



Rushcliffe
Borough Council

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Our reference:
Your reference:
Date: Wednesday, 1 April 2020

To all Members of the Planning Committee

Dear Councillor

The reports within this document relate to development proposals which, in accordance with the Council's Constitution and the scheme of delegation for planning applications would ordinarily have been referred to the Planning Committee for consideration. However, due to the Coronavirus Pandemic, the Chief Executive, in consultation with the Leader of the Council and Chairman of the Planning Committee, has invoked emergency provisions within the Constitution to introduce interim measures for certain planning applications to be determined under delegated authority. The reports within this document will therefore be determined under delegated authority in consultation with the Chairman of the Planning Committee.

The applications will be considered by the Executive Manager – Communities and the Chairman of the Planning Committee on Thursday 9 April 2020. The decisions on these applications will be published on the website on or shortly after 10 April 2020. Interested parties who have commented on these applications will receive formal notification and if they would have asked to speak at the committee in person, they will receive written notification inviting them to submit a written statement of no more than 300 words which will be considered by the Executive Manager - Communities and the Chairman of the Planning Committee when the applications are determined.

Yours sincerely

Sanjit Sull
Monitoring Officer

AGENDA

1. Planning Applications (Pages 1 - 46)

The report of the Executive Manager - Communities.

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Planning Committee

9 April 2020

Planning Applications

Report of the Executive Manager – Communities

PLEASE NOTE:

1. Copies of the submitted application details are available on the website <https://planningon-line.rushcliffe.gov.uk/online-applications/>

Once a decision has been taken on a planning application the decision notice is also displayed on the website.

2. Reports on planning applications 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.
3. 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.
4. 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 website at <http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

Application	Address	Page
<u>19/02914/FUL</u>	Land East of Chapel Lane Adjacent Level Crossing, Chapel Lane, Bingham, Nottinghamshire	3 – 29
	Construction of new leisure centre with swimming pool and fitness suite, new community hall sharing entrance and common facilities with the leisure building, new separate office building, and new car park to serve these buildings.	
Ward	Bingham East	
Recommendation	The Service Manager – Communities be authorised to grant planning permission, subject to the prior signing of a section 106 agreement in respect of railway crossing improvements and conditions.	
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<u>20/00367/FUL</u>	Land North East Of Burford Sutton Lane Granby Nottinghamshire	31 – 41
	Residential development 5no. dwellings	
Ward	Thoroton	
Recommendation	Planning permission be refused.	
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<u>20/00465/FUL</u>	1 Elterwater Drive, Gamston, Nottinghamshire	43 – 45
	Demolition of existing conservatory. Construction of single rear and side extensions.	
Ward	Bingham West	
Recommendation	Planning permission be granted subject to conditions	

Applicant Rushcliffe Borough Council

Location Land East Of Chapel Lane Adjacent Level Crossing Chapel Lane
Bingham Nottinghamshire

Proposal Construction of new leisure centre with swimming pool and fitness suite, new community hall sharing entrance and common facilities with the leisure building, new separate office building, and new car park to serve these buildings.

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The application relates to a vacant previous employment site (builders merchants) situated directly north of the railway line on the eastern side of Chapel Lane, Bingham. Buildings on the site have already been demolished and has become overgrown. Sites to the north and east are occupied by industrial units with the unit to the east owned by the Borough Council and presently occupied by Streetwise. On the opposite side of Chapel Lane is a Lidl retail store and a car washing operation. To the south of the site, on the opposite side of the railway line, are residential properties. A level crossing over the railway line is adjacent to the south west corner of the site.

DETAILS OF THE PROPOSAL

2. Full planning permission is sought for the erection of a leisure centre, incorporating a community hall, and a separate office building. The leisure centre building is proposed to be located at the rear of the site and would incorporate a 25m six lane swimming pool with separate learner pool. Spectator seating is proposed to serve the pool to allow for competitive swimming. A gym with spin and studio rooms and dry changing facilities are proposed at first floor level. Within the leisure centre building would be a proposed community hall with an estimated maximum occupancy of 310 people. The community hall would have a stage area and ancillary facilities, such as a kitchen and storage area, and changing rooms for theatre productions. Access to the community hall would be through the main leisure centre reception area.
3. A separate two storey office building is also proposed on the site which is proposed to be sited at right angles to the leisure centre, adjacent the northern boundary. The space between the buildings is designed to be a communal landscaped area. The building would provide self contained units at the ground floor with their own frontage and entrance. To the first floor would be a suite of office units of varying sizes with shared facilities accessed off a common circulation route. The suite allows for a common working area as a facility for small business and to allow opportunities for networking and business collaboration. The design of the office building has been designed to reflect the architectural language of the larger leisure centre building.

4. The main elevation of the leisure centre is orientated west and it is acknowledged that the pool usage is sensitive to solar glare reflecting off the water and wet surfaces. Large vertical shading panels to the front windows would be incorporated into the elevation to control the admittance of direct sunlight into the pool hall, which are proposed to be supplemented by tinted solar control glass and partial internal shutters. The entrance to the building has been designed to be below a covered area creating a buffer from rail before the point of entry. The building would have a horizontal emphasis with the mass offset through the use of vertical piers expressing the position of the structural frame. The application is supported by Computer Generated Models.
5. The materials proposed are two different types of brick to be used to articulate the buildings with cladding and glazed elements framed alternately within the primary building fabric. Small scale areas of brickwork would be given a textured pattern. In respect to colour, the main areas of the elevation comprise the natural colour of the brickwork set against neutral tones of the cladding panels. Stronger colours are proposed to be used to give visual focal points to elements such as the entrances and the brise soleil panels. The submitted Design and Access Statement provides additional information on the material precedent with precise details proposed to be secured by way of a planning condition.
6. The site entrance would be off Chapel Lane at a point as far as possible from the level crossing to the railway line. A new pedestrian and cycle route is proposed to be created to the north of the railway line along the southern edge of the site linking Chapel Lane with the public bridleway to the east of the site which then allows access across the unmanned crossing and improves links to the town centre.
7. A car park would be laid out to provide 207 parking spaces including 12 accessible spaces. The office would have 24 dedicated parking spaces within the area of the car park. The application is supported with a car park management plan to ensure that spaces are available for the proposed uses. Chemical deliveries and refuse collection is proposed to be achieved by using an access from the Moorbridge Road site entrance at the north eastern corner of the site. Cycle parking would be provided for both the leisure centre and the office uses and the layout of the carpark allows for coaches to traverse through the site without reversing and provides for coach waiting within the site.
8. A landscaping plan has been submitted which includes the provision of replacement tree planting and retention of appropriate landscaping where possible. It is acknowledged that the landscaping scheme would play an important role in the overall success of the scheme and provide both biodiversity enhancement and visual amenity.
9. The application proposes that the employment building has the opportunity to open 24 hours a day, 7 days a week and the application as originally submitted proposed the Leisure Centre to open 6 am to 12 midnight Monday to Friday, 7 am to 12 midnight Saturday and 7am to 9pm on Sundays and Bank Holidays. In order to minimise the potential impact on neighbouring properties this has been amended to 6.30am to 11pm Monday to Thursday,

6.30 am to 12 midnight on Fridays, 7 am to 12 midnight on Saturday and 7am to 9pm on Sundays.

10. The application and plans are supported by the following documents:
- Design and Access Statement
 - Flood Risk Assessment and Drainage Strategy
 - Air Quality Assessment
 - Transport Assessment
 - Travel Plan
 - Car Park Management Plan
 - Community Engagement Statement
 - Combined phase 1 and 2 report (Site investigation – ground conditions/contamination)
 - Written Scheme of Archaeological Investigation.
 - Landscape report
 - Tree Survey
 - Environmental Noise Survey
 - Protected Species Surveys including reptile survey
 - Biodiversity Net Gain Assessment
 - External lighting plan
 - External Services Plan
11. The Borough Council as landowner is the applicant.

SITE HISTORY

12. Planning permission was granted in March 2013 (10/01853/FUL) for a Retail store (A1), car parking, bus stop, pedestrian linkages, petrol filling station; landscaping; recycling facilities and access road. This permission was subject to a S106 agreement requiring contributions for sustainable transport, air quality, integrated transport, level crossing and town centre improvement contribution. Pre commencement conditions were discharged and works started on site comprising demolition of the existing buildings and site clearance.

REPRESENTATIONS

Ward Councillor(s)

13. No comments received from the Ward Councillors
14. Adjacent Ward Councillor (Cllr J Stockwood) supports the application and acknowledges that he is member of the working group for the leisure centre project and involved in the Town Council and refrains from commenting further.

Town/Parish Council

15. Bingham Town Council state that the Committee had no objection to the plans but wished to make the following comments in relation to the community hall:

- that it is suitable for a range of community uses and available and fully accessible to youth groups, the elderly or less able or partially sighted or blind, hard of hearing or deaf or otherwise disadvantaged;
 - is a fully fitted and equipped catering kitchen and food preparation area and a fully fitted and equipped bar for the supply of alcoholic and non-alcoholic beverages; and
 - in regard to access and egress to the entire site to and from Chapel Lane, there is a concern that because of the increase in traffic, due to subsequent developments along Chapel Lane, traffic movement will be hindered.
16. Saxondale Parish Meeting, as adjacent Parish Meeting comment that, whilst welcoming the provision of a new leisure centre and community facility in Bingham, concern has been expressed in respect of the following:
- Insufficient car parking on site. Given the capacity of the centre, the community hall and office accommodation, the car parking provision is clearly insufficient. Failure to deal with this issue will lead to blockages and increased congestion in what is an already very busy area.
 - Difficulties of traffic movement resulting from vehicles entering and leaving the facility in a location which already has extensive congestion problems.
 - The potential noise to users of the community hall from vehicular movement and noise likely to emanate from the leisure side of the facility will mean that strong noise attenuation measures will need to be considered.
 - In respect of non-planning related issues, concern has also been expressed about the suitability and size and design of the proposed community hall, the lack of a bar facility and other technical concerns which are not planning related but are of concern (no further information was submitted in relation to this point).

Statutory and Other Consultees

17. Highways England confirm they have no objection.
18. Nottinghamshire County Council as Highways Authority note that the application is supported by a Transport Assessment which follows the previously agreed methodology of assessment. Based on the assessment provided it is accepted that the proposed development will not result in a severe impact on the public highway. They note that the proposed development is to be accessed via a simple priority controlled junction on Chapel Lane to the north west corner of the site. This is broadly in line with that approved for the previously permitted Tesco scheme on the site. The details confirm that visibility splays are achievable and layout acceptable. Keep clear markings are proposed along the southbound side of Chapel Lane carriageway at the access point to prevent the site access junction being blocked during periods of queuing back from the level crossing.

19. A secondary service access is proposed from Moorbridge Road and the principle of this is acceptable. It is noted that the turning head at the end of Moorbridge is not part of the adopted highway. Access and manoeuvring at this point will not impact on the public highway.
20. The proposal includes widening the footway along the site frontage to a minimum of 2m which is welcomed. It is noted that wider footway improvements have been secured as part of other developments in the area and no further improvements are required as part of this development
21. A separate pedestrian route is proposed to the south of the site linking to an existing bridleway to the east of the site, improving connectivity of the site.
22. The level of parking is within the maximum level of provision set out in the Nottinghamshire Highway Design Guide and the layout proposed is acceptable. A car park management plan has been submitted and should be secured by condition. Level of cycle parking is considered appropriate. This should be secure with weather protection. The Travel Plan is considered acceptable.
23. Nottinghamshire County Council as Lead Flood Risk Authority (LLFA) have no objections subject to a condition requiring a detailed surface water drainage scheme based on the principles of the Flood Risk Assessment and Drainage Strategy
24. Nottinghamshire County Council Rights of Way Officer notes that there are no recorded public rights of way within the application boundary. The provision for the shared pedestrian/cycle path would be outside of the public rights of way remit and it would need to be considered how it would be maintained and if it would require adoption in order to achieve the higher expectations of surfacing and street lighting. Where the proposed new route is expected to meet the existing stone surfaced public bridleway at the unmanned railway, they request that the detail and design of the junction is submitted to ensure that any increase in public use can be safely accommodated
25. Nottinghamshire County Council Strategic Planning Officer makes the following comments:
 - In relation to the Minerals Local Plan there are no Minerals Safeguarding and Consultation Areas covering or in close proximity to the site. There are no current or permitted minerals sites close to the application site. Therefore, no objections on these grounds are raised.
 - In terms of the Waste Core Strategy there are no existing waste sites within the vicinity of the site whereby the proposed development would cause an issue in terms of safeguarding existing waste management facilities. It is recommended that the application is supported by a waste audit and development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting recycling and recovery of waste arising from the development.

- The site has high archaeological potential with the proximity of a henge monument which is scheduled as being of national significance. If permission is granted it should be conditional upon a scheme of archaeological mitigation.
 - In relation to planning obligations, the County Council request that a contribution of £15,000 is paid to provide a public transport information point including maintenance and communications.
 - It is expected that the developer would provide a Travel Plan including reference to ticketing incentives for employees to encourage sustainable travel to the site.
26. Sport England initially raised queries regarding the location of the development and the relationship with the existing provision in Bingham. Following the provision of additional information, they confirm that they are now able to support the proposed development which delivers new/improved sports facilities, the need for which has been identified in relevant studies and is informed by appropriate evidence. They also support the continued discussions with the Education Trust to ensure that the facilities retained at Toot Hill School continue to provide facilities which meet school/curricula needs and a continuation of community access.
27. Swim England do not wish to comment on the design and note that the team engaging with them have incorporated most of their comments into the scheme.
28. Network Rail notes that the proposed development is sited next to two level crossings and they have concerns that the proposed development will increase usage of these crossing based on the information provided at this stage. They therefore require the following:
- In relation to the Moor Lane level crossing, it is considered that the development is likely to increase the attractiveness and use of the crossing as a means of accessing the new leisure centre. In order to mitigate the anticipated increase in use and risk improvements to the crossing deck (replacement of current surface with rubber deck) and improving both approaches to the crossing should be undertaken at the developers expense (further correspondence confirms the costs to be £20,000). Without these improvements they consider that the scheme will have an unacceptable impact on operational railway safety at this crossing.
 - No part of the proposed development should obscure the approaches, warning signage and lights of either of the crossings. During and after construction the crossing approaches should remain clear and unobstructed at all times in order to ensure that users may safely enter and leave the crossing area at all times.
 - All operations must at all times be carried out in a fail safe manner and excavations/earthworks must be designed and executed such that no interference with the integrity of that property/structure can occur. Construction management plan will be necessary in relation works in

the vicinity of the railway line including information on machinery, scaffolding and cranes.

- Security of the railway boundary to be maintained and details of boundary fencing to be agreed. It is noted that the proposals include provision of an acoustic fence and this may meet the requirement.
 - Armco or similar barrier to be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing.
 - Landscaping plans should be submitted and agreed.
 - Lighting details should be agreed.
 - Level crossing improvements, boundary fencing, Armco barriers, method statements. Lighting and landscaping details all need to be conditioned.
29. Trent Valley Internal Drainage Board confirm that the site is within the Boards district and there are no Board maintained watercourse in close proximity to the site. Surface water run off rates to receiving watercourse must not be increased as a result of the development and the design, operation and future maintenance of site drainage systems must be agreed with the LLFA and LPA.
30. Notts Wildlife Trust make the following comments:
- They are pleased to see the inclusion of a Biodiveristy Net Gain Assessment which includes an extended phase 1 Habitat and map. The recommendations of this report should be followed to achieve net gain for the development.
 - They are concerned that not all species have been considered within the protected species report as the site habitats appear to be suitable for hedgehogs. Hedgehogs are a Species of Principal Importance on Section 41 of the NERC Act (2016) and are also a priority species and should be protected from development.
 - They would expect to see update pre commencement surveys undertaken and precautionary approaches adopted during vegetation and clearance works.
 - They suggest that conditions need to be attached in relation to vegetation clearance timings to avoid bird nesting season as per protected species survey, a pre commencement condition for badgers, construction environmental Management Plan to provide a working method statement and information for contractors in line with the recommendations within the Protected Species Survey and Reptile survey, a biodiversity enhancement plan.
31. The Environment Agency consider that the previous use of the site presents a risk of contamination that could be mobilised during construction to pollute controlled waters. The application demonstrates that it will be possible to

manage the risks posed to controlled water, however detailed information will be required before any building works are undertaken. This can be achieved by attaching conditions in relation to the submission and approval of a remediation strategy and then subsequent verification report.

32. British Transport Police make the following comments:

- a. The proposed new leisure centre will attract a lot more people to this location. In particular, there may be groups of young people and this is immediately adjacent to the railway lines.
- b. The location of the cycle racks down the side of the building and the placement of benches on the cycle route backing onto the railway boundary is problematic.
- c. It is suggested that the cycle rack is moved to the front of the building and question whether the benches are essential.
- d. Boundary treatment will be important – BTP recommends a minimum of 6 foot palisade with anti climb topping in consultation with Network Rail. They need assurance that the fencing will be of sufficient standard to deter trespass and installed in consultation with BTP and Network Rail.

33. Police Architectural Liaison Officer notes that the leisure centre is to be located within South Nottinghamshire area where the majority of crime types are below average with the exceptions being shoplifting and bicycle theft. Leisure Centres tend to attract theft of bicycles across the County. The risk is likely to escalate even further in the future with the gradual shift towards sustainable transport. They therefore subscribe to the initial concerns from British Transport Police with regard to the original position of the bicycle storage. This could be addressed in two ways – by maximising natural surveillance in an area directly overlooked by staff and ideally by gym users and providing secure bicycle storage facility, i.e. storage shed constructed of materials such as welded mesh, grills or bars, polycarbonate or other secure glazing so it remains open to surveillance. Also agrees that providing benches along the pedestrian/cycling path is likely to attract anti-social behaviour.

34. Cadent Gas raise no objections and comment that due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

35. The Borough Councils Landscape Officer agrees with the findings of the tree survey, whilst there are numerous trees on the site, their overall quality is low. The trees on the Chapel Lane frontage are most prominent, but since the Council acquired the site, they have caused issues by obstructing the signage and lights for the rail crossing and they are a rather shabby group. In the long term the proposed removal and replacement planting will provide a far more appropriate boundary treatment for the proposed leisure centre.

36. The soft landscape drawing shows that it is the intention to retain 2 trees on the northern boundary G2400-C1 and G2402-B1 where possible and 3 other

trees appear to be retained ExT2393-C1 on the southern boundary, Ex. G2396-C1 to the south of the main entrance and Ex. T2899-C1 between the other 2 trees on the northern boundary. A condition regarding tree protection measures is required in accordance with BS5837 for these trees and if additional tree felling is needed, this should be agreed in writing with him before the work takes place. As a detailed landscape plan will need to be conditioned, he is satisfied if any of the retained trees did need to be removed at a later date, suitable replacement planting can be ensured.

37. He has no objections to the soft landscape strategy. Further detail can come forward as part of the detailed landscape plan at a later stage.
38. Discussions have taken place about the appropriateness of installing trees within the parking area. He is satisfied that the 8 trees on the landscape plan will help soften the parking area, but it is essential they are planting in appropriate tree pits to ensure they thrive in the long term and don't cause root damage to the surface. Details of the tree pits have been submitted and these are considered acceptable and essential. He is also satisfied with the extent of planting proposed close to the leisure centre and the courtyard area. A tree protection scheme will also need conditioning.
39. The Borough Councils Environmental Health Officer raised some initial queries in relation to the noise impact assessment submitted and additional information was submitted. It is now considered that the report adequately covers all aspects of potential noise impact and the mitigation measures suggested in the noise assessment are implemented. This should be secured by condition. Discussions have taken place in relation to the proposed acoustic fencing along part of the Chapel Lane frontage. It has been acknowledged that the daytime noise level predicted for the use of the car park without the barrier in place was less than the existing noise levels in this area. The introduction of the barrier was to reduce the noise levels from the car park use between 11pm – 7am. It was queried whether the hours of operation will be restricted to those hours and if not whether restrictions could be put on the car park to prevent the use of the car park near to Chapel Lane until after 7 am?
40. A lighting plan has been provided with the application, however this does not provide full details on the predicted lighting lux levels at the nearest sensitive receptors. This should be secured by condition.
41. The methodology in the air quality assessment is agreed and it is considered that there will be no significant impact on air quality as a result of the operation of this facility. The recommended control measures identified in the report should be incorporated into the Construction Environmental Management plan.
42. In relation to contamination the report accompanying the application does provide details of the previous uses of the site and also the results of sampling undertaken. In terms of impact on human health, there was no widespread contamination of soils based on the proposed commercial use. However, there is the possibility of asbestos within made ground that will require further remediation works. A condition requiring further site investigation and potential remediation strategy is recommended. In relation to controlled waters this area is led by the Environment Agency.

43. It is noted that the facility includes a kitchen area within a café and the details of the proposed extract ventilation system for the cooking area shall be submitted and approved by condition.
44. The Borough Councils Environmental Sustainability Officer has no objections and recommends conditions to secure biodiversity protection and enhancement and sustainability features.
45. The Borough Councils Licensing Officer has no objections

Local Residents and the General Public

46. One resident of East Bridgford, and member of gym at Bingham Leisure centre and regular hockey user of the all weather sports pitch facility at Toot Hill makes the following comments:
 - a. He is supportive in principle of the proposals to develop the Chapel Lane site.
 - b. His concerns relate to the operation of the remaining facilities at Toot Hill – how they will operate and the charges that will apply.
47. One resident of Bingham objects to the application and raises detailed comments which are summarised as follows:
 - a. Highway safety concerns, in particular the location of the road access and the adjacent level crossing. Current problems exist with tailbacks and the proposed development will result in increased traffic. Need also to consider the further increase from the housing development proposed in the area. He considers that there are solutions including access via Moorbridge Road and or use of roundabouts.
 - b. Appreciates that the access to the site is similar to the one granted to Tesco but that permission should not have been granted for the reasons above. The proposed leisure centre will produce greater peak flow due to swimming and fitness classes requiring a lot of people to arrive at the same time.
 - c. It is noted that Highway England have no objection but that is because it does not affect roads for which they are responsible.
 - d. There is no traffic impact statement.
 - e. Provision of a cycle and footpath access on the southern boundary is good but questions how to get to it on a bike. Queries whether the rail authority are happy to have increased use of the level crossing at Moor Lane.
 - f. Queries how wheelchair users from the west of Bingham will safely get to the site.

- g. As a resident of Bingham, it is considered that the new leisure centre will be a great benefit to the local residents but is concerned that the access issues have not been properly addressed in the design.

PLANNING POLICY

48. 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

49. 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.
50. 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."*
51. 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.
52. The planning system also has an economic objective and section 6 of the NPPF relates to building a strong competitive economy. This emphasises that planning decisions should enable sustainable growth and expansion of all types of businesses in rural areas including through provision of well designed new buildings.

Relevant Local Planning Policies and Guidance

53. 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 5 – Employment Provision and Economic Development
 - 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
54. 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 15 – Employment Development
 - 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
55. 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/>.
56. Rushcliffe Borough Council – Corporate Strategy 2019 - 2023, Rushcliffe Sustainable Community Strategy 2009-2026 and Leisure Strategy (2017 – 2017) and local policy 'Spatial Planning for the Health and Wellbeing of Nottinghamshire 2016 are of relevance. The Borough Councils Corporate Strategy identifies the Councils four priorities including quality of life with a commitment to, inter alia, protecting our residents health and facilitating healthier lifestyle choices and providing high quality community facilities which meet the needs of our residents and contribute towards the financial independence of the Council.
57. The Borough Council has an adopted Leisure Facilities Strategy (2017 – 2027). The vision of the Strategy is 'to provide high quality, financially sustainable leisure facilities to support Rushcliffe residents to enjoy healthy active lives'. This strategy identifies that Bingham Leisure Centre, as the largest and oldest of the sites assessed, requires the most significant works in the short, medium and long term and this strategy highlights Bingham as a priority site for replacement /substantial improvement.
58. The Council commissioned a comprehensive feasibility study and options appraisal focussing on the potential to provide a new leisure centre on the Toot Hill School Site. This study reviewed 4 potential locations on the school site as well as the existing leisure centre footprint. This identified technical and operational difficulties and high associated costs of all potential locations. The Council's Cabinet in July 2018 decided to undertake a feasibility review of constructing a new Leisure centre on this site and in Feb 2019 the Councils Cabinet acknowledged the outcome of the options appraisal for the Chapel Lane site and approved the development of a new leisure centre and commercial officers at that location, while retaining sports hall and outdoor facilities at the Toot Hill school site.
59. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) specifies that certain types of developments

should be subject of an Environmental Impact Assessment. This application has been screened and it is considered that the application does not require an EIA.

60. The Bingham Growth Board commissioned a masterplanning exercise to produce a Vision Masterplan and Action Plan for the area (Brilliant Bingham: A 10 year vision). This identifies a variety of key short, medium and long term projects to shape the future economic development and regeneration of the town.
61. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.
62. The Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.

APPRAISAL

63. 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.
64. 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.
65. Policy 15 of Local Plan Part 2: Land and Planning policies sets out criteria which relate to Employment Development and allocates sites of a lesser scale than those identified in the Core Strategy in Policy 5. This site has the benefit of a long standing employment allocation and Part 2 reallocates part of this site for employment development. Whilst this was envisaged in the rear section of the site as identified on the figure 10 of the Plan, it is considered that the area of the site now proposed to accommodate the office unit is appropriate and will still provide the level of potential employment opportunities to support significant housing growth in the east of the Borough. The proposal for providing office B1 accommodation is in accordance with Policy 5 and the associated facilities which are available within the proposed leisure centre will support the functioning of the employment site.
66. The Borough Council's Leisure Strategy identifies Bingham Leisure Centre as a priority site for replacement/substantial improvement and subsequent feasibility reports have been commissioned by the Borough Council to investigate further the provision of new leisure facilities in Bingham, including a review of the potential for the existing Toot Hill Site to accommodate such provision. This identified technical and operational difficulties and high

associated costs of all potential locations on the existing site and led to the identification of this site as part of a wider commercial development of the site. There has been a longstanding desire by the Town Council to achieve improved community hall facilities in the town and such a facility is proposed to be incorporated into the building. The principal of new facilities has been welcomed by Sport England.

67. In supporting new leisure/community buildings and uses, this needs to be balanced with the need to protect the amenity of neighbouring and nearby residential properties. The site is located within a predominantly mixed commercial area to the north of the railway line and accessed from a main thoroughfare with both road and railway noise present in the background. Residential properties do however exist on the opposite side of the track. It is acknowledged that an introduction of these types 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 and include the provision of acoustic fencing to the railway boundary.
68. The hours of operation in relation to the leisure and community building have been reduced since originally submitted to minimise impact on neighbouring and nearby properties and it is now considered that, on balance, the acoustic fencing that was first recommended along part of the Chapel Lane frontage is not justified. Residential properties that would benefit from such a structure are located on the opposite side of the railway line and are already affected by rail and traffic noise and such a fence is likely to only be of benefit for a maximum of two hours a week when the community hall may operate later than 11pm. To provide the fence would impact on the ability to facilitate the cycle/pedestrian route through the site and would impact on the visual amenity of the area. These amended hours will be controlled by planning conditions. No objections have been received from Environmental Health regarding the original hours of operation submitted in relation to either building.
69. In considering applications, Policy 1 (Development Requirements) of the Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highway Authority. For both the aspects of the application careful consideration has to be given to highway safety implications of the development. Access into the site is considered to be acceptable by the County Council as the Local Highway Authority and Highways England do not consider that it would detrimentally affect the wider strategic network. The Transport Assessment took into account the committed housing developments in the vicinity of the site. Conditions are proposed to ensure the provision of the access and its visibility splays are achieved. Car parking provision on the site is considered to be at an acceptable level and the car parking management plan submitted with the application is considered necessary to ensure that parking is controlled on the site to secure its availability for users of the leisure Centre and offices. Consideration has been given to the potential for school buses to need to access and park at the site whilst school swimming lessons are taking place and the layout has been

designed to accommodate this. The majority of the servicing of the leisure centre will be undertaken by taking access from Moorbridge Road at the rear of the site.

70. Whilst it is acknowledged that some community events or galas may attract an increased level of parking requirements, it is likely that this will be outside of office hours and therefore it will be possible for shared use of these parking spaces outside of normal employment hours/days. The location of the development allows for the site to be accessed by alternative means of transport. It should also be noted that the level of parking satisfies the County Council's Parking standards for these types of uses and no objections on car parking or access have been raised by the County Council as Highway Authority.
71. The proposed development also allows the creation of a cycle/pedestrian link from Chapel Lane to the public bridleway to the east of the site. This would improve linkages in the area and is considered to be appropriate and necessary to achieve in line with the overall objectives of the Bingham Masterplan. It is also noted that this Masterplan includes a long term aspiration for the site to potentially accommodate a new railway station and it is considered that the scheme as submitted does not compromise the delivery of such a facility, should it be possible to achieve in the future.
72. Policy 1 of the Local Plan Part 2 sets out general criteria that should be applied to new development and the NPPF at section 12 places great emphasis on decisions achieving well designed places and high quality buildings. It is considered that the development will function well and add to the overall quality of the area. The design and layout of the site and buildings has been given careful attention to ensure that the development is visually attractive as a result of good architecture, layout and appropriate landscaping and will make a positive impact on the public realm. The buildings have also been positioned and designed to ensure that the development will not give rise to any undue physical impact from matters such as overlooking on nearby residential properties. Windows on the side elevation at first floor are narrow and are a sufficient distance away from the residential properties on the opposite side of the railway line to ensure no undue loss of privacy would result.
73. 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.
74. It is acknowledged that there will be some loss of habitat and landscaping on the site to accommodate the proposed development. Care has been taken to secure appropriate landscaping along boundaries and within the car park area including tree coverage. The Borough Councils Landscape Officer is satisfied that this is appropriate. Consideration has also been given to the

use of appropriate species along the railway boundary to ensure safety of the railway line is maintained.

75. An ecological report has been submitted with the application and this has been considered by the Council's Environmental Sustainability Officer and Nottinghamshire Wildlife Trust. Conditions are proposed to secure biodiversity enhancement on and off site to a level that is recommended in the biodiversity net gain document submitted with the application and additional pre commencement surveys.
76. The site is located next to the railway line and, therefore, careful consideration has been given to whether any undue impact on the railway line and its users would result from the development. Comments with regard to the level crossing have been considered above and Network Rail have commented on other aspects of the scheme including the layout, landscaping and boundary treatment and the proposal has been amended in response to those comments where necessary. It is noted that Network Rail have no objection and informatives are recommended to ensure adequate protection of the line during construction works.
77. The comments of the Town Council in relation to the internal provision of facilities within the community building itself are noted, however this is not a planning consideration to be addressed and falls outside of the planning process.
78. With regarding to matters relating to general sustainability, the scheme has been designed to conform to good sustainability principles including high level of insulation and an appropriate level of glazing to limit heat loss but also to provide sufficient daylighting into the building. Appropriate technologies have been utilised to include a combined heat power and cooling plant and photovoltaic panels to the office building. The leisure centre roof has also been future proofed to allow for potential installation in the future. Electric car charging points are also proposed to be available to serve both the office and leisure facility and this can be secured by way of a planning condition. A framework Travel Plan has been submitted with the application to encourage sustainable modes of transport to the site and sufficient cycle parking provision has been accommodated in the plans. Conditions are recommended in relation to further information to help secure the commitments in the Framework Travel Plan.
79. Careful consideration has been given to the requirement to ensure that developments are safe and accessible so that crime and disorder do not undermine the quality of life or community cohesion. The advice of the Police has been sought and has been taken into account, particularly in relation to the location of the cycle stand facilities. Revisions have been undertaken to the scheme to ensure that they benefit from natural surveillance from users and staff of the facilities. The originally proposed benches to the boundary of the site with the railway line have been removed from the proposal.
80. In relation to undesignated heritage assets, buried archaeological assets have been considered by way of the submitted Archaeological Desk Based Assessment. This recommends that the condition attached to the previous permission on the site which required the implementation of a programme for a watching brief on the site is also attached to any subsequent consent.

81. Under S149 of the Equality Act 2010 a duty exists which requires decision makers to give specific, careful consideration as to the potential implications of any equalities impact on those with protected characteristics. The protected characteristics to which the act applies include age, race, religion, sexual orientation, disability and pregnancy. In the design of the facility and the layout of the site consideration has been given to this matter.
82. Other material planning considerations including contamination, air quality, flood risk and drainage have also been considered by the assessment of the submitted technical reports by the appropriate consultees and no objections in principal have been raised. A number of additional reports and potential remediation and mitigation are necessary and can be considered by way of planning conditions.
83. The comments in relation to the continued use of Toot Hill School are not directly related to the determination of this planning application and it is understood that ongoing discussions are taking place in relation to a separate agreement for continued access to some sports facilities for the wider community and sports groups. It is noted that no objections to the application and the wider implications for sport in the Borough have been received from Sport England.
84. With regard to the request for S106 money for the provision of a Public Transport Information Board, Councillors are reminded that planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. These requirements are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 (as amended) and as policy tests in the National Planning Policy Framework. Whilst the provision of public transportation information in the form of that requested would be desirable and aspirational, it is not considered necessary to make the development acceptable and, therefore, on this occasion a monetary contribution is not being sought. It is noted that a travel noticeboard is proposed within the framework Travel Plan to provide information on local services etc and this is considered appropriate for the nature of the development proposed.
85. In conclusion, the proposed development would enhance the facilities available in the locally and within the Borough and also provide community facilities in line with the Borough Council Leisure Strategy, providing health benefits in line with guidance within the NPPF and the Council's own local planning policies. The proposal also includes provision of employment facilities to help foster small businesses and employment opportunities. Any undue impact can be appropriately mitigated by the use of planning conditions.
86. This application has been subject to informal pre application advice and discussions. Further discussions have taken place during the consideration of the application in an attempt to resolve issues raised by interested parties,

which has resulted in the submission of additional information. This has ultimately resulted in a favourable recommendation.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities be authorised to grant planning permission, subject to the prior signing of a section 106 agreement in respect of railway crossing improvements and the following conditions:

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

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

2. The development hereby permitted shall be undertaken in accordance with following approved plans:-

Site Location Plan (Revised) J4285-08-01-P3

Design and Access Statement J4285(08) 001

Schedule of Planning drawings and documents as set out Rev C06 March 2020 (received 9th March)

Pre commencement conditions:

3. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - a). A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site; and
 - asbestos survey.
 - b). A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - c). The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - d). A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

[To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework This is a pre commencement condition to ensure that any potential contamination is considered and mitigated against if necessary prior to ground disturbance taken place].

4. No development shall take place, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the 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 dust and dirt during construction which shall take into account the recommendations as set out in the Air Quality Assessment (WYG Nov 2019)
- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- The routing of deliveries and construction vehicles to site and any temporary access points.
- Details of methods of protection of the neighbouring railway line
- details of any vibro – compaction machinery and associated method statement
- Method statement to deal with any excavations, piling, building, cranes proposed within 10m of the railway line.

The approved statement shall be adhered to 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 and to comply with Policy 1 (Development Requirements) and 40 (Pollution and Land Contamination) 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 until the existing trees and/or hedges which are to be retained as indicated on Soft Landscaping 200-HOSTA-XX-GF-DR-L-004-S4-P03.00 have been protected in accordance with tree protection details to BS5837;2012 details to first be submitted and approved by the Borough Council. The approved scheme of protection shall be retained for the duration of the construction period. No materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall any excavation work be undertaken within the confines of the fence without the written approval of the Local Planning Authority. No changes of ground level shall be made within the protected area without the written approval of the Local Planning Authority

[To ensure 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].

6. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP will build upon the recommendations of the Protected Species Survey and reptile survey reports (EMEC ecology) and provide a working method statement and information for contractors which should include information to protect badgers, small mammals including hedgehogs, reptiles and amphibians during both vegetation clearance and construction activities The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].

7. No development shall take place until details of the following have been submitted to and approved by the Borough Council:
- details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land
 - details of materials to the external elevations of the building
 - bin storage facilities;
 - details of the proposed substation and its screening
 - Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
 - Details of connectivity to the public bridleway no.26 at the unmanned railway crossing to include detail and design.
 - Details of all external plant and associated screening to accord with the information submitted in the Environoise noise Assessment V2

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

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy. This condition is pre commencement to ensure details are acceptable prior to work commencing on site].

8. 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 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

[A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site. This is a pre commencement condition to ensure that such details are appropriately designed into the scheme].

9. An updated badger survey should be carried out immediately prior to commencement of works on site and the report submitted to the Borough Council. Should evidence of badgers be found on site then the report should include recommendations that will need to be submitted and approved by the Borough Council before development including site clearance is commenced.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition to ensure that no undue impact on potential protected species results in site.]

10. 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: Land and Planning Policies and the National Planning Policy Framework This is a pre commencement condition to ensure that any potential features of archaeological interest are adequately considered prior to potential works being undertaken which could impact negatively impact on their importance].

11. Prior to work commencing on the car parking area there shall be submitted to and approved by the Borough Council details of a scheme for the provision of electric vehicle charging points to serve the site which shall largely accord with the locational details as indicated on Landscape General Arrangement Plan 200=HOSTA-XX-GF-DR-L-002 REV E. The scheme shall thereafter be undertaken in accordance with the approved details and those facilities made available prior to the occupation of the building that they serve.

[To promote sustainable travel in accordance with the aims of Policy 14 of the Local Plan Part 1 Rushcliffe Core Strategy. This is a pre commencement condition to ensure that the car parking area is designed and constructed to allow for the provision of such infrastructure].

Prior to use commencing

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

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

13. Prior to any part of the approved development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy (required by condition 3) and the effectiveness

of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

[To ensure that the site does not pose any risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework].

14. The development shall not be brought into use until the site access arrangement and widened footway on Chapel Lane as shown indicatively on Proposed Site Access Arrangement (Drawing No. CLBN-BSP-ZZ-XX-DR-D-0001 Rev P02) has been provided.

[To ensure an appropriate form of access is provided in the interests of highway safety and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

15. No part of the development shall be brought into use until there has been submitted to and approved by the Borough Council a scheme for a biodiversity enhancement plan for the provision of biodiversity net gain in general accordance with the recommendations as set out in the submitted biodiversity net gain assessment (Baker Consultants 2020). This will allow for potential biodiversity enhancement on and off site and will include the timetable and method of delivery. The plans shall thereafter be implemented in accordance with the approved scheme.

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

16. No part of the development shall be brought into use until a detailed hard and soft landscaping scheme, to include those details specified below, have been submitted to and agreed in writing by the Borough Council. This scheme shall largely accord with the hard and soft landscaping schemes shown on drawing numbers Hosta 200-HOSTA-XX-GF-DR-L-004-S4-P03.00 and 200-HOSTA-XX-GF-DR-L-0003 REV B and 200=HOSTA-XX-GF-DR-L-002 REV E

- a) the precise materials proposed for all ground surfaces, including hard areas;
- b) full details of tree planting and tree pit specifications to trees within the car park which shall accord with the details as submitted on specification drawing Tree Pit System GBU 2108(Rev A);
- c) planting schedules, noting the species, sizes, numbers and densities of plants. Measure to provide habitat enhancements should be adopted including retention trees and the use of bat and bird boxes/tubes;
- d) finished levels or contours;
- e) details of all boundary treatments (including the acoustic fencing) including height, design, location, materials and finish;
- g) details of hard landscaping proposals including seating and planters and barriers to prevent driving/roll onto railway line or damage to

- lineside fencing; and
- g) details of how the landscape proposals comply and compliment the ecological requirements under conditions 15.

The approved hard landscaping scheme shall be implemented prior to first occupation of any of the buildings on site. The soft landscape scheme shall be carried out in accordance with the approved details in the first planting season following the substantial completion of the relevant building 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.

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

16. The development shall not be brought into use until the parking/turning/servicing areas are provided and surfaced in materials which have been submitted to and approved by the Borough Council which shall generally accord with those approved under Hard Landscaping Plan 200-HOSTA-XX-GF-DR-L-0003-S4--03.00 with the parking bays clearly delineated in accordance with the approved plans. The parking/turning/servicing areas shall be maintained for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

[To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, in the interests of highway safety and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

17. Prior to the occupation of either of the buildings the cycle parking proposed to serve that particular building shall be provided in accordance with the details shown on Hard Landscaping Plan 200-HOSTA-XX-GF-DR-L-0003-S4--03.00.

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

18. The approved Car Park Management Plan shall be implemented on occupation of the site, and adhered to for the lifetime of the development.

[To ensure the car parking provision is managed appropriately and is adequate for the needs of the development in the interests of highway safety to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

19. Prior to first occupation of either of the buildings the owner or the occupier of that building 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 Framework Travel Plan to be approved prior to development taking

place and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority.

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

20. The travel plan coordinator for that building shall, within 6 months of 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 approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Local Planning Authority.

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

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

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

22. Prior to the use of either of the buildings being commenced, details of any external lighting relating to that building or the open areas of the site (together with a lux plot of estimated illumination) shall be submitted to and approved by the Borough Council as Local Planning Authority. This lighting should be designed, located and installed so as not to cause nuisance to neighbouring residents and users of the railway line. The lighting shall thereafter be implemented in accordance with these details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy]

23. Prior to the occupation of the leisure and community building, all sound attenuation measures detailed in the noise assessment supplied (Environoise Consulting Ltd noise assessment ref 21331R01aSWmdw dated 27/2/20), with the exception of the acoustic fencing to the Chapel Lane frontage, shall be fully implemented and shall thereafter be permanently retained

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy]

24. 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,

together with details of signs to be displayed on the premises (including number, content and location) to remind patrons/visitors to leave the premises quietly to minimise disturbance when leaving the premises, particularly late at night. 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 adjacent to the site and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

25. When live or amplified music is being played in the community 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 adjacent to the site and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

26. Before any of the proposed kitchens are brought into use, full details of the proposed extract ventilation system for the cooking area shall be submitted to and approved by the Borough Council. The approved system shall be installed before any cooking takes place in these areas and shall thereafter be maintained and operated in accordance with the approved details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

27. The proposed pedestrian/cycle link from Chapel Lane to the public right of way to the east of the site adjacent to the unmanned level crossing shall be surfaced and lit, in accordance with the details to be submitted pursuant to condition 7, prior to the leisure centre first being brought into use and shall thereafter remain available for such purposes.

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

28. The leisure centre and community building hereby approved shall only be open for use by members of the public between the hours of 6.30am to 11pm Monday to Thurs, 6.30 am to 12 midnight Friday, 7am to 12 midnight Saturday and 7am to 9pm on Sundays and Bank Holidays.

[In the interests of residential amenity and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy].

29. The proposed office building shall only be used for purposes falling within Class B1a of the Town and Country Planning (Use Classes) Order 1987 (as amended).

[For the avoidance of any doubt and to ensure accordance with Policy 15 of Local Plan Part 2 Land and Planning Policies].

Notes to Applicant

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 the County Highway Authority for details.

Your attention is drawn to the comments from Network Rail in particular the need to consult with the Asset Protection Project Manager and contact should be made using assetprotection@networkrail.co.uk

The Environment Agency make the following comments in relation to the information required to satisfy condition 3 and 13. The Combined Phase 1 and 2 report submitted to support this planning application (Geodyne, dated November 2019) has been reviewed. The report recommends that a DQRA be undertaken to assess the risks posed to controlled waters by the hydrocarbon contamination present in the ground and groundwater at the site.

Before consideration is given to undertaking a DQRA, the conceptual site model needs to be further refined. This should include an assessment of the source(s) of the hydrocarbon contamination in the central southern area of the site, an assessment of the hydrogeological regime at the site, and also an investigation into other potential pathways such as underground drains and pipework (if present). An assessment of all potential controlled waters receptors should then be made based on the refined conceptual site model.

A DQRA should only be undertaken on the basis of a robust conceptual site model. If a DQRA is the chosen way forward it should be ensured that it is based on a robust conceptual site model and site specific data. Should you require further advice on this then please contact the Environment Agency.

You are advised to contact Plant Protection at Cadent prior to construction regarding any potential impact on apparatus in the vicinity of the site.

Guidance on systems considered suitable can be found within Guidance on the Control of Odour and Noise from Commercial Kitchens EMAQ September 2018.

You are advised to ensure that the fabric of the building takes into account the assumptions made in the Noise Impact Assessment (V2).

In relation to Condition 10 your attention is drawn to para 6.3.1 of the submitted Archaeological Desk Assessment.

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Applicant Messrs Parnham, Watchorn and Ansty

Location Land North East Of Burford Sutton Lane Granby Nottinghamshire

Proposal Residential development 5no. dwellings

Ward Thoroton

THE SITE AND SURROUNDINGS

1. The application relates to a 0.37 hectare site which comprises the north western part of a large arable field in countryside adjacent to the north eastern edge of the built up part of Granby. The Sutton Lane boundary is formed by deciduous hedgerow/trees. There is a variety of inter-war and mid to late 20th century suburban houses and bungalows opposite the site and to the north and south west on Sutton Lane, and a cemetery to the north east further along and on the same side of the lane to the site.
2. The site is outside but adjacent the Conservation Area, which includes land to the north west and south west, and the boundaries with Sutton Lane and the property to the south west (Sunbeam Lodge) form the Conservation Area boundary. The grass verge fronting the site and a grassed area in front of dwellings on the opposite side of Sutton Lane, together with the cemetery further along Sutton Lane to the north east, are identified as positive open spaces in the Townscape Appraisal in the Conservation Area Appraisal and Management Plan. A view from the opposite side of the lane across the site to the east and south east is identified as a panoramic (wide) view.

DETAILS OF THE PROPOSAL

3. Full planning permission is sought for residential development of five detached dwellings, each with a vehicular access from Sutton Lane involving removal of sections of the boundary hedgerow. The design would be traditional with single storey eaves heights to the front elevations and dormers, with two storey height front projections to two dwellings. Each dwelling would have an attached single garage to the side, and a single storey rear projection. The materials would be brick, render and Larch cladding for the walls, with clay pantiles and rosemary roof tiles.
4. The Design & Access Statement submitted with the application states that it is the applicant's contention that the cemetery to the east of the site is existing development which, when taken in conjunction with the existing dwellings on the north side of Sutton Lane, defines the extent of the settlement and that the site therefore represents small scale infill development between the Cemetery and the dwellings on the same side of the road to the south west. The applicants also appear to consider that the gap to be maintained between the site and nearby cemetery would adequately retain the panoramic view across the site from the adjacent Conservation Area.

5. Reference is also made to an appeal decision relating to 6 dwellings at Screveton (ref. 16/01466/FUL) and permission for 5 dwellings at Thoroton (ref. 18/02283/FUL) and the applicants consider that, due to the similarities between those cases and this application, and facilities available in the three settlements, a consistent approach from the Borough Council would be to support this application.
6. An ecological assessment was also submitted which concludes that the site is of low ecological value and that the proposed development would not be likely to give rise to an adverse ecological impact.

SITE HISTORY

7. There is no relevant site history.

REPRESENTATIONS

Ward Councillor(s)

8. The Ward Councillor (Cllr Bailey) has declared an interest in the application.

Town/Parish Council

9. Granby Parish council object on grounds summarised as follows:
 - a. Inappropriate development within a Conservation Village – the site is greenbelt agricultural land with its perimeter forming part of the Conservation Area. The vista of the proposed site is identified in the 2009 Conservation Area Plan as a Panoramic View which would be lost. This would have a significant negative impact on a Heritage Asset as defined in the Rushcliffe Local Plan Part 1: Core Strategy. Although a partial view may remain, if permission is granted a precedent would be set that could result in further development of the land, and you cannot have half a panoramic view.
 - b. The site is not a small scale infill as set out in the Core Strategy. It would be housing built on greenbelt agricultural land.
 - c. The proposed development provides no economic or social benefits for the local community and, therefore, it does not meet requirements of the National Planning Policy Framework.
 - d. The development would impact on already congested roads within the village, made worse by the ever-increasing size of agricultural machinery. Although we do have a bus service to Bingham, this is reviewed annually for its viability. Essentially, all houses in Granby rely on private motor transport to access work and amenities.
 - e. The proposed development would make an insignificant contribution to Rushcliffe's overall housing target, and is unlikely to provide a long-term benefit to local businesses or services. Any local employment impact is likely to be short-lived.

- f. One of the priorities of Rushcliffe's Sustainable Community Strategy (2009-26) is to maintain the character of the borough. The proposed development would be detrimental to the local character and appearance of the landscape, would remove a view of open countryside, and would increase the potential for cars parked on the roadside.
- g. Although there are dwellings opposite the proposed site, the site affords wide open views to the surrounding countryside and ensures that the cemetery provides a quiet and contemplative environment. The development would spoil what is a positive contribution to the rural character of the surrounding area.
- h. The design of the one-and-a-half storey houses is not in keeping with the properties either facing or adjacent to the site as these are all bungalows. The development would produce a harmful urbanising impact on the currently open and rural character of the site and wider landscape.
- i. The applicant's statement that the cemetery is existing development is a tenuous argument as it is neither housing nor commercial, which is what development normally means.
- j. The application compares Granby to Harby. Granby has no local amenities other than a public house and population of around 260. Harby has a post office, shop, café, school and pub and a population of around 900. Therefore, there is no real comparison of the two villages.

Local Residents and the General Public

- 10. 12 written representations have been received (from 9 properties) raising objections and comments which are summarised as follows:
 - a. Granby is not designated as an area for growth and the site cannot be classed as infill.
 - b. Further extension of the built up area.
 - c. The Borough Council has a 5 year housing land supply.
 - d. Contrary to policies in the Core Strategy, Local Plan Part 2 and the National Planning Policy Framework.
 - e. The site is prime agricultural land.
 - f. Why allow development on green field land when there are numerous brown field sites available locally.
 - g. Inappropriate new buildings totally out of place and character with Granby, and no attempt to design or use materials to blend in with surrounding properties.
 - h. Loss of a panoramic view across the Vale of Belvoir.

- i. Destruction of hedgerow to accommodate driveways.
 - j. Sutton Lane is a busy route into the Vale of Belvoir and attracts horse riders and cyclists in great numbers, Farm vehicles are large and it is a bus route. The development and construction vehicles would exacerbate matters.
 - k. Will the development enhance/maintain the vitality of Granby? The only facilities Granby provides is the Public House and the bus service which is inconvenient to use as it takes a long time to travel to Nottingham and Bingham.
 - l. There are insufficient infrastructure services for existing properties and local schools and GPs are full already.
 - m. Slow internet which is not conducive to working at home.
 - n. All new residents will be dependent on their cars.
 - o. The properties are not going to be affordable homes which is the type of accommodation that is most needed.
 - p. No mention of how the proposal is to dispose of surface and waste water and the current sewage system is inadequate.
 - q. What will happen to wildlife habitats once this commences.
 - r. The Design & Access Statement refers to obsolete planning policies.
 - s. The tombstones in the cemetery cannot be classified as a structure.
 - t. The inspector's decision to allow a similar application in Screveton was specifically to help satisfy Rushcliffe Borough Council housing requirement and it is understood that this has now been met. The applications at Thoroton and Screveton were granted prior to the adoption of Local Plan Part 2 and at a time when Rushcliffe could not demonstrate a 5 year housing supply. Those approvals are therefore now irrelevant to this current application.
 - u. A more appropriate location is beyond the cemetery.
 - v. Concern that, if granted permission, the whole field will be developed.
11. 2 written representations have been received (including one from Newark on Trent) expressing support which are summarised as follows:
- a. The site appears to be a natural 'infill' and a logical extension to the village.
 - b. It provides a sensible solution to the need for sustainable, environmentally-friendly new houses, which recently only seem to have been delivered via garden-pinching and small infills within the

village boundary, and this development would go some way to alleviate this.

- c. Granby has an eclectic mix of housing designs that have evolved over the years and this application delivers design that will fit well within the existing village. The choice of materials and scale have been clearly thought through and would complement existing properties on Sutton Lane.
- d. Attracted to the provision of ground floor bedrooms this being a positive selling point.

PLANNING POLICY

12. 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).
13. Other material considerations include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

Relevant National Planning Policies and Guidance

14. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental.
15. Of relevance to the current proposal are Paragraph 11 (Presumption in favour of sustainable development), Chapter 12 (Achieving well-designed places), Chapter 15 (Conserving and enhancing the natural environment) and Chapter 16 (Conserving and enhancing the historic environment) of the NPPF.

Relevant Local Planning Policies and Guidance

16. Of relevance to the proposal are Policy 1 (Presumption in favour of sustainable development), policy 3 (Spatial Strategy), policy 10 (Design and enhancing local identity) policy 11 (Historic Environment) and policy 14 (Managing travel demand) of the Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy).
17. Policy 1 (Development Requirements), policy 22 (Development within the countryside), policy 28 (Conserving and enhancing heritage assets) and policy 38 (Non-designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (Local Plan Part 2). The Local Plan Part 2 also provides clarification on the definition of 'small scale infill development' are also of relevance.
18. The Rushcliffe Residential Design Guide (RRDG) and the Granby Conservation Area Appraisal and Management Plan are also relevant.

19. The recent (11 February 2020) appeal decision on an outline application for 4 dwellings at Sutton Cum Granby is a material consideration (ref. 19/00330/OUT).
20. When considering proposals within the Conservation Area, Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the local planning authority to pay special attention to the desirability to preserve or enhance the appearance and character of Conservation Areas.

APPRAISAL

21. Policy 3 of the Core Strategy outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentration by directing the majority of development towards the built up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. In other settlements, such as Granby, development will meet local needs only which will be delivered through small scale infill development or on exception sites.
22. The Local Plan Part 2 also provides clarification on the definition of 'small scale infill development' stating that '*small scale infilling is considered to be the development of small gaps within the existing built fabric of the village, or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area*'.
23. The environmental objective of the NPPF refers to 'protecting and enhancing our natural, built and historic environment'. Chapter 15 (Conserving and enhancing the natural environment) states (at paragraph 170b)) that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others) recognising the intrinsic character and beauty of the countryside. Policy 22 (Development in the countryside) of Local Plan Part 2 states that the countryside will be protected for the sake of its intrinsic character and beauty.
24. It is considered that the application site is clearly outside the built up part of the settlement in countryside (although not within the Green Belt as suggested in the comments submitted by the Parish Council), and that the nearby cemetery, which comprises a grassed area and grave stones does not define the extent of the 'built up' part of the settlement. It is also considered that the construction of five dwellings with associated hard surfaced driveways/parking areas, together with vehicular accesses over the grass verge, involving the removal of sections of the boundary hedgerow, would have a significant adverse impact on the rural character of the site and surroundings, and the setting and rural approach to the village.
25. In view of the above it is considered that the proposed development would not represent the type of small scale infill envisaged by the Core Strategy and clarified by Local Plan Part 2.
26. Chapter 16 (Conserving and enhancing the historic environment) of the NPPF states 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. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 201 states that loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm or less than substantial harm, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area.

27. Policy 11 (Historic Environment) of the Core Strategy 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.
28. Policy 28 (Conserving and enhancing heritage assets) of Local Plan Part 2 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 the harm arising from the proposals.
29. The site is not within the Conservation Area and, therefore, the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged, although it is acknowledged that the proposal would necessitate the provision of driveways across the grass verge fronting the site along Sutton Lane which is identified as a positive open space in the Townscape Appraisal. However, it is necessary to consider the impact of the proposal on the setting of the Conservation Area. In addition, the view from the opposite side of the lane across the site to the east and south east is identified as a panoramic (wide) view. The Conservation Area Appraisal and Management Plan states *'from the outskirts of the village, views of the countryside beyond the Conservation Area are particularly pleasing thanks to Granby's elevated position. From Sutton Lane the view eastwards towards Belvoir Castle is a noteworthy highlight'*.
30. It is considered that the removal of five sections of the Sutton Lane hedgerow and formation of hard surfaced vehicular access over the grass verge would have an adverse impact on the rural character of the part of the Conservation Area adjacent to the site. A gap of around 45 m in length would remain between the site and nearby cemetery which, it is acknowledged, would retain part of the view of the Vale of Belvoir towards Belvoir Castle. However, the site frontage is almost 90m and, even though there would be gaps between the proposed dwellings, the development would result in the loss of a substantial part of the view from along the lane.
31. It is considered that the contribution this site makes to the rural character of the area, grass verge and the panoramic view across the site represent elements which make a positive contribution to the significance of the Conservation Area, and it is, therefore, considered that the development would have an adverse impact on the setting of the Conservation Area, amounting to less than substantial harm. It is not considered that this harm is outweighed by any public benefits. Whilst the site is not within the

Conservation Area it would necessitate the provision of driveways across the grass verge across the front of the site, which is land within the Conservation Area and it could be argued that the harm this work would cause would, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, give rise to a statutory presumption against granting planning permission.

32. Policy 14 (Managing travel demand) of the Core Strategy states that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations following the Spatial Strategy in Policy 3, in combination with the delivery of sustainable transport networks to serve these developments.
33. There are very limited services/facilities in Granby and nearby villages, and a limited bus service, and the nearest shops are in Bingham, Cropwell Bishop and Bottesford. It is, therefore, considered that it is not a suitable location for five new build dwellings when it is very likely that future occupants would be heavily, if not solely reliant on the private car to access day-to-day services/facilities.
34. Chapter 12 (Achieving well-designed places) of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, establish or maintain a strong sense of place, and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
35. 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 valued local characteristics, be adaptable to meet demands and the effects of climate change, and reflect the need to reduce the dominance of motor vehicles. Development must also be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.
36. Policy 1 (Development Requirements) of Local Plan Part 2 states permission for new development will be granted provided that (amongst others) 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 would not lead to an over intensive form of development, or be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy, and there would be no significant adverse effect on any historic sites and their settings.
37. The historic core of Granby comprises a mixture of 17th, 18th and 19th century small detached and semi-detached cottages, farmhouses with ranges of outbuildings (many of which have been converted for residential use) and large houses with extensive grounds constructed from orange/red brick, clay pantiles and slate. However, the area around the site along Sutton Lane

comprises a variety of inter-war and mid to late 20th century suburban houses and bungalows, some of which have been extended/alterd including contemporary extensions/alterations at Sunbeam Lodge, adjacent to the site.

38. If the principle of residential development on the site was acceptable, in view of the variety of properties in the village in terms of period, design/style and materials, it is considered that the traditional 'cottage' design and materials would be appropriate. It is also considered that there would be no significant adverse impact on the amenities of adjacent and nearby properties, and that future occupants would have a high standard of amenity.
39. Policy 38 (Non-designated biodiversity assets and the wider ecological network) of Local Plan Part 2 requires, where appropriate, to seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
40. The Ecological assessment submitted with the application concludes that the site is of low ecological value and that the proposed development would not be likely to give rise to an adverse ecological impact. The survey was carried out relatively recently (December 2019) and, as part of an arable field, the site is disturbed on an annual basis. It appears likely that the conservation status of any protected species would be maintained.
41. The appeal decision at Screveton and decision on the application at Thoroton referenced by the applicants were made prior to adoption of Local Plan Part 2 at a time when the Borough Council could not demonstrate a 5 year housing land supply.
42. In the Screveton appeal decision, the inspector accepted that the site was within countryside and that the development would not be infill, and that the site is not accessible to a range of services other than by use of the private car. At that time the Council could only demonstrate it had a 3.4 year housing land supply which the inspector considered was a 'significant under supply'. The inspector concluded that the adverse impacts of the development would not significantly and demonstrably outweigh the social and economic benefits of the development which would help address most of the local housing need in the area for open market housing, at a time when there was a 'notable shortfall' in the housing land supply in the Borough.
43. In the Thoroton case, it was also accepted that the development would not be infill, and that future occupants would rely on private vehicle to access day-to-day services. It was also considered that some weight should be afforded to the above appeal decision. In addition, the site at Thoroton is bounded to the north by an adopted highway, which forms a clear defensible boundary which could be relied upon to limit any further development.
44. Of far greater relevance to the current application is the very recent appeal decision (decided in February 2020) on application ref. 19/00330/OUT at Sutton cum Granby. Permission was refused on grounds that, i) the site is outside the built up part of the settlement in countryside and that the development would not constitute infill; ii) the site is in an isolated location in relation to services and facilities and it is likely that future occupants would be reliant on the use of private car for day to day needs; and iii) the development

would have a significant adverse impact on the rural character of the site and surroundings. The inspector noted that the Borough Council can now demonstrate a 6 year housing land supply, and dismissed the appeal agreeing with the Borough Council on all three reasons for refusal.

45. Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are the most important for determining the application are out-of-date (including where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
46. Following adoption of Local Plan Part 2, the Borough Council can now demonstrate a housing land supply in excess of five years. Consequently, the so called 'tilted balance' referred to in paragraph 11 of the NPPF, where the adverse impacts of a development are balanced against the benefits, does not apply in this instance.
47. The application was subject to pre-application discussions when the applicant was informed that it is unlikely that the development could be supported. In order to ensure a timely decision, it was not considered necessary to negotiate further with the applicant.

RECOMMENDATION

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

1. Policy 3 of the Rushcliffe Borough Local Plan Part 1: Core Strategy (Core Strategy) sets out the spatial strategy for housing delivery in the Borough which seeks to ensure that sustainable development will be achieved through a strategy which promotes urban concentrations by directing the majority of development towards the built up areas of Nottingham and Key Settlements within the borough. In other settlements the Core Strategy, at para 3.3.17, envisages that development should be for local needs only through small scale infill development or on exception sites. Paragraph 3.9 of the Rushcliffe Local Plan Part 2: Land Planning Policies lists a number of smaller settlements which are capable of accommodating a limited number of dwellings. Paragraph 3.10 states that beyond these allocations, development will be limited to small scale infill development, defined as development of small gaps within the existing built fabric of the village or previously developed sites whose development would not have a harmful impact on the pattern or character of the area. The application site is outside the built up part of the settlement of Granby in countryside and the proposed development would not, therefore, constitute small scale infill development, and would be contrary to policy 3 of the Core Strategy and paragraph 3.10 of the Local Plan Part 2. Furthermore, 5 dwellings on the site would harmfully undermine the spatial strategy for the Borough, with a risk of distorting the spatial strategy with respect to the distribution of housing across the Borough over the plan period, which would be inconsistent with the fundamental objectives of sustainable development.

2. There are very few services/facilities in Granby and nearby villages, and a very limited bus service. It is, therefore, considered that the site is not a suitable location for 5 new dwellings when it is very likely that future occupants would be heavily if not solely reliant on private car to access day-to-day services. The development would, therefore, contrary to policies 1 (Presumption in favour of sustainable development) and 14 (Managing travel demand) of the Rushcliffe Local Plan Part 1: Core Strategy.
3. Five dwellings together with hard surfaced driveways/parking areas and vehicular accesses over the grass verge involving the removal of sections of the boundary hedgerow would have a significant adverse impact on the rural character of the site and surroundings, and the rural setting and approach to the village. The proposal would, therefore, be contrary to the environmental objective and paragraph 170 b) of the National Planning Policy Framework, policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 22 (Development within the countryside) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
4. The proposed development would involve the formation of five vehicular accesses over a grass verge which is identified as a positive open space in the Granby Conservation Area Townscape Appraisal, and the substantial loss of a panoramic view. The loss of these elements which contribute to the significance of the Conservation Area and the setting of the village by virtue of its rural character and open nature would be contrary to paragraph 201 of the National Planning Policy Framework. In the opinion of the Borough Council the loss of these elements would represent less than substantial harm to the character and appearance of the Conservation Area. Consequently, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a statutory presumption against granting planning permission. The proposed development would also be contrary the objectives of Policy 11 (Historic environment) of the Rushcliffe Local Plan Part 1: Core Strategy, and policy 9 (Historic Environment) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

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20/00465/FUL

Applicant Mrs Kate Thompson

Location 1 Elterwater Drive Gamston Nottinghamshire NG2 6PL

Proposal Demolition of existing conservatory. Construction of single rear and side extensions.

Ward Gamston North

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached dwelling of traditional construction being buff brick with a dark concrete roof. It is located within a modern housing estate in an established residential area of West Bridgford/Gamston amongst dwellings of a similar age, size and design.

DETAILS OF THE PROPOSAL

2. The proposal would see the existing conservatory removed and replaced with a single storey rear extension that would extend along the rear of the dwelling to 11.8m, 'wrap around' the south-eastern rear corner of the dwelling and extend forwards along the side elevation for 7m to join onto the existing attached garage at the side. It would have a mono-pitch ridge height of 3.5m along the rear elevation and an eaves height of 2.2m. The ridge height would rise to 4.6m at the rear of the existing garage.

SITE HISTORY

3. There is no relevant site history attached to the property.

REPRESENTATIONS

Ward Councillor(s)

4. No comments received.

Local Residents and the General Public

5. No representations received.

PLANNING POLICY

6. 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).
7. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

8. The National Planning Policy Framework (2019), paragraphs 11 and 127

Relevant Local Planning Policies and Guidance

9. The development falls to be determined in accordance with:
 - The Rushcliffe Local Plan Part 1 - Core Strategy in particular Policy 1 and Policy 10 (Design and Enhancing Local Identity)
 - The Rushcliffe Local Plan Part 2 – Land and Planning Policies in particular Policy 1 (Development Requirements)
 - The Rushcliffe Residential Design Guide
10. The full narrative of all of the above can be found on the Rushcliffe Borough Council website.

APPRAISAL

11. The dwelling sits on a fairly large plot on the corner of Ambleside and Elterwater Drive. There is ample space at the rear and side for the proposed extension without the plot appearing cramped or the extension being over-bearing
12. The extension would have a minimal projection of 1.575m adjacent the boundary with the nearest dwelling, no. 3 Elterwater Drive to the west of the property. This boundary is made up of a 1.8m high close boarded fence and established shrub planting. There are no windows proposed in the narrow side elevation of the extension facing this boundary.
13. Given the orientation of the dwellings and the minimal size of the proposed extension nearest to this boundary it is not considered that the adjacent dwelling at no. 3 Elterwater Drive would be unduly impacted in terms of neighbouring amenity in terms of over-looking or over-shadowing.
14. To the east of the dwelling is Ambleside, the main feeder road through the Gamston Estate. The property's boundary with Ambleside is made up of a 2m high close boarded fence with intermittent shrub planting. The proposed side extension would be 6.4m away from this boundary. There are no dwellings to the east that would be impacted by the proposal.
15. Even though the extension would be on the rear of the dwelling and sited behind the existing garage, there would be glimpses of it from the public realm. The ridge of the side extension would project c.300mm above the existing garage roof and the extension would project c. 900mm beyond the side elevation of the garage allowing glimpses from Elterwater Drive. The side extension would be visible over the boundary fence from Ambleside. It is not considered that these views would have a negative impact on the street scene or surrounding area as they would not appear over-bearing or overly dominant remaining subservient to the original dwelling and constructed in materials to match.

16. The existing attached garage would be altered internally resulting in the loss of a garage space, however there is sufficient off-street parking at the front of the dwelling to accommodate two vehicles and it is not considered that highway safety would be compromised.
17. There were no perceived problems with the application and therefore no requirement for negotiation with the applicant/agent or the need to request any amendments. Consequently, there was no delay in the decision of the application.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): NA494/BP, NA494/8 and NA494/9.

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

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

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

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