

When telephoning, please ask for: Tracey Coop  
Direct dial 0115 914 8277  
Email democraticservices@rushcliffe.gov.uk

Our reference:  
Your reference:  
Date: Wednesday, 5 August 2020

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held virtually, via Zoom on Thursday, 13 August 2020 at 6.30 pm to consider the following items of business.

The meeting will be live streamed via Youtube for the public to listen and view via the link: <https://www.youtube.com/user/rushcliffeBC> . Please note that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Sanjit Sull  
Monitoring Officer

## AGENDA

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
  - a) Under the Code of Conduct
  - b) Under the Planning Code
3. Minutes of the Meeting held on (Pages 1 - 12)
4. Planning Applications (Pages 13 - 98)  
The report of the Executive Manager - Communities.

Rushcliffe Borough  
Council Customer  
Service Centre

Fountain Court  
Gordon Road  
West Bridgford  
Nottingham  
NG2 5LN

Email:  
customerservices  
@rushcliffe.gov.uk

Telephone:  
0115 981 9911

[www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)

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**Monday, Tuesday and Thursday**  
8.30am - 5pm  
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9.30am - 5pm  
**Friday**  
8.30am - 4.30pm

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



## Membership

Chairman: Councillor R Butler

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: A Brennan, N Clarke, P Gowland, L Healy, A Major, J Murray,  
F Purdue-Horan, C Thomas and D Viridi

<b>Meeting Room Guidance</b>
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**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.



## **MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 9 JULY 2020**

Held virtually at 6.30pm and live streamed on the  
Rushcliffe Borough Council YouTube channel

### **PRESENT:**

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

### **ALSO IN ATTENDANCE:**

Councillors A Edyvean and R Inglis

### **OFFICERS IN ATTENDANCE:**

D Mitchell	Executive Manager - Communities
A Pegram	Service Manager - Communities
S Sull	Monitoring Officer
H Tambini	Democratic Services Manager
L Webb	Democratic Services Officer

### **APOLOGIES:**

Councillors D Virdi

#### **1 Declarations of Interest**

There were no declarations of interest.

#### **2 Minutes of the Meeting held on 11 June 2020**

The minutes of the Planning Committee on 11 June 2020 were declared a true record of the meeting.

#### **3 Planning Applications**

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

**20/00747/FUL – Demolition of existing agricultural building and construction of detached dwelling – Holmefield Cottage, London Lane, Willoughby on the Wolds, Nottinghamshire NG2 6JL.**

Councillor Murray joined the meeting after consideration of the application had commenced and did not take part in the discussion or voting on this application.

## Updates

In accordance with the Council's public speaking protocol, Judy Carr (Applicant's Agent) and Councillor Andy Edyvean (Ward Councillor) addressed the Committee.

## Comments

Members of the Committee considered that the proposed development was on the edge of the village and within the limits to development and if allowed, would constitute limited infilling and would not extend the line of the village and was sustainable. Furthermore, it was considered that the proposed development would not cause significant harm to the character and appearance of the local area as there was a building already on the site, and the proposed new building would be replacing that building on a similar footprint.

Members of the Committee asked that appropriate conditions be added to any permission related to water recycling and climate change mitigation measures.

## DECISION

### **GRANT PLANNING PERMISSION FOR THE REASONS SET OUT ABOVE AND SUBJECT TO THE FOLLOWING CONDITIONS.**

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

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

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

- Site Location Plan received 28 March
- Landscaping Plan 465.03 Rev A received 28 March
- Site Plan, Floor Plans and Elevations 456.02 Rev A received 28 March
- Topographical Survey Section showing existing and proposed levels plan 465.05 Rev B submitted 9 July 2020

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

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

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

4. The materials specified on the Landscaping Plan 405.03 Rev A dated March 2020 shall be used on the hard surfaced areas of the site and no alternative materials shall be used.

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

5. Occupation of the dwelling shall not take place until details of the size of trees and details of the hedgerow to be planted as shown on the Landscaping Plan 465.03 Rev A received 28 March 2020, has been submitted to and approved in writing by the Borough Council. The approved landscaping scheme shall include for the retention of the trees shown to be retained and the additional planting shall be carried out in the first planting season following first occupation of the dwelling and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

6. No operations shall commence on site until the existing trees and/or hedges which are to be retained have been protected in accordance with BS5837 the details of which shall be submitted and approved in writing by the Borough Council. The approved details shall be implemented and retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. Notwithstanding the Topographical Survey Section showing existing and proposed levels plan 465.05 Rev B submitted 9 July 2020, no changes of ground level shall be made within the protected area without the written approval of the Borough Council.

[To ensure existing trees are adequately protected during construction of the development, and to comply with Policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that any tree/hedge protection is undertaken in advance of development commencing].

7. Before development is commenced, a Contaminated Land Report shall be submitted to and approved by the Borough Council. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these

respective elements of the report will need to be submitted to and approved by the Borough Council, prior to development commencing. In the event that any evidence of unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The development shall be undertaken in accordance with the approved reports and remediation scheme.

[To protect residential amenity and to ensure that the soil is free from contamination and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that and contamination can be dealt with/removed from site before the construction of the dwelling commences].

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

[To protect the amenity of local residents 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 required to be agreed prior development to protect residential amenity].

9. Occupation of the dwelling shall not take place until the visibility splays as shown for indicative purposes on drawing 10587-001 included in a highway traffic survey ref. 10587/KS/001 made by Sanderson Associates dated 4 September 2018, and submitted as part of the planning application ref. 18/02020/FUL have been provided.

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

10. Occupation of the proposed dwellings shall not take place until the access driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

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

11. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - D of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows or roof lights other than those shown on the approved plans.

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

12. Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification) no sheds, buildings or structures shall be erected on the site.

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

13. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification) no fence, wall, hedge or other means of enclosure other than shown on the approved plans Landscaping Plan 465.03 Rev A received 28 March 2020, shall be erected or planted on the site.

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

14. Prior to occupation of the dwelling, the window(s) serving the first floor accommodation on the north elevation of the proposed development shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent or be 1.7m to the eil when measures from the internal floor level. Thereafter, the windows shall be retained to this specification. No additional windows shall be inserted in this elevation.

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

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

[In the interests of the reducing water consumption in an area of moderate water stress and to comply with Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning

Policies].

16. The dwelling hereby permitted shall not be occupied until an electric vehicle charging point(s) has been provided. Thereafter the charging point(s) shall be installed, maintained and operated for the lifetime of the development.

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

17. Prior to the erection/installation of any external security or floodlighting on the site, details of the position, design and levels of illumination shall be submitted to and approved in writing by the Borough Council and no external lighting shall be erected other than in accordance with the approved details.

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

18. Demolition works should be undertaken outside of the bird breeding (i.e. avoiding March to August inclusive) season unless a suitably qualified ecologist has surveyed for nesting birds immediately prior to works. If any active nests are found, demolition work should cease until all young have fledged.

[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].

19. The development hereby authorised shall not be occupied until details of bat boxes and/or access points to bat roosts and bird nesting boxes have been submitted to and approved by the Borough Council. The approved details shall be implemented prior to occupation of the dwelling and thereafter the bat boxes and/or access points and bird boxes shall be permanently retained.

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

20. Occupation of the proposed dwelling shall not take place until a refuse collection point (close to the point of access) has been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to occupation and the bin collection point shall be retained for the life of the development

[In the interests of the amenity of the area and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land

and Planning Policies].

**20/00504/FUL – Erection of a two-storey detached house with parking – Lilacs, 28 Rose Grove, Keyworth, Nottinghamshire NG12 5HE.**

**Updates**

In accordance with the Council's public speaking protocol, Leonard Newton (Objector) and Councillor Rob Inglis (Ward Councillor) addressed the Committee.

**DECISION**

**GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT, SUBJECT TO THE FOLLOWING CONDITIONS:**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan (No date/ reference); Proposed Dwelling – Elevations (Ref. Drawing No. 2); Proposed Dwelling – Site Layout & Floor Plans (Ref. Drawing No.1).

[For the avoidance of doubt and to comply with Policy 10 of the Core Strategy and Policy 1 of the Local Plan Part 2: Land and Planning Policies].

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

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 of the Core Strategy and Policy 1 of the Local Plan Part 2: Land and Planning Policies].

4. The first floor window in the side (west) elevation shall be permanently obscured to Group 5 level of privacy or equivalent and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be retained to this specification.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

5. Notwithstanding the provisions of Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order, with or without modification) there shall be no enlargement or alteration

of the proposed dwelling without the prior written approval of the Borough Council.

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

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

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

7. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

8. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

[To ensure surface water from the site is not deposited on the public highway causing dangers to road users and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

9. No part of the development hereby permitted shall be brought into use until the driveway and parking areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced driveway and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

[To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

10. No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 1 meters x 1 meters are provided on each side the vehicle access in accordance with details to first be approved in writing by the Borough Council. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6

meters above the carriageway level at all times.

[In the interest of pedestrian safety and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

11. No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the submitted plans. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking 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 and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

As Ward Councillors for Radcliffe on Trent, Councillor Brennan and Councillor Clarke withdrew from the meeting at this point and did not take part in the consideration of the item.

**20/00910/OUT – Outline planning application for the erection of one dwelling (all matters reserved except for access) – Land between 110 and 112 Cropwell Road, Radcliffe on Trent, Nottinghamshire**

**Updates**

In accordance with the Council's public speaking protocol, George Machin (Applicant's Agent) and Councillor Neil Clarke (Ward Councillor) addressed the Committee.

**PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS AS SET OUT IN THE REPORT.**

1. The site is located in an area of ribbon development in the Green Belt outside the built up part of the settlement of Radcliffe on Trent, and it is considered that the proposed development would not represent limited infilling in a village. Consequently, the proposed development would represent inappropriate development in the Green Belt and would, therefore, by definition, be harmful to the Green Belt, and there are no very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and through harm to its openness and character. The development is, therefore, contrary to the objectives of Chapter 13 (Protecting Green Belt land) of the National Planning Policy Framework, the objectives of Policy 4: (Nottingham-Derby Green Belt) of the Rushcliffe Local Plan Part 1: Core Strategy, and contrary to Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and Policy 11 (Infill development) of the Radcliffe on Trent Neighbourhood Plan.
2. Due to its likely siting and scale, it is considered that the proposed development would consolidate an area of ribbon development which would materially harm the openness of the Green Belt and the rural character and appearance of the site and surroundings. The

development is, therefore, contrary to the objectives of Chapter 13: (Protecting Green Belt land) of the National Planning Policy Framework and Policy 4: (Nottingham-Derby Green Belt) of the Rushcliffe Local Plan Part 1: Core Strategy.

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

**20/00944/FUL – Change of use of part of Tollerton Hall and grounds to sui generis with permanent retention of associated building – Tollerton Hall, Tollerton, Nottinghamshire NG12 4FW**

**Updates**

A representation was received from the applicant, Ian Kershaw clarifying the description and nature of the development after the agenda had been published and was circulated to the Committee before the meeting.

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

**Comments**

Members of the Committee considered and recognised the harm that the development would have on the Green Belt and the Listed Building. Having considered those factors, including the location of the building on the car park to the rear of Tollerton Hall, members of the Committee concluded that there were special circumstances, as any harm would be outweighed by the economic and employment benefits and the contribution the business made to the maintenance of the Listed Building itself. Tollerton Hall had previously been used as an office, with many cars parked there on a regular basis. The development would not be visible from the public domain and provided that appropriate conditions were imposed, on balance the proposal was considered to be acceptable.

Members of the Committee requested that conditions be added to ensure that the planning permission would be personal to the applicant; the use should be limited to that which was applied for; if the business ceased to operate, the building should be removed; and it should operate as per the details in the Design and Access Statement.

**DECISION**

**GRANT PLANNING PERMISSION FOR THE REASONS SET OUT ABOVE AND SUBJECT TO THE FOLLOWING CONDITIONS.**

1. This permission shall ensure for the benefit of Mr Ian Kershaw; and when he ceases to occupy the premises, the use shall cease.

[Permission is only granted in this case having regard to the specific requirements of the applicant and the justification for his operation on the site].

2. The freestanding building hereby approved shall only be used for the

storage of cars in connection with the sale of vehicles from the property and when the use of the premises for the sale of cars ceases, the building shall be dismantled, removed from the site and the site restored to its former condition or such other condition as may be agreed with the Borough Council.

[The building is located in the Green Belt and within the curtilage of a Grade II listed building and permission was granted on the basis that it supported a business, which provided very special circumstances and wider public benefits which justified the grant of permission. The requirement to remove the building in the event that the business ceases to operate from the premises would be consistent with paragraph 144 and 196 of the National Planning Policy Framework and Policy 21 (Green Belt) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. Visits to the premises in connection with the car sales business by customers/members public shall be by prior arrangement only, and only between the hours of 0830hrs and 1830hrs, as set out in the Design and Access Statement, which accompanied the application. A diary/log of appointments and visiting members of the public shall be kept and made available for inspection upon request by an officer of the Borough Council.

[In the interests of the amenities of the area and nearby residential properties, and to limit vehicle movements to the site in the interest of highway safety, and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

#### 4 **Planning Appeals**

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

The meeting closed at 9.30 pm.

CHAIRMAN

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## Planning Committee

Thursday, 13 August 2020

## Planning Applications

### Report of the Executive Manager - Communities

#### PLEASE NOTE:

1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Executive Manager - Communities, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:  
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

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

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

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">20/00089/HYBRID</a>	Land North of Landmere Lane and West of Melton Road, Edwalton, Nottinghamshire	17 - 46
	Hybrid planning application comprising an application for full planning permission for the development of a car showroom and service centre (revised plans) with associated infrastructure, plant, car and cycle parking and landscaping, and an application for outline planning permission (with all matters reserved except for access) for a local centre comprising: 4 flexible A1, A2, A3, A4, A5, D1, D2 or Veterinary Practice units; and; C2 residential accommodation featuring supported care.	
<b>Ward</b>	Edwalton	
<b>Recommendation</b>	The Executive Manager – Communities is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following condition(s)	
<a href="#">19/01918/FUL</a>	2 Johns Road, Radcliffe on Trent, Nottinghamshire, NG12 2GW	47 - 70
	Proposed demolition of the existing dwelling and construction two new three bedroom dwellings fronting Johns Road (semi-detached pair) and two new two bedroom dwellings fronting Grantham Road (semi-detached pair) including landscaping and the creation of dropped kerb (resubmission)	
<b>Ward</b>	Radcliffe on Trent	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	

Application	Address	Page
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[19/02523/FUL](#) Willow Marsh Farm, Loughborough Road, East Leake, Nottinghamshire, LE12 6LU 71 - 90

Change of use of agricultural barn building and all existing farm buildings and land within the red line border of the site location plan to a mixed use comprising of agricultural and events use, and the conversion/change of use of the agricultural parlour building to a mixed use comprising of guest house (C1), office (B1) and use for events (part retrospective)

**Ward** Leake

**Recommendation** Planning Permission be granted subject to conditions.

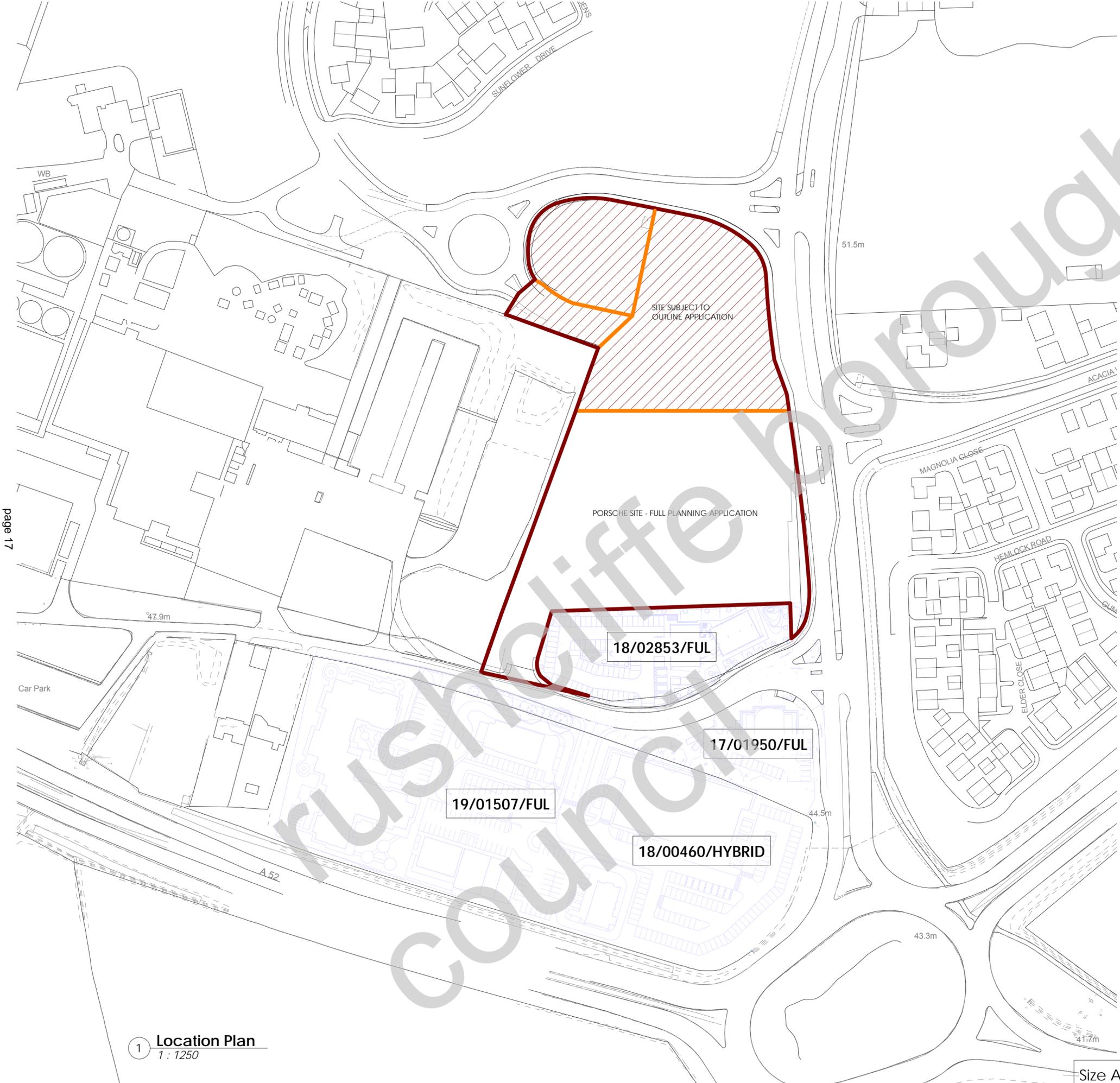
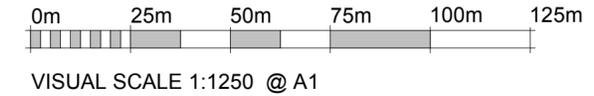
[20/01347/FUL](#) 12 The Rushes, Gotham, Nottinghamshire, NG11 0HY 91 - 97

Erection of a single rear extension

**Ward** Gotham

**Recommendation** Planning permission be granted subject to conditions.

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page 17

1 **Location Plan**  
1 : 1250

Size A2

Revision	Date	Amendment	By
A	19/11/2019	Site layout for outline application added	MA

**Pendragon**  
Edwalton, Nottingham



**Porsche Nottingham**  
**Location Plan**

DRAWN: MA      SCALE: 1 : 1250  
DATE: Oct 19      DRAWING No: 2951 01 A

**UNWIN JONES**  
**PARTNERSHIP**

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# 20/00089/HYBRID

**Applicant** Mr John Hobbs (Pendragon PLC)

**Location** Land North of Landmere Lane And West Of Melton Road Edwalton Nottinghamshire

**Proposal** Hybrid planning application comprising an application for full planning permission for the development of a car showroom and service centre (revised plans) with associated infrastructure, plant, car and cycle parking and landscaping, and an application for outline planning permission (with all matters reserved except for access) for a local centre comprising: 4 flexible A1, A2, A3, A4, A5, D1, D2 or Veterinary Practice units; and; C2 residential accommodation featuring supported care.

**Ward** Edwalton

## THE SITE AND SURROUNDINGS

1. The proposed development site which is the subject of this application is a large open area of ground north of Landmere Lane and west of Melton Road in Edwalton. The land sits mostly east of the well established Notcutts Garden Centre and the land parcel can currently be accessed off Landmere Lane on its norther side. The site is currently open with some scrub beginning to form owing to the amount of time the land has lay vacant. Immediately to the south of the site is an area of ground originally designed as an attenuation basin which formed part of the previous grant of permission for a foodstore and 4 retail/commercial units, however, this is currently underutilised and benefits from a separate planning permission for an office development.
2. In the wider vicinity, the parcel of land is position to the southern end of the Edwalton Sustainable Urban Extension which is part way through its construction. Land to the east of Melton road has been developed for housing and land south of Landmere Lane is currently being developed for a variety of commercial premise including a supermarket, office suites, drive thru take away units, veterinary practice and day nursery. The site is mostly flat with a gentle slope in ground levels from north to south.

## DETAILS OF THE PROPOSAL

3. Following two sets of amended proposals, the hybrid application (a full application and an outline application combined) before the council now seeks full planning permission s for the erection of a car showroom and service centre together with associated infrastructure and outline planning permission for a C2 (care home) residential accommodation together with four flexible commercial units. This application originally proposed a public house and C3 senior living apartments within the outline area of the scheme. However, this was amended during the consideration of the application and now comprises the proposals as set out below.

4. Care showroom and service centre development - The larger of the two parcels of land put forward for development is intended to accommodate a large car showroom building together with a servicing centre as well as a car valeting building and car display area. The Car sales building will dominate the centre of the site with the car display area sweeping around the frontage of the building adjacent Melton Road. The service area is to be tucked behind the main building. The car valeting building would be located to the north of the car showroom and service centre building, adjacent to the boundary that would be created with the part of the site to be developed with the care home and commercial units. The car showroom development would be accessed directly off Landmere Lane utilising the existing access point. This part of the site forms the full planning application.
5. C2 care home and flexible commercial units – The northern parcel of land would sit immediately north of the proposed car showroom and this part of the site bends around the northern corner of the Notcutts Garden Centre with the newly built Rose Way forming the northern boundary. The application proposals include an indicative layout plan which shows how the development of the two structures could be built. However, as this application is in outline form, the applicant has chosen to seek permission for the principle of the development together with the site access details only. All other matters (scale, layout, appearance and landscaping) are reserved for future approval and do not form part of the consideration of this application. In terms of the indicative plan provided as part of this application, this shows a C2 care home building (up to 60 beds) located on the eastern side of the site with the parade of flexible commercial units located on the west side of the site. The access is proposed to be afforded off an existing round about on Rose Way.
6. The application has been accompanied by the following documents in support of the proposal;
  - Design and Access Statement
  - Preliminary Environmental Noise Assessment
  - Flood Risk Assessment and Drainage Strategy
  - Transport Statement
  - Innes England Opinion (Retail Impact)
  - Preliminary Ecological Appraisal Report

## **SITE HISTORY**

7. 14/00001/FUL - Erection of Local Centre comprising a food store (class A1) and 4 No. units for Class A1, A2, A3, A5 and/or D1 use, together with car parking and associated infrastructure and landscaping – Approved subject to S106 agreement.
8. The site forms part of the Edwalton Sustainable Urban Extension which has been the subject of a number of applications for residential development. In addition, the land to the south, on the opposite side of Landmere Lane has been the subject of a number of planning applications for mixed commercial development and a care home, several elements of which have now commenced and are nearing completion.

## REPRESENTATIONS

### Ward Councillor(s)

9. One Ward Councillor (Cllr Robinson) commented in response to the initial consultation, supporting the application but with two reservations that need to be addressed relating to the entrance to the site and innovative tree planting to soften the approach. With regard to the outline application Cllr Robinson commented that the offer of a pub establishment is inadequate and not acceptable on any level and he will not support this outline plan until serious regard is given to the local centre with community aspects. Cllr Robinson clarifies that the retail centre approved with MacDonald's etc is not a local centre under any guise.
10. Following further consultations undertaken in response to changes to the proposal, Cllr Robinson confirmed that he raises no issues with the car showroom, however he has concerns over the viability of a yet another elderly care facility so close to one being approved south of Landmere Lane. Furthermore, Cllr Robinson remains committed that any development on this site must adhere to the Edwalton SPD and deliver the Local Centre with the Community focused shops and the applicant has not anywhere near demonstrated there is no requirement for this centre. The proposed pub although welcome has very little community value and is a long way short of what this development requires. Cllr Robinson concluded that if the applicant wishes to deliver the showroom, this could be delegated, however if the developer insists in attaching the other part of the site to the application he will vigorously oppose it.
11. Following the receipt of further plans amending the scheme, Cllr Robinson now welcomes the compliance with the SPD with the restoration of the retail units which will give a chance to get to local facilities in place. With regard to the main garage site, Cllr Robinson wishes to see a good landscaping scheme to the west of the site and alongside the main frontage of the garage on Melton Road. Subject to the above, Cllr Robinson is happy to support the application now the detailed proposals for the garage and the outline for the care home and retail units.
12. One Ward Councillor (Cllr Beardsall) objected to the application in its current format as there is no community facility planned only a pub. The pub is not what was planned from the outset and the planning phase several years ago.
13. Following revisions to the scheme, removing the public house and substituting this with a parade of retail/commercial units, Cllr Beardsall reiterated his objection on grounds that the scheme does not deliver development in accordance with Policy 20 of the Local Plan Part 2, in particular it does not deliver the community facilities/hall referred to in the policy.
14. An adjacent Ward Councillor (Cllr Rod Jones - Musters Ward) objects to the application raising a number of concerns. Firstly, the scheme (as originally submitted) did not include the shop units that would form the local centre and there is a lack of justification for this omission. There is also a lack of justification for 60 senior units and that the scheme should be separate applications. The scheme puts the residential element closest to a busy road and the pub car park. He does not consider that the design of the garage is in

keeping with the surrounding area. Concerns are also raised regarding the proposal to access the garage off Landmere Lane which is already a busy road, reference is made to the approvals granted for commercial development along Landmere Lane and the resultant traffic generation. Cllr Jones does not consider that the proposal meets the needs of a growing community.

15. Following revisions to the application, Cllr Jones continues to raise issues with the design of the garage building and the potential traffic implications. Cllr Jones finally notes another care home facility on Landmere Lane and that the position of this proposal is adjacent to the Melton Road which isn't a sensible position, nor is it in the interests of the health and wellbeing of potential residents.

### **Town/Parish Council**

16. Not applicable

### **Statutory and Other Consultees**

17. Rushcliffe Borough Council Environmental Health (EHO) in response to the initial consultation advised that having reviewed the submitted application, Environmental Health Officers note the absence of any environmental assessments submitted with the application and a request was made for further details and assessments in relation to noise, air quality, odour and lighting.
18. Following the submission of a Noise Assessment and prior to full comments being provided, the EHO requested further information relating to the location of the outdoor area associated with the senior living apartments, confirmation that the pub's plant machinery has been considered and clarification in respect of the sound reduction required at each façade of the apartments for day and night time.
19. The Officer advises that, prior to the submission of their full comments, they have queries relating to whether the senior living apartments will have an outdoor area for residents and whether the calculations have been considered for the rated level of plant/machinery at the pub. Having already been in contact with the noise consultant, the Officer recommends a condition requiring the submission and approval of a sound insulation scheme.
20. Rushcliffe Borough Council Licensing raise no objection to the application.
21. RBC Waste Management provided advice on the level of waste provision for the senior accommodation and believes this is a perfect opportunity to provide a recycling site to serve the wider area, taking up 10m x 10m area of land.
22. NHS Nottingham West CCG a financial contribution is required, based on Section 106 contribution for 60 maisonette type dwellings this would be £55,200, based on £920 per unit (2 bed) or £600 per unit (1 bed). The CCG explain that Cotgrave Surgery, Cropwell Bishop Surgery and Gamston Medical Practice are at capacity.
23. Following revisions to the scheme, the CCG reiterated their request a figure of £600 per bedroom accommodation and £920 for two bedroom accommodation arising from the C2 accommodation. The CCG explain that the funds would be

used and directed towards either Cotgrave Surgery, Cropwell Bishop Surgery or Gamston Medical Practice as these venues are at capacity currently.

24. Nottinghamshires Wildlife Trust note the submission of the application documents, specifically the Preliminary Ecological Appraisals Report (PEAR). The Trust confirms that the PEAR provides sufficient details relating to the biodiversity and an assessment of habitats and species currently present on site. No further surveys are considered necessary. However, the Trust notes the absence of any landscaping proposals or biodiversity enhancements being provided with the application. In the absence of any landscaping or biodiversity enhancements being proposed, the application is currently considered to provide an overall net loss to biodiversity. The Trust recommends that either further details relating to landscaping and biodiversity enhancements are provided or if the council is minded to grant planning permission, it is recommended a condition be imposed to agree a Biodiversity Enhancement Plan prior to works commencing above ground level.
25. Following further consultations in response to changes to the scheme, the Trust advised that they had no further comments to make.
26. The Environment Agency advise that the site falls within flood zone 1, on this basis the Agency made no comment but advised that the Lead Local Flood Authority was consulted regarding surface water disposal.
27. Following further consultations in response to changes to the scheme, the Agency advised that their position remained the same.
28. Rushcliffe Borough Council Conservation Officer raised no heritage related concerns with regard to this application. There are no designated heritage assets nearby and no standing structures considered to represent non-designated heritage assets. The site is not within a Conservation Area.
29. Highways England raised no objection in response to the initial consultation. Following further consultations in response to changes to the scheme, Highways England commented that having previously responded to this application with a no objections response, the current application includes revisions to the building designs only with no change to the calculated trip generation. As such Highways England has no further comments to offer.
30. The Ramblers Association comment that there is no mention of the West Bridgford FP5 Footpath and that this section of right of way is currently diverted so that it no longer crosses the land under construction. The Association ask whether this has been made permanent and that clarification on this matter would be appreciated since this right of way appears to cut through the area designated as for outline permission. Provided that the current diversion is, or has been, made permanent and due consideration is given to presence on the edge of this site, Ramblers would not offer an objection.
31. Nottinghamshire County Council as Lead Local Flood Authority initially objected to the application and recommended refusal of planning permission until a satisfactory surface water management plan has been submitted and approved. It is noted that the LLFA recommend overcoming their objection by submitting information demonstrating that the development will not increase risk elsewhere and where possible reduces flood risk overall.

32. Following a further round of consultations, the LLFA continued to recommend refusal of the application in the absence of and until a surface water management plan has been submitted to and approved in writing by the Local Planning Authority. Again, to overcome their objection the applicant should submit a drainage strategy and the LLFA go on to explain what should be included.
33. Following the submission of further information, the LLFA offer no objection and no further comments to make on the proposals.
34. Severn Trent Water raise no objection and recommend a condition requiring the submission of drainage plans for the disposal of surface water and foul sewage to be submitted to and approved in writing by the Local Planning Authority.
35. Nottinghamshire County Council Planning Policy made comments on a number of matters relating to their duty as County Council. These are summarized below.
36. Transport and Flood Risk Management – Separate comments provided by the Highway Development Control Team and the Flood Risk Management Team.
37. Minerals and Waste – advise that the Minerals and Waste Plan has been adopted and safeguarding zones and consultation areas have been identified and should be taken into account when proposal for non-minerals development fall within them. The Council go on to state that the site does not fall within either.
38. Strategic Transport – No observation to make.
39. Rights of Way – note that FP5 is in the vicinity of the application. Following the TCPA Order to Stop Up the east-west spur (confirmed 2/12/2014) the section that was created now links Notcutts Garden Centre overspill car park with the adopted footway/highway roundabout of Rose Way. The available plans show that this section of footpath will be within the application boundary. NCC note that the section of path is currently available, the surface is of stone and the TCPA Order specified that this should be 2m width with stone surface. NCC also requests that improvements are made to the stretch of footpath within the adjacent Notcutts. This specific correspondence does not request any planning obligations.
40. Rushcliffe Borough Council Planning Policy Manager (in response to the initial consultation) noted that the site benefits from an extant planning permission for a food store and four retail units and considers that the car showroom proposals are employment generating and therefore has no issues with the principle of development for this part of the scheme. It is noted that the public house would be both an employment generating use and serve as a community use. However, the provision of senior living accommodation is not one of the uses promoted within this area in either the Edwalton SPD or the Core Strategy. He further notes that the planning application excludes the provision of any retail units in the area identified to serve as the neighbourhood centre for the 1500 dwelling allocation. At the time of the site's allocation it was considered important to provide for a neighbourhood centre in order to enable

the sustainable development of the site. The applicant should be required to demonstrate whether the provision of senior living accommodation is a suitable use in this location, and whether the loss of retail units is appropriate.

41. Following the submission of revised plans and further consultation, planning policy comment that the Edwalton Development Framework does not create new policy, but it amplifies how Policy 20 (Core Strategy) will be applied when determining planning applications. The NPPF 2019 has not altered the general thrust of what is considered to be sustainable development that policy 20 was developed under. Secondly, the officer comments that the C2 (care home) use, as an employment generating use would not be contrary to the SPD although as a C2 use it should be assessed directly against Local Plan Part 2 - Policy 14. On a final point it is noted that the proposed public house is the only retail element of the scheme but in considering whether this is acceptable, it comes down to whether the retail units on the previously permitted scheme are viable given the uses south of the application site may now provide for an adequate substitute. Evidence provided by Innes England is one professional view on the viability matter and the case officer may wish to consider this evidence carefully or seek separate expert advice.
42. Following further revisions to the planning application, additional comments have been received. The alterations to the description and to the indicative layout plan for the outline element of the proposal replaces the proposed public house with a parade of 4 flexible C and D class units. It is considered that retail (A class) uses accord with policy 20 of the Core Strategy and the Edwalton Development Framework SPD. Under the description, it is important to note that the flexibility of the proposed uses would enable one or more of the units to be occupied by uses falling within use class D1 Non-residential institutions (which includes halls), D2 or as a vets. These uses are generally considered to be community uses, and would also accord with policy 20 of the Core Strategy and the Edwalton Development Framework SPD.
43. Nottinghamshire Police the Force notes that the recommendations are made with the sole intention of improving both safety and security aspects at this location with the added benefits that would generate. The response goes on to comment on best practices in terms of designing out crime and recommend the developer consider measures such as an ANPR camera.
44. Nottinghamshire County Council as Highway Authority in response to the initial consultation noted that the application site benefits from an extant permission for a food store and that junctions on Landmere Lane and Rose Way were improved to cope with projected traffic demands generated by the store and the committed development on the Sharpill site. The Authority also notes that since the junction alterations took place, several developments have been granted planning permission along Landmere Lane including retail units and a drive through and this has increased demand on the Melton Road junction to levels significantly higher than what was envisaged when originally designed. Having reviewed the Transport Assessment provided with the application, the HA have no objection to the outline portion of the development which gains access off Rose Way.
45. However, the full element of the proposal (for the car garage development) is intended to gain its sole access off Landmere Lane. Whilst the HA accept that the junction design directly onto Landmere Lane has been designed to cater

for the volume of traffic, the HA authority note that no consideration has been given to what impact the development will have on the adjacent Melton Road junction. The HA consequently request the applicant revisit their application with a view to demonstrating what impact the showroom will have on the adjacent junction.

46. Further to previous comments and to the receipt of an addendum to the Transport Assessment which considers the impact of the additional traffic generated by the development on the adjacent junction on to Melton Road, the Highways Authority consider the proposed development will not cause a severe impact on the operation of the local highway network and therefore have no objection to the development proceeding.

### **Local Residents and the General Public**

47. A total of 49 representations have been received which raise the following matters:

- a. Design of showroom being at odds with the surrounding estate. Design of the garage not in keeping.
- b. Lack of landscaping.
- c. Increase in traffic, roads can't cope.
- d. Lack of need for senior living accommodation.
- e. Other sites are vacant for a car garage.
- f. Need for public services.
- g. The application is not a local centre and the criteria has not been met.
- h. Location of residential not sensible.
- i. Development does not meet the needs of the people. Nothing for the community.
- j. Proposals are a contradiction to policy.
- k. Surface water must be given serious consideration.
- l. No need for 4 retail units over the pub.
- m. No social community and no social ground to walk to.
- n. A pub/restaurant is desired here.
- o. Odour impacts on residential properties.
- p. Safety issues.
- q. Disturbance from the pub use.

- r. Would prefer somewhere to eat and drink.
- s. A bistro would be preferred.
- t. Air pollution and CO2 emissions.

## **PLANNING POLICY**

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

### **Relevant National Planning Policies and Guidance**

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

### **Relevant Local Planning Policies and Guidance**

50. Local Plan Part 1: Core Strategy

Policy 1: Presumption in Favour of Sustainable Development

Policy 3: Spatial Strategy

Policy 5: Employment Provision and Economic Development

Policy 6: Role of Local and Town Centres

Policy 10: Design and Enhancing Local Identity

Policy 12: Local Services and Healthy Lifestyles

Policy 17: Biodiversity

Policy 18: Infrastructure

Policy 19: Developer Contributions

Policy 20: Strategic Allocation at Melton Road, Edwalton

51. Local Plan Part 2: Land and Planning Policies

Policy 1: Development Requirements

Policy 14: Specialist Residential Accommodation

Policy 15: Employment Development

Policy 18: Surface Water Management

Policy 27: Main Town Centre Uses Outside District Centres or Local Centres

Policy 38: Non-Designated Biodiversity Assets and Wider Ecological Network

Policy 39: Health Impacts of Development

Policy 40: Pollution and Land Contamination

Policy 41: Air Quality

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

53. The Melton Road, Edwalton Development Framework Supplementary Planning Document (MRDEF) is relevant to the determination of the application. The site is shown to be within the Edwalton allocation and specifically within an area for employment generating uses and a neighbourhood centre.

## APPRAISAL

54. The main considerations for this application are considered to be:

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

### Principle of Development

55. This application proposes a mixed use development on an open area of land with access from Landmere Lane and Rose Way in Edwalton. The development site forms part of a wider site allocated through Policy 20: Strategic Allocation at Melton Road, Edwalton of the Rushcliffe Core Strategy 2015. The site also forms part of the land parcel contained within the Edwalton Development Framework. Policy 20 allocated the wider site for a strategic site for housing for around 1500 dwellings, up to 4 hectares of B1 and/or employment generating development, a neighbourhood centre and other community facilities as appropriate. Figure 1 contained within Policy 20 shows the indicative distribution of the proposed uses of the allocation. The Melton Road Edwalton Development Framework (MREDF) echoes the requirements of Policy 20 in this instance.

56. The parcel of land where the proposed car garage is intended is located within the "Employment" land shown blue on Figure 1 and the proposed location of the flexible retail units and the C2 care home (indicatively shown) is located in the area designated for the neighbourhood centre.

57. Part B of Policy 20 explains that, within the area of land identified for employment, there should be provision of B1 and/or non B class employment generating uses towards the south of the site in proximity to the existing Wheatcroft Business Park to provide a wide range of local employment opportunities where appropriate. The proposed car garage development with its retail and servicing facilities is considered to be a "non B class employment generating use" and therefore supported in principle by both Policy 20 of LPP1 and the MREDF.

58. In respect of the area of the site for which outline planning permission is sought, this falls within the area identified indicatively as the neighbourhood centre and partially within the area identified for non B class employment generating uses within Policy 20 of LPP1. The Policy specifies the following:

1. A neighbourhood centre of an appropriate scale should be provided to serve the proposed development
2. A community Hall of an appropriate scale to serve the new development should be provided within or adjacent to the neighbourhood centre

59. The proposed flexible retail units, as shown on the indicative site plan are similar in scale to those included as part of the extant permission for this site for a food store (4000sqm) (Planning permission 14/00001/FUL). Neither Policy 20 of LPP1 of the MREDF define the term “appropriate scale” or what uses the neighbourhood centre should comprise. The extant planning permission (which included a large retail store) although partially implemented by the construction of the access, has not come forward and the site has now been sold to other, non-food retail developers. Although in outline form, the indicative plans shows a possible layout for a small parade of units with a total floorspace of 450sqm, for a wide variety of commercial uses. The applicant suggests that this flexible approach and scale of offer would be most appealing to potential occupiers given the current climate and the recently approved retail units on Landmere Lane. By approaching the development in this fashion, this parade of flexible use units would serve as the neighbourhood centre for the Edwalton Development. In considering these proposals, the Council is mindful that no size or use reference is made within either Policy 20 or the MREDF in relation to the neighbourhood centre and, therefore, strictly it is considered that the proposal is not contrary to the Development Plan. Officers are also mindful that the previous land owner, Waitrose (a retail developer), chose not to develop this site and to sell instead.
60. Turning to the specifics of the proposals for the neighbourhood centre under this scheme, the proposal for the provision of smaller, flexible units are likely to be the most attractive to potential business owners as it would increase the potential occupants/investors and are likely to therefore be most deliverable in the current climate and appreciating the context in terms of the nearby offer on Landmere Lane currently being built out (application 19/01507/FUL). The variance in uses would offer a wide variety of provision for the residents to enjoy and enable smaller start up business to potentially occupy the units. It is for these reasons the officers raise no objection to the neighbourhood centre being delivered in this manner and considers it to be a sustainable form of development in principle.
61. With respect to the community centre, this has been approved to be provided elsewhere on the site as part of the primary school development and therefore is no longer to be required in this location. However, it should be noted that the uses applied for in respect of the terrace of units includes class D1 Non-residential institutions (which includes halls) and, therefore, one or more of the units could be used as a community hall/facility, subject to end user(s) being identified. This leaves a parcel of land in and around the local centre/employment area for development. This application proposes the erection of C2 residential institution with the plans showing a possible 60 bed care home (indicatively). Such a facility would serve the purpose of an employment generating use (as staff would be required on site) and would work well as a transition between the more commercial/retail led development further south of the allocation and the residential development to the north. Furthermore, it is a sustainable location for both residents and staff of such an institution, given the wide ranging transport connections into West Bridgford and Nottingham City which serve and will further serve the wider development. For these reasons there are no objections, in principle to this element of the scheme either.

## Retail Impact and Town Centre Uses

62. Policy 6 of the Core Strategy explains the hierarchal approach the Council will take towards supporting developments for town centre uses within the Borough. It explains that the hierarchy places Nottingham City Centre at the top with town centre, district centres and local centres designated below this. Paragraph 3 of Policy 6 states that new retail development of an appropriate scale, as identified through masterplans, will be required to serve new sustainable communities, including the strategic development at Land off Melton Road, Edwalton.
63. The retail led development to serve the Melton Road, Edwalton development was granted under planning permission 14/00001/FUL for “Erection of Local Centre comprising a food store (class A1) and 4 No. units for Class A1, A2, A3, A5 and/or D1 use, together with car parking and associated infrastructure and landscaping”. This development has commenced, as the access and junction works have been installed, and remains extant. The proposed retail offer (as part of the flexible use units) would not cause any further detrimental effect to existing centres within the Borough than the extant permission and therefore this proposal is acceptable in this regard.

## Design, Impact upon the Street Scene

64. Policy 10 of the Local Plan Part 1 requires that all new development should, amongst other things, make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce local characteristics. Specifically, with regard to design, the policy requires that all development be assessed in terms of its massing, scale and proportion, proposed materials, architectural style and detailing.
65. Similarly, the criteria for assessing development proposals set out in policy 1 of the Local Plan Part 2 broadly echo the requirements of policy 10. Additionally, policy 1 also requires that new development should not lead to an over intensive form of development within the site and its height should be sympathetic to the character and appearance of the neighbouring buildings and surrounding area.
66. Paragraph 124 of the NPPF states that; *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*
67. Paragraph 127 requires that developments;
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
68. The car showroom development would see a new car showroom, of a substantial scale, being constructed in the middle of the site with the valeting/workshop being located at the rear, in a more obscured location. The showroom itself would be of a modern design and would serve as a standout building within this part of Melton Road. The building would address Melton Road well with this elevation containing a sufficient level of variation in materials and solid to void ratio providing passive surveillance. In its context, near to the Aldi development and the C2 residential institution building included in the outline part of the site, the form would be of stark contrast to the residential properties opposite on the eastern side of Melton Road. However, it is considered that its impact would not be negative providing sufficient landscaping is proposed on both the eastern and western boundaries to complement its appearance. A condition could be imposed to require further landscaping is provided if a positive resolution is made in this regard.
69. With respect to the outline area of the site, the matters of layout, appearance and scale are reserved for future approval however, the indicative plans show how a development of such uses could be provided. The plan, although brief in detail appears to show a large C2 building on the corner of the junction of Melton Road and Rose Way. This is a highly prominent and open position within this development and an opportunity for an exemplary designed building to come forward as a landmark piece. The plot size appears sufficient for this. Whether the site would provide enough space for a 60 bedroom car home remains to be proven and this would be assessed as part of any subsequent reserved matters application. In terms of the commercial parade, the indicative layout shows a rectangle building just inside the entrance to the site. Again, this would be prominent as it would face the island into the estate, but this would work well from a convenience perspective and is likely to be attractive to perspective occupiers also. Again, its specific appearance is not for consideration now, however such a scale of building appears to fit comfortably in the location, adjacent the C2 building and appears to be provided with parking and circulation space which would be welcomed. To summarise, although not forming part of the consideration of this application, the indicative layout demonstrates that these uses could be constructed in a manner which would assimilate with the surrounding context.

70. In terms of pedestrian access and permeability, it is noted that the site used to host a public footpath FP5 which extended across the northern parcel to Melton Road. This footpath was officially diverted in 2014 and the diverted footpath extends around the northern perimeter of the site, on the newly created Rose Way. A small section falls within the development site, where it links from Rose Way island to the Notcutts land and accordingly, details will be required as to its finishing material to ensure it is adequate. This provision doesn't not interfere with the proposed layout.
71. In summary, the proposed design of the car showroom is considered suitable and of a standard which would be welcomed for this area, subject to further landscaping being provided. The indicative plans show how the outline developments could be delivered and these have the potential to be satisfactory also and therefore the design and appearance of the development is considered to accord with the requirements of LPP1 Policy 10, LLP2 Policy 1 and the requirements of MREDF.

#### Impact upon Neighbouring Amenity

72. Policy 10 of the Local Plan Part 1 also requires that new development be assessed in terms of its impacts on neighbouring amenity (such as massing, overshadowing, loss of privacy, noise).
73. Policy 1 (1) of the Local Plan Part 2 requires that there is no significant adverse impact upon amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated. Policy 1 (5) requires that noise attenuation is achieved and light pollution minimised.
74. Paragraph 127 of the NPPF requires developments to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and fear of crime, do not undermine quality of life of community cohesion.
75. In terms of the impact upon the existing nearby residential properties, the nearest to the application site are those on the east side of Melton Road (Magnolia Close, Hemlock Road etc) and to the north across Rose Way (Sunflower Drive).
76. The car showroom and associated activities have the potential to cause the most nuisance due to noise/activity. The application has therefore been accompanied by an appropriate Noise Assessment to evaluate this issue. The Assessment provided sought to understand the existing ambient noise levels, the noise created by the proposed development activities and comment on whether it would have an acceptable impact on existing and proposed sensitive receptors (existing residential dwellings and the proposed occupants of the C2 accommodation).
77. The report notes that whilst the proposed development has the potential to disrupt existing properties, these are situated some distance from the development site (approximately 50m from the car showroom) with Melton Road situated between the two. The ambient noise level deriving from Melton Road exceeds that which would be created by the car showroom during

daytime hours and as the car garage would not be operational during night-time, the impact upon these existing sensitive receptors is considered acceptable.

78. The assessment notes the inclusion of the C2 residential institution, indicatively shown as a care home and appropriately assesses the impact the car showroom business and the public house (as originally proposed instead of the commercial parade) would have upon future residents. In terms of this facility, the assessment concludes that the impact from noise attributed to the Melton Road, the car showroom and the public house would have an acceptable daytime impact to the fabric of the proposed building. However, night time levels would exceed acceptable levels, predominantly arising from the Melton Road, rather than the pub or car showroom and accordingly, a “closed Window” solution is recommended for all bedrooms, with alternative ventilation being provided because it is only when windows are open that noise levels would be above the required standard. In addition, due to the outline nature of the proposal, no assessment has taken place in relation to outdoor amenity areas as the locations are unknown currently but notes that if located on the west side of the building the noise levels are likely to be acceptable.
79. The Borough Council’s Environmental Health Officers have reviewed the assessment and raise no significant objection other than requesting confirmation in relation to the location of the amenity areas and in respect of plant machinery details at the public house (since removed and substituted with the commercial parade). However, these details are not currently available given the outline application nature of this part of the site. It is therefore appropriate to obtain such information at the reserved matters stage and defer consideration of such details until then. Officers are however satisfied that the principle of a residential accommodation in this location could be achieved satisfactory nature.
80. In terms of impact from the appearance and siting of the buildings, given the separation distances from the development site to the neighbouring residential properties, it is not considered that the buildings would appear oppressive or overbearing in their nature. However, in respect of the car showroom development, it is likely that such a development would be supported by internal and external lighting and this could have the potential to cause a nuisance. As such, a condition could be imposed upon any permission requiring the submission and approval of a lighting scheme for the site to ensure no undue impact arises to existing or proposed residents.
81. Comments have been received from residents raising concerns in relation to increased traffic and the disturbance arising from this. However, given the extant permission for a substantial food retail store, the traffic generation arising from this development would not exceed that arising from the already permitted development, albeit with different access arrangements and, therefore, offers a betterment in this regard compared to the consented scheme.
82. In terms of harm arising from the proposed commercial parade, it is possible that some of these units could give rise to odour and or loud comings and goings dependant on the end users but also upon the layout and design of the units, which is not for consideration as part of this application. Whilst concerns of residents in this regard are noted, the appropriate consideration will take

place as part of the reserved matters application and, if need be, suitable restrictive conditions imposed at that point.

83. For the above reasons, the proposed developments are considered to have an acceptable impact upon existing and proposed residents arising from the development and are therefore compliant with policies 10 of the Core Strategy and 1 of LPP2.

### Highway Safety

84. Policy 1 (2) of Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with the advice provided by the Highway Authority.
85. The National Planning Policy Framework at paragraph 108 states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
86. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
87. In accordance with paragraph 111 of the NPPF, the application has been accompanied by a Transport Statement.
88. The Transport Statement (TS) submitted in support of this application has reviewed the context of the site together with available collision data. The specialists have also reviewed the proposed layout of the car garage development and the already constructed access proposed to serve it.
89. The TS concludes that there are no road safety issues on the highway network in the vicinity of the development (Para.7.4) and that, in considering the extant permission for the retail development, this proposal now before the Council would result in significantly less trips than the previous approval. The design and suitability of the proposed access points are considered suitable for the intended uses. Visibility at the car garage junction is considered to be suitable and compliant with Manual for Streets and although no parking standards existing for a car garage development, this scheme has been designed based on the end user's specific operational needs. In conclusion the TS is of the view that the development site is accessible by sustainable modes of transport and that the level of traffic generated will not have a significant or severe impact on the local highway network and indeed much less than the consented development. (NB – the report references a pub use within the outline

development. This has evolved to now feature a commercial development of a similar size and therefore the assumptions and conclusions are considered to be equally valid to the revised form of development).

90. The HA originally sought further modelling in respect of the Landmere Lane/Melton Road junction to ensure the proposed traffic levels generated by the car garage proposals, together with recently consented schemes along Landmere Lane, would not cause detriment to the manner in which the junction operates. An addendum to that effect was then provided by the applicant and subsequently reviewed by the HA. NCC Highways now raise no objection to the proposal and neither do Highways England. Subject to conditions requiring parking and turning facilities to be established prior to the first use of the car garage building, the development is considered to have an acceptable impact upon highway safety. The internal layout and parking provision of the outline area of the site will be considered at reserved matters stage.

### Air Quality

91. Policy 41 of the Local Plan Part 2 states that planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated. In areas where air quality is a matter of concern, development proposals that are sensitive to poor air quality will be required to demonstrate that users or occupants will not be significantly affected by poor air quality, or that such impacts can be effectively mitigated. Development proposals must not exacerbate air quality beyond acceptable levels, either through poor design or as a consequence of site selection.
92. Paragraph 181 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.
93. For reference, an Air Quality Management Area is an area designated by Local Authorities because they are not likely to achieve national air quality objectives by the relevant deadlines. The application site does not fall within any of the Borough Air Quality Management areas. Considerable studies were conducted as part of the recently approved mixed use development off Landmere Lane (19/01507/FUL) and the impacts found to be acceptable upon existing nearby residents. As stated previously in this report, the trip rates associated with the development now before the Council fall significantly short of those expected through the previously consented scheme on this site for the food store and retail units and therefore, this development offers a betterment in this regard. In relation the proposed C2 use of the outline area of this application, this will be considered at the reserved matters stage once the layout and form of the development has been established.

### Biodiversity

94. In accordance with policy 17 of the Core Strategy, development on or affecting non-designate sites or wildlife corridors with biodiversity value will only be

permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

95. Policy 38 of the Local Plan Part 2 states that where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains. Policy 38 (4) goes on to require that, outside of the Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvement to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
96. The development has been accompanied by a Preliminary Ecological Appraisal dated November 2019. Relevant surveys were carried out, however the site was considered to have negligible potential for; badgers, bats, breeding birds, great crested newts, hedgehogs, reptiles or water voles. This was largely due to the built-up nature of the site's surroundings and the absence of trees and hedgerows within the site. Officers are therefore confident that the development will not cause harm to protected habitats. However, the appraisal notes the Council's requirement to deliver net gain across sites as per Policy 38 of LPP2 and considers the current proposal does not hold details of how this will be achieved. Consequently, the appraisal recommends new/shrub planting (including native species) is provided to ensure the biodiversity net gain is achieved. This view is echoed by the Nottinghamshire Wildlife Trust who recommend a Biodiversity Enhancement Plan is secured via condition upon any planning permission granted.
97. The matter of landscaping is for consideration as part of the "full" car garage development. The submitted drawing entitled "external works" shows very little external tree planting or hedgerow planting. This appears to be to make best use of the forecourt area for vehicle advertisement. Whilst this is appreciated considering the end user, given the size of the area, officers consider there are further opportunities to include more substantial landscaping and that this should form part of a wider ecological net gain strategy, which may include other provisions such as bat/bird boxes in the main building. Therefore, officers support the request for a Biodiversity Enhancement Scheme to be submitted and approved as part of this development and this can be secured via condition. Subject to this condition, the development is considered to satisfy LPP2 Policy 38 and accord with the NPPF in this regard.

### Flooding and Drainage

98. Policy 2 of the Core Strategy requires all new development to incorporate measures to reduce surface water run-off, and the implementation of Sustainable Drainage Systems into all new development unless it can be demonstrated that such measures are not viable or technically feasible.
99. Policy 18 of the Local Plan Part 2 requires that, to increase the levels of water attenuation, storage and water quality, and where appropriate, development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of development. The choice of drainage systems should comply with the drainage hierarchy.

100. Policy 18 states that planning permission will be granted for development which:
- a) is appropriately located, taking account of the level of flood risk and which promotes the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems;
  - b) reduces the risk to homes and places of work from flooding;
  - c) delivers a range of community benefits including enhancing amenity (ensuring a safe environment) and providing greater resistance to the impact of climate change;
  - d) contributes positively to the appearance of the area;
  - e) accommodates and enhances biodiversity by making connections to existing Green Infrastructure assets; and
  - f) retains or enhances existing open drainage ditches.
101. The application is supported by Flood Risk Assessment and Drainage Strategy which evaluates the risk of the site from flooding and also how the development intends to deal with foul and surface water drainage.
102. The Assessment concludes that the site is at low risk of flooding from a variety of sources and notes the site's classification of Flood Zone 1 and this view is shared by the Environment Agency.
103. In terms of the treatment of surface water, the Assessment has reviewed the existing greenfield run off rates for the site for various weather events (1 in 1 year to 1 in 100 year). The Assessment explains the SUDS hierarchy as follows and this is how surface water is ideally dealt with:
- a) Infiltration drainage such as swales and soakaways
  - b) An open Watercourse, river or ditch
  - c) A surface water sewer
  - d) A combined sewer
104. A review of the ground conditions has established that infiltration techniques are not possible for this site. The next preferred method is through discharge to an open watercourse, river or ditch. The Assessment explains that a piped system was installed as part of the enabling works for the original retail consent for the site and extends from the site down to the nearest watercourse south west of Landmere Lane (to the south of the site). Utilising this pipe would be the most appropriate manner to deal with surface water from this site and it is indeed this method which is proposed through this application.
105. The proposal is to collect surface water in a subterranean attenuation container with a volume of 1,500m<sup>3</sup> and then discharge the water at a rate of 7.7 l/s as this is consistent with the current greenfield run off rates. In respect of foul drainage, it is proposed to drain these to the existing sewer north of the site using foul sewer pumping stations (1 in the garage site and another in the outline area site).

106. The Lead Local Flood Authority have raised no objection to the approach to either surface water or foul drainage and considering the details before the Council, officers are of the view that this approach fulfils the requirements of the NPPF as the most sustainable manner available to deal with drainage at this site. To ensure the development is adequately drained as per the proposals, a condition is recommended requiring the installation of the drainage provision prior to first use of the development.

### Land Contamination

107. The application stood as agricultural land prior to the commencement of the consented retail development. The development which has taken place so far to serve that unit involved significant off site junction works and the creation of access points at the south and northern parts of the site, together with some preliminary drainage works. The Borough Council have no evidence of any intervening uses which would arouse suspicion that land has become contaminated since these works took place or since the land existed as an agricultural field. The matter of contamination was dealt with through a watching brief condition imposed on the extant planning permission and based on the information before the Council, this is considered to be the most appropriate approach as part of the current application.

### Planning Obligations

108. During the course of the application, the nature of the development evolved from C3 apartments to C2 residential institution use. Such a use does not permit “residential units” and therefore would not apply pressure to educational facilities or attract affordable housing provision. However, as it still provides for residential accommodation, pressure upon health centres would potentially still arise.
109. The NHS Nottingham and Nottinghamshire CCG has requested a financial contribution of £600 per one bedroom accommodation and £920 for two bedroom accommodation arising from the C2 accommodation. The CCG explain that the funds would be used and directed towards either Cotgrave Surgery, Cropwell Bishop Surgery or Gamston Medical Practice as these venues are at capacity currently.
110. This obligation is considered necessary and proportionate to make the development acceptable in planning terms as without it, the centres will not be able to manage the additional demands arising from the development. The request therefore meets the test of regulation 122 of the Community Infrastructure Levy Regulations 2010 and the funds will be collected prior to first occupation of the facility through an agreement made between the development and Council under Section 106 of the 1990 Act.

### Conclusion

111. The proposed development as presented, in its revised form, is considered to be acceptable in principle and generally compliant with the development plan and the Supplementary Planning Document for this site, given the context of the previous permission and other permission within the locality. The design and appearance are considered appropriate for the context and the development, subject to compliance with conditions and obligations, will not

have a significant or unacceptable impact upon neighbouring amenity or health provision within the locality. Furthermore, the development represents investment into what has become a dormant site within a strategic development allocation and could serve as a catalyst for continued investment and growth within the area. The mixed range of employment opportunities this scheme provides are welcomed and are obtainable by both the surrounding residents and the populous further afield due to a range of public transport interchanges and the commercial parade, with its greater flexibility of uses, will provide much need local facilities. Overall the scheme, subject to compliance with the proposed conditions, is considered to satisfy the three pillars of sustainability and therefore the application is recommended for approval.

### Positive and Proactive Consideration Statement

112. The Local Planning Authority has acted flexibly towards the consideration of this application allowing the developer to submit three differing versions of this scheme in order to address local and consultation concerns with the proposals including agreement to a number of extensions of time requests. The Local Planning Authority has also expedited legal services to ensure the legal agreement was prepared in a timely manner.

### **RECOMMENDATION**

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

1. The development (car showroom and associated development) must be begun not later than the expiration of three years beginning with the date of this permission.

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

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

Site Plan - 2951 20 Rev B  
External Works - 2951 10 Rev H  
Proposed Roof Plan - 2951 05 Rev A  
Proposed Elevations - 2951 04 Rev B  
Proposed Floor Plan - 2951 03 Rev D  
Proposed Sections - 2951 06 Rev B  
Proposed Sub Station Elevations  
Proposed Valet Building - 2951 07

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

3. The buildings hereby approved as part of the full planning permission phase of development (car showroom and associated buildings) shall be constructed using the external facing and roofing materials detailed on the approved plans and supporting documents submitted as part of the application and no alternative or additional materials shall be used.

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

4. No part of the full planning permission phase of development hereby permitted (car showroom development) shall be brought into use until the parking, turning and servicing areas are provided in accordance with the approved plans. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall thereafter be retained for the life of the development.

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

5. Prior to the erection of the buildings hereby approved, the surface water and foul drainage provision (so far as it relates the full planning permission phase of development) as proposed within the Flood Risk Assessment and Drainage Strategy (and specifically shown on Drw ADC2216/DR/050 Rev P1) received on the 14th January 2020 shall be installed and thereafter maintained as such in perpetuity.

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

6. Notwithstanding the submitted details, prior to the formation of hard surfaces or the erection of buildings within the full planning permission phase of development (car showroom and associated development), a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all proposed boundary treatments, hard surfacing materials, proposed planting including species and standard. The approved hard and soft landscaping scheme shall then be fully implemented prior to the first use of the full planning permission phase of development hereby approved.

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

7. Prior to bringing into use the full planning permission phase of development hereby approved (car showroom and associated development), a biodiversity enhancement and management plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full accordance with the details and timescales set out within the approved plan.

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

8. The car garage and associated valeting building shall not be operational or open for business outside of the hours of 7:30am to 7pm Monday to Saturday, 10am and 5pm on Sundays and bank holidays.

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

9. Prior to first use of the car garage and valeting building hereby approved, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall then be erected/installed in accordance with approved details and maintained as such in perpetuity and no additional or alternative lighting shall be installed without the prior consent of the Borough Council.

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

10. No development shall commence within the full planning permission phase of development (car showroom and associated development) until cross section drawings and detailed finished floor levels of the land and buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

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

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

12. The development within the full planning permission phase (car showroom and associated development) hereby approved shall not be occupied until details of the sheltered cycle storage to serve the development have been submitted to and approved in writing by the Local Planning Authority. The agreed cycle provision shall then be installed prior to the first use of the relevant building and retained as such in perpetuity.

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

13. No development within the full planning permission phase hereby approved (car showroom and associated development) shall take place until a Construction Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:
- a) The means of access for construction traffic;
  - b) parking provision for site operatives and visitors;
  - c) the loading and unloading of plant and materials;
  - d) the storage of plant and materials used in constructing the development;
  - e) a scheme for the recycling/disposal of waste resulting from construction works; and
  - f) details of dust and noise suppression to be used during the construction phase.

The approved statement shall be adhered to throughout the construction period

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

14. Prior to the construction of the buildings hereby approved as part of the full planning permission phase of the development (car showroom and associated development) proceeding above foundation level, a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall specify the number of points to be provided and location within the site. The electric vehicle charging points shall be provided in accordance with the approved details, unless it has been demonstrated that it is not technically feasible to provide the charging points. The electric vehicle charging infrastructure shall be provided in accordance with the approved details prior to the development being brought into use, and thereafter the infrastructure shall be retained and maintained in accordance with the approved details.

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

15. An application for the approval of reserved matters (pursuant to the outline permission element of the development – care facility and commercial units) must be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

[To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended)]

16. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development in respect of the care facility and commercial units is commenced:
- a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
  - b) The scale of each building proposed in relation to its surroundings
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes
  - e) The landscaping of the development

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

[This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority under the provision of Section 92 of the Town and Country Planning Act (as amended) and Parts 1 and 3 of the Development Management Procedure Order 2015]

17. Prior to first use/occupation of the outline planning permission phase of the development (care facility and commercial units) hereby approved, the access arrangements to the site shall be completed in accordance with Outline Application Site Plan Drw No. 2951 20 B and shall be retained as such thereafter in perpetuity.

[To protect the amenities of neighbouring residents and in the interests of highway safety to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

18. Prior to first use/occupation of the C2 accommodation facility hereby approved a sound insulation and ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to be installed to ensure adequate sound mitigation is included within the development and that appropriate ventilation is included to accommodate such measures. The agreed measures shall then be installed prior to first occupation of the facility and retained thereafter in perpetuity.

[To ensure the future occupiers of the C2 accommodation benefit from an acceptable level of amenity and are adequately protected from external noise disturbance in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

19. Prior to first occupation of the outline phase of the development hereby approved (care facility and commercial units), details of the design and specification of the public footpath (FP5), within the application site, which extends adjacent to the sites access, shall be submitted to and approved in writing by the Local Planning Authority. The footpath so agreed shall then be constructed in accordance with the approved details before first use of the outline phase of the development hereby approved.

[To ensure that this public facility is constructed to a suitable specification for its intended use and to promote pedestrian and cycling to and from this site and the wider area. This is to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

20. Prior to the erection of the buildings hereby approved, the surface water and foul drainage provision (so far as it relates the outline planning permission phase of development - care facility and commercial units) as proposed within the Flood Risk Assessment and Drainage Strategy (and specifically shown on Drw ADC2216/DR/050 Rev P1) received on the 14th January 2020 shall be installed and thereafter maintained as such in perpetuity.

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

21. Prior to bringing into use the outline planning permission phase of development hereby approved (care facility and commercial units), a biodiversity enhancement and management plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full accordance with the details and timescales set out within the approved plan.

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

22. No development within the outline planning permission phase hereby approved (care facility and commercial units) shall take place until a Construction Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:

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

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

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

ensure that the agreed measures are implemented throughout the construction phase of the authorised development].

## **Notes to Application**

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

This permission does not give any consent needed to display advertisements.

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

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

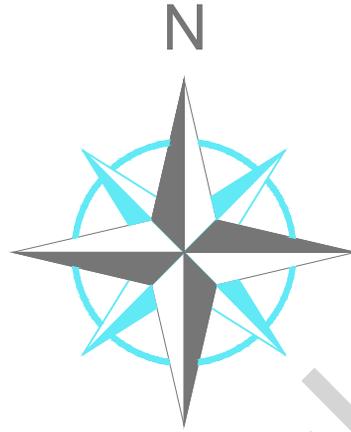
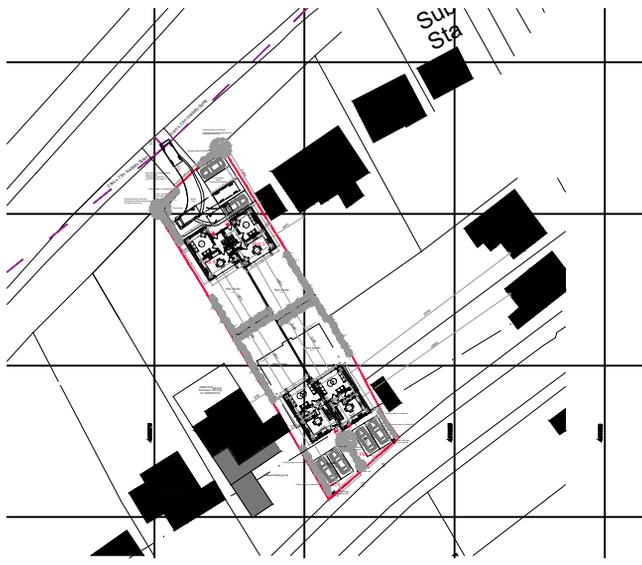
This decision relates to planning law only. It is not a legal agreement either to remove or relocate any right of way affected by the development given planning permission.

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

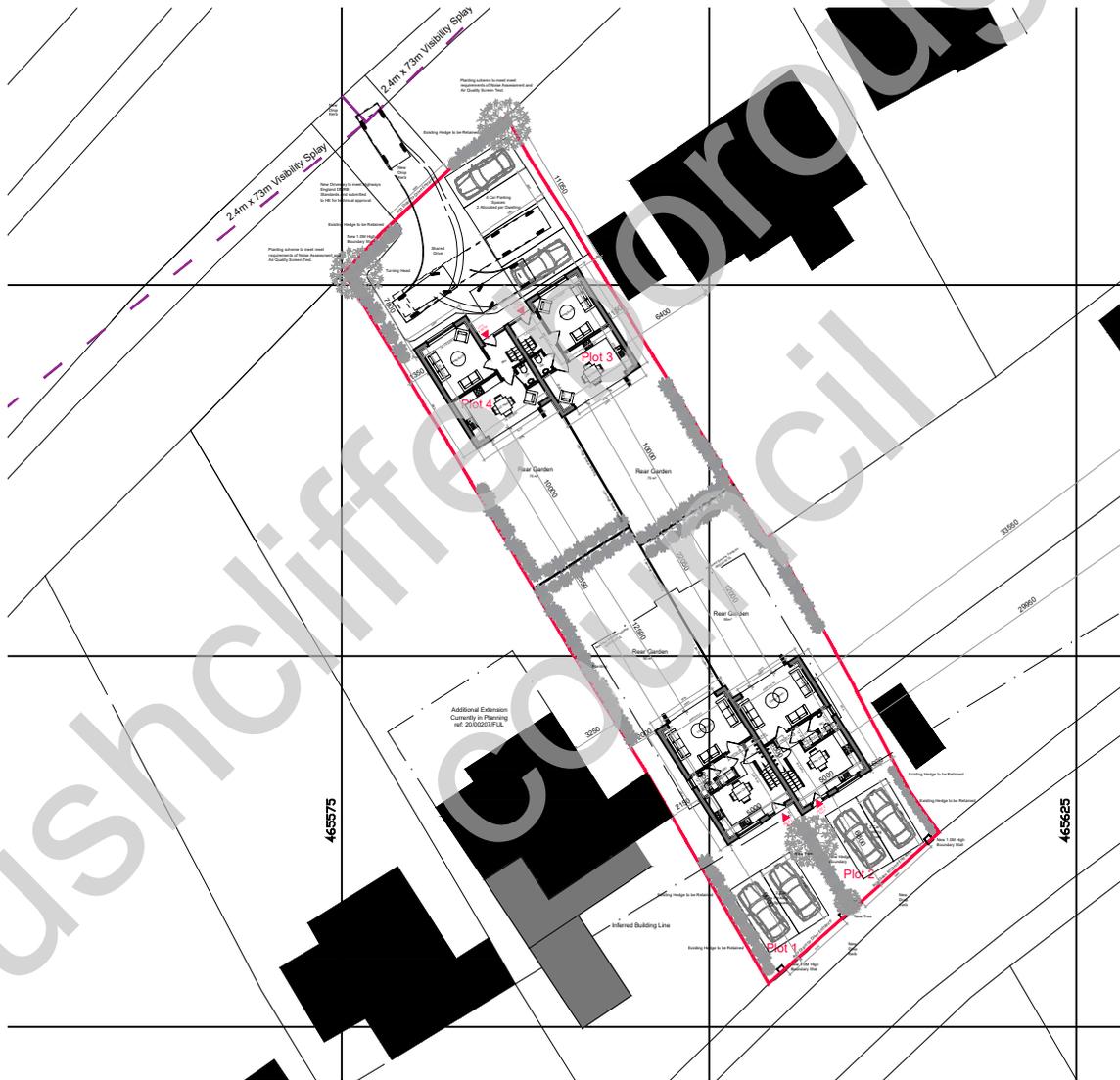
This is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to Healthcare. Any payments will increase subject to the provisions set out in the Agreement.

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

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Proposed Site Location Plan 1:1250



Proposed Site Block Plan 1:500

Notes



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# 19/01918/FUL

**Applicant** Mr Cameron McHugh

**Location** 2 Johns Road Radcliffe On Trent Nottinghamshire NG12 2GW

**Proposal** Proposed demolition of the existing dwelling and construction two new three bedroom dwellings fronting Johns Road (semi-detached pair) and two new two bedroom dwellings fronting Grantham Road (semi-detached pair) including landscaping and the creation of dropped kerb (resubmission)

**Ward** Radcliffe On Trent

## THE SITE AND SURROUNDINGS

1. The site comprises a bungalow built from buff brick with concrete tiles to the roof that incorporates an integral garage served by a private drive from Johns Road. The property is set back from Johns Road to the south east with a garden and drive fronting the road, but screened by a mature circa 1.8m tall privet hedge. The property also has a good sized rear garden that slopes down, away from the dwelling, containing a number of mature fruit trees. To the north a hedgerow defines the boundary with the Grantham Road, also known as the A52 Trunk Road.
2. The dwelling adjacent to the south-west, no. 4, is a two storey dwelling with a landing window and bathroom window facing the site. It also has a lean-to conservatory type structure on its north-east side, which appears to be used for storage purposes. This property has recently received permission for a two storey side extension and a single storey rear extension, with works now underway on site. The side extension does not impact the elevation facing the site, the subject of this application.
3. To the north east, the rear gardens of 2 and 4 Carter Avenue back onto the side of the site, with a detached garage serving 4 Carter Avenue also present adjacent the shared boundary. The area contains a mixture of two storey dwellings and bungalows with no consistent built rhythm or form. For example, no's 2 Carter Avenue and 4 Johns Road are two storey, whilst 3 Johns Road and 12 Grantham Road are bungalows. The area comprises largely of detached properties with a number of semi-detached pairs also visible such as 10 & 12, and 15 and 17 Johns Road.
4. In terms of context from Grantham Road, the site is screened behind an established hedgerow, with no further built form to the south west, only the gardens to properties which front Johns Road, however to the north east is an existing bungalow at 12 Grantham Road, with a 2 storey house next door representing established built forms.

## DETAILS OF THE PROPOSAL

5. This application as now considered has undergone several revisions through its course in response to both officer concerns, technical requirements and public consultations. As originally re-submitted (following the refusal of application 19/00959/FUL) the scheme proposed 2 detached 2.5 storey dwellings fronting Johns Road and a single large detached dwelling fronting Grantham Road, all having 4 bedrooms. The scheme was then revised to show a semi-detached pair front Johns Road, again of 2.5 storey scale with 4 bedrooms to each property, and the 4 bedroom 1.5 storey to the Grantham Road frontage as previously considered. The final major revisions came in April 2020 and save for some minor changes to windows, plan details and planting represent the application as now described.
6. This application seeks planning permission for the demolition of the existing bungalow, and the erection of 4 dwellings on the site, 2 fronting Johns Road and 2 fronting Grantham Road (A52). The plans also include a new access onto the Grantham Road and other landscaping.
7. Plots 1 and 2 would front Johns Road and would be a pair of semi-detached units of 2 storey design, set in from the boundary to the south west by 2.15m and north east by 1.6m (min). The properties would be set back 9m (plot 1) and 6.8m (plot 2) from the road and would both have 2 car driveways (spaces arranged side by side) to the site frontage accessed by new dropped kerbs from Johns Road. The site would also include new frontage landscaping as well as a proposed boundary wall of no more than 1.2m height with 1.8m pillars and planting behind. Both properties would have 3 bedrooms (2 bedroom + a box room) and be of a more simple traditional design. The eaves would sit at 4.805m and the ridge of the hipped roof at 7.52m. The design would utilise red brick, with concrete tiles to the roof whilst some basic detailing in the form of hipped storm canopies and bow windows are proposed. The two plots would have rear gardens of 12.5m and 12m depth and areas of circa 95sqm.
8. Plots 3 and 4 would front the A52 Grantham Road and would be a pair of semi-detached 2 storey units, albeit the front elevation would be designed to provide a more contemporary dormer bungalow style appearance. The plot would be served by a new access from the A52 Grantham Road and would have 4 parking spaces and a turning head. The site frontage would be defined by the existing hedge which is to be retained, save for that to be removed to form the access, whilst the building line would be set back a minimum of 7.8m from the edge of the frontage, with the building set 1.35m from the south western side and 1.15m from the north eastern side boundary. The plans show the pair of dwellings would be 2 bedroom units. Land levels are proposed to be marginally reduced at this end of the site by circa 0.5m, with the building proposed to have extended front elements with monopitched roofs rising from eaves at 2.8m to the external sides to a ridge of 6.3m to the inward central sides. These forward elements would frame the entrances which would sit between them. The main element of the building would be gable ended to the sides with a taller ridge at 6.88m, although this would be staggered and lower on the plot 4 side (6.4m) due to the shorter rear elevation on this side of the units. The building would be finished externally in red brick with concrete tiles to the roof. The plots would have 10m deep gardens that would have areas of circa. 75sqm.

## **SITE HISTORY**

9. 19/00959/FUL – Proposed demolition of the existing dwelling and construction of two new dwellings fronting Johns Road and two new dwellings fronting Grantham Road including landscaping and the creation of dropped kerb – Refused.
10. 18/02431/FUL - Construction of two storey front extension and first floor extension to create two storey dwelling, and external alterations. – Permitted.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

11. One Ward Councillor (Cllr R Upton) objects to the latest revisions of the proposed development, raising concerns the scheme would be over intensive for the site, and with the safety of the new access onto the A52 Grantham Road.
12. One Ward Councillor (Cllr N Clarke) objects to the latest revisions of the proposed development on 3 main grounds:
  - a. That two pairs of semi-detached houses would be out of keeping with the type of dwellings that exist in this area, with all the properties on Johns Road being single dwellings sitting within their own sites. The Councillor also suggests that to build a pair of semi-detached houses so close to no. 4 Johns Road would be inappropriate and completely incongruous with the street scene and would also represent an over-intensive use of the width of the plot fronting on to Johns Road.
  - b. On a similar matter the councillor considers that properties fronting Grantham Road in the area are generally substantial single detached dwellings, and therefore to build a pair of semi-detached houses would be an inappropriate and over-intensive use of the width of the plot in comparison with neighbouring properties. The development would be incongruous with the street scene.
  - c. The Councillor notes Grantham Road is a dangerous trunk road, and that introducing two new households requiring direct access and egress would represent an unacceptable safety risk.

### **Town/Parish Council**

13. Radcliffe-on-Trent Parish Council object to the proposed development for the following reasons:
  - a. The development does not comply with policy 11 (infill development) of the neighbourhood plan as the proposed design and layout does not relate to its existing settlement context and character or respect the existing massing, building form and heights of buildings within the immediate locality.

- b. The development does not comply with policy 15 (Local Architectural Styles) of the neighbourhood plan as the proposal is not seen as 'compatible' with the character and identity of the parish.
  - c. The parish also has concerns regarding traffic generation, air quality, noise, overlooking, over intensive use of the site and general negative impacts.
  - d. The Parish also note the development is too close to the A52 junction which is proposed to be reconfigured which would cause accessibility issues for residents and building/delivery lorries, with Johns Road too narrow to accommodate such activity.
14. The Parish reiterated they maintained the same objection to the revised plans when they were consulted upon.

### **Statutory and Other Consultees**

15. The Rushcliffe Borough Environmental Health Officer notes the application includes noise and air quality reports. They confirm they have no objection to the methodology of the noise report but that mitigation will be required in order to achieve recommended internal and external noise levels. The officer therefore recommends a condition that all of the mitigation as detailed in the submitted noise report is implemented prior to occupation and retained thereafter. With regards to air quality the EHO confirmed the report was valid and accepted the results, with no further requirements identified in the survey. The EHO did however recommend a condition regarding the submission of a demolition and construction method statement prior to commencement of any onsite works.
16. Highways England have commented raising no objections.

### **Local Residents and the General Public**

17. 12 Representations were received from local residents objecting to the scheme. The comments can be summarised as follows:
- a. The changes since the previous refusal are noted and welcomed.
  - b. Maintain concerns over the massing of the structure, it would appear too wide to the Johns Road frontage and would appear over development.
  - c. The access for the Grantham Road plot would be dangerous.
  - d. 2 parking spaces for 4 bedroom properties would seem inadequate, and therefore pressure would be placed on on-street parking along Johns Road.
  - e. Highways England propose to reconfigure the junction of the A52 with Bingham Road and Carter Avenue, close to the site, this may increase traffic levels along Johns Road.
  - f. Congestion on Johns Road from parked vehicles limits refuse access and could limit emergency services access as well.

- g. The site is not large enough to support two houses fronting Johns Road.
  - h. The development would overlook 12 Grantham Road, and devalue the property.
  - i. The development would be overbearing to the property at 2 Carter Avenue.
  - j. Loss of sunlight to 2 Carter Avenue.
  - k. The garden sizes fall below standards and the plots will overlook each other.
  - l. Windows to the rear of plot 3 and the side of plot 2 would impact the privacy of 2 Carter Avenue.
  - m. The development appears cramped on the plot.
  - n. Acceptance of this scheme could create a precedent on other similar plots.
  - o. Overlooking of 4 Johns Road from plot 1.
  - p. Overshadowing of side windows to 4 Johns Road.
  - q. Plot 3 would overlook the rear garden of 4 Johns Road.
  - r. Loss of biodiversity from removal of trees and hedgerows.
  - s. Contrary to policy 12 of the neighbourhood plan which states all new development of less than 10 units should seek to provide 2-bed starter homes, bungalows for the elderly, and/or 1 and 2 bedroomed flat accommodation, suitable for a variety of occupiers.
  - t. 3 comments were received in respect of the first set of revised plans reiterating the issues previously identified and noting that the small alterations do not address any of the issues.
18. 3 comments were received in respect of the second set of revisions (now under consideration), again objecting for reasons previously made and also noting:
- a. The housing would be too dense and similar to that seen on the new estate at Princes Place, Shelford Road, Radcliffe-on-Trent, not in keeping with the area.

## **PLANNING POLICY**

19. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy, the Local Plan Part 2: Land and Planning Policies and the Radcliffe-on-Trent Neighbourhood Plan (ROTNP). Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG). Any decision should be taken in accordance with the adopted development plan documents.

## Relevant National Planning Policies and Guidance

20. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
21. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.
22. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
  - a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
23. In paragraph 15 the NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
24. As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
  - Section 5: Delivering a Sufficient Supply of Homes
  - Section 6: Building a strong, competitive economy
  - Section 9: Promoting Sustainable Transport
  - Section 12: Achieving well designed places

- Section 15: Conserving and enhancing the natural environment
25. Section 5 - 'Delivering a sufficient supply of homes' states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
  26. Section 6 - 'Building a Strong and Competitive Economy' states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
  27. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify in paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
  28. Section 12 - 'Achieving Well Designed Spaces' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments, inter alia:
    - a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
    - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
    - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
  29. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
  30. Section 15 - Conserving and Enhancing the Natural Environment states that planning decisions should, inter alia, seek to contribute to and enhance the natural and local landscape by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). Paragraph 175 goes on to state that when determining planning applications authorities should apply the following principles, part 'a' of which states that if

significant harm to biodiversity as a result of development cannot be avoided, mitigated or compensated, then permission should be refused.

## **Relevant Local Planning Policies and Guidance**

31. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
  - Policy 1: Presumption in Favour of Sustainable Development
  - Policy 3: Spatial Strategy
  - Policy 10: Design and Enhancing Local Identity
32. Policy 1 highlights that when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
33. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements. Radcliffe-on-Trent is identified as a 'key settlement'.
34. Policy 10 (Design and Enhancing Local Identity) states that all new development should be designed to make; a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; and reinforce valued local characteristics; reflect the need to reduce the dominance of motor vehicles.
35. The Rushcliffe Local Plan Part 2: Land and Planning Policies was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policies in the Rushcliffe Local Plan Part 2 are relevant:
  - Policy 1: Development Requirements
  - Policy 11: Housing Developments on Unallocated Sites within Settlements;
  - Policy 12: Housing Standards;
  - Policy 38: Non-Designated Biodiversity Assets and the Wider Ecological Network.
36. Policy 1 sets out that planning permission for new development will be supported provided that where relevant, a list of criteria are met. This list includes aspects such as suitable access being provided, sufficient amenity spaces for end users, the relationship with nearby uses in terms of the amenity of future occupants and aspects such as ensuring no significant impact on wildlife, landscape character.
37. Policy 11 states that permission will be granted where inter alia, the proposal does not conflict with the spatial strategy, has a high standard of design that does not adversely affect the character or pattern of development in the area,

and would not have a significant adverse impact on the amenities of surrounding residents.

38. Policy 12 – ‘Housing Standards’ identifies that all new dwellings will be required to meet the higher optional technical standard for water consumption of no more than 110 litres per day.
39. Policy 38, where appropriate, seeks to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
40. The Radcliffe-on-Trent Neighbourhood Plan (ROTNP) was adopted in October 2017 and now forms part of the development plan for Rushcliffe. Of particular reference are policies 11 (Infill development), 12 (Housing Mix and density), and 15 (Local Architectural styles) of the plan. Policy 11 states that infill development may be appropriate subject to careful consideration of the design and layout to ensure a positive relationship with the existing settlement context and character. Policy 12 states that all schemes for fewer than 10 dwellings should seek to provide 2 bed starter homes, bungalows and/or 1/2 bed flat accommodation with the eventual mix to be defined by proximity to public transport and the village centre as well as local built character and density. Policy 15 states that the character and identity of the parish should be reinforced through locally distinctive design and architecture taking account of the scale, mass, layout, design and materials found elsewhere within the parish and other nearby settlements.
41. The Rushcliffe Residential Design Guide (RRDG) states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged. Guidance on garden sizes and separation distances are included. The RRDG states that new developments should seek to provide garden depths of 10m, and garden sizes for semi-detached properties of 90 square metres, with smaller 2 bedroom or less properties to have a minimum of 55 square metres. It does however accept a variety of sizes will be required to meet a variety of needs, and notes that access to public open spaces, privacy of space and orientation of spaces can all contribute to the appropriateness of a gardens size to provide adequate amenity for future occupants.

## **APPRAISAL**

42. The main considerations when determining this application relate to the principle of development, assessing any design and amenity impacts of the proposal, assessing appropriate access and highway safety matters and the consideration of nature conservation.

### Principle of Development

43. The Radcliffe-on-Trent Neighbourhood Plan recognises infill development as the development of a site which is not currently developed when it is bounded

by existing development on two or more sides and is within the existing settlement boundary. Given the site has an existing and established residential use it would be considered as a redevelopment and further given the sites location within the sustainable 'key-settlement' of Radcliffe-on-Trent it is considered that the basic principle of residential re-development be acceptable as a 'windfall' site.

### Housing Mix

44. Policy 12 of the ROTNP seeks smaller properties and retirement bungalows on smaller developments of less than 10 units. The scheme as amended seeks to demolish the existing 3 bedroom bungalow and construct 4 properties consisting of 2 semi-detached 3 bedroom houses, and 2 semi-detached 2 bedroom homes. The existing bungalow sits on a large plot that would require significant maintenance, however as a 3 bedroom property all on one level it must be considered that the property could cater for retirement as a bungalow suitable for the elderly. It is important to note that policy 12 of the ROTNP does not afford any specific protection to existing bungalows or smaller homes for redevelopment, but seeks to influence how replacement schemes are developed.
45. The scheme results in the loss of a smaller property or retirement bungalow, something that provision of is encouraged within policy 12 of the ROTNP. As such greater weight should be attached to the requirement for the scheme to meet the requirements of policy 12 of the ROTNP, which requires schemes less than 10 units to seek to provide bungalows for the elderly, 2 bedroom starter homes, and flats. For clarity the reference to 'starter homes' is justified in paragraph 5.27 of the neighbourhood plan as reacting to an overwhelming need for smaller properties for first time buyers and the elderly who wish to downsize. As such it is identified as a reference to smaller homes suitable for first time buyers and not a form of legally established 'affordable housing'.
46. As revised the scheme provides for 2 smaller, 2 bedroom semi-detached properties to the Grantham Road frontage which would represent an improved provision of smaller 2 bedroom homes that could be suitable for first time buyers or those looking to downsize, a provision sought by policy 12 of the ROTNP. The Johns Road frontage would then host a pair of modest 3 bedroom semi-detached properties and overall the scheme would be considered to provide an appropriate mix of housing, compliant with policy 12 of the ROTNP and the aims of policy 8 of the core strategy in its vision to create mixed and balanced communities.

### Character and Appearance

47. With regard to the character and appearance of the site and wider area, it is noted that the existing bungalow has limited influence and does not contain any identifiable features of note. The existing bungalow is 'in character' with the local area but not worthy of any individual note, and the loss of the bungalow from a design and character perspective would not raise any undue concerns.
48. The plot as it stands backs onto the Grantham Road (A52), with plots fronting Carter Avenue backing onto the eastern side of the application site, and properties fronting Grantham Road bordering the site to the north east. The

site represents the first property on the north side of Johns Road with an associated larger plot stretching the span between Johns Road and the A52, and as such represents a more transitional plot, than one within any clearly defined rhythm and built form. In principle, it is therefore considered the subdivision of the site to create two frontages is acceptable.

49. Whilst there have been comments to the contrary, a semi-detached pair of properties would not be an alien feature in the Johns Road street scene. As identified in the site description there are several pairs of semi-detached properties to the north and south sides of Johns Road further west, whilst quite unusually numbers 4 and 6 Johns Road have been designed with decorative principal elevations facing north towards the A52, and more functional rear elevations and drives facing Johns Road. As such it is considered the area has a somewhat mixed and varied character and there are no concerns that a semi-detached design fronting Johns Road would be fundamentally out of character.
50. Whilst it is noted that the building lines would be stepped forward from the neighbour at 4 Johns Road, the site is located at the end of the string of development fronting Johns Road, with the closest neighbour to the north east at 4 Carter Avenue being set much closer and side on to Johns Road. This property sits 2.9m back from Johns Road, with a garage adjacent the application site boundary and accessed from Johns Road set 4.8m back from the road. The existing bungalow is set 11m back from the road (at its closest point) with the neighbour at 4 Johns Road to the west (pre extension) set level. The neighbour beyond at 6 Johns Road is then set further forward and closer to the road.
51. The proposed building line would be forward of the neighbour to the south west at 4 Johns Road but remain set back from the garage at the adjacent site serving 4 Carter Avenue. Whilst this does not replicate the existing situation which steps back along Johns Road, the proposed properties fronting Johns Road and stepping forwards would not be considered harmful to the character of the area. They would still step with the street scene, stepping back when approaching from the east to reveal 4 Johns Road, and stepping forward on approach from the west meeting more closely the building line to the corner of Johns Road and Carter Avenue.
52. The properties would be two storey in scale with a hipped roof incorporating a ridge line some 1m lower than the neighbour at 4 Johns Road and eaves to match. The plots would retain a 2.15m gap to the south west and a 1.6m (min) gap to the north east boundaries and these factors combined would be considered to limit the massing of the properties when viewed front and side on. Given these factors the semi-detached pair would not be considered to appear cramped to the site, retaining adequate circulation space, and overall the stepped plots 1 and 2 along Johns Road would not be considered unduly prominent, or harmful to the character and appearance of the Johns Road street scene.
53. For reference and contrast the extensions to the existing bungalow approved under 18/02431/FUL would have generated a 2 storey gable sided property with an approved ridge height some 0.5m higher than that proposed on the scheme now for consideration, and with the property extending to within circa 0.8m of the south western side boundary and 1.35m (max) of the north east boundary. Whilst retaining the set back of the current bungalow, this scheme

would arguably have had a much greater footprint and massing to that now proposed as viewed within the Johns Road Street scene.

54. From an architectural perspective these plots would have a simple form, with symmetrical windows to ground and first floors and a hipped canopy over the ground floor entrance and bow window to the kitchen. Such detailing is considered appropriate and sympathetic to the general character and appearance of the area, with any brick and tile finishes to match those seen in the area, something that could be appropriately controlled by condition. Subject to this it is considered these plots would be sympathetic to the character and appearance of the locality and the local architectural styles.
55. To the Grantham Road frontage the site sits adjacent existing housing alongside a busy trunk road, and from a design and character perspective there is not considered to be any particularly positive or defined character to this frontage which the proposed layout would be detrimental to. It is possible that the positive and more contemporary design of the proposed units would represent a positive addition to the public realm over the largely unmanaged hedgerow and ditch. The buildings would be set back from the neighbour to the north east on Grantham Road following a reasonable building line, whilst the site would not be visible on approach from the west due to existing dense screening to neighbouring site boundaries.
56. The properties would have a 1.5 storey design as viewed from Grantham Road with a strong mono-pitched forward projecting element drawing back to a gable ended main roof revealing a two storey scale to the rear. The eaves to the front elevation would sit at 3.05m from ground level, just greater than those on the adjacent bungalow, however the site would sit lower than the adjacent site and given the proposed set back it is not considered there would be any conceivable dominance between the proposed and existing plots. The neighbouring bungalow has a gable roofed design and the proposed maximum ridge height of 7.13m would be comparable to this and again not overtly dominant.
57. The plots fronting Grantham Road would have a more contemporary design to the road facing elevations with strong mono-pitched forward projecting elements containing floor to ceiling glazing that would shape the property front doors and entrances between them. The rear elevations would be much more basic but generally appropriate to the area. The scheme proposes the use of brick and tile finishes which, if controlled by condition, would ensure a sympathetic external appearance to the character and appearance of the area, and overall the design proposed is considered an appropriate contemporary take on the general characteristics of the area.
58. The proposed scheme would result in the loss of parts of the front and rear boundary hedgerows as well as a number of trees/large shrubs on site. The scheme includes a mix of dwarf boundary walls and 1.8m tall piers to the boundaries with planting behind which could be controlled by condition, as well as additional tree planting and plot separation planting. The amount of additional landscaping proposed would be considered sufficient to mitigate any loss and could be secured by condition.

59. Some side boundary hedgerows to visible site frontages are to be retained and as such a hedge protection plan would be considered necessary to ensure the maintenance and viability of these features on site in the interests of the visual amenities of the area.

#### Amenity – Neighbouring Residents

60. The comments and concerns of neighbouring residents are duly noted. Plot 2 would be visible to residents at 2 and 4 Carter Avenue, who would see the side elevation and hipped roof at the bottom of their gardens. Although this side elevation would be visible at the bottom of the gardens of the neighbours, the significant length of the gardens of between 25m and 30m in length should be noted, which are considered to reduce the impact of the proposal. Furthermore, 4 Carter Avenue has an existing garage at the bottom of the garden partially screening the site, with the siting of the building only to cover circa half of the width of the garden at 2 Carter Avenue. Although noticeable from neighbours, it is considered that the separation distances and siting would prevent the proposed building from having any undue overbearing impacts on 2 or 4 Carter Avenue. The orientation of the site would result in some overshadowing from the development in the late evening, to the bottom most parts of the neighbours' gardens. This would not be considered to represent any undue or unacceptable overshadowing impact. With regard to privacy, one first floor side window is shown to serve bathroom. This could be the subject of a condition to ensure the window would be obscure glazed and fixed shut, and subject to this condition, the development would not be considered to have any overlooking impact on the neighbours to the north east.
61. 3 Johns Road lies opposite the site, set 19m away from the front boundary of the application site. Given the proposed dwellings would themselves be set back a minimum of 6.8m from the front boundary of the site, the separation distance from adjacent windows at 3 Johns Road and the application site would be at least 25.5m. Such separation distance is considered sufficient to ensure the proposed development would not cause any undue or unacceptable loss of privacy to the neighbour at 3 Johns Road. Similarly, the distances and orientation would prevent any undue overshadowing or overbearing impacts.
62. The neighbouring property to the south west at 4 Johns Road has two first floor windows facing the site but neither serves a habitable room (landing and bathroom). It also has an unusual corner window in the rear first floor. The proposed dwellings fronting Johns Road would not project rear of the neighbour at 4 Johns Road and would therefore not raise any undue overbearing, overshadowing or overlooking concerns. Although the plots would be set forward of this neighbouring property, the building is set in from the shared boundary by circa 3m and the forward building line would not be such that it would raise any concerns of overbearing or overshadowing the neighbour. Plots 3 and 4 would also be visible from this neighbouring property and although there would be first floor windows to the rear of these units, the windows would largely take outlook to the rear, down the private gardens of the site. Some views across towards the neighbour would be possible, however again given the separation distance of at least 20m between the closest first floor window on plot 4 and the first floor rear windows of 4 Johns Road, the scheme is not considered to cause any unacceptable loss of privacy.

63. It is noted that the neighbouring property (4 Johns Road) has the benefit of planning permission for a 3.6m deep single storey rear extension which would reduce the separation distances to ground floor windows proposed to serve a family space, and also the associated garden closest to the rear of the property. This extension was substantially completed when the site was visited in June 2020. The neighbour has a well-established magnolia tree close to the boundary adjacent to where plot 4 is proposed, whilst an established fruit tree and boundary hedging is proposed to be retained along the shared boundaries to enhance screening between the properties. Furthermore, revised plans show the bedroom 2 window in the rear of plot 4 being moved more centrally to the plot with a centre some 4.3m from the shared boundary and also reduced in size to a smaller two panel feature rather than a triple panel as originally proposed. Further to this, it should be noted that the plot 3 and 4 build is to be slightly set down in the plot with land levels rising away from the houses towards 4 Johns Road. Given the considerations as discussed above, it is considered that, whilst some views towards the ground floor rear windows and garden closest the house of 4 Johns Road will be possible, the primary outlook would remain down the sites garden. So long as no alterations to or additional windows could be added to the rear of these plots, it is considered that the scheme would not cause any undue or demonstrable loss of privacy to the neighbour at 4 Johns Road.
64. The neighbour to the north east of plot 3 and 4 at 12 Grantham Road has a garage adjacent the application site. This would screen any views of the proposed building and the scheme would therefore not be considered to raise any undue overbearing or overshadowing concerns. The rear windows to these plots would not directly overlook this neighbour and would therefore not raise any undue concerns. The rear elevation of plot 1 and 2 would also be visible from this neighbouring property, with first and second floor windows visible. It is however noted that the previous permission for extensions at 2 Johns Road would have brought first floor windows much closer to the boundary than that as currently proposed. Overall the separation distances and orientations as proposed are considered appropriate to ensure the scheme as proposed would not cause any undue overlooking of 12 Grantham Road.
65. Reference has also been made to activity levels on site. Each plot would have its own driveway and it would not be considered that the redevelopment of the site for 4 units would cause any undue noise and disturbance to neighbouring residents.
66. It is therefore considered that overall, whilst there would be perceivable changes to the environments and relationships within and surrounding the site, the development would not cause any significant adverse impact on the residential amenities of neighbouring occupiers.

#### Amenity - Future Occupants

67. The amenities of future occupants must also be given due consideration. In this regard the proposed garden sizes are noted. All four units would have garden depths in accordance with the minimum 10m recommended in the RRDG. Plots 1 and 2 as 3 bedroom semi-detached units would have garden sizes of 95sqm, with plots 3 and 4 as 2 bedroom semi-detached units having smaller gardens of circa 75sqm. The RRDG recommends garden sizes of 90sqm for semi-detached properties, and sets a lower threshold of 55sqm for

2 bedroom or less properties and as such the scheme would achieve amenity spaces greater than the minimum guidelines set out in the RRDG, thereby offering appropriate amenity for future occupiers.

68. The plots would also provide off street parking. Plots 1 and 2 would both provide two spaces in a traditional and basic layout. Given the residential nature of Johns Road this would be considered an appropriate form of access. 2 spaces for a 3 bedroom semi-detached house would be considered an appropriate level of parking provision within a key settlement. The plot 3 and 4 properties would also have 2 spaces each with a turning facility to allow access and egress in a forward gear.
69. The application has been supported by both a noise assessment and an air quality screening assessment due to its proximity to the A52 Trunk Road and the comments of the EHO are noted in respect of this matter.
70. With regard to noise, an onsite noise survey was conducted. Following analysis, results showed that the gardens to the rear of plots 3 and 4 would be shielded by the properties and that when calculated, the external noise levels within the gardens would fall within the recommended limits (43db calculated for site; recommended maximum level is 55db). With regard to internal noise levels it was determined that upgraded double glazing would be required to the principal elevations and that the windows be fitted with acoustic trickle vents, and the rooms be supplemented by a mechanical extract ventilation (MEV) or positive input ventilation (PIV) to allow appropriate ventilation during warm weather without the requirement to have a window open. Rooms with windows to the rear facade had no additional requirements. Subject to the above specifications being required by condition, the Borough Environmental Health Officer raised no further concerns over noise impact on future occupants and as such the scheme demonstrates it could provide appropriate amenity levels with regard to noise impacts.
71. In relation to air quality, the screening assessment found the site does not lie within any designated Air Quality management Area (AQMA), and notes that data from roadside diffuser tube shows local levels remain below Air Quality Objective's, with the site also likely having notably lower levels than found in diffuser test data due to its location set back from the carriageway. The Borough Environmental Health Officer has raised no objections to the methodology or findings of this report and does not request any further conditions or work on this matter. As such, air quality is not considered to present any risk to the amenities of future occupants.
72. Given the matters above it is concluded that the development as proposed could make adequate provision for the amenities of future occupants.

### Highway Safety

73. Some comments have been received regarding on street parking capacity issues along Johns Road and issues for waste and emergency vehicles due to inconsiderate parking. The application proposes 2 off street parking spaces for each 3 bedroom unit which is considered an appropriate level of provision for such a size of unit. The creation of new dropped kerbs into the site would remove some existing on street parking opportunities for other existing

residents and/or visitors, however the loss of this provision is not something that would raise any undue concerns in itself.

74. Plots 3 and 4 would be accessed directly from the A52 Grantham Road, a major trunk road. Concerns have also been expressed over this layout by local residents and Ward Councillors. Highways England have provided comments on the application raising no objection to the scheme, and in discussions on the previous application that was refused last year, it was confirmed that the works were being considered in line with the wider upgrades proposed to the Bingham Road, Carter Avenue and A52 junction, just to the east of the site. Given there remains no objection from Highways England to the new access, and that appropriate onsite parking provision and turning provision is proposed to serve the units, it is not considered that the scheme would raise any significant highway safety concerns.

### Ecology

75. An ecological survey has been submitted in support of the scheme. The preliminary Roost Assessment found that the site had 'low' potential for bats to roost and 'negligible' potential for birds, given this a further bat activity survey was recommended to take place.
76. A Further bat activity survey was submitted showing no evidence of any roosting activity in the building and as such the scheme would not be considered likely to impact upon the conservation status of any European Protected Species. The Borough Environmental Sustainability Officer has been consulted on the content of these reports but has yet to provide comment, and any comments will be provided in the form of a late representation.
77. Given the scheme will, however result in the loss of some hedgerows and existing garden trees, a scheme for biodiversity enhancements would be considered prudent to be secured by condition, and should work with the proposed landscaping scheme which is again to be secured by condition.

### Flood Risk and Drainage

78. The site lies within flood zone 1 and is therefore at the lowest risk of flooding. With regard to surface water, mapping suggests some limited surface water pooling to the front of the existing dwelling and within the rear gardens of properties backing onto the site to the east. Surface water and foul drainage is proposed to be dealt with by discharge to the foul water drains. No evidence has been submitted to show that surface water cannot be dealt with by SUDS or Soakaway, as required by policy 18 of the LPP2. As such it is considered that, notwithstanding the assertion in the application form, a condition be imposed requiring a surface water drainage strategy and assessment be submitted to show consideration for the drainage hierarchy and advocate a SUDS first approach.

### Other

79. The Borough Environmental Health Officer has requested that a condition be applied requiring a construction method statement to be submitted. Given the sites close proximity to neighbours this would seem reasonable and necessary in the interests of the amenities of the area.

80. The LPP2 sets out in policy 12 that all new dwellings should meet the higher 'Optional Technical Housing Standard' for water consumption as Rushcliffe being an area that has been identified as having moderate 'water stress' (i.e. scarcity). It would therefore seem reasonable to condition the dwellings meet this standard, which will require any developers to notify building control who will in turn ensure the building meets the higher standards as part of their process. A note to applicant regarding this process would seem reasonable.

### Conclusions

81. Given all the matters as considered above, and having assessed the development proposal against the policies set out in the development plan for Rushcliffe, the scheme is considered to be acceptable. Therefore, it is recommended that planning permission is granted.
82. The application was not subject to any pre-application discussions and represents a revised scheme to a previous refusal. Amendments and additional supporting information have been provided through the course of the application in response to comments made by consultees and the public. The revised plans and additional documents have sought to address the aforementioned concerns and has resulted in the recommendation to grant permission.

### **RECOMMENDATION**

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

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

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

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

- Proposed Site Layout Plan – '711 - 005 Rev.L' - Received 29/07/2020;
- Plot 1 Plans and Elevations – '711 - 002 Rev.H' – Received 07/07/2020;
- Plot 2 Plans and Elevations – '711 - 003 Rev.H' – Received 07/07/2020;
- Plot 3 and 4 Plans and Elevations – '711 - 004 Rev.I' – Received 10/07/2020;

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

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

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting in order to protect the amenities of neighbouring

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

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

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting, in the interests of amenity and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan part 1: Core Strategy and policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Prior to the commencement of development (excluding demolition and site clearance) finished site levels including cross sections shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall only be implemented in accordance with the finished site levels so agreed.

[This condition is pre-commencement given the agreement of finished levels will need to be resolved prior to any excavation taking place. The condition is required to ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Notwithstanding the details contained in the application form, the development shall not commence (excluding demolition and site clearance) until a surface water drainage scheme showing compliance with the drainage hierarchy has been submitted to and approved in writing by the Borough Council. The development shall only be carried out in accordance with the approved surface water drainage scheme, which shall thereafter be maintained throughout the life of the development.

[This is pre-commencement to ensure the proper drainage of the site and to accord with the aims of Policy 2 (Climate Change) of the Local Plan Part 1 Rushcliffe Core Strategy, and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

7. Notwithstanding the materials detailed on the application plans, the development hereby permitted shall not proceed beyond damp proof course level until details of materials to be used on all external elevations including any boundary walls have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

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

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

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and to comply with policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies]

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

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

10. The development shall not proceed above damp proof course level until a scheme detailing biodiversity enhancements together with details of a timetable for their installation, has been submitted to and approved in writing by the Borough Council. The approved scheme should provide for the installation of bat and bird boxes as a minimum, also considering the opportunities for additional enhancements.

The approved scheme shall be implemented in accordance with the approved timetable. The approved enhancements shall thereafter be retained and maintained.

[To ensure the development will conserve and enhance biodiversity and to comply with policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies]

11. The development hereby permitted shall not be brought into use until the noise attenuation measures as detailed in the submitted noise assessment [Acute Acoustics Ltd noise assessment ref 2377 Radcliff - 2 Johns Road] have been fully implemented and installed. This provision shall thereafter be retained and maintained for the lifetime of the development.

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

12. The development shall not be brought into use until the driveway, parking and turning areas as shown on the approved plans have been completed including the following provisions:
  - a. Driveway surfaced in a bound material for at least 5m back from the highway;
  - b. Driveway fronted by a suitably constructed dropped kerb;
  - c. Driveway and drive constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking areas to the public highway.

These provisions shall then be maintained in such condition for the life of the development and the turning areas shall be kept free from obstruction and available for use at all times.

[In the interests of highway safety and to ensure compliance with Policy 1 (Development Requirements) and policy 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. The dwellings hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

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

14. The first floor windows in the north east and south west side elevations of plots 1 and 2, serving the bathrooms as identified on the approved plans, shall be permanently obscure glazed to level 5 of obscurity and fixed shut, and the windows shall be retained to this specification for the lifetime of the development.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. Notwithstanding the provisions of Schedule 2, Part 1 Class A & B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings, no additional windows and no additions to the roof without the prior written approval of the Borough Council.

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

## NOTES TO APPLICANT

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

Good practice construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- Root protection zones should be established around retained trees/hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted

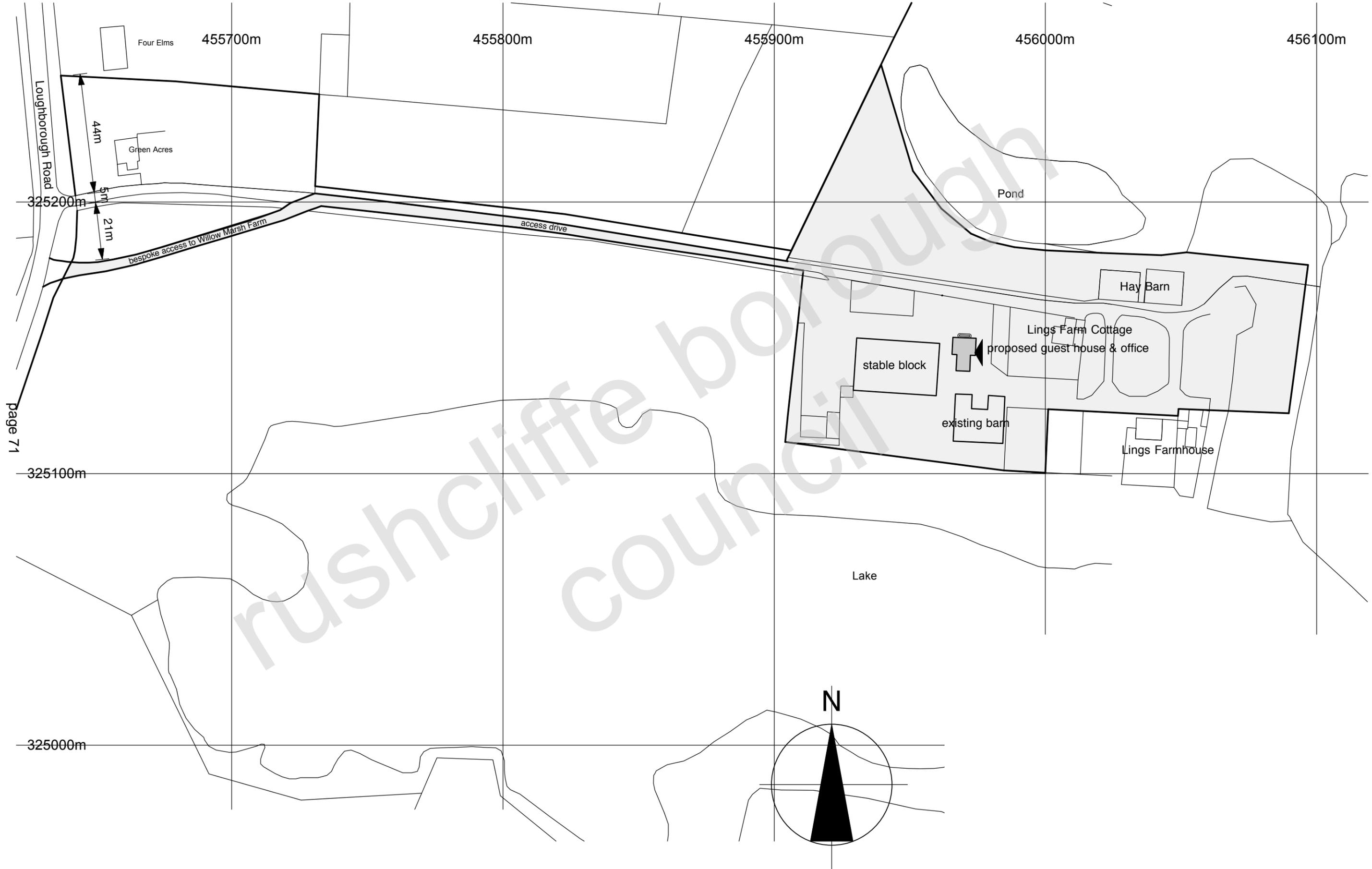
You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact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

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

Condition 13 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

DO NOT SCALE FROM THIS DRAWING. DIMENSIONS AND LEVELS TO BE CHECKED ON SITE BY THE CONTRACTOR. ALL DIMENSIONS IN MILLIMETRES UNLESS OTHERWISE NOTED. ALL LEVELS IN METRES UNLESS OTHERWISE NOTED.



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site location plan  
(scale 1:1250)

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# 19/02523/FUL

**Applicant** Mr S Jenks

**Location** Willow Marsh Farm, Loughborough Road, East Leake, Nottinghamshire, LE12 6LU

**Proposal** Change of use of agricultural barn building and all existing farm buildings and land within the red line border of the site location plan to a mixed use comprising of agricultural and events use, and the conversion/change of use of the agricultural parlour building to a mixed use comprising of guest house (C1), office (B1) and use for events (part retrospective)

**Ward** Leake

## THE SITE AND SURROUNDINGS

1. The site comprises a working farm located on the eastern side of Loughborough Road comprising a group of farm buildings and a farm house. The farm is surrounded predominantly by open countryside with ponds and lakes adjacent to the site. Access to the farm is via a private track accessed off Loughborough Road where there are two residential properties located close to the access. Some of the farm buildings have or are in the process of being converted/repaired for the proposed wedding uses.
2. The buildings on the site comprise a stable/workshop block, a machinery store, parlour building, hay barns and the farmhouse.

## DETAILS OF THE PROPOSAL

3. The application involves the change of use of the agricultural barn and farm building and land to a mixed use comprising agricultural and events use, and the conversion/change of use of the agricultural parlour building to a mixed use comprising guest house (C1), office (B1) and use for events (part retrospective).
4. The works to the parlour building would comprise additional cladding/fenestration and the provision of a balcony. Internally, the proposed accommodation would incorporate an open plan kitchen/living space, wet room, bedroom and office on the ground floor with a further bedroom and upper lounge void on the first floor.
5. The stable/workshop building would comprise stable stalls, glass and general waste storage, wood store and store/events preparation area. The machinery barn/events building would comprise a mixed use with the agricultural storage being removed during events.
6. Parcels of land to the north-east and south-west of the site would be used for occasional guest camping in association with the events. Parking would be provided to the north and west of the stable/workshop and to the east of the machinery barn.

7. Revised plans have been received amending the access and providing passing bays within the internal access road.
8. In support of the application the Applicant has stated the following:
  - One of the barns has a licence to hold civil ceremonies and the proposal is to use this for legally and non-legally binding wedding receptions and receptions within the barn; these would take place between March and September inclusive and on Bank Holiday Mondays between May and August. This would provide the opportunity to hold 35 Saturday events and 3 Bank Holiday events.
  - The typical timings of a wedding day are as follows:
    - 0900 Third party suppliers start to arrive to set up the barn for the day
    - 1100 Third party suppliers leave the site
    - 1200 Family and groomsmen arrive to prepare for the day
    - 1300 Guests start arriving for the ceremony, Nottingham Registrars arrive
    - 1330 The wedding ceremony commences
    - 1400 Afternoon drinks reception begins
    - 1600 The main wedding seated meal begins
    - 2000 Evening guests arrive
    - 0000 Amplified music stops
    - 0030 Guests leave.
  - The total number of people attending a wedding varies with the majority of weddings consisting of 60-100 day guests and a further 20-50 guests in the evening; the maximum number of guests that can be accommodated in the barn is 130 for the day and a further 50 invited evening guests.
  - During Summer 2019 car parking was monitored and for day guests including the bridal party and family members there was a split of around 40% who would get a taxi to and from the farm and 60% that would drive and park on the site. Of the 60% around 40% left their vehicle overnight to be collected the following Sunday, making use of pre-booked taxis to take them home or to locally booked accommodation. Of the day guests arriving by car approximately 10% came in a car alone and 90% with 2-5 guests. For evening guests the results were comparable.
  - Based on the 2019 weddings and the booked weddings for 2020 the average size wedding party was 80 guests with 40 additional evening guests, 5 staff including two who live on site, 10 third party suppliers and associated staff and 2 visiting registrars. The Applicant has calculated that this would equate to 75 attendees driving a car to site plus the third party employees giving a total of 87 of which 90% arrived with at least 2 people equating to 40 car parking spaces for the shared rides and a further 7 for the 10% who arrived alone. A total of 47 spaces are needed for an average wedding day.
  - Current car parking provision provides 4 staff spaces, 6 third party spaces and 65 guest spaces (total 75).

- Speed reduction signs are in place on the drive with a 10mph limit to reduce vehicle noise.
- The access is now a further 26 metres from the neighbouring property resulting in a distance of approximately 70 metres separation distance.
- Part of the proposal is the change of use and partial extension of the existing parlour building; this former derelict building would become an office for the business and a guest house that can be used during the events; this would accommodate a maximum of 4 people and the office would be used by the owner during the week; the accommodation would be used solely in connection with the events.
- The second proposed form of overnight accommodation is two areas of land that will be made available for a limited number of guests to stay overnight after an event, the guests will provide their own tent and pitch it themselves and will dismantle the next day. Guests will be able to make use of the existing farm toilet and wash basin but no camping showering facilities will be provided; it is expected the use of the camping field would be occasional and not a permanent fixture of weekly events. It is estimated, based on previous weddings, that up to 5 pitches would be used at 10 events.
- The proposal also includes yoga and wellness retreats to use the remote and natural setting; these could include talks, presentations and yoga and meditation classes. These are normally provided by guest speakers and practitioners to small groups and daily retreats would be offered in the months of April to September normally on weekends. Typical timings of a day retreat would be:
  - 0730 Guests arrive
  - 0800 Early morning yoga practice
  - 0900 Guided meditations and breathing practice
  - 1000 A light breakfast prepared in the pop up kitchen and eaten in the events barn
  - 1100 Presentations by guest speakers on diet and mental well being
  - 1300 Yoga practice
  - 1400 A light vegetarian meal prepared and served on site
  - 1500 Q and A with guest speakers
  - 1600 The final yoga practice of the day
  - 1645 The final guided meditation and contemplation practice
  - 1700 Guests leave
- Based on current demand it is estimated there would be 6 retreats a year at an approximate ratio of one per month between April and September inclusive for between 10-40 people.
- There have been enquiries about hosting corporate lunches and presentations and based on current demand it is estimated there would be between 5-10 such events in the Spring/Summer season where the plan is to cater for up to 80 people between the hours of 0900 and 1700.
- In terms of noise, the environment is ideally suited to yoga and wellness retreats where as little noise as possible is created, music may be

played at low levels in the barn during practice and would not be heard externally. A similar estimate is made for any corporate event although amplified microphones may be used and controls on decibels would be in place.

- The most likely noise source would come from weddings both inside and outside the buildings especially from the hosting of evening wedding receptions where noise could come from amplified music, speeches and guests. The use of fireworks and Chinese lanterns is not permitted.
- From weddings already carried out, observations are that noise levels in and around the barn are very low throughout the day (1300-1800) even if people are outside; background music would be at a low level. Noise starts to rise at about 1900 with a band/DJ with music typically continuing until 0000. The PA system and internal mixer has a volume control, operated by the owner with levels set at 90dB inside the barn; this means the noise levels outside the building are at an acceptable level during the times music is played. Other procedures in place include ensuring all patrons leave the premise in a quiet and orderly manner (required by the premises licence), signage will be provided on exit routes asking people to be quiet on departure and taxis will have to respect the 10mph.
- A collection of noise impact surveys have been carried out to cover noise generation, assessment and mitigation.

## **SITE HISTORY**

9. There is a detailed history on the site which includes an application ref: 18/02174/FUL for the erection of an agricultural storage building and a new access track (retrospective) – Permitted.

## **REPRESENTATIONS**

### **Ward Councillors**

10. One Ward Councillor (Cllr Way) (Original Response) commented that the noise coming from the venue, particularly at night with music playing could constitute a disturbance. Neighbours, both close to the venue and a distance away on Castle Hill, have already complained about the noise and are extremely concerned about this happening on a regular basis. She would expect that controlling noise levels would be part of the conditions, as well as times of use. She is concerned about the proposed camping being more than as suggested by the applicant. The entrance/exit of the site is onto a road that is known to be dangerous. The track to the venue is narrow in places and there are concerns that traffic could queue onto the road increasing the potential for accidents. Traffic needs to be managed to avoid disturbance to neighbours. In principle, she does not object to this application because it would appear to be an excellent business opportunity which will hopefully provide employment to local people and add to the economy of the area. However, she would hope that the conditions will ensure that neighbours will be able to continue to live peacefully and enjoy their property without undue disturbance.

11. Following further consultations on additional information, Cllr Way welcomes the Noise Report and the recommendations for systems to reduce noise in the area surrounding the venue. The times given are 9am to midnight seven days a week. This covers noise from the arrival and departure of guests and staff. However, there is no limit on the time during which music can be played. She would like to see this set to a maximum time for any given event. She still has concerns about the campsite as this is very open-ended and would welcome a maximum number of tents with time constraints applied and that people who are camping are made aware of the requirements of the venue regarding noise.
12. Following a further consultation, she had nothing more to add to the earlier comments apart from reiterating the request for a limit to be put on the number of tents. This number is creeping up from less than 5 to between 10 and 15.
13. One Ward Councillor (Cllr Shaw) (Original Consultation) did not object provided that clear passing places are provided on the access road to avoid possible build-up of traffic on the main road, strict noise level conditions are imposed and the noise reduction methods the applicant claims to have installed are effective and camping on the site does not become a regular feature.
14. Following further consultations on additional information, Cllr Ward supported fully East Leake Parish Council's position on this application.
15. One Ward Councillor (Cllr Thomas) (Original Consultation) objected on the basis of information provided at present. She does not object in principle as a successful business would bring a welcome new facility to East Leake, employment opportunities for local people, and trade to many local businesses. However, she had several concerns and hoped that, should the application be approved, all the issues will have been addressed. She objected on the grounds of the disturbance to neighbours from noise of amplified music in the open air or within a poorly soundproofed building, neighbours report being severely impacted by events held to date including being unable to use their garden, having to close windows and stay indoors, and still having to endure a booming bass sound. There have been complaints not just from immediate neighbours, but also from residents on Castle Hill and elsewhere in the village. If approved, she would expect to see protection against noise secured by conditions, covering technical requirements such as permitted noise levels at various defined points and types of equipment to be used, monitoring etc., and permitted hours for events, number of events per annum, days of the week and months of the year when events will take place, times of the day when outdoor music is permitted, times in the evening when only indoor music is permitted, with the barn doors shut and possibly additional soundproofing measures for the barn.
16. The site lies adjacent to Manor Farm Park and Woodlands and designated local wildlife site "Manor Farm Grassland" and is close to a public right of way. The impact of noise on the enjoyment of the area by members of the public should be considered, as well as any adverse effects on wildlife. If the application is to be approved, she seeks a condition to control the maximum number of guests for an event.
17. The layout of entrance/exit via the access track will need to be assessed by relevant authorities in the light of the known dangers of the blind junction

between Rempstone Road and Loughborough Road, which is 250m south of this access. The single lane access track is likely to be problematic at busy times, with taxis moving in the opposite direction to private cars, and there is a risk that any traffic jams will cause public hazards from traffic queuing on the highway waiting to turn in. Widening the track or provision of passing places could perhaps be a solution. Measures are needed to ensure that the noise disturbance to neighbours from guests leaving late at night is managed. Parking layouts have now been provided and details of surfacing, lighting, drainage etc. are also required.

18. The mixed use of the barn is of concern, it does not seem to have been used for agricultural storage. It is difficult to see how this lovingly created rustic wedding venue with its chandeliers and impressive stone floor is compatible with agricultural use. Regarding the guesthouse/office, the planning statement refers to it as a guest house to be used for a maximum of four people on the evening of an event; this would need to be conditioned. The planning statement indicates occasional camping only with maximum one night stay for each event but does not specify a maximum number of tents per event; this would need to be controlled via a condition. Does the food preparation area conform to relevant regulations and standards for hygiene? Is an ecology report or ecological management plan to be provided?
19. Following further consultations on additional information, Cllr Thomas advised that she wished to maintain an objection at this point though appreciate that some progress is being made. Note the addition of a passing place on the access road and note the noise assessment with proposal for noise mitigation measures for the music, plus the response of the Environmental Health Officer. This however only deals with noise levels from music and not the other aspect of this which is the timing and frequency of events. It appears only to deal with music, not the noise of outdoor gatherings of people. The other issues raised have not been addressed.

### **Town/Parish Council**

20. East Leake Parish Council (Original Response) - Agreed would remain neutral but that comments should be made that conditions should be imposed to ensure limits are clear and mitigate adverse impact of noise, traffic and frequency of events.
21. Following a re-consultation, further comments were received from the Parish Council. Concerns expressed about noise and as to whether the noise impact assessment report gave confidence in the proposed control mechanism. Concern was also expressed that there could be noise in the daytime, not just evening, and that traffic and guests and events contractors may interfere with nearby residents. The conclusion was to stay neutral but to request a limit to the hours during which music can be played and request that the conditions imposed are enforced through competent monitoring in order to safeguard nearby neighbours' wellbeing.

### **Statutory and Other Consultees**

22. Nottinghamshire County Council as Highway Authority raise no objection subject to conditions. Concerns previously raised over access, visibility and insufficient passing bays have been addressed.

23. Rushcliffe Borough Council Environmental Health raise no objection subject to conditions. The noise limiting device shall be installed and details of the installation and noise limit to be set shall be submitted for approval. In addition, the noise management plan should be placed on any approval as a condition to be submitted for approval; this should take account of hours of use, ensuring windows/doors are kept closed when amplified music is played, regular noise monitoring around the perimeter of the premises (levels should be set when the sound limiting device is installed), controls to be put in place when guests are leaving the premises e.g. ensure no congregating guests, vehicles leave the premises in an orderly manner and during the evening entertainment that there are no groups of guests congregating near to any residential dwellings e.g. that they remain within the venue.
24. Nottinghamshire County Council Planning advise that in terms of Minerals, Willow Brook Farm lies within the permitted boundary for East Leake Quarry (also known as Lings Farm Quarry) which extracts sand and gravel and is operated by Cemex. The area around the farm has been worked and is now mainly restored. Whilst some environmental impacts (i.e. noise) may be detectable at the proposed development site, considering the nature of the proposed development and that the application is partially retrospective and active extraction is occurring further to the east, the proposed development does not seem to pose a sterilisation risk to the permitted quarry. Therefore, the County Council does not wish to raise any objections to this proposed development.
25. Rushcliffe Borough Council Environmental Sustainability Officer raises no objection subject to conditions and informatives.
26. Trent Valley Internal Drainage Board advise that the site is outside of the TVIDB district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water runoff rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the LLFA and LPA.

### **Local Residents and the General Public**

27. Five representations have been received objecting on the following grounds:
  - a. In breach of the original planning conditions, the building has already been constructed, there have been seven parties/weddings so far this year and two complaints made to the Council from a previous tenant at the Ling Farm Cottage, the whole development has been constructed with the intended use as an events venue, there has never been any plant/equipment in the agricultural building, the new buildings are on a different footprint and considerably larger than the original structures.
  - b. Regarding the noise assessment, the nearest residential property boundary is 50m from the agricultural barn, the barn has no acoustic insulation and it amplifies the sound. The weather conditions during the survey period were very favourable and influence the results from this assessment to reduce the noise, the rain and the wind direction for the

whole of the survey are not comparable to a summers day. The survey is not comparable to having 250 guests speaking, laughing and shouting which would make the acoustic sound of 75 to 80dB, the music would have to be over 80dB to be heard by the guests, during previous events held in 2019 the music has been loud enough to have being heard on Castle Hill over 1000m away, concerned about the impact of noise on local properties.

- c. The new development is nothing like the original farm footprint, size and character and is a purpose build events venue, the proposal would substantially change the character of the site, the entrance is out of character with its surroundings.
  - d. The bird and bat life have been disposed of when the buildings were demolished, there are horses stabled within 30m of the venue that will surely be distressed by the loud noise, there is no biodiversity enhancement scheme.
  - e. There are substantial areas of grass that have been concreted to make non permeable hardstanding for parking.
  - f. The sewerage system/tanks are not suitable to accommodate the number of persons in the applications and they also drain to soakaways that percolate into the ponds/lagoons.
  - g. Questions whether a traffic management plan has been developed to demonstrate the traffic movements and possible impact on the already dangerous road, has an assessment been done for the traffic noise in the early hours of the night, has a light pollution assessment been done, has a report been done on the employment benefits to the immediate local community?
  - h. Traffic generation and highway dangers, the road infrastructure is not suitable for this type of venue and would need to be upgraded, close to a dangerous junction
28. Three representations have been received in support stating this farm has been taken from a dilapidated, tired and filthy site to a beautiful venue, the quality of the restoration of the barns and outbuildings is top class and in keeping with the surroundings, creating a unique venue in a setting that allows guests to be closer to nature. The comments regarding bee eater birds should be taken with care as these birds are not native to the UK and should be cautious about regarding their previous time here as a positive and should be viewing it as part of the climate issue we are currently facing. Have not heard any noise from events, the site is well set back from the road and seems an ideal location for family celebrations and small functions, the modest number of arrivals and departures on days spread throughout the year seem acceptable.

## **PLANNING POLICY**

29. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as Core Strategy), the Local Plan Part 2: Land and Planning Policies (LPP2), which was adopted on 8 October 2019,

and the East Leake Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF) (2019) and the National Planning Practice Guidance (the Guidance).

### **Relevant National Planning Policies and Guidance**

30. The relevant national policy considerations for this proposal are those contained within the 2019 National Planning Policy Framework and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. Section 6 states at paragraph 83 that planning decisions should enable the sustainable growth of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings and should enable the development and diversification of agricultural and other land-based rural businesses and support sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 84 states planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport. In these cases, it is important to ensure that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.
31. The proposal is to be considered under section 12 Achieving Well Designed Places and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Section 15 covers the natural environment.

### **Relevant Local Planning Policies and Guidance**

32. Policy 1 of the Core Strategy reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
33. Policy 5 Employment Provision and Economic Development states the economy will be strengthened and diversified with new floorspace being provided across all employment sectors to meet restructuring, modernisation and inward investment needs. This will be achieved by, amongst other things, encouraging economic development of an appropriate scale to diversify and support the rural economy.
34. Policy 10 Design and Enhancing Local Identity states development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce local characteristics. Specifically, part 2(f) refers to massing, scale and proportion and 2(g) refers to materials, architectural style and detailing. Section 2 of this policy sets out the full design and amenity criteria that development should be assessed against.
35. Policy 13 Culture, Tourism and Sport states, amongst other things, the provision of tourism facilities of an appropriate scale will be encouraged

throughout Rushcliffe, new tourism facilities will be focused in or adjoining district centres, or through the improvement of existing facilities. Where appropriate, existing tourism facilities will be protected and their further development will be supported.

36. Policy 14 Managing Travel Demand states the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations.
37. Policy 17 Biodiversity states the biodiversity of Rushcliffe will be increased over the Core Strategy period by, amongst other things, protecting, restoring, expanding and enhancing existing areas of biodiversity interest, seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate, supporting the need for the appropriate management and maintenance of existing and created habitats.
38. The proposal is to be considered under Policy 1 Development Requirements of the LPP2 whereby development should not have an overbearing impact on neighbouring properties or lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered and should not lead to an over-intensive form of development.
39. Policy 22 Development Within the Countryside states that land beyond the Green Belt and the physical edge of settlements is identified as countryside and will be conserved and enhanced for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources, and to ensure it may be enjoyed by all. Within the countryside development will be permitted for uses including agriculture, equestrian, forestry and other uses requiring a rural location, the re-use and adaptation of buildings for appropriate uses, including housing, expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings, small-scale employment generating development, retail and farm diversification, recreation, wildlife conservation, leisure, tourism, and sports development which requires and is appropriate in a countryside. Developments will be permitted where, amongst other things, the appearance and character of the landscape, including its historic character and features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness is conserved and enhanced, except for conversions and changes of use it does not constitute isolated residential development which is separated from the physical edge of the settlement and built development is well integrated with existing buildings, where appropriate.
40. Policy 31 Sustainable Tourism and Leisure states the Borough Council will maximise the potential of tourism and leisure in the Borough and increase opportunities for residents and visitors by supporting, amongst other things, the retention of existing accommodation which contribute to the local economy, enhancement of existing tourist and leisure attractions and accommodation, including their expansion, where it accords with the principles of sustainable development and is not detrimental to the surrounding area, development of new tourist and leisure attractions, including the provision of new accommodation to facilitate the opportunity for overnight stays. New accommodation will be directed towards district centres where it can make use of existing infrastructure. It is recognised however there may be instances

where a proposal requires a local centre, edge of centre or countryside location. Within the countryside, preference would be for tourism and tourism related development to re-use land and buildings. Tourism and leisure in rural areas, which benefits business, communities and visitors, and respects the character of the countryside, will be supported. Its scale should be appropriate to the local landscape and its surrounding environment and not adversely affect local transport infrastructure. When assessing new provision for rural tourism or the expansion of facilities, consideration will be given to whether needs should be met within a settlement or by existing facilities.

41. Policy 38 Non-designated Biodiversity Assets and the Wider Ecological Network states 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.
42. The East Leake Neighbourhood Plan has been adopted and forms part of the Development Plan. There are no policies of direct relevance to this application.

## **APPRAISAL**

43. The proposal comprises the change of use of the farm buildings and land from an agricultural use to a mixed use of agriculture and events. This includes the change of use of the agricultural parlour building to a mixed use comprising a guest house (C1), office (B1) and use for events (part retrospective).
44. The proposal would result in the provision of an events use to include weddings and retreats and would provide limited accommodation ancillary to that use. It involves the re-use of buildings and the adaptation of existing buildings and land. The proposal comprises agricultural diversification and would be operated alongside the existing agricultural operation. Local and national policies support rural diversification, enhancing the rural economy and the suitable re-use of buildings. The provision of such a facility would benefit the choice of rural venues within the Borough and the local economy would also benefit. The agricultural operation would continue with the buildings having a dual use.
45. Whilst it is acknowledged that the site occupies an unsustainable location, there is a demand for such provision within the rural area and large scale buildings are required to accommodate large numbers of guests. A rural location is often sought by guests and those running events and not all such venues can be located within larger settlements. The proposed events would rely to a significant degree on the private vehicle or taxis. However, this needs to be balanced with the other benefits the proposals would provide.
46. Therefore, the principle of the proposal is very much an on balance assessment. However, it is concluded that the principle of the use can be supported, given the benefits the venue can provide and the benefits to the local economy. The proposal must also comply with other elements including visual impact, the relationship with neighbouring properties, highway safety and ecology.
47. The proposal would result in external alterations to buildings within the site. The proposed guest house and office comprises an agricultural building which

is part way through conversion. The building currently comprises a corrugated metal clad farm building and the proposal is to alter this through the use of reclaimed stone to create plinths and quoins with reclaimed brick work above and vertical timber boarding on the upper parts of the walls. A colour-coated metal profile sheeting roof is also proposed. A painted metal balustrade with double glazed doors and windows are proposed in the northern elevation with an external staircase and balustrade to surround the front door. The other buildings would remain as existing.

48. The site is set well back from the highway and forms a group of farm buildings around a yard. The proposed alterations would not be unduly visible from beyond the confines of the site and although more domestic elements would be introduced through the balustrading, fenestration and balcony, the resultant building would be a mix of domestic and agriculture which is considered acceptable for the site and surroundings. The buildings would retain a sufficiently robust appearance and would not materially change the character of the site and surroundings.
49. Parking would be provided within the site to serve the proposed events use. The site has significant areas of hardstanding already which is used in part for agricultural storage and the parking of vehicles. The appearance of the site would alter when these areas are used for large scale vehicle parking in connection with the events. However, this use would be temporary and would only take place on a limited number of days each year. This is considered acceptable on the basis it would be limited and linked to the events.
50. Areas for camping are also proposed. These are well related to the existing buildings and would again only be in connection with the weddings proposed to take place. As such, the use would be temporary and limited to a relatively small number of days per year.
51. Overall, it is considered the proposal would be visually acceptable and complies with the above policies and guidance.
52. The proposed physical changes to the buildings on the site would have no undue adverse impact on the amenities of occupiers of nearby neighbours. The buildings are set well within the site and there are significant separation distances between the buildings the subject of this application and neighbouring properties. As such, the proposed changes to the buildings are deemed to be acceptable on residential amenity grounds.
53. The proposed change of use to include events such as retreats and weddings has the potential to impact on neighbouring properties through vehicular noise, noise from guests both outside and inside buildings, the celebratory nature of the gatherings for weddings, amplified music and extended hours of use at weekends. There are two dwellings to the north of the access and other dwellings set further from the site that could potentially be affected. As such, a robust case is required to demonstrate that noise and disturbance would be at a level that would not be harmful to neighbouring amenity.
54. The nature of the operation, including the types and frequency of events, the hours of operation, number of vehicles and guests etc. is set out at paragraph 8 above. Clearly, the agricultural element of the buildings and land would be a continuation of the authorised use and this would have no undue adverse

- impact on the residential amenity of occupiers of nearby dwellings.
55. In terms of noise, the environment is ideally suited to yoga and wellness retreats where as little noise as possible is created. Music may be played at low levels in the barn during practice but would not be heard externally. A similar impact is likely from any corporate event although amplified microphones may be used but controls on decibels would be in place for such occasions. There would be some noise and disturbance from vehicular movement although this would not be at a level that would cause undue harm to the amenity of nearby dwellings.
  56. The most significant noise source would come from weddings, both inside and outside the buildings especially from the hosting of evening wedding receptions where noise could come from amplified music, speeches and guests. In order to address this issue, the applicant has stated that from weddings already carried out, observations are that noise levels in and around the barn are very low throughout the day (1300-1800), even if people are outside, and background music would be at a low level. Noise starts to rise at about 1900 with a band/DJ with music typically continuing until 0000. The PA system and internal mixer has a volume control, operated by the owner with levels set at 90dB inside the barn; this means the noise levels outside the building are at an acceptable level during the times music is played. Other procedures are in place which include ensuring all patrons leave the premise in a quiet and orderly manner (required by the premises license), and signage would be provided on exit routes asking people to be quiet on departure and taxis would have to respect the 10mph speed limit on the access drive.
  57. A Noise impact survey has been carried out to cover noise generation, assessment and mitigation. The noise assessment concentrated on the potential noise breakout from the venue from amplified music as this was seen to be the main noise source. Furthermore, it is understood that there are no recognised/published standards or criteria against which the noise from people can be assessed. For long term sound monitoring, the sound level meter was placed in the garden of the dwelling to the west of the site (approximately 320 metres from the venue) and a second meter adjacent to Lings Farmhouse, 100 metres to the east of the venue. Monitoring collated representative sound levels of the area during the week and weekend day time and night time and the report noted the weather conditions were deemed suitable for the measurement of environment noise.
  58. The report noted the general acoustic environment of the area was moderate to low in level with the receptor at Lings Farm dominated by noise emissions from the quarry and Loughborough Road and the receptor 320 metres away dominated by road noise from Loughborough Road.
  59. The assessment found that the specific noise from the site through amplified music would be below the background noise of the receptor 320 metres away. The impact on the second receptor would exceed the typical background noise and mitigation would be required. Two potential mitigation measures were identified. The first is an automated volume control capable of limiting the noise of specific frequencies to prevent significant bass frequency noise to ensure the music level falls below the background sound level. The second is additional insulation. A noise management plan was also recommended.

60. The applicant has opted to not install the sound insulation and this will impact on the level of noise that can be played at the venue and the sound limiting device will be set at a lower noise level. The applicant has therefore agreed to the volume control measure and to submit a noise management plan.
61. The Environmental Health Officer has raised no objection and recommended conditions that a noise limiting device is installed and details of the installation and noise limit shall be submitted for the approval of the Borough Council. In addition, a noise management plan should be submitted for approval and this should take account of the hours of use, ensuring windows/doors are kept closed when amplified music is played, regular noise monitoring around the perimeter of the premises (levels should be set when the sound limiting device is installed), controls to be put in place when guests are leaving the premises e.g. ensure no congregating guests, vehicles leave the premises in an orderly manner and during the evening entertainment that there are no groups of guests congregating near to any residential dwellings e.g. that they remain within the venue.
62. The objections on the grounds of noise are noted. However, following the submission of the noise survey and further consultation with Environmental Health it is considered the noise created by the events could be effectively managed through a noise limiting device and through measures to be implemented via the noise management plan.
63. On balance, it is considered that a sufficiently robust case has been made to demonstrate that the site could operate as proposed without undue harm to the residential amenities of occupiers of nearby dwellings. As such, the proposal complies with the policies and guidance referred to above.
64. On the issue of highway safety, the Applicant has confirmed that the Willow Marsh Drive is currently used by Willow Marsh Farm traffic, Lings Farmhouse traffic and Lings Farm cottage traffic, with the northern access used solely for Green Acres House.
65. As the proposal would result in an intensification of vehicle movements at the access the Highway Authority required confirmation that the access would comply with current standards with regard to visibility. Loughborough Road in the vicinity of the site is subject to the national speed limit, and in accordance with the Nottinghamshire Highway Design Guide, visibility splays of 2.4m x 215m are required. The Highway Authority noted that actual vehicle speeds may be below the speed limit, and as such correspondingly shorter splays could be acceptable.
66. The submitted plans show that a visibility splay of 2.4m x 120m is achievable. A speed survey was commissioned and the Highway Authority confirmed the speeds demonstrated the visibility splays were acceptable to provide a safe access into the site.
67. The Highway Authority also initially raised concerns regarding the width of the internal access drive. Revised plans were submitted to address this through the provision of additional passing bays within the site. The Highway Authority subsequently raised no objection subject to conditions relating to the provision of the passing bays and the provision of the parking facilities. The Authority

had already concluded the level of parking provision proposed was acceptable, based on the scale of events proposed, and the assessment provided by the applicant. The car parking provision provides 4 staff spaces, 6 third party spaces and 65 guest spaces giving a total 75 of spaces.

68. The objections raised on the grounds of traffic generation and highway safety are noted. However, it is considered that the additional information and revised plans have addressed the concerns raised by the Highway Authority and that the proposals are now acceptable on highway grounds, subject to conditions.
69. The application has been supported by ecological surveys carried out in December 2019, which although outside the optimal survey season can allow features likely to be used by wildlife to be identified and is therefore in date and appears to have been carried out according to good practise guidelines.
70. The site consist of buildings and hardstanding. The site provided no signs of protected or priority species and had low potential for such species. The development provides opportunities for ecological enhancement and the Environmental Sustainability Officer recommended conditions/informatives and no objection is raised on ecological grounds.
71. Nottinghamshire County Council Planning has been consulted and note Willow Brook Farm lies within the permitted boundary for East Leake Quarry (also known as Lings Farm Quarry) which extracts sand and gravel and is operated by Cemex. The area around the farm has been worked and is now mainly restored. Whilst some environmental impacts (i.e. noise) may be detectable at the proposed development site, considering the nature of the proposed development and that the application is partially retrospective, and active extraction is occurring further to the east, the proposed development does not seem to pose a sterilisation risk to the permitted quarry. Therefore, the County Council does not wish to raise any objections to this proposed development.
72. For the reasons set out above it is considered that the development accords with the national and local planning policies referred to above and accordingly the grant of planning permission is recommended.
73. The proposal was not subject to pre-application discussions; however, discussions have taken place during consideration of the planning application which has resulted in additional information being submitted and revised plans. These have addressed the issues raised and have resulted in an acceptable scheme, resulting in a recommendation to grant planning permission.

## **RECOMMENDATION**

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

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

SJ-19-01 Rev C received 01.2.20  
SJ-19-02 Rev C received 22.1.20  
SJ-19-03 Rev B dated June 2020  
SJ-19-05 Rev A received 01.2.20

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

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

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

3. The development shall not be brought into use until the passing points have been provided on the access driveway, in accordance with Site Location Plan SJ-19-05A.

[To enable vehicles to pass each other on the entrance driveway, in the interests of highway safety and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The development shall not be brought into use until the parking provision is available for use in accordance with Site Layout Block Plan SJ-19-02C which shall thereafter be so maintained for that purpose.

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

5. Within one month of the date of this permission details of a noise limiting device for the machinery barn/events barn shall have been submitted to the Borough Council. The approved details shall then be implemented within an agreed timetable and thereafter events shall operate in accordance with the agreed noise level. The details shall include the noise limit to be set for events and installation details.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Within one month of the date of this permission, a noise management plan shall be submitted to the Borough Council. This will include the hours of use, confirmation the doors and windows are to be kept closed when amplified music is being played, times of amplified music, details of regular noise monitoring around the perimeter of the premises (levels should be set when the sound limiting device is installed), controls to be put in place when guests are leaving the premises e.g. ensure no congregating guests, details of signs to be displayed on the premises (including number, content and location) to remind patrons/visitors that the venue is located close to other residential properties and to minimise disturbance when leaving the premises, particularly late at night, vehicles leave the premises in an orderly manner and during the evening entertainment that there are no groups of guests congregating near to any residential dwellings e.g. that they remain within the venue. The use hereby approved shall only be carried out in accordance with the approved noise management plan.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. Within one month of the date of this permission, a biodiversity enhancement plan shall be submitted to the Borough Council. This shall include an ecological construction method statement incorporating reasonable avoidance measures (RAMs), details of external lighting both during construction and post construction, to avoid adverse impacts on bat populations and to include a wildlife sensitive lighting scheme, details of permanent artificial bat boxes/bricks and wild bird nests (including Swallow/swift and sparrow cups/boxes and potentially barn owls) to be installed within buildings. The approved details shall be implemented in accordance with an agreed timetable to be specified in the submitted plan and thereafter so maintained.

[To promote biodiversity enhancement for the development and to comply with Policy 38 Non-designated Biodiversity Assets and the Wider Ecological Network of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The number of guests for any event shall not exceed 180 and the camping areas and guest house shall only be occupied in connection with events taking place at the site and shall not be used for independent accommodation.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. The use of Chinese lanterns or fireworks on the premises is not permitted.

[In the interest of the amenities of the area and nearby residential occupiers and to comply with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

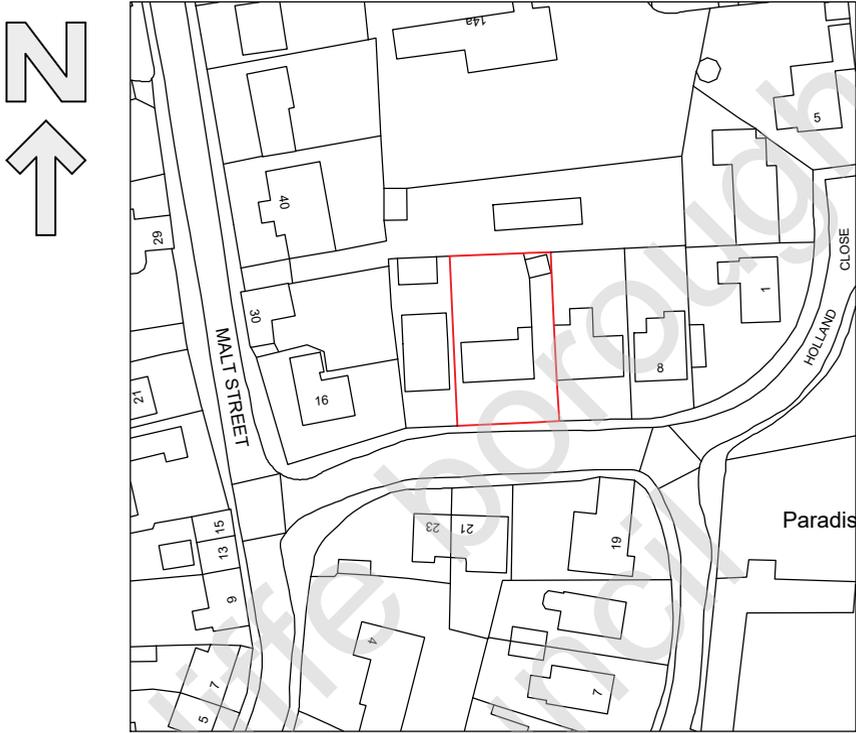
### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable as the floor area would exceed 100sqm. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

Any existing hedgerow/trees should be retained and enhanced, any hedge/trees removed should be replaced. Boundary verges should be retained and enhanced. Where possible new trees/hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)). Good practise construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted.



Site Block Plan Scale 1/1250

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**20/01347/FUL**

**Applicant** Mrs Trobridge

**Location** 12 The Rushes, Gotham, Nottinghamshire, NG11 0HY

**Proposal** Erection of a single storey rear extension

**Ward** Gotham

## **THE SITE AND SURROUNDINGS**

1. The application relates to a two-storey detached dwelling which lies to the north of The Rushes in Gotham. The existing dwelling is constructed from brick with a rosemary tile roof. The property has hardstanding to the front for vehicle parking and an attached single flat roof garage. The property is surrounded by two-storey dwellings of varying character in a predominantly residential area.

## **DETAILS OF THE PROPOSAL**

2. The proposal comprises the erection of a single storey rear extension. The extension would have a mono-pitched roof with two roof lights and French doors to access the garden.
3. The proposed extension would project 1.875 metres from the rear of the property with a width of 4.05 metres. The extension would have an eaves height of 2.42 metres with a ridge height of 3.32 metres. The extension would be constructed in brick and Rosemary tiles to match the existing dwelling.

## **SITE HISTORY**

4. There is no relevant history on the site.

## **REPRESENTATIONS**

### **Ward Councillor(s)**

5. The Ward Councillor (Cllr Walker) has declared a graphical and social non-pecuniary interest.

### **Parish Council**

6. No objection.

### **Local Residents and the General Public**

7. No comments received.

## **PLANNING POLICY**

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

### **Relevant National Planning Policies and Guidance**

9. The relevant national policy considerations for this proposal are those contained within the 2019 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving Well- Designed Places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Section 16 relates to heritage assets.

### **Relevant Local Planning Policies and Guidance**

10. Policy 1 of The Rushcliffe Local Plan Part 1: Core Strategy reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Policy 10 of the Core Strategy (Design and Enhancing Local Identity). The development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce local characteristics. Section 2 of this policy sets out the design and amenity criteria that development should be assessed against.
11. The proposal falls to be considered under Policy 1 (Development Requirements) of the Local Plan Part 2 whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered and should not lead to an over-intensive form of development.
12. The site is an archaeological alert site and therefore is a non-designated heritage asset. Policy 11 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 significance having regard to the contribution such assets can make to the delivery of wider social, cultural, economic and environmental objectives. Policy 28 of the LPP2 states, amongst other things, that proposals affecting a heritage asset will be considered against the criteria including the significance of the asset, whether the proposals would be sympathetic to the character and appearance of the asset and any feature

of special historic, architectural, artistic or archaeological interest that it possesses, whether the proposals would conserve or enhance the character and appearance of the heritage asset by virtue of siting, scale, building form, massing, height, materials and quality of detail, whether the proposals would contribute to the long-term maintenance and management of the asset.

13. The site is inset from the Green Belt. Policy 4 Nottingham-Derby Green Belt of The Rushcliffe Local Plan Part 1: Core Strategy establishes the principle of the Green Belt. Policy 21 Green Belt of the Local Plan Part 2 sets out the extent of the designation and states decisions will be made in accordance with national policy.
14. The Gotham Neighbourhood Plan has been adopted and forms part of the Development Plan. There are no relevant policies applicable to this application.
15. The Residential Design Guide advises that *“Extensions should be designed so that they are not readily perceived as merely “add-on” to the original building and therefore scale, proportion and roof form are very important. However, as a general rule the style and design of the original dwelling should remain the dominant element with the extension subordinate to it.”*

## **APPRAISAL**

16. The overarching Policy 1 in the Core Strategy reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF. In this instance the proposed development comprises an extension to an existing dwelling within the main settlement of Gotham. As such, it is considered to be a sustainable development and therefore is acceptable in principle subject to other material considerations being acceptable.
17. Policy 4 from the Core Strategy and Policy 21 from the Local Plan Part 2 apply, these refer to the NPPF which sets out the five purposes served by the Green Belt; the policy also confirms that Gotham is inset from the designation. As such, the Green Belt designation does not affect the principle of development in this case.
18. The proposal comprises the erection of a single storey rear extension, infilling to the side of an existing store. The proposal would be to the rear of the existing lounge.
19. The proposed extension would be sited to the north of the dwelling, partially screened by the existing flat roof store which projects beyond the main rear building line of the dwelling. Sited to the rear and screened by the existing property, the extension would not be visible from the public realm. The extension would be constructed from materials to match the existing, would be subservient to the host dwelling and would be sympathetic to the character and appearance of the existing building and locality.
20. The proposed extension is considered to be acceptable in terms of its design and impact upon the character of the area and would comply with the above policies and guidance. Overall, no objection is raised on visual grounds.

21. In addition to requiring good design, Policy 10 of the Core Strategy also requires that new development be assessed in terms of its impacts on neighbouring amenity. This approach is echoed in the criteria for assessing development set out in Policy 1 of the LPP2 as is ensuring proposed developments provide sufficient space within the site to accommodate the proposal together with ancillary amenity and circulation space.
22. To the north of the site the boundary with the neighbouring property is 12 metres from the proposed extension. The extension would be single storey and would not project any further than the existing store and would not therefore have a negative impact on the amenities of occupiers of that property. To the west, 14 The Rushes has been extended to the rear with a single storey extension and the proposed extension is off set from the shared boundary with this property by 6.6 metres. To the east 10 The Rushes abuts the boundary with the application site. The proposed extension is to be sited to the side of the existing flat roof garage and store and would not project any further to the rear than this store. As such, the extension would be screened by the existing store. Properties to the south would not be affected by the development as the host dwelling and highway would intervene. Overall, the proposal would have a satisfactory relationship with all neighbouring properties and would comply with the above policies and guidance.
23. The dwelling has an access and hardstanding to the south of the property and the proposed extension would not reduce the amount of car parking available. No additional bedrooms would be created by the proposal and as such it is considered the proposed development would not have an adverse impact upon highway safety or parking provision at the site.
24. In respect of the likely impact on archaeological remains, the site is within the historic core of the village but the footprint of the proposed extension would be closely related to the footprint of the existing dwelling, including a current hardstanding. As such it is considered that the likelihood of encountering undisturbed ground within which archaeological remains may persist is unlikely. It is not therefore considered necessary to impose any archaeological related planning conditions.
25. In conclusion, the principle the development is considered acceptable. Furthermore, it is considered that the proposed development would be acceptable in terms of its impact on the appearance of the dwelling and character of the wider area. The proposed development would also be acceptable in terms of its impact upon the amenities of occupiers of nearby residential properties and on highway safety and parking. Accordingly, the proposed development is considered to comply with the objectives of Policies 1 and 10 of the Core Strategy, Policy 1 of the LPP2 and the Design Guide. The application is therefore recommended for approval subject to conditions.
26. The scheme was subject to pre-application advice when it was confirmed that the proposal required planning permission. The scheme is considered acceptable as submitted and no negotiations were necessary.

## **RECOMMENDATION**

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

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

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

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

Existing and proposed elevations, floor plans, site block and location plan, SC/OB/05/05/20/01, received 11<sup>th</sup> June 2020.

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

3. The exterior of the development hereby permitted shall be constructed using the materials specified in the application.

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

### **Notes to Applicant**

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

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

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