increased over the last few years and the village has substantially expanded, stretching limited infrastructure. There is already significant new housing development within the village.
 - e. Planning policy states that development on unallocated sites should have no detrimental effect upon local character or pattern of the surrounding area, nor be on a site that has a significant contribution to the amenity of the surrounding area by virtue of its character or open nature. This should apply to the proposed Manor House development.
 - f. Concerns are raised that there will be increased traffic flows. The new access would lie close to a tight bend that transitions traffic down to 30 mph. The village is already gridlocked at peak times after the Co-op was relocated. The local bus service is being considerably reduced. Car ownership is essential to most village residents.

- g. It is queried whether the site has adequate parking provision.
 - h. The outlook and light of properties opposite the site would be adversely affected. Views would be dominated by the proposed properties and the three storey houses will result in overshadowing. There would also be significant effects upon privacy.
 - i. A preliminary ecological assessment supported by appropriate surveys needs to be undertaken as the site is a traditional building adjacent to open countryside and with mature trees and within an area with known populations of bats, brown hare, amphibians and reptiles.
37. A further representation was received in response to the first set of amended plans (dated 21 October 2019). In summary the following points were made:
- a. The development will still be destructive of the site of what is presently the finest house in the village.
 - b. There are still concerns in relation to volumes of traffic in Cropwell Bishop, exacerbated by the recent development of the Co-op.
38. A further 2 representations were received in response to the second set of amended plans (dated 31 January 2020). In summary the following points were made:
- a. The proposed development is on Green Belt land and does not represent limited infilling because it extends to the rear of Manor House.
 - b. A further 3 properties would impact on the overall aesthetic of this original village property. There are too many proposed houses for the size of the land available, especially the proposal to build adjacent to the existing Manor House.
 - c. Creating another access point on this busy road is not acceptable and the scheme should be re-designed using the existing access point.

PLANNING POLICY

39. The development falls to be determined in accordance with the Development Plan for Rushcliffe, which comprises the Local Plan Part 1 - Core Strategy and Local Plan Part 2 - Land and Planning Policies. Other material planning considerations include Government guidance in the National Planning Policy Framework and Planning Practice Guide.

Relevant National Planning Policies and Guidance

40. 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.

41. 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.
42. 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 highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
43. 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.
44. Section 12, 'Protecting Green Belt Land', sets out Green Belt policy and provides guidance on appropriate development within the Green Belt.
45. 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.
46. 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.

Relevant Local Planning Policies and Guidance

47. Policy 1 of the Local Plan Part 1: 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. 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 acceptable.
48. Policy 4, Nottingham-Derby Green Belt, set out the boundaries of the Green Belt and the status of villages within it.
49. 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.

50. 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. In particular reference 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.
 - 2e) The density and mix.
 - 2f) The massing, scale and proportions of a proposed development.
 - 2g) The proposed materials, architectural style and detailing and;
 - 2h) The potential impact on important views and vistas within the townscape.
51. 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. This includes sites of archaeological interest.
52. Policy 17, Biodiversity, aims to protect and increase the biodiversity of Rushcliffe, including protected habitats and species.
53. Policy 1, Development Requirements, of Local Plan Part 2: Land and Planning Policies sets out the general criteria which new development should meet. Of particular reference to this application are the following paragraphs of this policy:
- (1) This states there should be no significant adverse effect upon the amenity, particularly residential amenity, of adjoining properties or the surrounding area by reason of the type and levels of activity on the site or traffic generated.
 - (2) This states that 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) This states that sufficient space should be provided within the site to accommodate the proposal together with ancillary amenity and circulation space.
 - (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.
54. Policy 11, Housing Development on Unallocated Sites within Settlements. This sets out a criteria for development on unallocated sites within the built up area of settlements.
55. Policy 12, Housing Standards, sets out accessibility and water efficiency standards which all new residential development proposals should meet.

56. Policy 21, Green Belt, sets out the boundaries of the Green Belt in Rushcliffe. It also states that applications for development will be determined in accordance with the NPPF.
57. Policy 28, Conserving and Enhancing Heritage Assets. This sets out criteria against which proposals affecting heritage assets, including non-designated assets, will be considered, including whether the proposal would preserve and 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.
58. 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.
59. Policy 37, Trees and Woodlands, states that adverse impact on mature trees must be avoided or mitigated. If removal of a tree is justified it should be appropriately replaced.
60. 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.
61. Policy 40, Pollution and Land Contamination, identifies measures which should be taken in relation to development of land potentially affected by pollution.
62. The Rushcliffe Residential Design Guide SPD (2009) provides guidance on infill development, highlighting the importance of paying careful attention to the design and layout of infill development to ensure it relates to the existing settlement context and character. This includes respecting the existing massing, building form and heights of buildings within their immediate locality.

APPRAISAL

63. The main considerations in determining this application are as follows;
 - a. Principle of development
 - b. Design and Appearance of the Proposed Scheme
 - c. Landscaping of the Site and Arboricultural Matters
 - d. Impact of the proposal on the residential amenity of the future properties and existing neighbouring properties.
 - e. Highways Matters
 - f. Other Matters – Ecology, Archaeology, Environmental Health Matters

Principle of Development.

64. The principle of residential development within the garden area of the Manor House has been well established over previous outline planning permissions, the most recent granted in December 2019. The previous permissions have granted outline permission for two residential dwellings on the garden area in front of the Manor House, with the illustrative plans indicating detached houses, sitting side by side. This full application proposes a similar arrangement, with

an additional house located behind these and on the western side of the Manor House.

65. The application site is located within the village of Cropwell Bishop, which is not defined under Core Strategy policy 3 as a preferred settlement for new open market housing. In terms of the settlement hierarchy in policy 3, Cropwell Bishop falls in the category of 'other villages' where new housing will generally be limited to that meeting local housing needs on small scale infill plots. However, under the Local Plan part 2 some land has been allocated for new housing within the village, on grounds that it has a basic level of facilities that are judged capable of supporting a limited level of housing growth without compromising the strategy set out in the Core Strategy for the distribution of housing. It is therefore considered to be a sustainable location for new housing development which would meet the economic, social and environmental objectives of sustainable development as defined under the NPPF.
66. The application site lies outside the Inset settlement boundary and is therefore within the Green Belt. The NPPF states that the construction of new buildings within the Green Belt should be regarded as inappropriate development which, by definition, is harmful to the Green Belt and should not be supported except in very special circumstances. However, a number of exceptions to this overarching policy are set out in paragraph 145 of the NPPF. One of these exceptions is for limited infilling within villages.
67. This national policy is also reflected in the relevant local plan policies, with policy 21 of the Local Plan Part 2: Land and Planning Policies document stating that applications for development within the Green Belt should be determined in accordance with the NPPF.
68. The application site, whilst on the edge of the village, is still regarded as being within the built up part of the settlement, lying between the Doctor's surgery and other residential dwellings, with dwellings on the opposite side of Fern Road. As highlighted by Cllr Moore, the proposed third dwelling would project back into the site for around 10 metres beyond the existing rear building line of the Manor House. As discussed further below, this layout has been designed to increase the separation distance to the Manor House and allow the dwelling on plot 3 to have a more subservient appearance when viewed from Fern Road.
69. Whilst it is appreciated that this could be viewed as intrusion into the Green Belt, the plot for the new dwelling would still be entirely within the existing residential curtilage of Manor House and would not represent any encroachment into the open countryside. Furthermore, the proposed dwelling would not lie beyond the neighbouring farm buildings to the east or other agricultural buildings further along Fern Road to the west, and would not sit significantly further back in the plot than the adjacent surgery premises. Given the pattern of development in the area, it is therefore considered reasonable to view this proposal as representing limited infilling within the village. It would be read in the context of the surrounding development and would not unacceptably compromise the openness of the Green Belt at this location.
70. It is therefore concluded that the proposal should not be regarded as inappropriate development in the Green Belt and the residential development

on the site is acceptable in principle and in accordance with the relevant national and local plan policies.

Design and Appearance of the Proposed Scheme

71. Under this application 3 four bedroom detached dwellings are proposed.
 - Plot 1 'Orchard Lodge': Footprint approx. 182.6 square metres.
 - Plot 2 'The Chestnuts': Footprint approx. 117.6 square metres.
 - Plot 3 'Beech House' : Footprint approx. 109.3 square metres.
72. Plots 2 and 3 would lie to the front of the Manor House and would be two storey. Plot 1 would lie to the west and marginally set back from the existing Manor House. It would also be 2 storey, although with additional accommodation within the roofspace. All the dwellings would generally have an 'L' shaped plan form.
73. The Borough Council does not have a specific policy relating to the development of residential gardens, however, policy 11 of the Local Plan Part 2 relates to the development of unallocated sites within settlements. This policy states that permission should be granted providing the existing site does not make a significant contribution to the amenity of the surrounding area, by virtue of its character or open nature, and that the proposed development is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials.
74. It is noted that comments from the Conservation and Design Officer and some of the representations received from local residents express concerns that the residential development of the garden area of the Manor House would have a detrimental impact on the open setting of this property, which is considered to make a valuable contribution to the visual amenity of the village. There is some sympathy for this view. Although the main Manor House has suffered from some poor extensions it is still an imposing dwelling in the locality. The house itself is identified within the Historic Environment Record for the site and is considered to be a non-designated heritage asset. It lies within spacious grounds with a long sweeping driveway, which would have been originally designed to give it a countryside setting and enhance its appearance from the road.
75. Notwithstanding this, the property is no longer isolated from the village as it would have been when originally built and to an extent its original setting has been eroded by neighbouring development which has been built around it over the years. The development of the garden area will undoubtedly still impact on the setting of the Manor House. However, the extant permission for two dwellings to the front of the site would arguably diminish the contribution would make to the public realm. The application has been subject to negotiations, reducing the scale of the proposed dwellings, reducing what were three storey properties to dwellings having the appearance of two storey properties, albeit plot 1 incorporating accommodation within the roof space. As such, the Manor House would remain the most dominant dwelling within the site. Furthermore, benefits of the proposal would arise from the contribution to the local housing stock. It can be argued that the development would make good use of under utilised land within an existing sustainable settlement. The previous history of the site and the extant outline permission for residential development within the garden area should also be taken into account.

76. It is noted that in many representations received there are concerns that the proposal would represent an over development of the site. The scale of the proposed dwellings, both in terms of footprint and height, was reduced during the course of the application and it is now considered that the three proposed dwellings can be accommodated whilst also allowing the Manor House itself to retain a large plot. Under this application the Manor House would have a new, dedicated access, which should separate this dwelling from the new development and allow it to retain its own sense of space. There would be a generous courtyard frontage to the property, as well the property retaining a sizeable rear garden.
77. The new dwellings would also be set within good sized plots with rear garden areas which are in excess of the 110 square metres recommended under the Residential Design Guide SPD. There would be in the region 10 metres at the closest point between the two dwellings at the front of the site (plots 2 and 3) and around 18 metres between the dwelling on plot 3 and plot 1 which would lie to the rear.
78. It is considered essential that the original Manor House does remain the principal and most dominant dwelling on the site. Under the original scheme, under which three storey dwellings were proposed, it was agreed that this would not be the case and instead the original house would be visually overwhelmed by the scale and height of the new dwellings. However, this concern was addressed during the course of the application. It is acknowledged that all the proposed dwellings would still be relatively large 4 bedroom dwellings, however, they are now proposed to be two storey (although plot 1 would have accommodation in the roof space) and all would be lower in height than the Manor House. The Manor House would retain the largest overall plot and it is considered that from Fern Road it would be the most imposing and visually dominant property on the site, maintaining the significance of this non-designated heritage asset.
79. All proposed dwellings would be configured in an 'L' shaped plan form and would be designed with a range of intersecting gables, bay windows, porches and chimneys. The new dwellings would be constructed from brick. The two dwellings at the front of the site would have clay pantile roofs, in keeping with neighbouring properties, and the new dwelling to the rear would have a slate roof to match the existing Manor House. A condition is recommended for further, precise details to be submitted for approval. The windows would be from the 'Residence' range of uPVC timber effect windows which are specifically designed for use within Conservation Areas and in historically sensitive locations.
80. Overall it is considered that the proposed dwellings have a good degree of architectural detailing and should be complementary to the character of the Manor House and other surrounding development within the immediate area, including relatively recently built properties located opposite the site on the northern side of Fern Road.
81. It is also considered that the proposed development should present an attractive frontage to the street scene. The main entrance for the dwelling on plot 2 is indicated on the western elevation, however, the northern elevation which would front the road would also have the appearance of a principal elevation with an entrance porch. It would be set back at least 7 metres from

the front boundary and therefore should not be overly dominant in the street scene.

82. The front elevation of the proposed dwelling on plot 2 would also front the road, although it would be set back around 20 metres. The garage for this dwelling would lie in front and around 5 metres from the front boundary. This is not uncharacteristic of the street scene along this section of Fern Road where many buildings lie on or close to the roadside boundary. The Site Plan indicates some new tree planting directly behind the garage to soften its appearance. The front boundary wall would also remain in place, although would be lowered to a metre high to provide greater visibility for vehicles exiting the site.
83. It is acknowledged that the original setting of the Manor House and the street scene at this location will significantly alter as a result of the proposed development. However, permission remains extant for two dwellings to the front of the site and the wider economic and social gains arising from the provision on three new dwellings in a sustainable village location also need to be taken into account. It is considered that the scheme now put forward would result in well-designed houses and a site layout which is not overly cramped and does not compromise the setting of the Manor House to an unreasonable extent. It is not considered that there would be any overriding, long term adverse impact on the character and appearance of the village.
84. The proposal is therefore considered to accord with the aims of policy 10 of the Core Strategy and policies 1 and 11 of the Local Plan Part 2: Land and Planning Policies document. The proposed scheme is considered acceptable in terms of layout, scale, design and materials. It is also considered to preserve the character and significance of the Manor House, a non-designated heritage asset, in accordance with policy 11 of the Core Strategy and policy 18 of the Local Plan Part 2.

Landscaping of the Site and Arboricultural Matters

85. Until fairly recently a significant number of trees ran along the front boundary of the site with Fern Road. Many of these have now been felled due to disease, with agreement of the Council's Landscape and Design Officer, and this has opened up to the views to the Manor House. A large Horse Chestnut tree remains in place and this is now the most prominent tree along the frontage and provides a significant contribution to the visual amenity of the area. This is to be retained, however, the new access will lie closer to this tree and, therefore conditions are recommended to ensure that this is fully protected during the construction of the new dwellings. It is intended to plant additional trees along the front boundary, which would be part of a larger landscaping scheme for the site.
86. There are a number of trees within the front garden area of the Manor House which would be lost as a result of the development, however, these are largely ornamental fruit trees and none are covered by a Tree Preservation Order. In accordance with policy 37 of the Local Plan Part 2 an indicative Landscaping Plan has been provided which indicates a sufficient level of replacement tree planting, in locations which better accommodate the future layout of the site. A condition would be attached for a full landscaping scheme for the site to be submitted for prior approval.

87. The plans also indicate that the hedgerows around the existing boundaries of the site would remain in place. Other boundary treatment and hard landscaping details would also be provided under the landscaping scheme.
88. It is therefore concluded that, subject to the approval of an appropriate landscaping scheme, the proposal can adequately mitigate for the required loss of existing trees and landscaping.

Impact of the proposal on the residential amenity of the future properties and existing neighbouring properties.

89. Core Strategy policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under policy 1 of the Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
90. It is considered that under the amended scheme each dwelling would provide a good standard of amenity for future occupiers. The site layout, orientation of the dwellings and distances between the houses should ensure that each property would have a good standard of outlook with little overlooking onto rear garden areas. As well as good levels of separation between all respective properties, the individual designs indicate that at the closest points between dwellings, for example the eastern facing gable ends of plots 1 and 3, there would be no window openings.
91. Whilst the Manor House itself would be within a far smaller plot, it is considered that it would still have sufficient surrounding amenity space to ensure that its existing levels of amenity are maintained. It is also not considered that the proposed new dwellings would infringe on the privacy of any neighbouring properties to the site or result in any significant adverse effect on their amenity. Some concerns have been raised in this respect from the occupiers of properties opposite the site, however, with a separation distance of over 20 metres and Fern Road lying in between, it is not considered that there would be any significant adverse impact on the amenity of these properties.
92. The Doctor's surgery lies to the west of the application site, however, there are minimal windows in the first floor western (side) elevations of plots 1 and 3 and these would serve bathrooms or landing areas. There are no windows in the western elevation of the converted barn which lies to the east of the application site.
93. The proposal is therefore deemed to accord with Core Strategy policy 10 and policy 1 of the Land and Planning Policies document in terms of its impact on the residential amenity of neighbouring occupiers.

Highways Matters

94. The existing access, which would serve the three new houses, would be widened and relocated approximately 4 metres to the east. A new access is to be established further east of this to serve the existing Manor House.
95. The Highways Officer initially raised a number of concerns, however, these were addressed during the course of the application. The existing and new

access is now shown to be of the required width and with adequate visibility splays. Conditions are recommended in relation to the construction of the accesses, maintenance of the visibility splays and the erection of any gates.

96. It is noted that concerns have been raised by the local Ward Councillor, the Parish Council and within many representations received over the suitability of the existing access for 3 properties and the additional traffic which would result through the village. However, the Highways Officer has raised no objections to the proposal on grounds of the volume of traffic generated and it is noted that the access does lie well within the 30mph zone for the village. The number of traffic movements from three additional dwellings through the village would not be expected to be significant in the context of the village as a whole and it is therefore not considered that a reasonable objection could be made to the proposal on highway safety grounds.
97. The plans indicate that for each dwelling at least 2 parking spaces are to be provided, along with garages which are of a size which would count as parking space provision. The level of parking provision would be considered acceptable for the scheme. A condition is recommended to install an electric vehicle charging point for each dwelling.
98. The proposal is, therefore, considered to be acceptable in terms of the highways impacts and in accordance with policy 1 of the Local Plan Part 2, Land and Planning Policies document.

Other Matters – Ecology, Archaeology, Environmental Health Matters

Ecology Matters

99. An Ecological Appraisal Report was submitted during the course of the application. No presence was found of any protected species on the site and the habitat of the site was generally considered to be of low ecological value, with the exception of the boundary hedgerows and trees within the site, which are deemed to offer some limited value in terms of nature conservation by offering shelter and foraging resources to insects, birds and potentially to commuting bats. A pond located close to the south eastern corner of the site was also deemed to be a poor habitat for Great Crested Newts.
100. Mitigation (Section 6) is provided within the report to minimise the impacts of the development on wildlife and the ecology of the area. A condition is recommended to state that these mitigation measures should be fully implemented and retained during construction. The report also advised that the western boundary hedge was an important habitat within the site and recommended that this is retained. A condition is recommended to this effect.
101. In accordance with policy 38 of the Local Plan Part 2, all new development is expected to achieve net gains in biodiversity. The Ecological Appraisal sets out that this could be achieved by new landscape planting. It has been confirmed that new trees will be planted within the development and a condition is recommended for the submission of a full landscaping scheme for prior approval. The most significant tree on the site is a Horse Chestnut tree on the front boundary. The site plan indicates that this is to be retained and would be protected during construction.

102. In addition, new bird and bat boxes on suitably retained trees are suggested and a condition would be added to the permission for details of these to be provided.
103. The proposed development is therefore deemed to comply with policy 38. It is reasonably considered that the proposal would not result in any harm to protected species or habitats and has the potential to achieve net gains in biodiversity.

Archaeology Matters

104. The entire of the western half of the site is covered by a Historic Environment Record entry for ridge and furrow remains and earthwork banks. Paragraph 189 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
105. Further to the Conservation Officer's comments, a preliminary assessment was carried out during the course of the application and a report submitted. The report concluded that the proposal would have a low to medium impact on the medieval earthworks within the assessment area. It was suggested that this could be mitigated by recording prior to any development. There is low potential for prehistoric, Roman and post-medieval or modern remains to be affected by the proposed development.
106. The greatest risk was concluded to be for previously unknown medieval archaeology to be present within the site. It was suggested that, as the site has not been previously evaluated, clarification of the archaeological potential could be achieved through further archaeological work, including evaluation trial trenching. A condition is therefore recommended requiring that a Written Scheme of Investigation should be submitted for prior approval prior to commencement of development. This is consistent with a similar condition placed on the earlier Outline permission.

Environmental Health Matters

107. The Council's Environmental Health Officer has advised that the application site has a low to medium risk of being contaminated land because of its former agricultural use. A condition is recommended to state that if any evidence of unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment undertaken.
108. The submission of a construction management plan for approval prior to the commencement of development has also been requested. However, given that there would be no demolition works and there would be plenty of space available within the site for construction vehicles and the storage of materials it is not considered that such a condition is reasonably required.
109. A condition to provide charging points on each dwelling for electric vehicles is recommended, along with a condition to state that the dwellings should be built to the higher optional technical standard for water consumption, in order to

comply with Local Plan part 2 policies to reduce carbon emissions and promote water efficiency.

Conclusion

110. The proposed application site is considered to be a sustainable location for new residential development and has the potential to provide economic, social and environmental gains to the local area. The amended, proposed scheme is considered appropriate in scale, layout and design and should provide a good standard of amenity for future occupiers without compromising the setting of the existing Manor House or the visual amenity of the wider area. The proposal is therefore deemed to comply with the relevant planning policies and is recommended for approval.
111. Negotiations have taken place during the consideration of the application to address concerns raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

RECOMMENDATION

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

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

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

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

Site Location Plan, received 7 March 2019
Elevations Plot 1, drawing number 262/30A
Floor Layout Plot 1, drawing number 262/31A
Elevations Plot 2, drawing number 262/32
Layout Plans Plots 2 & 3, drawing number 262/33A
Elevations Plot 3, drawing number 262/35
Site Layout, drawing number 262/36D
Site Layout Landscape, drawing number 262/37B
Block Plan, drawing number 262/38B
Elevations, drawing number 262/39
Elevations, drawing number 262/40B
Garages, Beech House and The Chestnuts, drawing number 262/41

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies.]

3. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following:
- (i) An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 - (ii) A methodology and timetable of site investigation and recording, including programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation.
 - (iii) Provision for site analysis.
 - (iv) Provision for publication and dissemination of analysis and records provision for archive deposition.
 - (v) Nomination of a competent person/organisation to undertake the work.

The archaeological site work shall be undertaken only in full accordance with the approved written scheme. The applicant will notify the planning authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

A copy of a final report of the archaeological site work carried out shall be submitted to the Local Planning Authority for approval within three months of the work (or according to an agreed programme). The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive.

[To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible and to comply with NPPF 16: Conserving and enhancing the historic environment), Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged to ensure that appropriate measures are in place to safeguard against damage to or loss of heritage assets during the construction phase].

4. Prior to the commencement of the development hereby approved (including all preparatory work) a scheme, including a tree protection plan, for the protection of the retained trees on the site in accordance with BS 5837:2012 Trees in relation to design, demolition and construction, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of a 'No-Dig' construction technique that will be employed within the Root Protection Areas of all retained trees.

The development shall be carried out in accordance with the approved details and the 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 any approved tree protection fencing, nor is any excavation work to be undertaken within the confines of the fencing.

[To ensure existing trees are adequately protected during the development, in the interests of visual amenity and to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) 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 appropriate protection is provided and retained during the construction of the dwellings].

5. In the event that any evidence of unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing by the Local Planning Authority. Thereafter, the remediation scheme shall be implemented in full prior to the occupation of any dwellings.

[To make sure that the site, when developed, is free from contamination, in the interests of public health and safety and to comply with Policy 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. No construction of the external walls of the development shall commence or roof covering added until specific details of the facing and roofing materials to be used on all external elevations is submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

7. Prior to occupation of the dwellings hereby approved a detailed landscaping scheme for the site, including details of the replacement tree planting, shall be submitted to and approved in writing by the Local Planning Authority. 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 order to preserve the visual amenity of the area and enhance the biodiversity of the site, in accordance with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1 : Core Strategy and Policies 1 (Development Requirements), 11 (Housing Development on Unallocated Sites within Settlements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The existing hedgerow along the western boundary of the application site shall be retained and maintained for the lifetime of the development. In the event any part of the hedgerow is removed or becomes severely damaged or diseased details of the size and species of replacement hedgerow plants should be submitted to and approved in writing by the Local Planning Authority

and planted within the first available planting season following the loss of the hedgerow.

[To ensure that the hedgerow on the site is protected for the lifetime of the development, in order to preserve the visual amenity of the area and enhance the biodiversity of the site, in accordance with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1 : Core Strategy and Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2 : Land and Planning Policies].

9. The development hereby approved shall be carried out in full accordance with the mitigation measures described in section 6 of the Ecological Appraisal Report of Manor Gardens, Fern Road, Cropwell Bishop, Nottinghamshire by JH Consulting Limited, dated May 2019.

[To avoid harm to wildlife including protected species and nesting birds, in accordance with Policy 1 (Development Requirements) and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. Prior to occupation of the dwellings hereby approved details for the provision of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. A minimum of 2 artificial bird nests and one bat box shall be erected on the site prior to occupation of the dwellings and retained for the lifetime of the development.

[To achieve a net gain in biodiversity, in accordance with Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Occupation of the proposed dwellings shall not take place until the access and parking areas for the new dwellings have been provided in accordance with the approved Block Plan, drawing number 262/38B and Site Layout Plan, drawing number 262/36D. The access shall be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary and drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interests of highway safety and to prevent deleterious material / surface water from being discharged onto the public highway, in accordance with Policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

12. Occupation of the proposed dwellings shall not take place until the access driveway is fronted by a dropped kerb vehicular crossing, with any redundant sections fronting the site being reinstated back to footway.

[To ensure that drivers can cross the footway in a safe and controlled manner and to comply with Policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

13. Occupation of the proposed dwellings shall not take place until the access has been provided with visibility splays of 2.4m x 43m, in accordance with the approved Block Plan, drawing number 262/38B. The visibility splays shall thereafter be retained for the life of the development.

[To ensure that drivers have an appropriate level of visibility when exiting the site, in the general interest of highway safety and to comply with Policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

14. The new access to serve the Manor House shall not be brought into use until visibility splays indicated on the approved Block Plan, drawing number 262/38B have been provided. The visibility splays shall thereafter be retained for the life of the development. The new access shall be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary and drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interests of highway safety and to prevent deleterious material / surface water from being discharged onto the public highway, in accordance with Policy 1 (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

15. Any gates to be erected at the access points to serve either the new dwellings or the existing Manor House shall open inward only and be set-back no less than 5.0 metres from the highway boundary.

[To ensure that drivers can station their vehicles clear of the public highway whilst the gates are opened/closed, to comply with Policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

16. An Electric Vehicle Charging Point shall be provided for each new dwelling hereby approved and installed prior to occupation and retained in that form thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

17. 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.

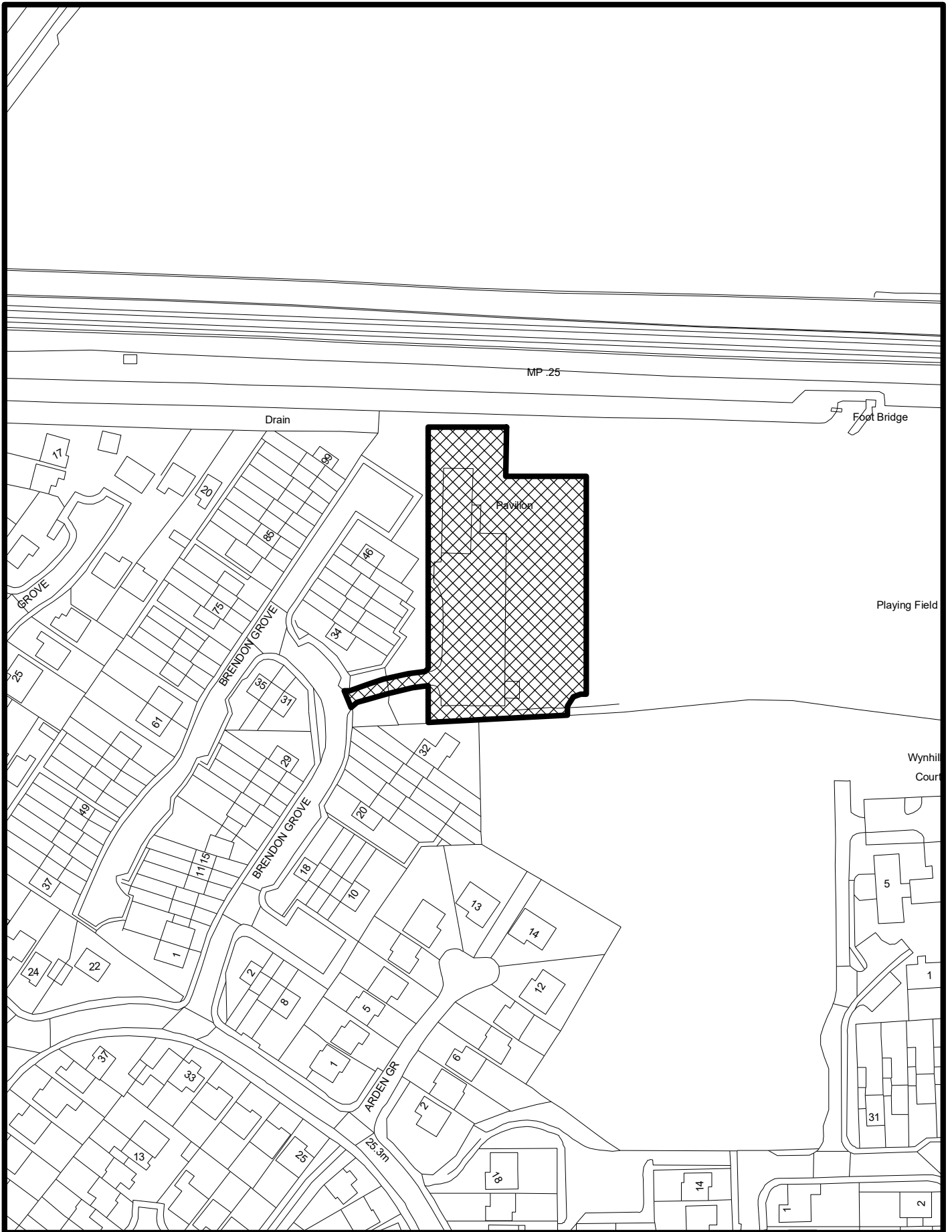
[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

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/>

Condition 17 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

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.



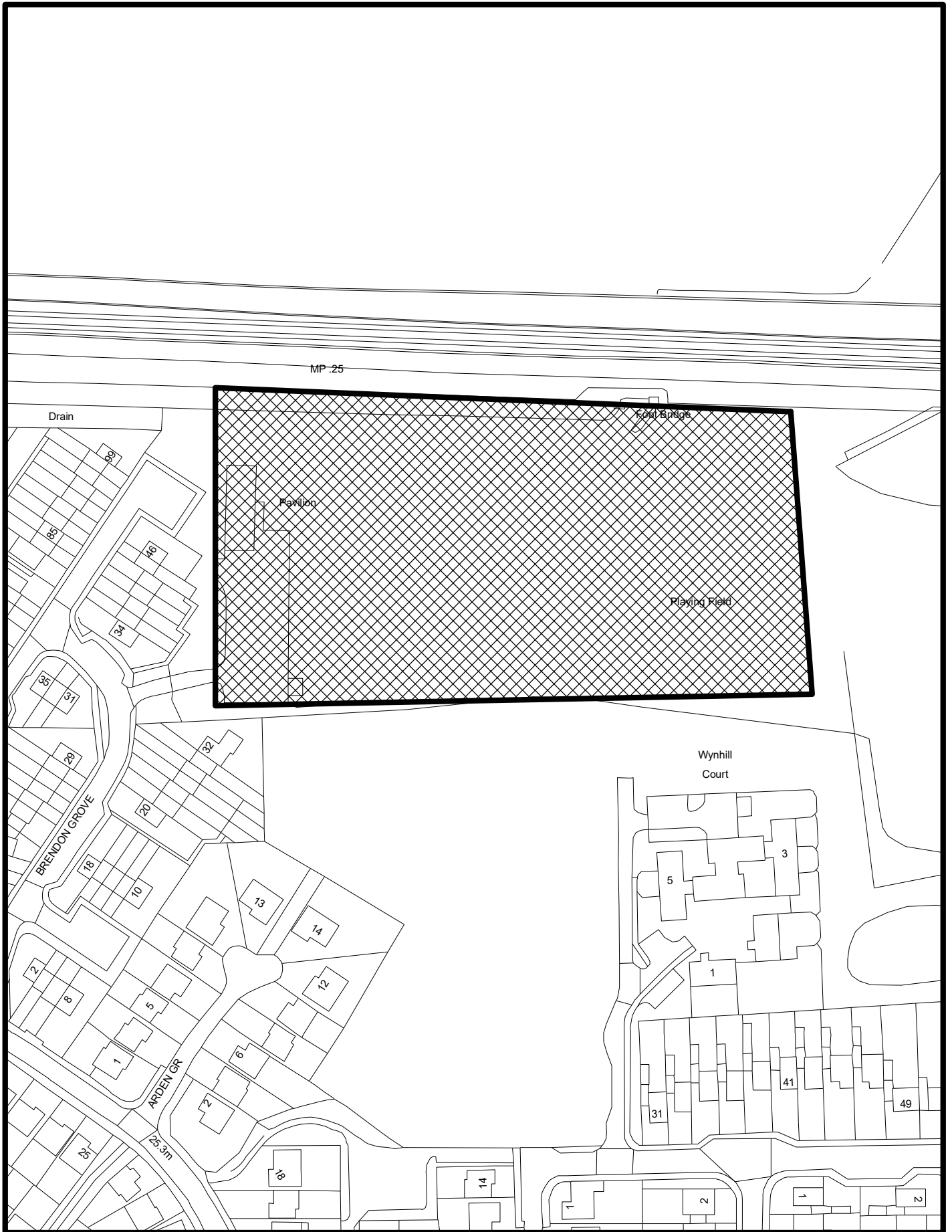
Application Number: 19/01758/FUL
Bingham Rugby Club, Town Pavilion, Brendan Grove
Bingham



scale 1:1500

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Application Number: 19/01727/FUL
Bingham Rugby Club, Town Pavilion, Brendan Grove
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scale 1:1500

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19/01758/FUL and 19/01727/FUL

Applicant Mr Chris Packer

Location Bingham Rugby Union Football Town Pavilion Brendon Grove
Bingham Nottinghamshire

- Proposal**
- (i) 19/01758/FUL - Extension and alteration of existing pavilion to create additional indoor community facilities including additional indoor leisure space and improved changing facilities. Extension to car park to provide additional car parking spaces and coach parking facility and bin store.
 - (ii) 19/01727/FUL - Erection of 4 columns of LED floodlights.

Ward Bingham West

THE SITE AND SURROUNDINGS

1. The applications relate to the Bingham Rugby Union Football Town Pavilion and sports pitches which are located off Brendon Grove. Residential properties are located around the western, southern and eastern boundaries with the railway line and a bank of significant vegetation forming the boundary to the north. The site comprises a single storey building along the boundary on western side of the site with an existing car park accessed from Brendon Grove.

DETAILS OF THE PROPOSAL

2. Two planning applications have been received for development on the site which are linked and for ease of discussion it is considered that these can be considered within this joint report.
3. The details of the applications are as follows:
 - i) 19/01758/FUL - Full planning permission is sought for extensions and alterations to the existing pavilion to create additional indoor community facilities, including indoor leisure space and improved changing facilities. The application also includes an extended car park. Whilst considering the application revised plans have been received in relation to the car parking area to include provision for spaces with electric car charging points, a coach parking facility and bin store.
 - ii) 19/01727/FUL - Full planning permission is sought for the erection of 4 floodlighting columns around the main rugby pitch. The columns would be 15m high. A light spill assessment has been submitted to assist in the assessment of the application.

SITE HISTORY

4. Outline planning permission was granted in 1984 for the use of land as rugby fields, bmx track, children's play area, pavilion, car parking and access road.

5. Planning permission was refused in 1987 for the relaxation of a planning condition to allow use of the building for general community uses. This was refused on the grounds that the proposal would lead to an increased use of the pavilion resulting in additional traffic, noise and disturbance which would be detrimental to the amenities of both existing and proposed residential properties nearby and to the area in general.
6. Planning permission was granted in 1988 for the use of pavilion for playgroups. Nursery, meeting and social functions (ref: 88/00391/CIP).
7. Planning permission was granted in 2008 for use of the car park as a waste recycling centre with an acoustic fence to the side of the containers. A planning condition restricted emptying operations to between the hours of 0700 and 1800.
8. Full planning permission was granted in 2004 for the erection of three 10m high floodlight columns which would illuminate the training area immediately in front of the pavilion and car park. These were granted with a condition controlling the hours of operation of the floodlight and preventing them being illuminated between the hours of 2115hrs and dusk.

REPRESENTATIONS

Ward Councillor(s)

9. One Ward Councillor (Cllr J Stockwood) has declared an interest in both applications.

Town/Parish Council

10. The Town Council (as land owner) declare an interest in both applications.

Statutory and Other Consultees

11. Nottinghamshire County Council as Highways Authority consider that the proposed level of parking within the site appears to be acceptable. It would be desirable but not essential for a coach bay to also be provided. They do not envisage this proposal will materially change the existing situation and therefore do not wish to raise an objection. No objections are raised on the floodlighting application.
12. Network Rail has no observations to make to the extension of the pavilion. With regard to the floodlighting application they have no objection in principle to the development but set out some requirements that should be met in relation to failsafe use of crane and plant and encroachment. They initially requested that a condition was attached to reassess the impact of the lighting on the operation of the nearby railway line and if there is a problem with driver visibility, additional screening/cowling or light adjustment will be employed as appropriate to alleviate the problem. However, on receipt of additional information regarding the existing lighting, orientation and existing screening, they do not consider that this is necessary to make the application acceptable.

13. Sport England does not wish to raise an objection to these applications. They have consulted with The Rugby Football Union and have obtained information in relation to the floodlighting and maintenance regime to be adopted bearing in mind the likelihood of additional wear and tear on the pitch. They consider that the proposed development is for ancillary facilities supporting the principal use of the site as a playing field and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use
14. RBC Community Development Manager comments that, "*The emergent Rushcliffe Playing Pitch Strategy Action Plan has identified Bingham Rugby Club as a high priority for development following consultation with the RFU, due in part to the substantial increase in club numbers at Mini's (age group 7+). The updated action plan is due to be published in October 2019.*"
15. *The Rugby Football Union (RFU) has recommended the following actions as part of its development plan for the club:*
- i. It is recommended that the pitch receives a higher, more consistent level of maintenance, involving greater levels of aeration, fertilising, weed control and over-seeding.*
 - ii. Seek approval to install floodlighting to the full size pitch directly outside the clubhouse. This will give way to additional space to create an extended car park, in replacement of the existing floodlit training area.*
 - iii. Explore potential funding opportunities to improve clubhouse/changing room extension (high priority for development with a medium term (3-5 years) timescale for delivery).*
 - iv. Explore the option of converting the football pitch on site to help meet the demands of the growing mini section at Bingham Rugby Club and the identified shortfall.*
16. *Recommendation 2 has identified floodlighting to the pitch directly outside the Clubhouse so we therefore support the application.*
17. *From a wider strategic context the scale of the function room is such that it would provide a hierarchy of provision with the larger community hall which is being considered at the proposed Leisure Centre development at the nearby Chapel Lane site."*
18. RBC Landscape and Tree Officer has provided the following comments on the additional information submitted in relation to trees and landscaping on the site:
- No objections regarding the loss of trees subject to suitable replacement planting. Trees within or close to areas of parking need to be suitable for their location and he would accept a wide choice of species. Tree planting outside the car park should be native where possible
 - The use of protective fencing is positive and this should extend to protection of the Councils trees to the west of the new club house. Specification needs to be conditioned.
 - The car park has increased with the revised plans due to the inclusion of a large bay for coach parking. This extends into the root protection for

two trees and the use of grasscrete or a no dig construction for this area of the car park should be utilised and ensured through condition.

19. RBC Sustainability Officer has commented on the ecological assessment and considers that it is within date and carried out according to good practice. It is also noted that the assessment demonstrates biodiversity net gain if its recommendations are carried out. He recommends conditions for protecting sensitive habitats, securing net gain for biodiversity, the precautionary Method Statement to protect nesting birds is followed and a soft landscaping scheme is secured. Encourages consideration is given to energy efficiency, alternative energy generation, green travel, water efficiency and management of waste.
20. In relation to the floodlighting application, it is noted that the floodlighting will be of negligible significance and has no objection to this development provided the lighting is only used as described (for matches during periods of darkness).
21. The Borough Councils Environmental Health Officer requested information in relation to light spill drawing and since that submission has concluded that the lighting assessment is acceptable for the current hours of operation until 2130.
22. Ongoing discussions have taken place in relation to the noise impact of the proposed development and a noise impact assessment was submitted and considered by the Environmental Health Officer. Conditions are suggested in relation to the physical fabric of the building and mitigation measures to limit spillout of noise.

Local Residents and the General Public

23. In relation to the application for the Pavilion and car parking, 6 written representations have been received on the original submission making comments which can be summarised as follows:
 - a. The proposal to move the function room and bar closer to residential properties is unacceptable.
 - b. Noise from amplified music can already be heard from events so moving this closer and increasing the usage of the building will raise the volume and frequency of events.
 - c. Removal of tree to increase the car parking adjacent to the properties on Brendon Grove will increase noise due to lack of damping. No noise mitigation proposed.
 - d. Suggest moving the building away from residential properties and require noise proofing and other mitigation.
 - e. Likelihood of foul language being used in the bar and overheard by children in residents' gardens would be unacceptable.
 - f. Concern over loss of light and overshadowing due to the height of the building, the pitch of the roof and the proximity of the building to the rear boundary will cause overshadowing and block light. This will be exacerbated during winter months when the sun's elevation remains low during limited daylight hours.

- g. Noise disturbance particularly late at night which will make outside spaces to neighbouring properties unusable. Problems with shift working.
 - h. Draws attention to the planning permission for the recycling centre which had hours restriction on the emptying operation and the installation of acoustic fencing.
 - i. Loss of views – currently enjoy unobstructed views of the sky and tree lines looking out over the rear of the garden.
 - j. Whilst supporting the plan to redevelop the pavilion it is not considered that there has been adequate consideration for the residents who live in the immediate vicinity of the site and there is disregard for local residents and lack of engagement with local residents should be taken into account.
 - k. Alternative sites should be sought.
24. Reconsultation has been undertaken on the revised plans and one anonymous letter has been received raising concerns over flood risk and providing photographs to show recent flooding events on the sports pitches.
25. In relation to the application for the floodlighting, two written representations make reference to the lighting application and these make the following comments:
- a. Light and noise issues.
 - b. This will facilitate more night time events.
 - c. Parking is already a problem as people park on Wychwood Road blocking driveways and pavements which is a safety issue.
 - d. LED will create unnecessary light pollution to a quiet field where nature has been allowed to prosper – this needs to be protected for future generations.
 - e. Plenty of other land ie on the new housing estates along the A46 to be erected away from existing housing.
 - f. The large rugby pitch proposal is too close to existing housing on both Newton Avenue and Forest Road. Increased supporters, vehicle traffic and potential rugby balls being kicked close to existing properties is unacceptable and potentially problematic during every season.

PLANNING POLICY

26. 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.

Relevant National Planning Policies and Guidance

21. The NPPF carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 127 states that Local Planning Authorities should seek developments which are visually attractive as a result of good architecture and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
20. Paragraphs 91-93 of the NPPF set out the role of the planning system in facilitating social interaction and creating healthy, inclusive, communities and plan positively for the provision, of, amongst other things, community facilities. Policy 12 of the Core Strategy is consistent with this objective and states "The provision of new, extended or improved community facilities will be supported where they meet a local need, as too will the retention of existing community facilities where they remain viable and appropriate alternatives do not exist".
21. Guidance contained within the National Planning Policy Framework states that one of the key principles of sustainable development is to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. It also goes on to state that by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Relevant Local Planning Policies and Guidance

22. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are considered to be relevant to the determination of the application:
 - Policy 1 - Presumption in favour of Sustainable Development
 - Policy 2 - Climate Change
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 12 - Local Services and Healthy Lifestyles
 - Policy 13 - Culture, Tourism and Sport
 - Policy 14 - Managing Travel Demand
 - Policy 17 - Biodiversity
23. The following policies in the Rushcliffe Local Plan Part 2: Land and Planning Policies are considered to be relevant to the determination of the application:
 - Policy 1 - Development Requirements
 - Policy 30 - Protection of Community Facilities
 - Policy 31 - Sustainable Tourism and Leisure
 - Policy 38 - Non Designated Biodiversity Assets and the wider Ecological Network
 - Policy 39 - Health Impacts of Development
 - Policy 40 - Pollution and Land Contamination

24. The policies in the Core Strategy and Local Plan Part 2 are available in full along with any supporting text on the Council's website at:
<https://www.rushcliffe.gov.uk/planningpolicy/localplan/>.
25. The Borough Council has recently adopted a Rushcliffe Playing Pitch Strategy and action plan which has identified Bingham Rugby Club as a high priority for development following consultation with the Rugby Football Union. The report acknowledges that the clubhouse is outdated and an overall poor quality. One of the recommendations within this plan is for seeking approval to install floodlighting to the full size pitch directly outside the clubhouse.

APPRAISAL

26. Local and National Planning Policies and guidance promote the enabling of, and supporting healthy lifestyles and promoting social interaction, including the provision and improvement of community facilities. Planning should promote and facilitate opportunities for sport and physical activity, which is important for the health and well-being of communities. This should be balanced with the need to ensure that the amenity of existing residents is carefully considered and any undue detrimental impact mitigated if necessary. Policy 1 of the Local Plan Part 2 Land and Planning policies sets out criteria that need to be considered for new development which include impact on highway safety, residential amenity by reason of the type and levels of activity on the site or traffic generated, noise pollution being minimised, and consideration of wildlife interests.
27. There is an existing pavilion building with changing rooms on the site. No restrictions on hours of operation are currently in place from a planning point of view.
28. The extent of alteration and extension is quite significant including the increase in the roof height, however the applicant has confirmed that the existing Pavilion will be retained and will also be subject to some elements of refurbishment with the sills lowered to the existing openings on the pitch elevation complete with new cladding and reroofing to match the proposals. Taking into account the relative location of the pavilion and the nearby residential properties it is not considered that the building itself will have any undue overbearing or overshadowing impact on neighbouring properties.
29. In supporting new community buildings and uses, this needs to be balanced with the need to protect the amenity of neighbouring and nearby residential properties. The existing site and building are located within an established residential area and accessed through residential streets. It is acknowledged that an expansion of uses on the site could potentially give rise to additional noise and disturbance, particularly in the evening if events are taking place and late at night when people leave the facility. A noise impact assessment was requested and has been reviewed by our Environmental Health Officers. Conditions are proposed to control the extent of noise emission from the site. The development also provides an opportunity to have greater control over the operating hours of the pavilion.
30. The increase in the size of the pavilion and the incorporation of additional community facilities will increase the potential capacity of the site and thus is likely to result in additional pressure on car parking. The application also

includes an increase in the car parking and, following the comments of the County Council as highways authority, a coach bay is now included in the proposal. No highway objections are raised to the development. Whilst the concerns of local residents are noted, the site is within an existing residential area and the facilities are within walking distance of a significant number of local residents.

31. Policy 17 of the Core Strategy envisages that biodiversity will be increased in the Borough during the plan period by, amongst other things, seeking to ensure new development provides biodiversity features and improves existing biodiversity features wherever appropriate. Policy 38 of the Local Plan Part 2: Land and Planning Policies states that outside of the Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
32. An ecological report has been submitted with the application and this has been considered by the Council's Environmental Sustainability Officer. However, the officer has recommended an Ecological Construction Method Statement incorporating reasonable avoidance measures should be agreed and implemented prior to development. A pre-commencement condition relating to this matter is recommended. The officer has also recommended a suite of enhancements (the provision of bat and bird boxes on the development) to ensure any loss to biodiversity is offset and to provide a net gain to biodiversity. These measures can be secured by condition.
33. The alterations to the car parking area would also impact on two trees on the site and additional information has been submitted to consider this matter further. The Borough Council's Landscape and Tree Officer has considered this information and does not object. The development allows for suitable replacement planting for the site, which can be secured by a condition of any permission, and through the submission of a landscaping scheme additional tree coverage can be achieved.
34. With regard to flood risk matters, it is acknowledged that part of the site is identified to be at risk of surface water flooding on the Environment Agency surface water mapping. The area of the site is, however, under the threshold for requiring the submission of a Flood Risk Assessment. Whilst it is acknowledged that the proposal will result in additional hardstanding and potential surface water run-off from the building, consideration can be given to this matter through the submission of a surface water management plan which is proposed to be secured by way of a condition.
35. The proposed new floodlights would replace the existing training lights that are in place, closer to the pavilion, which would be removed by the potential grant of permission for the extended car parking area forming part of the other planning application currently being considered on the site.
36. The main issues in the consideration of the application for the floodlights relate to the potential impact of the floodlights and columns on visual residential amenity of neighbouring and nearby properties, highway and railway safety and ecological considerations.

37. In terms of the structures themselves, the columns would measure 14m and be galvanised steel. To avoid the proliferation of lighting structures on the site it is recommended that a condition requiring the removal of the existing floodlights on the training area be imposed. The columns would be around an existing rugby pitch which already have rugby goal posts in place and would be viewed as slimline structures. As a result, it is not considered that the 4 lighting columns would appear so intrusive in the skyline that would harm either the residential amenities of nearby dwellings or the visual amenities of the area.
38. In terms of light pollution, the agents have submitted a technical report to show potential light spillage from the lights to help inform the potential impact on residential amenity and ecological interests. This report has been considered by the Environmental Health Officer and it is considered that the lights fall within the acceptable tolerances in this location, taking into account the distance from the lights and the closest properties, and are considered acceptable in this location, subject to hours of operation restrictions.
39. In terms of the potential increased use of the site, the application seeks planning permission for the floodlights only and the operating hours of the club are not currently restricted. As a result, there are no controls over increased use of the rugby club and whilst it is accepted that the floodlighting may facilitate use of the site beyond daylight hours, to resist the floodlights on such grounds would be unreasonable in this instance, particularly having regard to the suggested condition restricting the hours and days of operation of the floodlighting. This condition would provide adequate mitigation and accords with the restrictions placed on the previous permission for floodlighting on the site.
40. The light spillage information has been considered by the Borough Councils ecologist and no objections have been made to the scheme on ecological grounds, provided the lights are used as set out in the submission.
41. The site is located next to the railway line and, therefore careful consideration has been given to whether any undue impact on the railway users from lighting glare and distraction would result. It is noted that Network Rail have no objection and note the presence of significant vegetation along the boundary of the site.
42. In conclusion the proposed developments would enhance the facilities at this established local community sports facility in line with the Borough Council Playing Pitch Strategy, providing health benefits in line with guidance within the NPPF and our own local planning policies. The increase in size of the pavilion to enable more community activities would increase facilities within the local area. Any undue impact can be appropriately mitigated by the use of planning conditions to control the hours of opening of the building and timing of the lights being on.
43. The applications were not subject to any pre application discussions and additional information has been sought during the consideration of the applications to overcome concerns received from consultees.

RECOMMENDATION

- (i) 19/01758/FUL - It is RECOMMENDED that planning permission be granted subject to the following condition(s)

Time limit:

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].

Pre commencement conditions:

2. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction shall be submitted to and approved by the Borough Council as Local Planning Authority. The works shall be carried out in accordance with the approved method statement.

[To protect the amenity of the occupiers of the residential properties within the site and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure any necessary mitigation measures are in place prior to work commencing].

3. Prior to the commencement of development a surface water management plan to deal with surface water run off from the site shall be submitted to and approved by the Borough Council. The development shall thereafter be undertaken in accordance with the approved details.

[To ensure a satisfactory development and in the interests of flood risk to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that flood risk mitigation is designed into the scheme].

4. Prior to the commencement of the development a full specification for the design of the building shall be submitted to and approved by the Borough Council as Local Planning Authority. This specification shall include information to demonstrate that the building will be brick and block design, with an insulated roof (details of the structure and insulation shall be submitted), and details of glazing specification. The development shall thereafter be constructed in accordance with the approved details. Before the use is commenced a post completion noise assessment will be undertaken to demonstrate that the specification agreed has resulted in the predicted noise levels within the Acoustic Associates noise assessment ref JG/J3461/1746 dated December 2019 have been achieved.

[To protect the amenity of the occupiers of the residential properties within the site and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the structure of the building is appropriate to its proposed use and the construction achieves the noise attenuation properties

to mitigate any potential impact on nearby residential occupiers].

5. Prior to any works commencing on site a specification shall be submitted to and approved by the Borough Council for the proposed tree protection fencing shown to be erected on the approved tree protection plan ref B85.19 Fig 1 9 dated 29/11/2019 which shall also include details of tree protection measures to protect trees on the adjoining land to the west of the site. The approved scheme shall thereafter be implemented in accordance with the approved details prior to commencement of work (including site clearance on site) and retained in this manner whilst building operations are taking place.

[To ensure existing trees are adequately protected during the development and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. A pre-commencement condition is required in order to protect the retained trees from damage during construction].

6. Prior to the commencement of works on the car parking area details of the means of surfacing, drainage, levels and any lighting to the car park shall be submitted to and approved by the Borough Council as Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

[To ensure a satisfactory development and in the interests of flood risk to comply with policy 17 (Managing Flood Risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that flood risk mitigation is designed into the scheme].

Pre occupation conditions

7. Prior to the development hereby approved being brought into use a detailed landscaping scheme for the site (which shall allow for replacement and additional tree planting) shall be submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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

8. Prior to the commencement of the use of the community hall element of the scheme, a noise management plan shall be submitted to and approved by the Borough Council. This plan shall include details relating to a sound limiting device to ensure DJ controls are in place to limit noise impact. The agreed mitigation shall be in place prior to uses commencing and shall thereafter be implemented in accordance with the approved details.

[To protect the amenity of the occupiers of the residential properties within the site and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Prior to the commencement of the use of the community hall details of cycle stands for the site shall be submitted to and approved by the Borough Council. These cycle stands shall be implemented in accordance with the approved details prior to the use of the community hall commencing.

[To encourage sustainable travel in accordance with the aims of Policy 14 (Managing Travel Demand) of Rushcliffe Local Plan Part 1: Core Strategy].

10. Prior to the commencement of use of the community hall element of the scheme the proposed electric charging points as shown on the approved site layout plan shall be installed and become operational whilst the buildings and site are open to the public.

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

11. Prior to the building first being brought into use the ecological mitigation and enhancements works identified in the submitted Ecological Assessment (Landscape Science Consultancy) shall be completed in accordance with a scheme to be submitted and approved by the Borough Council.

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

12. The proposed community hall shall not be brought into use until the car park extension as shown on drawing number Site Plan 4723/HA/18/004 Rev P3 has been constructed in accordance with details of means of surfacing and drainage, and levels and lighting which shall have been submitted to and approved in writing by the Borough Council as Local Planning Authority. The parking spaces shall thereafter remain available for the parking of vehicles.

[In the interests of highway safety and in accordance with Policy 14 (Managing travel demand) of the Rushcliffe Local Plan Part 1 - Core Strategy].

Other conditions

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

- Bin Store details drawing ref 4723/HA/18/008P1 (P1)
- Tree Protection Plan (Landscape Science Consultancy Ltd) B85.19.Fig 1
- Site Plan 4723/HA/18/004 Rev P3
- Proposed Ground and roof plan 4723/BRC/19/006 Rev P3
- Proposed elevations 4723-007P1

[For the avoidance of any doubt and in the interests of amenity, and to comply with policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The use of the building shall be restricted to the hours of 9.00 - 23.00 hours Mon to Friday 10.00 - 00.00 Saturday and 0900 - 14.00 on Sunday or Bank holiday.

[To protect the amenity of the occupiers of the residential properties within the site and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. When live or amplified music is being played in the building all external doors and windows shall remain closed and shall only be opened in an emergency or for access and egress.

[To protect the amenity of the occupiers of the residential properties within the site and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. The development shall be undertaken in accordance with the Precautionary Method Statement relating to Nesting Birds as set out in Appendix 2 of the Ecological Assessment (Landscape Science Consultancy).

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

17. The development hereby approved relates to extension and alteration of the existing building and not to a replacement facility.

[For the avoidance of doubt and to ensure a satisfactory development in accordance with the aims of policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

Notes to Applicant

You are advised that in relation to the condition 7 consideration will need to be given to the species proposed. Trees within or close to area of parking need to be suitable for their location and it is considered that there appears to be space for replacement planting to the north of the car park. Tree planting outside of the car park should be native where possible.

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.

Your attention is drawn to the following information:

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 practice construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out 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, green travel (including cycle storage and electric vehicle charging), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

You are reminded that the approved Tree Report suggests the need for the use of grasscrete/ or a reduced dig construction for the coach parking area of the car park and the submission of details required under condition 6 and 12 should reflect this.

(ii) 19/01727/FUL - 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 shall be undertaken in accordance with the following approved plans and details:

- location plan 4723-005-A- proposed
- clearvision technical specification dated 8/4/19
- additional lighting Assessment information and specification by Clearvision update 5/11/2019

[For the avoidance of doubt and to ensure an acceptable development on the site in the interests of residential amenity and ecology and to accord with Policy 1 of Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

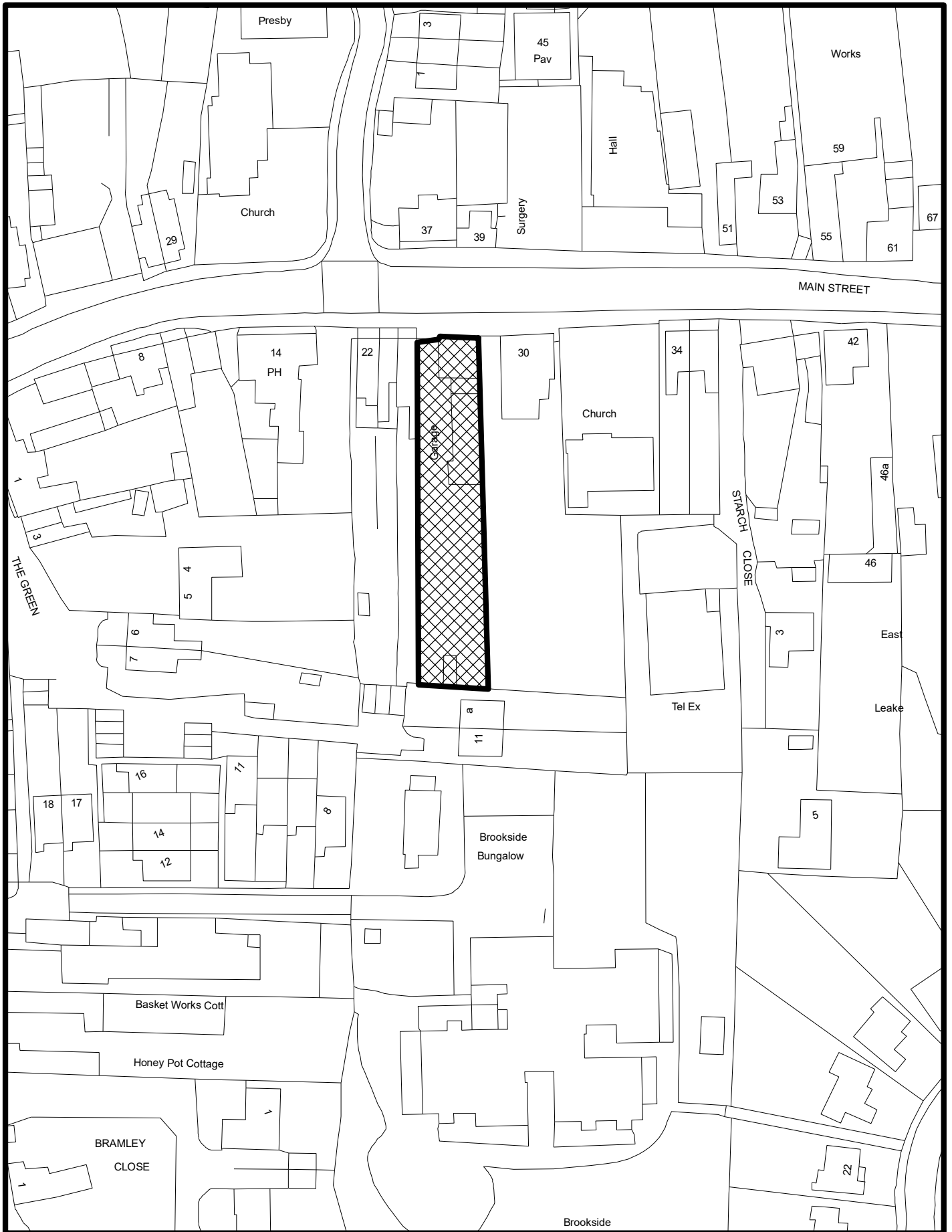
3. Within one month of the development hereby approved being first brought into use the existing floodlights on the site serving the training area shall be removed from the site.

[To avoid a proliferation of lighting on the site in the interests of residential amenity and ecology and to accord with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The floodlights hereby approved shall only be switched on between the hours of 5pm and 9.30pm on Tuesdays and Thursdays and on evenings when matches are taking place.

[In the interests of residential amenity and ecology and to accord with Policy 1 of Rushcliffe Local Plan Part 2: Land and Planning Policies].

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Application Number: 19/02325/FUL
28 Main Street, East Leake



scale 1:1000

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19/02325/FUL

Applicant Mr Gohill

Location 28 Main Street East Leake Nottinghamshire LE12 6PG

Proposal Change of use from car repair workshop, retail unit and residential accommodation to cafe (A3) and residential (C3). Demolition of single storey rear addition to existing retail/residential building, and single storey and two storey flat roof section to commercial garage. Erection of 2 no. two storey detached dwellings to rear.

Ward Leake

THE SITE AND SURROUNDINGS

1. The application site comprises of a long narrow plot located on the southern side of Main Street in the centre of East Leake. To the north of the site, fronting onto Main Street, is a two storey building constructed of red brick with a grey slate roof, comprising of a retail unit and residential unit. This building has a small 'lean to' conservatory on the rear elevation. Behind this is a two storey commercial garage building also constructed of red brick, the original section of which has a pitched roof, with a later rear extension having a flat roof. To the rear of this building is a large open yard. The site is bordered by 2m high brick walls and hedges. Vehicular access to the site is off Main Street and runs along the western side of the site. The buildings are currently vacant.
2. The site is located in the centre of East Leake, on the edge of the main retail area. To the east of the site is the Co-Operative Funeral Care with a Church Beyond. To the west is a row of three terraced properties in residential use, beyond which is a public house. To the south of the site is a pair of semi-detached residential properties accessed off The Green. To the north of the site, on the opposite side of Main Street, is a dwelling, a Doctors Surgery and Parish Council Offices.
3. The site is located within the East Leake Conservation Area. There are a number of Listed Buildings further towards the west on Main Street and The Green. The site is located within an archaeological alert site.

DETAILS OF THE PROPOSAL

4. The application seeks full planning permission for a change of use from a car repair workshop, retail unit and residential accommodation to café (A3) and residential (C3). The proposal would involve the demolition of the single storey lean-to on the residential/retail building and the single storey and two-storey flat roof section of the commercial garage. The two storey building to the front of the site would be converted to a café at ground floor with a two bedroom flat above (accessed separately from within a rear courtyard). The commercial garage would be converted to a three bedroomed house with the bedroom accommodation at ground floor and the living accommodation at

first floor, together with a first floor terrace with staircase to the southern elevation.

5. In addition, two detached four-bedroom houses (with the fourth bedroom accommodated within the roof space) are proposed to the southern part of the site. The proposed materials comprise red brick and grey slate.
6. This application is a resubmission of planning application ref. 16/02210/FUL 'Change of use from car repair workshop, retail unit and residential accommodation to cafe (A3) and residential (C3). Demolition of single storey rear addition to existing retail/ residential building, and single storey and two-storey flat roof section to commercial garage. Erection of 2no. two storey detached dwellings to rear' for which planning permission was granted by Planning Committee on 16th December 2016.
7. A lawful start commenced in December 2019 in respect of the extant permission granted under ref: 16/02210/FUL.
8. This application is a resubmission of the same details previously approved under 16/02210/FUL and was submitted as a 'back-stop' position should the pre-commencement condition not have been discharged and a lawful start commenced within the prescribed time-period. This extant permission must be given significant weight in the consideration of this application.
9. Details of the proposed shop front (fronting Main Street) are included as part of this application. These details are the same as that approved in March 2017 (Ref. 17/00038/FUL – Replacement retail fascia, including alterations to front elevation). This extant permission must also be given significant weight in the consideration of this resubmission.
10. The agents have submitted the following supporting documents:
 - Planning, Heritage, Design and Access Statement;
 - A Protected Species Survey (bats);
 - A Structural Appraisal;
 - Highway Impact Statement;
 - Ground Gas Risk Assessment; and
 - Environmental Site Assessment.

SITE HISTORY

11. The application site has a relatively lengthy planning history. The most relevant, recent applications are summarised below:
 - 19/02419/DISCON – Discharge of Conditions 3 (materials), 5 (archaeology), 8 (noise), 14 (screening to terrace), and 17 (drainage) from planning permission 16/02210/FUL – Condition 5 discharged, decision pending for all other conditions.
 - 17/01819/DISCON – Discharge conditions 3, 5, 6, 7, 8 and 15 of 16/02210/FUL – partial discharge of conditions granted (file closed 7th December 2018).
 - 17/00038/FUL – Replacement retail fascia, including alterations to front elevation – permission granted 8th March 2017.

- 16/02210/FUL – Change of use from car repair workshop, retail unit and residential accommodation to cafe (A3) and residential (C3). Demolition of single storey rear addition to existing retail/ residential building, and single storey and two-storey flat roof section to commercial garage. Erection of 2no. two storey detached dwellings to rear – planning permission granted 16th December 2016.
- 14/01462/OUT – Demolition of existing house and commercial buildings for proposed residential development – permission granted 1st September 2014.

REPRESENTATIONS

Ward Councillor(s)

12. One Ward Councillor (Cllr Thomas) objects to the proposal. Their comments are summarised as follows:

- Objects to this application, despite the fact that its purpose is simply to extend 16/02210/FUL/ and 17/00038/FUL.
- This is a strategic site at the heart of the commercial and conservation area of the village and given changes in the past three years, the principle of the change of use from employment to residential should be reconsidered.
- The proposal contravenes policy V1(a) of the East Leake Neighbourhood Plan which states that the only types of new developments permitted in the village centre will be those that particularly require this village centre location, with a focus on retail, community services, and businesses needing a “shop front”. V1(a) details the types of housing considered appropriate for a village centre location – flats above shops and housing for older people and those with mobility problems and V1(d) requires that justification should be provided for other types of housing.
- Whilst the conversion of the shop and existing house to café with flat above conforms to policy V1, the addition of family homes at this location does not. Ideally, the site would be refurbished or redeveloped for retail/ business/ community use to make full use of the location. The previous decision failed to give due weight to policy V1, but Rushcliffe is now more experienced in the application of Neighbourhood Plans policies and, crucially, with the recent adoption of Local Plan Part 2 there is now a 5-year housing land supply so the local plan including Neighbourhood Plans should be given full weight.
- Notes that the Planning, Heritage, Design and Access Statement was prepared before the adoption of LPP2. Policy 25 of LPP2 reinforces the priority of retail, office, cultural and leisure uses within local centres and does not permit developments that would have a significant adverse impact on the vitality and viability of a defined centre. Change of use from a thriving garage business to family housing, probably empty during the daytime, would have a significant impact on the hustle and bustle and social interactions along the main street of East Leake.
- Policy 15 /3 of LPP2 covers the redevelopment of employment sites for non-employment purposes, and this will only be permitted if all three conditions are met. Conditions a) and b) are not met in this case as it

has not been demonstrated that there is no demand for the site or premises for its specified employment use, nor that the site is not viable for re-occupation.

- In the past three years pressure on village centre sites for retail space and community services has increased as the new housing has been occupied. There are no empty shops.
- If housing is to be provided here, it should be of a type that conforms to policy V1. The East Leake housing market is saturated with four bedroom detached homes. The Kirk Ley developers had to re-plan the final phase of their site to provide smaller homes because their larger homes are not selling. An over-intensive development on this small site to include two 4-bedroom detached family homes is in no-one's interest. Due to land contamination revealed by the latest report, provision of useable gardens for such homes would be costly. 4-bedroom houses often have parking requirement for more than two cars, which would exacerbate the pressure on on-street parking. In order to satisfy policy V1, any homes provided here should meet the requirements for accessible and adaptable buildings as detailed in the Lifetime Homes Standard or M4(2) and M4(3) of the Building Regulations.
- There could perhaps be justification provided for the 3-bed home in the redeveloped former garage/smithy building, in order to make best use of the existing building and retain its historic character and contribution to the conservation area, but it should be assessed in this light and with consideration of the design against accessibility criteria.
- Café/restaurant use conforms to policy V1, but please note that A5 (takeaway) would not – this should be made explicit in conditions if approved. Conditions should also be added to protect neighbours from cooking smells and for proper disposal of waste.

13. One Ward Councillor (Cllr Shaw) objects to the proposal. Their response is summarised as follows:

- This proposed development is in conflict with the Neighbourhood Plan which has identified this site for retail or office development, and to include two detached houses, which are now struggling to sell in East Leake, is foolish.
- If residential development is preferred it would be far more sensible to construct 1 or 2 bedroom flats suitable for older or disabled residents.

14. One Ward Councillor (Cllr Way) objects to the proposal. Their response is summarised as follows:

- Objects to this development as detailed in this application.
- This is in conflict with Neighbourhood Plan policy V1(a) which requires central village locations to concentrate on retail, community and business premises.
- There is already an over-abundance of detached houses in the village. This particular development seems over intensive.
- Local Plan part 2 sections 3.25 and 3.26 show that the new housing in East Leake has been three times the minimum target and that the village can no longer sustain further development in terms of infrastructure.

Town/Parish Council

15. East Leake Parish Council has raised objections to the proposal. There concerns are summarised as follows:
- Contravenes the Neighbourhood Plan especially Policy V1;
 - Concerns regarding overlooking Co-op Funeral Care property;
 - Access – as the existing shop/house is now being retained the entrance is problematic;
 - Four-bedroom detached homes are not in short supply in the village. The applicant states that “there is a need for all types and sizes of housing for the whole population of East Leake”, however no evidence/justification is provided that larger family homes are what is required. Please refer to supporting study provided for the NP. The new developments elsewhere in the village are already heavily biased towards four bedroom detached houses; and
 - Rushcliffe’s Local Plan Part 2 has now been adopted which demonstrates that Rushcliffe Borough Council now has a five year housing supply, it also states that it would unacceptable to identify further land in East Leake during the plan period.

Statutory and Other Consultees

16. Nottinghamshire County Council as Highways Authority comment that the site has extant consent for the proposal (under references 16/02210/FUL), and it is understood that the applicant is looking to extend the implementation period. The access, parking and turning provision for the development are as previously approved. A condition is recommended to ensure that the private access drive is constructed to prevent the unregulated discharge of surface water from the driveway to the public highway.
17. Trent Valley Internal Drainage Board advise that the site is outside of the Board’s district but within their catchment area. They comment that there are no Board maintained watercourses in close proximity to the site. The Drainage Board conclude that the design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
18. The Borough Council’s Conservation and Design Officer has not provided comments on the proposal. However, it is noted that comments were previously provided in respect of the application approved in 2016 (Ref. 16/02210/FUL). Given that this application is a re-submission of the previously approved application to effectively extend the timescales for implementation only, these previously submitted comments are considered relevant to this application. They are, therefore, summarised below.
19. Number 28 Main Street is not a listed building, neither are any of the neighbouring properties, the nearest listed building is 170 metres to the west at 12 Main Street. With the distance involved and the presence of several intervening unlisted properties along the street there is no prospect of the proposed development impacting upon the settings of any nearby listed buildings. The site is, however, within a Conservation Area and the building fronting the highway is identified as making a positive contribution to the wider character of the conservation area. The proposal involves the retention

of the frontage building and the conversion of its ground floor to a café use. This does involve the demolition and subsequent replacement of the existing rear extensions, however these elements do not form part of the streetscape from the site frontage, being hidden behind the body of number 28. No alterations (save for a replacement shop front) are proposed at the frontage.

20. The garage to the rear of number 28 is also proposed to be retained and converted into a 3 bedroom dwelling. This part of the building is much less visible from the public realm along Main Street. The buildings have some degree of historic interest as they appear to have originally formed part of a blacksmith shop in operation on the site, although their subsequent uses have left little physical evidence of this. The retention of these buildings and their conversion is welcomed as a positive element of the scheme, despite the fact that they will continue to make only a limited contribution to the publicly visible character of the area. The proposed two additional dwellings at the rear of the site are far back from the site entrance and Main Street and will be visible only in a glimpse as the site entrance is passed. The designs of these two dwellings are reasonably traditional, and the materials indicated are broadly in keeping with the character of the area. As the proposal seeks to retain the main components existing on site, and the proposed new buildings have limited presence within the public realm it is his view that the proposal preserves the special architectural and historic character and appearance of the conservation area, as is considered to be desirable within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
21. On the matter of archaeology, the Conservation and Design Officer advises that the site is located within the historic core of the village and is highlighted on the archaeological mapping layers for that purpose alone. It is highlighted within the County HER (Historic Environment Record) as the site was previously a smithy. It is labelled as such on the 1900 Ordnance Survey plan when the site had the same collection of buildings which it has today. It was not labelled as a smithy in 1880 but the same buildings still existed on the site. With the possible exception of previous yard surfaces it is not considered that there would be extensive archaeological remains associated with this industrial use.
22. There are no records within the HER within 250 metres of the centre of the application site which relate to finds, instead all of the HER records relate to historic buildings either still standing today or demolished since the 1970's. This likely represents a lack of archaeological investigation rather than an absence of archaeological evidence within the village. Desk based investigation is unlikely to reveal anything which would suggest any particular archaeological remains within the application site, most of the obvious documentary sources have fed into the HER and he is unfamiliar with any other sources likely to provide insight into this site. The position of the site within the historic core of a pre-conquest settlement suggests that the site may have had different uses in the past, and possibly have been occupied by earlier buildings. Land not recently developed, such as the rears of plots, could represent an opportunity to uncover archaeological evidence. Where there is no specific expectation of encountering archaeological material it would not be appropriate to require exploratory works, however it would be legitimate to require any permission granted to be accompanied by an archaeological watching brief so that if archaeological material is

encountered then it can be identified and recorded, adding to the understanding of the history of East Leake.

23. The Borough Council's Sustainability Officer comments that the submitted ecological surveys are in date and appear to have been carried out according to good practice guidelines. They state that they are satisfied that the conservation status of European Protected Species is unlikely to be impacted by the development if properly mitigated. A number of recommendations are included relating to habitat retention/enhancement, good practice construction methods, energy efficiency etc.
24. The Borough Council's Environmental Health Officer comments that the site has an extant consent for the development proposal and that the applicant is looking to extend the implementation period. The details of the proposals do not appear to have changed from the previous application and the same supporting documents have been re-submitted. They recommended that the Environmental Health Officer's comments and recommended conditions submitted in respect of the previous application (16/02210/FUL – 11th October 2016) should be applied to this application. For completeness the previous comments and recommendations are summarised below.
25. Noise - The front façade of the existing shop and residential accommodation is exposed to traffic noise from Main Street, two bedroom windows face onto the street. The proposed refurbishment of the building will result in only one bedroom window facing the street. The road does not appear to be particularly busy. As this is a modification to an existing use there will be no requirement to assess the traffic noise levels. It appears that the proposed café would be occupied separately to the flat on the first floor and there is risk of noise intrusion to the flat from the café. An assessment of the noise attenuation between the proposed café and the flat should be carried out and if necessary the ceiling/floor between the two uses should be upgraded to ensure that there is no loss of amenity to the residential unit. The café would not be expected to generate a high level of noise, however, there should also be a restriction on the hours of operation of the café to protect the residents above.
26. Air Quality and Odour Control - No air quality issues are anticipated with respect to this proposal. It has been assumed that any food preparation on the premises will be limited to sandwich, snacks and similar items. It is therefore envisaged that a specialised kitchen extract ventilation system will not be required.
27. Land Contamination - The application includes two reports by OHES Environmental: The geo-environmental survey included window sampling of the site and testing for the presence of contaminants. The report concludes that:
 - There are hydrocarbon contaminated soils around sample point WS6 which will need to be excavated and removed to mitigate risks to human health receptors.
 - There are human health and phytotoxic risks in the garden area to Plot 3. The affected soils will need to be excavated out and disposed of and a suitable 600mm capping layer of clean imported materials emplaced

across the garden area to mitigate identified human health and phytotoxic risks.

- The fuel tank adjacent to the garage building will need to be removed and any residual hydrocarbon contamination excavated out and disposed of. The buried fuel line from this tank to the pump at the front of the property (north boundary) will need to be grubbed up and any surrounding contamination excavated out and removed from site.
 - The buried fuel tank beneath the pavement at the front of the site will need to be made safe in accordance with current best practice.
 - Consideration should be made to laying new potable water supply pipes in clean lined trenches. A water authority risk assessment may be required in this regard.
28. A site specific remediation strategy will be required covering these items for submission to the regulating authority and a suitable validation protocol will need to be agreed. The ground gas risk assessment concludes that no special precautions need to be taken. It is recommended that any consent that is granted should include conditions with regard to land contamination. In particular the applicant or developer will need to submit completion and verification reports to demonstrate that the necessary works have been completed and that the condition of the land does not present a significant risk to human health prior to occupation of any of the properties.
29. The Borough Council's Waste Officer has not responded to the consultation. However, it is noted that comments were previously provided in respect of the application approved in 2016 (Ref. 16/02210/FUL). Given that this application is a re-submission of the previously approved application to effectively extend the timescales for implementation only, these previously submitted comments are considered relevant to this application. The Waste Officer advised that refuse collectors will not access the site to collect refuse, stating there should be an area within the site adjacent to the public highway where residents can leave their bins for collection.
30. Nottinghamshire County Council as Lead Local Flood Authority has not provided bespoke comments on the development proposal as it is not 'major' development. Instead, they refer to their general advice for all developments.

Local Residents and the General Public

31. Four representations have been received from nearby residents (three objections and one providing comments only). The issues raised are summarised as follows:
- a. The applicant seems to assume that the extant planning will automatically be re-granted. Consideration must be given to changing circumstances in the village of East Leake.
 - b. Inadequacy of Highways Assessment due to it being out-of-date (i.e. no consideration given to the changes in demography and traffic flow).
 - c. The site plan inaccurately depicts the existing access and the building to the west.

- d. The present application has minimal garden space in relation to the proposed flat and the adjacent three-story house. This apparently contravenes the Rushcliffe Residential Design Guide.
- e. Concerns regarding the safety, security and maintenance of the boundaries.
- f. The proposal will increase on street parking. There is also no provision for visitors to the café or residential properties.
- g. A noise assessment has been made in relation to the transmission of noise through the cafe and flat but the level of noise for the neighbouring properties and gardens do not seem to have been considered.
- h. This new application makes no reference to the café being limited to a patisserie and coffee shop, but is a general application for a cafe. It is, therefore necessary that odour control is considered, at least, as for the 2016 application.
- i. The granting of permission in 2016 imposed conditions that a scheme detailing secure storage shall be submitted to the Local planning Authority. There does not appear to have been any such submission.
- j. We need more evidence as to the waste storage and collection in order to ensure that the proposed application complies with the Rushcliffe Residential Guide.
- k. There is a right of way registered against the property at the Land Registry and benefiting the adjoining property at No. 26. There is an ongoing dispute and County Court Proceedings are being commenced. Clearly, any development of the site must take account of and accommodate the right of way.
- l. Potential for the construction phase to interfere with adjacent business/the ability to organise funerals in a dignified manner. It is suggested that a Construction Management Plan is secured by way of planning condition. Parking is a particular concern as neighbouring business would not want construction vehicles parked outside the Branch at any time.
- m. Potential for overlooking from the proposed residential dwellings into our rear yard.

PLANNING POLICY

- 32. The decision on the planning application should be taken in accordance with the Development Plan, unless material considerations indicate otherwise.
- 33. The development plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as the 'Core Strategy') and The Rushcliffe Local Plan Part 2: Land & Planning Policies (referred to herein as the 'Local Plan Part 2'). The East Leake Neighbourhood Plan was adopted in November 2015. The document forms part of the Development Plan and,

given the location of the site, is relevant to the determination of this application.

34. The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications.

Relevant National Planning Policies and Guidance

35. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It states that Local Planning Authorities should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
36. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.
37. Paragraph 8 of the NPPF confirms that in achieving sustainable development, the planning system has three overarching objectives; an economic objective, a social objective and an environmental objective. These three objectives are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.
38. The NPPF, at Paragraph 11 states that decisions should apply a presumption in favour of sustainable development. For decision taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
39. Paragraph 59 seeks to significantly boost the supply of housing and ensure that land with permission for housing is developed without unnecessary delay.
40. Paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.
41. Paragraph 118 of the NPPF states that planning decisions should, “...give substantial weight to the value of using suitable brownfield land within settlements for homes...[and] promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively...”

42. Paragraph 127 of the NPPF states, “...*Planning policies and decisions should aim to ensure that developments...will function well and add to the quality of the area, not just for the short term but over the lifetime of the development...are sympathetic to local character and history, including the surrounding build environment and landscape setting, while not preventing or discouraging innovation or change...*”
43. Paragraph 130 of the NPPF states, “*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...*”
44. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that, when considering development in Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant Local Planning Policies and Guidance

45. Core Strategy Policy 2 (Climate Change) seeks to ensure that all development proposals mitigate against, and adapt to, climate change. This should be incorporated through the use of sustainably sourced materials, long term design to withstand climate change and reduce the energy use of the buildings on a daily basis.
46. Policy 3 (Spatial Strategy) of the Core Strategy identifies East Leake as suitable for residential growth, comprising of a minimum of 400 homes in or adjoining the settlement.
47. Core Strategy Policy 5 (Employment Provision and Economic Development) states that the economy will be strengthened and diversified with new floorspace being provided to meet restructuring, modernisation and inward investment needs. To achieve this goal, appropriate management of existing employment sites will be required, including releasing poor quality, underused and poorly located employment sites for other purposes.
48. Core Strategy Policy 6 (Role of Town and Local Centres) sets out a hierarchy of retail centres. East Leake is identified as a Local Centre. The policy seeks to ensure that the vitality and viability of all centres will be maintained and enhanced, including widening the range of uses whilst maintaining a strong retail character, environmental enhancements and improvements to access.
49. Core Strategy Policy 8 (Housing, 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. All residential developments should contain adequate internal living space, and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants.
50. Policy 10 (Design and Enhancing Local Identity) of the Core Strategy states that; All new development should be designed to make: a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; reinforce local characteristics; be adaptable to meet evolving demands and the effects of climate change; and reflect the need to reduce the dominance of motor vehicles.

51. Core Strategy Policy 11 (Historic Environment) provides support for proposals where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.
52. Policy 1 (Development Requirements) of the Local Plan Part 2 sets out the criteria that development must meet in terms of the protection of residential amenity, the character and appearance of the surrounding area, biodiversity and heritage assets. It also seeks to ensure provision of a suitable means of access.
53. Policy 11 (Housing Development on Unallocated Sites Within Settlements) of the Local Plan Part 2 states that planning permission will be granted for development on unallocated sites within the built-up area of settlements provided that certain criteria are met. These criteria include accordance the Council's Spatial Strategy, incorporation of a high standard of design impact upon residential amenity.
54. Policy 25 (Development within District Centres and Local Centres) of LPP2 indicates that the application site is within a District and Local Centre. Main town centre uses will be permitted in such areas provided that they are designed at a scale and character which reflects the role, function and distinctive qualities of the centre.
55. Due to the sites location in the Conservation Area and within an NCC Archaeological Alert Site, Policy 28 (Conserving and Enhancing Heritage Assets) and Policy 29 (Development Affecting Archaeological Sites) of the Local Plan Part 2 are also relevant to the determination of this application. Policy 28 seeks to ensure that heritage assets including Conservation Areas and Listed Buildings (and their settings) are protected in manner commensurate with their significance. Policy 29 seeks to ensure that development do not unacceptably impact sites of known or potential archaeological interest.
56. Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 states that where appropriate, all developments will be expected to preserve, restore and recreate priority habits and the recovery of priority species in order to achieve net gains in biodiversity.
57. Policy 40 (Pollution and Land Contamination) of the LPP2 states that the development of land potentially affected by contamination will not be permitted unless a site investigation has been carried out and, if necessary, suitable remedial measures agreed.
58. East Leake Neighbourhood Plan (NP) Policy H1 (Number of New Homes) states:
 - a) The minimum number of new homes to be built in East Leake in the period 2013 to 2028 will be 400 as laid down in Rushcliffe Borough Council's Core Strategy.

- b) Further new residential development above this 400 minimum number will only be supported where it is demonstrated that the provision of improved infrastructure, including health centre provision/improvements, primary school place provision and sewerage capacities, can be achieved in time to serve the needs of the development. Conditions, planning obligations and S106/Community Infrastructure Levy contributions, of an appropriate and reasonably related scale, will be sought and used to manage the phasing and occupation of new dwellings.
59. NP Policy H3 (Types of Market Homes) states; on developments of 10 or more homes developers will provide a mixture of homes for the market that broadly reflects Rushcliffe Borough Council's and East Leake's most up to date assessments of housing needs derived from projections of household types. In addition, a diverse mix of home types within each of the categories will be provided in line with projected need, to include for example, serviced homes for older people, bungalows, apartments, a mixture of detached, semi-detached and terraced homes of all sizes.
60. The supporting text to NP Policy H6 (Sites where Housing Development will be Permitted) states that East Leake should be developed to maximise the number of journeys that can be undertaken by walking, cycling and using public transport. Therefore, any sites allocated for general housing should be as near to the village centre as possible.
61. Policy B1 (Support for retail and other services and businesses requiring public frontage) states; *"(a) In the area designated as the village centre, development of new and improved, or extended, retail outlets and other services and businesses requiring public frontage will be permitted, in each case falling within Use Classes A1-A4, particularly where they extend the range of types of products and services offered. This will be subject to there being no significant adverse impact on amenity, particularly residential amenity, by reason of the scale and form of development proposed, the levels of activity generated by the proposal, the level of traffic generated, excessive noise or light pollution, smell, dust etc. Conditions may be used, where appropriate, to mitigate against adverse impacts."*
62. NP Policy V1 (Priority Uses for Village Centre) states as follows;
- "(a) In the area defined as the East Leake Village Centre (see Fig 8.1/1) the only types of new development permitted will be those that particularly require this village central location. Such development types include: community services, health services (in both cases falling within Use Class D1), retail outlets, other businesses and services requiring a "shop front" (in both cases falling within Use Classes A1, A2 A3, A4), car and bicycle parks, housing for older people, those with mobility problems, and situations where "living over shop" is appropriate (with such use for these homes preserved over time), social and leisure space (i.e. Use Class D2).*
- (b) Development proposals, including replacement buildings, in the East Leake Village Centre should be of an appropriately high quality design, using materials sensitive to the local context. The scale and proportions of the buildings should be sympathetic to their surroundings and complement the unique historic character of East Leake, having due regard to the Conservation Area.*

(c) All village centre development proposals that involve change of use should include an assessment of the impact on village centre parking.

(d) Developments for purposes other than those listed in (a) above, or requests for change of use away from those listed, must provide a strong justification for a village centre location.”

APPRAISAL

63. The main issues in the consideration of this application are the principle of the development, including a café and residential development in this location, and the impacts upon the character and appearance of the area, with particular attention to the Conservation Area, residential amenity (including noise and odour), highway safety, protected species, archaeology and contamination.
64. Whilst the existing buildings on the site are currently vacant, they were previously in use as a commercial garage. The creation of a café would bring the vacant building with a shop frontage back into use, provide an additional facility within the centre of East Leake and create one full time and two part time jobs. This is supported by Policy B1 of the East Leake NP and the guidance contained within NPPF.
65. With regard to the proposed housing, the site is located within East Leake, which is one of the settlements identified in the adopted Core Strategy as suitable for housing growth. East Leake is identified as accommodating a minimum of 400 homes in or adjoining the settlement.
66. It is acknowledged that the number of houses recently granted planning permission in or around East Leake has surpassed the minimum target specified in the Core Strategy and concerns have been raised regarding the strain on local infrastructure. However, it is not considered that three additional units on this brownfield infill plot, within the centre of the village, would be of a scale that would result in significant harm to local infrastructure. The number of dwellings proposed falls significantly below the threshold where the Council could seek Section 106 contributions to mitigate such impacts.
67. In terms of the type and size of the proposed residential units, these would comprise of a two bedroom flat above the proposed café, a three bedroom unit within the converted garage building to rear, and two new four bedroom dwellings to the southern part of the site. This is considered to be a reasonable mix and ratio of dwellings on a development of this modest size.
68. Policy V1 of the East Leake NP seeks to ensure that, in the area defined as the East Leake Village Centre (of which the application site forms part), the only types of new development that shall be permitted will be those that require a village central location e.g. community services, health services, retail outlets, housing for older people etc. Whilst the proposed café would comply with the criteria set out at Policy V1, the development of 2x two-storey market houses to the rear of the site would not. The proposal is, therefore, not fully in accordance with Policy V1.
69. Whilst it is acknowledged that the proposal does not comply fully with the requirements of the East Leake NP, it is necessary to consider whether there

are any material considerations which indicate that the development should be approved despite this conflict.

70. The site currently has extant full planning permission for retail/residential development (ref: 16/02210/FUL) for which a like-for-like development proposal is being sought through this application. A lawful start commenced in respect of the approved development in December 2019.
71. This application is a resubmission of the same details previously approved and was submitted as a 'back-stop' position should the pre-commencement condition not have been discharged/a lawful start commenced within the prescribed time-period.
72. The pre-commencement condition was discharged (Ref. 19/02419/DISCON) in December 2019 and a lawful start, subsequently commenced. This extant permission must be given appropriate weight in the consideration of the current application.
73. Should the Committee be minded to refuse this application, the applicant would still be able to implement the scheme as proposed under the previously approved applications, ref: 16/02210/FUL and ref; 17/00038/FUL – in respect of the shopfront.
74. In light of the above, notwithstanding the policies contained within the Neighbourhood Plan, which seek to limit the type and occupation of housing in this central village location, the principle of residential development on this site has already been established. The site benefits from an extant permission for a like-for-like development proposal and this permission has lawfully commenced. As such, refusal on the grounds of principal would not be justified.
75. The site is located within the East Leake Conservation Area. The existing building on the north part of the site fronts onto Main Street and makes a positive contribution to the wider character of the Conservation Area. The proposed scheme would see the retention of the existing buildings (with the exception of later unsympathetic extensions) and the conversion of the ground floor to a café. Details of the proposed shop front (fronting Main Street) are included as part of this application. These details are the same as that approved in March 2017 (ref: 17/00038/FUL – Replacement retail fascia, including alterations to front elevation). This extant permission must be given appropriate weight in the consideration of the current application.
76. The existing garage building to the rear is to be retained and converted to a dwelling, whilst this building is not readily visible from the public realm along Main Street, it does have some degree of historic interest and adds some interest to the scheme. The two new dwellings proposed to the rear would be set well back from Main Street and would be visible only from glimpsed views when passing the site entrance. The design of the dwellings is traditional and the proposed construction materials comprising of red brick and grey slate are considered to be compatible with the surrounding area and, therefore, acceptable.
77. As the proposal seeks to retain the original buildings and that the proposed new buildings would have limited presence within the public realm, it is

considered that the proposal would not cause harm to, but would preserve the special architectural and historic character and appearance of the conservation area, as is considered to be desirable within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

78. The proposed café has the potential to have a detrimental impact upon both the existing and proposed residential units, particularly the first floor flat above, through noise, disturbance and odour. These issues can be mitigated through the imposition of conditions, should Councillors be minded to approve the application, including restricting the opening hours of the café from 08.00 until 18.00 on Monday to Saturdays and between 10.00 and 17.00 on Sundays and Bank Holidays, controlling all plant and equipment including ventilation, extraction and air conditioning systems. Subject to these conditions, it is not considered that the proposal would harm the residential amenities of existing neighbouring dwellings or the proposed new residential units.
79. With regard to the impacts of the proposed residential units on neighbouring properties, the conversion of the rear garage unit would result in a number of windows and a raised balcony being located adjacent to the eastern boundary of the site. In order to avoid overlooking, the plans indicate that the windows and 1.7m high glazed balcony panel would be obscure glazed to prevent unacceptable issues of overlooking. It is recommended that the provision and retention of this obscure glazing is the subject of a condition of any approval.
80. The raised balcony to the rear elevation of the proposed three-bedroom unit would be located over 23m from the front elevation of the two new detached dwellings to the southern part of the site. This is considered to be a sufficient distance to ensure there would be no unacceptable levels of overlooking between these three units.
81. In terms of the impacts of the two proposed new dwellings upon those properties off The Green, the rear elevation of the new properties would be located 9.9m from the rear boundary of the site and 11.5m from the side gable of 7a The Green. This gable is blank apart from a small window at ground floor and a bathroom window at first floor. The ground levels where the dwellings are proposed are around 600mm lower than the site levels at the southern site boundary. Given the proposed separation distances between the existing and the proposed new dwellings, together with the changes in land levels, the absence of habitable room windows in the side of 7a The Green, the roof design of the new dwellings which would pitch away from the boundary and the orientation of the new properties immediately to the north, it is not considered that the new dwellings would harm the living conditions of the occupiers of 7a The Green. In order to control the finished ground and floor levels of the site, a condition is recommended as part of any approval requiring these to be approved before the development commences.
82. It is noted that finished ground and floor levels of the site have been previously submitted and approved by the Council (Ref. 17/01819/DISCON) in connection with the previously approved application. Nevertheless, as this information did not form part of the application submission it is recommended

that a condition requiring details of finished ground and floor levels of the site be imposed on any forthcoming grant of permission.

83. With regard to highway safety, the whole of the development would be served by the existing vehicular access off Main Street. The application has been accompanied by a highways impact statement which concludes that 'the proposed development would generate a potential reduction in traffic movements using the existing access arrangement. Given that there has been no record of collisions either at, or in the vicinity of the junction, then it is reasonable to conclude that it should remain suitable to serve one existing and three proposed dwellings at the site. Subject to the identification of a suitably located bin store within the site, the highway authority should be in a position to provide their 'in principle' support'. Following consultation with the County Council as Highways Authority they concur with the conclusions of the Highway Statement and raise no objections to the proposal subject to a condition requiring the driveway to be constructed so as to prevent surface water being discharged on the public highway, which is included in the recommendation.
84. Concerns have been raised by local residents regarding the age of the Highways Assessment and its relevance to the current traffic conditions. Whilst these concerns are acknowledged, the Highway Authority have not raised any concerns regarding the submitted proposal and it must be borne in mind that the site benefits from an extant permission for a like-for-like development proposal that has lawfully commenced. As such, the applicant could implement the scheme as proposed under the previously approved application and, in this context, it would not be justified to refuse the application on highways grounds.
85. Policy V1 of the East Leake NP states that all village centre development proposals that involve change of use should include an assessment of the impact on village centre parking. Whilst a parking assessment has not been submitted in support of this application, contrary to Policy V1, given that the site benefits from an extant permission for a like-for-like development proposal that has lawfully commenced it is considered that this constitutes a lawful fall back position which should be given substantial weight.
86. The Councils Waste Advisor provided comments on the previously submitted application stating that there should be an area within the site adjacent to the public highway where residents can leave their bins for collection. As this has not been identified on the plans submitted in respect of this application, a condition is recommended that would require the submission of such a scheme prior to the development being occupied.
87. It is noted that a scheme for bin collection was submitted and approved by the Council (ref: 17/01819/DISCON) in connection with the previously approved application. Nevertheless, as this information did not form part of the application submission it is recommended that a condition requiring a scheme for bin collection is imposed on any forthcoming grant of permission.
88. Given the age and nature of the buildings, it is possible that they provide a habitat for protected species. An ecology report has been submitted to support the application which concludes that there was no evidence of bird nesting activity and the buildings were found to have negligible potential for

roosting bats. The report contains a number of recommendations specifically in relation to the construction phase of the development and a condition is recommended which would require the development to be carried out in accordance with such recommendations.

89. The site is located within the historic core of East Leake and as a result it is highlighted on the archaeological mapping layers. The Borough Council's Design and Conservation Officer provided advice on the previously submitted application stating that *"...with the exception of previous 'yard surfaces', it is not considered that there would be extensive archaeological remains associated with the historic industrial uses. As it is unlikely that any archaeological material would be found on the site it would be unreasonable to require exploratory works prior to determination, however, it is considered reasonable to require through a condition of any planning permission an archaeological watching brief so that if archaeological material is found, it can be identified and recorded."*
90. It is noted that an archaeological watching brief was previously submitted and approved by the Council (ref: 19/02419/DISCON) in connection with the previously approved application. Nevertheless, as this information did not form part of the application submission is it recommended that a condition requiring an archaeological watching brief is imposed on any forthcoming grant of permission.
91. Given the previous use of the site as a commercial garage, it is likely that the site is contaminated. In support of the application an Environmental Site Assessment Report and a Gas Risk Report were submitted. The Environmental Site Assessment Report concluded that there are some soil contaminants and an underground fuel tank which will need to be removed. In order to ensure this is carried out a condition requiring a site-specific remediation strategy is recommended.
92. It is noted that a remediation strategy was previously submitted and approved by the Council (ref: 17/01819/DISCON) in connection with the previously approved application. Nevertheless, as this information did not form part of the application submission is it recommended that a condition requiring a remediation strategy is imposed on any forthcoming grant of permission.

PLANNING BALANCE AND CONCLUSION

93. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions made should be in accordance with the development plan unless material considerations indicate otherwise.
94. The development proposal accords with the general thrust of the Core Strategy and the Local Plan Part 2, which allow for the development of unallocated sites within the built-up area of settlements provided that certain criteria are met. The proposal does not accord with Policy V1 of the East Leake Neighbourhood Plan as it includes uses that do not specifically require a village centre location, as specified in the policy (i.e. market housing) and the application does not include an assessment of the impact on village centre parking.

95. Whilst policy conflicts have been identified in respect of the Neighbourhood Plan, it is necessary to consider whether there are material considerations that indicate that development should, nevertheless, be approved.
96. As set out earlier in this report, this application is a like-for-like resubmission of planning application ref. 16/02210/FUL for which planning permission was granted by Committee on 16th December 2016. A lawful start commenced in respect of 16/02210/FUL in December 2019. This application includes the same details previously approved under 16/02210/FUL and was submitted as a 'back-stop' position should the pre-commencement condition not have been discharged/a lawful start commenced within the prescribed time-period. This extant permission must be given significant weight in the consideration of the current application. Details of the proposed shop front (fronting Main Street) are included as part of this application. These details are the same as that approved in March 2017 (ref: 17/00038/FUL – Replacement retail fascia, including alterations to front elevation). This extant permission must also be given significant weight in the consideration of the current application.
97. Should the Committee be minded to refuse this application, the applicant would still be able to implement the scheme as proposed under the previously approved applications (ref: 16/02210/FUL and 17/00038/FUL – in respect of the shopfront).
98. In light of the above, it is considered that, in this instance, material considerations outweigh the policy conflicts identified in respect of the Development Plan. As such, the development is recommended for approval.
99. The proposal was not the subject of formal pre-application discussions. However, given the history of the site, including approval of a like for like scheme in 2016 which has commenced and remains extant, the scheme was considered to be acceptable and there was no need to enter into negotiations with the applicant's agent.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans; Existing Plans and Elevations 16-81.3 revision F; Proposed Site Plan 16-81.2 revision G; Proposed Floor Plans 16-81.4 revision I; Proposed Site Elevations 16-81.5 revision I; Proposed Cafe Elevations 16-81.6 revision G; Proposed House Elevations Plot 1 16-81.7 revision I; Proposed Plans and Elevations Plot 2 16-81.8 revision G; Proposed Plans and Elevations Plot 3 16-81.9 revision G; Proposed Roof Plans 16.81.10 revision F; Proposed New Signage 16-81.11 revision K.

[For the avoidance of doubt and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2.]

3. The materials, door and windows details, boundary treatment and hard surfacing, as specified in the submitted 'Materials List for 16/02210/FUL' and accompanying images titled 'Illustrative Materials', shall be used for the proposed development hereby approved. No additional or alternative materials shall be used, unless otherwise first approved in writing by the Local Planning Authority.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2.]

4. The development hereby approved shall be carried out in accordance with the recommendations contained within the Protected Species (Bats) Survey report by 'Curious Ecologists - Ecological Consultants' dated 20th November 2019.

[To comply with the requirements of the Wildlife and Countryside Act 1981 and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2.]

5. No development shall take place until the applicants, or their agents or successors in title, have secured the implementation of a programme for a watching brief to be carried out during construction or excavation work on the site, by a professional archaeologist or archaeological organisation. The details of such a scheme of investigation shall be submitted to and approved in writing by the Borough Council also prior to the commencement of the development on the site.

[To ensure that any archaeological items are recorded and to comply with Policy 29 (Development Affecting Archaeological Sites) of the Local Plan Part 2. This is a pre-commencement condition as any site preparation works could impact upon any potential archaeological items.]

6. Before any part of the development hereby approved is brought into use, a detailed remediation plan shall be submitted to and approved in writing by the Local Planning Authority. The remediation plan shall have regard to the geo-environmental report submitted with the application by OHES Environmental dated February 2015 and ensure that on completion of the development the site could not be classed as contaminated land as defined in Part IIA of the Environmental Protection Act 1990. The development shall be carried out in accordance with the approved remediation plan. If any unexpected, visibly contaminated or odorous materials or tanks or underground structures of any sort are encountered during development, the Local Planning Authority shall be notified as soon as practicable and remediation proposals shall be submitted to and approved in writing by the Local Planning Authority before further work is undertaken in the affected areas, and works shall only proceed in accordance with the approved remediation proposals. On completion of the remediation works a remediation report and validation statement shall be submitted to the Local Planning Authority for approval prior to occupation of the buildings.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with Policy 40 (Pollution and Land Contamination) of the Local Plan Part 2.]

7. Before any part of the development hereby approved is brought into use, a scheme detailing the secure storage of refuse on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number of bins required for both commercial and domestic use, the storage of bulky items awaiting collection, the locations for secure storage of the bins and the location of the bin collection point.

[To ensure appropriate provision for waste storage and collection, in the interests of amenity and highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2.]

8. Before the cafe hereby approved is brought into use, an insulation scheme to reduce the transmission of noise through the separating floor/ ceiling structure, between the proposed ground floor café unit and the first floor residential accommodation above, shall be submitted to and approved in writing by the Local Planning Authority. The sound insulation scheme shall have regard to BS 8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings", and shall state all assumptions made. The approved insulation scheme shall be installed prior to the cafe being brought into use and shall be retained and maintained as such thereafter.

[In the interests of residential amenity and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2.]

9. Before the dwellings hereby approved are occupied, the private drive access shall be constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall thereafter be retained for the life of the development.

[To prevent third party surface water from being discharged onto the public highway, in the interests of highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2.]

10. No externally mounted plant or equipment or internally mounted plant or equipment which vents externally (including ventilation, extraction and air conditioning systems) shall be installed at the premises until details of such plant or equipment (including noise levels) have been submitted to and approved in writing by the Local Planning Authority. Any plant or equipment installed under this condition shall be retained and maintained as such for the life of the development. No other plant or equipment, other than that approved under this condition, shall be installed at the premises.

[To protect the amenities of neighbouring residential properties and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2.]

11. The cafe hereby approved shall only operate between the hours of 08.00 and 18.00 on Mondays to Saturdays and between 10.00 and 17.00 on Sundays

and Bank Holidays.

[To protect the amenities of neighbouring residential properties and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2.]

12. The proposed three bedroom dwelling hereby approved shall not be occupied until the windows in the eastern elevation of the proposed three bedroom dwelling, as indicated to be obscurely glazed on the Proposed Floor Plan 16-81.4 revision F, shall be permanently fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter the windows shall be retained to this specification unless otherwise approved in writing by the Borough Council.

[To ensure a satisfactory development in the interests of amenity and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2.]

13. The proposed three bedroom dwelling hereby approved shall not be occupied until the southernmost window in the first floor western elevation of the building has been fixed shut and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter the windows shall be retained to this specification unless otherwise approved in writing by the Borough Council.

[To ensure a satisfactory development in the interests of amenity and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2.]

14. Notwithstanding the details shown on the approved plans, the proposed three bedroom dwelling hereby approved shall not be occupied until such time that a 1.7m high balustrade/screen (measured from the decking on the raised terrace) has been erected along the full depth of the eastern and western edge of the raised terrace in accordance with details to be submitted to and approved by the Borough Council. Where such screening is to include glazing, such glazing shall have been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter the balustrades/screens shall be retained in accordance with the approved details for the life of the development.

[To ensure a satisfactory development in the interests of amenity and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2.]

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

[To ensure a satisfactory development in the interests of amenity and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2.]

16. Before the café hereby approved serves hot food to the public, a scheme detailing the method of fume and odour extraction shall be submitted to and approved in writing by the Local Planning Authority. The sale of hot food to the public shall not commence until the approved odour and extraction

scheme has been implemented. The approved scheme shall thereafter be retained and maintained, unless the sale of hot food on the premises permanently ceases.

[In the interests of residential amenity and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2.].

17. No new build development shall proceed beyond foundation level and no foundation work undertaken until such time that a scheme for the provision and implementation of surface water run-off limitation measures, to ensure the surface water run-off rates from the site are no greater than existing, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to any part of the development being brought into use and the approved scheme shall thereafter be retained and maintained for the life of the development.

[To ensure that adequate surface water drainage facilities are provided to prevent increased risk of flooding, in accordance with Policy 18 (Surface Water Management) of the Local Plan Part 2 and guidance within the NPPF.]

Notes to Applicant

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

The Borough Council is charging 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

If any security lighting or floodlighting is to be installed, it must be designed, located and installed so as not to cause a nuisance to neighbouring residents.

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.

If protected and priority species are found to be present, all work on the site should cease until an appropriately qualified ecologist has been consulted and mitigation measures agreed.

All work impacting on vegetation 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.

Measure to provide habitat enhancements should be considered including bat and bird boxes (including swifts and swallows) and hedgehog boxes.

The use of external lighting should be appropriate to avoid adverse impacts on bat populations see http://www.bats.org.uk/pages/bats_and_lighting.html for advice.

The applicant should be advised to consider energy efficiency measures, renewable energy technologies, re-use of waste materials, sustainable water use and drainage.

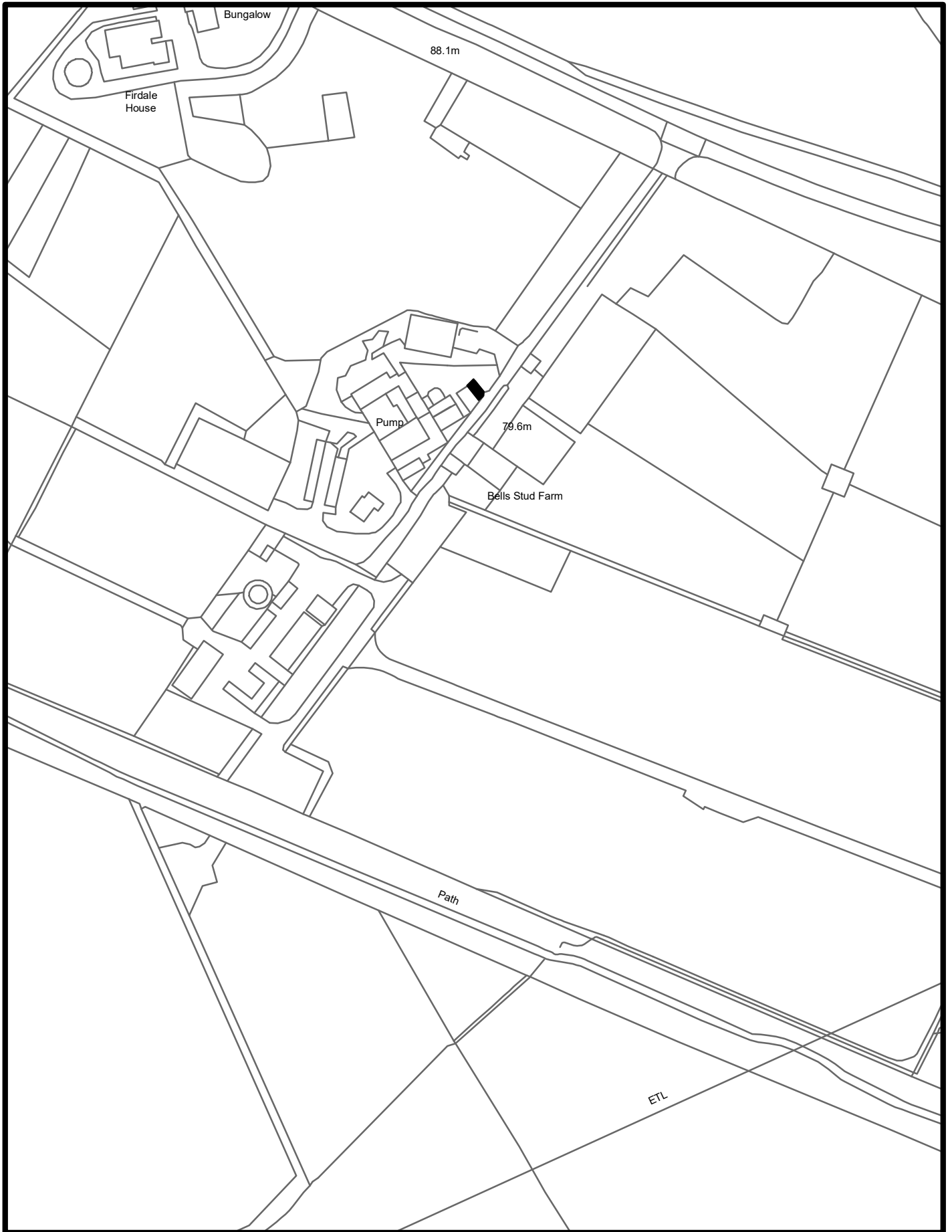
This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining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

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

Separate advertisement consent may be required for the display of advertisements. You are advised to contact Rushcliffe Borough Council for further advice on 0115 981 9911.

For further information on the content of Contaminated Land Reports, please refer to the Council's Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both Rushcliffe Borough Council's website www.rushcliffe.gov.uk (use the A-Z search for Contaminated Land) or by contacting the Environmental Health Service directly.

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, and the amount payable will be calculated following approval of any subsequent Reserved Matters application. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>



Application Number: 17/02345/VAR
Kilgraney Farm, Owthorpe Road, Cotgrave



scale 1:2000

page 143

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17/02345/VAR

Applicant Ms Julie Donoghue

Location Manor House Kilgraney Farm Owthorpe Road Cotgrave Nottinghamshire

Proposal 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

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. Planning permission was granted under 11/01789/FUL for the conversion of stables to two dwellings and the construction of a garage block. The works have been completed. The buildings are located within a cluster of buildings associated with Kilgraney Farm and Wood End Farm, accessed via a long drive leading from Owthorpe Road. There is an area of hardstanding opposite the garages which is in use for parking. Planning permission for the retention of this parking area was approved in 2019 (planning reference 19/01767/FUL).

DETAILS OF THE PROPOSAL

2. As part of the approval under 11/01789/FUL, the application proposed the provision of 3 garage parking spaces and an additional open parking space (four in total). This retrospective application seeks to vary condition 4 of planning permission 11/01789/FUL to allow one of the garage spaces to be used as ancillary storage in connection with Manor House, Kilgraney Farm.

SITE HISTORY

3. 11/01789/FUL- Conversion of stables to two dwellings; construct garage block. Granted in 2011.
4. 12/00396/NMA - Conversion of stables to two dwellings; construct garage block. Granted in 2012.
5. 13/00737/FUL- Erection of a 10 stall stable block; storage building with staff accommodation above; temporary site access and parking area. Granted in 2013.
6. 15/03061/FUL- Erection of a 10 stall stable block; storage building with staff accommodation above; temporary site access and parking/area. Granted in 2015.
7. 19/01767/FUL- Change of Use of land to allow parking (retrospective). Granted in 2019.

REPRESENTATIONS

Ward Councillor(s)

8. One Ward Councillor (Cllr Butler) has declared a personal non pecuniary interest on the basis that he knows the applicant and also the nearest neighbour.

Town/Parish Council

9. Cotgrave Town Council submitted comments on 15 March 2018 raising no objection. Further comments were received on 14 November 2019 raising no objection.

Statutory and Other Consultees

10. Nottinghamshire County Council as Highway Authority commented that whilst the loss in parking is regrettable, the distance from the dwellings to be public highway and the available length of driveway in-between is such that it is considered unlikely that any overspill parking resulting from a shortfall would extend onto Owthorpe Road. They considered that the proposal is unlikely to have any significant effect on the safe operation the public highway and therefore do not object.

Local Residents and the General Public

11. Two neighbour objections have been received with the comments summarised as follows:
 - a. Trowell Stud farm own the freehold for the drive and therefore have an interest in the application. The garage does not appear to be used for parking and the individual parking space does not appear to have been provided.
 - b. Occupants of Manor Cottage and Manor House are parked on temporary hardstanding in a field opposite the garage, the rooms in Manor House are let and therefore there are many occupants.
 - c. The development did not have any parking space available and relied on the provision of 3 garages and 1 open parking space. The garages were constructed but the parking space was not. At the same time, an unauthorised car park was constructed opposite. The occupiers use this car park with up to 6 vehicles per night parked there.
 - d. The unauthorised car park contravenes policies relating to Green Belt and impacts on the open countryside, the previous paddock and mature hedgerow should be reinstated.
 - e. Planning permission was granted for 2 cottages with 2 spaces, even with one cottage there is insufficient parking space. There is no apparent visitor parking.
 - f. Parking on the drive is not possible and loading/unloading are not allowed except in exceptional circumstances.

- g. The submitted plans indicate the applicant owns all of the land around the application site, half the land and road is not owned by the applicant.

PLANNING POLICY

12. 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 7 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

13. 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.
14. 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.

Relevant Local Planning Policies and Guidance

15. 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.
16. 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

17. Planning permission was granted under 11/01789/FUL for the conversion of stables to two dwellings and the erection of a garage block. The dwellings are occupied and the garage block has been completed.
18. The application seeks retrospective planning permission to vary condition 4 of planning permission 11/01789/FUL to allow one garage space to be used as a storage unit in connection with Manor House, Kilgraney Farm.
19. The 2011 application would have provided two spaces per dwelling, this being the minimum level of parking provision that would normally be expected given the size of the two dwellings and the remote rural location. The development would have allowed no additional provision for visitors etc. Planning permission was subsequently granted in 2019 (ref: 19/01767/FUL) for retention of an area of hardstanding for use as a car park. Part of the justification for this parking area was that it would cater for any additional parking demand (i.e. visitor parking) beyond the parking spaces to be provided under the 2011 application.
20. The current, retrospective application results in the loss of one garage parking space. It is however considered that the retained approved car parking area opposite the garage is capable of accommodating this one additional parking space.
21. It should be noted that the shortfall of a garage space is a longstanding situation that has existed since at least February 2018 when this retrospective variation of conditions application was validated.
22. Highways do not object to the loss of the garage parking space. The site is accessed via a long private drive leading from Owthorpe Road and it is considered unlikely that the arrangement would result in overspill parking on the public highway. It is not considered that the proposal would have any significant effect on the safe operation the public highway.
23. The 2011 application considered that the conversion of the buildings to dwellings was an appropriate form of development in the Green Belt. It was considered that the garage would not result in a significant adverse effect on the openness of the Green Belt. The current proposal does not involve any new/additional buildings but to remove the restriction imposed through the 2011 permission and allow the garage to be used as ancillary storage associated with Manor House would constitute an appropriate form of development in the Green Belt.
24. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, therefore resulting in a recommendation to grant planning permission.

RECOMMENDATION

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

1. The two garage spaces and open parking space as denoted 1, 2 and 3 on drawing JD/100/02/C dated 22 February 2018 shall be retained available for parking at all times for the lifetime of the development.

[To ensure that adequate car parking facilities are provided in connection with the development and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) and Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. No alterations shall be made to the external appearance of the garage block without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) and Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Prior to the installation of security lighting/floodlighting details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. The lighting shall be installed only in accordance with the approved details.

[To protect the amenities of the area 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: 19/02900/FUL
Meadow Cottage, Station Road, Upper Broughton



scale 1:1000

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19/02900/FUL

Applicant Mrs Louise Dolan

Location Meadow Cottage Station Road Upper Broughton Nottinghamshire
LE14 3BQ

Proposal Erection of single storey secure cycle store

Ward Nevile And Langar

THE SITE AND SURROUNDINGS

1. Meadow Cottage is a single storey extended barn conversion, semi-detached to another barn conversion, Lantern Cottage. There is a large domestic curtilage to the rear forming the garden of Meadow Cottage. There is an access drive from Station Road serving both barn conversions and Meadow Farm. Large gates provide access to Meadow Cottage at the end of the access drive. There are two large detached garages on the access drive belonging to Meadow Farm and Lantern Cottage.
2. The site is unusual in that Lantern Cottage has been extended further by the inclusion of an additional converted barn which is attached via a link to the original barn conversion and although Lantern Cottage is the larger dwelling by floor area it is surrounded on three sides by Meadow Cottage and land and garden area belonging to Meadow Cottage.
3. The site lies within the Upper Broughton Conservation Area

DETAILS OF THE PROPOSAL

4. The current application seeks planning permission for the erection of a secure cycle store measuring 2.72m x 2.24m with a maximum height of 2.07m. It would be constructed of steel and painted brown.

SITE HISTORY

5. The planning history of the site comprises the following applications:
 - 02/00242/FUL - Garage, wall and gates - approved 09 May 2002.
 - 02/01038/FUL - Single storey rear extension - approved 05 September 2002.
 - 04/00119/COU - Change of use of paddock land to domestic curtilage for use as drive and planted area - refused 26 March 2004.
 - 04/00883/FUL - Change of use of paddock land to domestic curtilage for use as drive access - approved 15 July 2004.
 - 19/02065/FUL - Erection of single storey office outbuilding and single storey cycle store – refused 7 November 2019. The application included the cycle store in the same position as the current application. However, the reasons for refusal related solely to the office outbuilding.

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr Combellack) objects commenting that, "*The building is not appropriate for the location and would be harmful to the street scene and surrounding properties within a conservation village. It would also appear to remove a parking space*".

Town/Parish Council

7. Upper Broughton Parish Council object commenting "*The Parish Council voted to object to the application as the proposed structure is not in keeping with the surrounding buildings and it would result in a loss of character to the conservation area*"

Local Residents and the General Public

8. The owner of Lantern Cottage objects to the proposal on the following grounds:
 - a. Following the refusal of a previous planning application for the cycle store there has been no consultation or consideration of the views of surrounding neighbours.
 - b. Proposed design, appearance and materials of the single storey cycle store to house a sit on lawn mower, is out of character with the existing buildings within the vicinity.
 - c. For security and ease of use it would be better located behind the security gates of Meadow Cottage.
 - d. The single storage cycle shed would have an effect on visual amenity as it would be visible from main kitchen/living area and a child's bedroom within Lantern Cottage.
9. The owner of Pond Farm objects on the following grounds:
 - a. the store will not be in keeping with the look of the conservation area. It should be sited on the main area of the owner's land behind their secure gates where it will not be visible from the road and will not attract burglars.
 - b. The store will be used to house a sit-on lawnmower so it makes more sense for it to be close to the lawn.

PLANNING POLICY

10. The development falls to be determined in accordance with the Development Plan for Rushcliffe, which comprises the Local Plan Part 1 - Core Strategy and Local Plan Part 2 - Land and Planning Policies and, in the case of applications in the Parish of Upper Broughton, the Upper Boughton Neighborhood Plan. Other material planning considerations include Government guidance in the National Planning Policy Framework and Planning Practice Guide.

Relevant National Planning Policies and Guidance

11. The National Planning Policy Framework (2019) carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 127 states that Local Planning Authorities should seek developments which are visually attractive as a result of good architecture and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
12. Section 16 of the NPPF refers to conserving and enhancing the historic environment and advises, amongst other things that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *"In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

Relevant Local Planning Policies and Guidance

14. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
15. Core Strategy 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 local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10 and, of particular relevance to this application are 2(b) whereby the proposal shall 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.
16. Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives
17. Local Plan Part 2 Policy 1 (Sustainable Development) states that permission for new development will be granted provided that, where relevant, certain criteria apply. These include that there is 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 and the scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an

over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.

18. The Local Plan Part 2 Policy 28 (Conserving & Enhancing Heritage Assets) states that proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh any harm arising from the proposals. Proposals affecting a heritage asset and/or its setting will be considered against the following criteria: a) the significance of the asset; b) whether the proposals would be sympathetic to the character and appearance of the asset and any feature of special historic, architectural, artistic or archaeological interest that it possesses; c) whether the proposals would conserve or enhance the character and appearance of the heritage asset by virtue of siting, scale, building form, massing, height, materials and quality of detail; d) whether the proposals would respect the asset's relationship with the historic street pattern, topography, urban spaces, landscape, views and landmarks; e) whether the proposals would contribute to the long-term maintenance and management of the asset; and f) whether the proposed use is compatible with the asset.
19. The Upper Broughton Neighbourhood Plan was adopted on 30 January 2020. Decisions on planning applications in the parish have to be made in accordance with both the Neighbourhood Plan and the Rushcliffe Local Plan, unless material considerations indicate otherwise. Neighbourhood Plan Policy UB4: Local Heritage Assets, states that the determination of planning applications which would affect features of local heritage interest will balance the need for or public benefit of the proposed development against the significance of the asset and the extent to which it will be harmed.

APPRAISAL

20. The proposed cycle store would be situated in between two large detached garages, one of which belongs to Lantern Cottage and the other to Meadow Farm. The area in between the garages is owned by Meadow Cottage. Meadow Cottage is accessed through gates further south at the end of the shared drive and ample car parking is available inside these gates for the residents of Meadow Cottage.
21. The proposed cycle store would be conservative in size, being 2.72m x 2.24m and a maximum of 2.07m high. It would be fabricated in steel and painted brown. It is accepted that the materials would be different from those used in the dwellings and garages nearby. However, the structure is a secure store and the materials reflect this use. The use of brown paint on the external elevations would reduce the impact of the structure.
22. It is not considered that the proposed cycle store would have a negative impact on any neighbouring amenities in terms of over-bearing or overshadowing, being much smaller than the existing garages either side which have a far more dominant presence. It would be set back behind the front elevations of the garages on either side by 2.2m. The garages are around 7.8m away from Lantern Cottage to the east and the store would be around 10m away.

23. The store would be visible from Lantern Cottage as windows in this dwelling currently have views of the garages, parked cars on the shared driveway, and the site of the proposed store. The neighbour's objections have been taken into consideration. However, given the distance from Lantern Cottage and the size of the store in relation to the garages either side, it is not considered that the siting of the store would have any greater impact on Lantern Cottage than the existing garages and activity on the driveway area.
24. There would be no or loss of privacy and given the ample parking available within the curtilage of Meadow Cottage itself, ample off-street parking would still be available.
25. Objections regarding the impact of the proposal on the Conservation Area have been noted, however it is considered that the store would not be visible from the public realm, being sited off the main road hidden between the large garages on the private access drive. Therefore, it is not considered that the store would cause harm to the special architectural and historic character and appearance of the conservation area, thereby preserving that character and appearance as is described as being a "desirable" objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. The proposal was not subject to a formal pre-application process. Advice was offered on procedural matters following the refusal of a previous application. There was not considered to be any fundamental objection to the proposal and there was not need to undertake negotiations with the applicant.

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 plan(s) received on 16 December 2019.

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

[To ensure the appearance of the development is satisfactory and to comply with Policies 1 (Presumption in Favour of Sustainable Development) and 2 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 28 (Conserving & Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

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