

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

Our reference:
Your reference:
Date: Wednesday, 2 September 2020

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held virtually via Zoom on Thursday, 10 September 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 - 16)
4. Planning Applications (Pages 17 - 52)

The report of the Executive Manager – Communities is attached.

Membership

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Opening hours:
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

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

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.

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MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 13 AUGUST 2020
Held at 6.30 pm in the

PRESENT:

Councillors R Butler (Chairman), Mrs M Stockwood (Vice-Chairman), A Brennan, B Bansal, N Clarke, L Howitt, L Healy, J Murray, F Purdue-Horan, C Thomas and D Viridi

ALSO IN ATTENDANCE:

OFFICERS IN ATTENDANCE:

A Pegram	Service Manager - Communities
R Sells	Solicitor
T Coop	Democratic Services Officer
L Webb	Democratic Services Officer

APOLOGIES:

Councillors P Gowland and A Major

5 Declarations of Interest

There were no declarations of interest.

6 Minutes of the Meeting held on 9 July 2020

The minutes of the meeting held on 9 July 2020 were approved as a true record of the meeting.

7 Planning Applications

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

20/00089/HYBRID - Hybrid planning application comprising of 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 – Land north of Landmere Lane and west of Melton Road Edwalton Nottinghamshire.

Updates

In accordance with the Council's public speaking protocol, Bob Woollard (Applicants Agent) addressed the committee. Mr Guv Dhaliwal (Objector) was due to speak but was unable to attend, a statement submitted by him was read out by the Principal Solicitor. An email from Councillor Beardsall (Ward Councillor) was read out by the Chairman stating, amongst other things, that his comments on the application within the report had been incorrectly quoted and requesting that the matter be deferred. Mr Pegram, Service Manager – Communities, read out a previous email from Councillor Beardsall and advised the Committee that the error in the report related to reference to the Local Plan, the report referred to Local Plan Part 2 and should refer to Local Plan Part 1. Mr Pegram advised that it was his understanding that this was the extent of the error in the report.

DECISION

THE EXECUTIVE MANAGER – COMMUNITIES IS AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING OF A SECTION 106 AGREEMENT AND THE FOLLOWING CONDITION(S)

1. The development (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].

23. The layout of the development (care facility and commercial units) shall, where practicable, incorporate pedestrian/cycle links to the existing pedestrian/cycle network in the vicinity of the site, details of such links are to be provided as part of the detailed layout of the site and details to be submitted pursuant to condition 15 and 16. Thereafter, the approved pedestrian/cycle links shall be provided prior to the commercial units/care facility being brought into use and thereafter retained and maintained in accordance with the approved details.

[In the interest of highway safety and to encourage sustainable means of transport in order to comply with Policy 20 of the Rushcliffe Local Plan Part 1: Core Strategy].

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.

In considering the application, the Planning Committee indicated that they would expect the future layout of the site (care facility and commercial units) and any details submitted pursuant to condition 15 and 16 of this permission to include the provision of a public realm area as part of the commercial development to provide opportunities for members of the community to gather/meet in the interest of community cohesion.

19/01918/FUL - 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) - 2 Johns Road Radcliffe On Trent Nottinghamshire NG12 2GW

As Ward Councillors for Radcliffe on Trent, Councillor Abby Brennan and Councillor Neil Clarke removed themselves from the meeting and did not take part in the following discussion.

Updates

A representation was received from the Council's Environment Sustainability Officer after the agenda had been published and was circulated to the Committee before the meeting.

In accordance with the Council's public speaking protocol at planning committee, David Symons (Applicants Agent), Anne McLeod (objector –

Radcliffe on Trent Parish Council) and Councillor Neil Clarke (Ward Councillor) addressed the Committee.

Comments

Members of the committee considered the proposed application and raised concerns that the development would be over intensive and an overdevelopment of the plot, resulting in a cramped form of development, and would not fit in aesthetically with the street scene on St Johns Road. The Committee also noted that the plot was small and narrow which would restrict access for emergency vehicles and that access to Grantham Road would be dangerous.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:

1. The development, by reason of density, layout, massing and design, would appear cramped and over intensive for the site, creating a form of development that would not be sympathetic to the character and appearance of the locality, or respect surround form, layout and context. Notably the semi-detached form and limited width of the plots would not be in keeping with the prevailing pattern of the development in the area. Therefore the development would be contrary to Policy 10 (Parts 1a; 1c; 2a; 2e; 2f & 4) of the Rushcliffe Local Plan Part 1: Core Strategy; Policy 1 (Part 4) and Policy 11 (Part 1 section b) of the Local Plan Part 2: Land and Planning Policies; Policies 11 and 15 of the Radcliffe on Trent Neighbourhood Plan; and Section 12 of the NPPF (paragraph 127; parts b) and c)).

Of particular reference the development would be in accordance with Paragraph 130 (Section 12) of the NPPF which states:

‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.’

2. The proposed new access onto Grantham Road (A52 Trunk Road) to serve plots 3 and 4 would result in an unacceptable impact on highway safety by virtue of the speed and volume of traffic utilising this part of the Trunk Road Network. The proposal is therefore contrary to Policy 1 (Part 2) and Policy 11 (Part 1 section g) of the Local Plan Part 2: Land and Planning Policies; and Section 9 of the NPPF (paragraph 109).

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

As a Ward Councillor for East Leake, Councillor Carys Thomas removed herself from the meeting and did not take part in the following discussion.

19/02523/FUL - 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) – Willow Marsh Farm Loughborough Road East Leake Nottinghamshire.

Updates

A representation was received from the applicant after the agenda had been published and was circulated to the Committee before the meeting.

In accordance with the Council's speaking protocol at planning committee, Simon Jenks (Applicant), Nigel Gould (Objector) and Councillor Thomas (Ward Councillor) addressed the committee.

Comments

Members of the committee considered the proposed application and raised concerns regarding the condition of the barn walls and whether additional insulation could be fitted to address this. Members also questioned access and parking on site and whether a travel plan could be submitted to encourage clients using the facility to car share or use alternative transport to and from the site.

DECISION

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].

10. Within two months of the date of this decision, a condition survey of the barn used for events shall be undertaken by an appropriately qualified person to determine the noise insulation qualities of the building and the results of the survey shall be submitted to the Borough Council along with any necessary measures deemed necessary to improve the noise insulation of the building and to prevent noise levels at the nearest noise sensitive receptors causing harm to the amenities of the occupiers of those properties. Thereafter, any agreed works to the barn to improve the noise insulation properties of the building shall be undertaken in accordance with a timescale to be agreed as part of the submitted scheme of works. The building shall thereafter be retained and maintained in accordance with the approved details for as long as the building is used for the purpose of events.

[In the interests of the amenities of the area and nearby residential properties and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Within one month of the date of this permission, a scheme detailing measures to encourage car sharing or travel to and from the site by means other than private car shall be submitted to and approved by the Borough Council. The submitted scheme shall include details of a process for monitoring and reviewing the effectiveness of the measures and making such necessary changes as may be required to ensure that opportunities for car sharing and travel by other means is maximised.

[In the interests of the amenities of the area and nearby residential properties and to comply with Policy 1 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.

Councillor Carys Thomas re-joined the meeting at this point.

20/01347/FUL – erection of single story rear extension - 12 The Rushes, Gotham, Nottinghamshire, NG11 0HY

Updates

There were no updates.

DECISION

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 11th 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.

The meeting closed at 10.01 pm.

CHAIRMAN



Planning Committee

13 August 2020

Planning Applications

Report of the Executive Manager - Communities

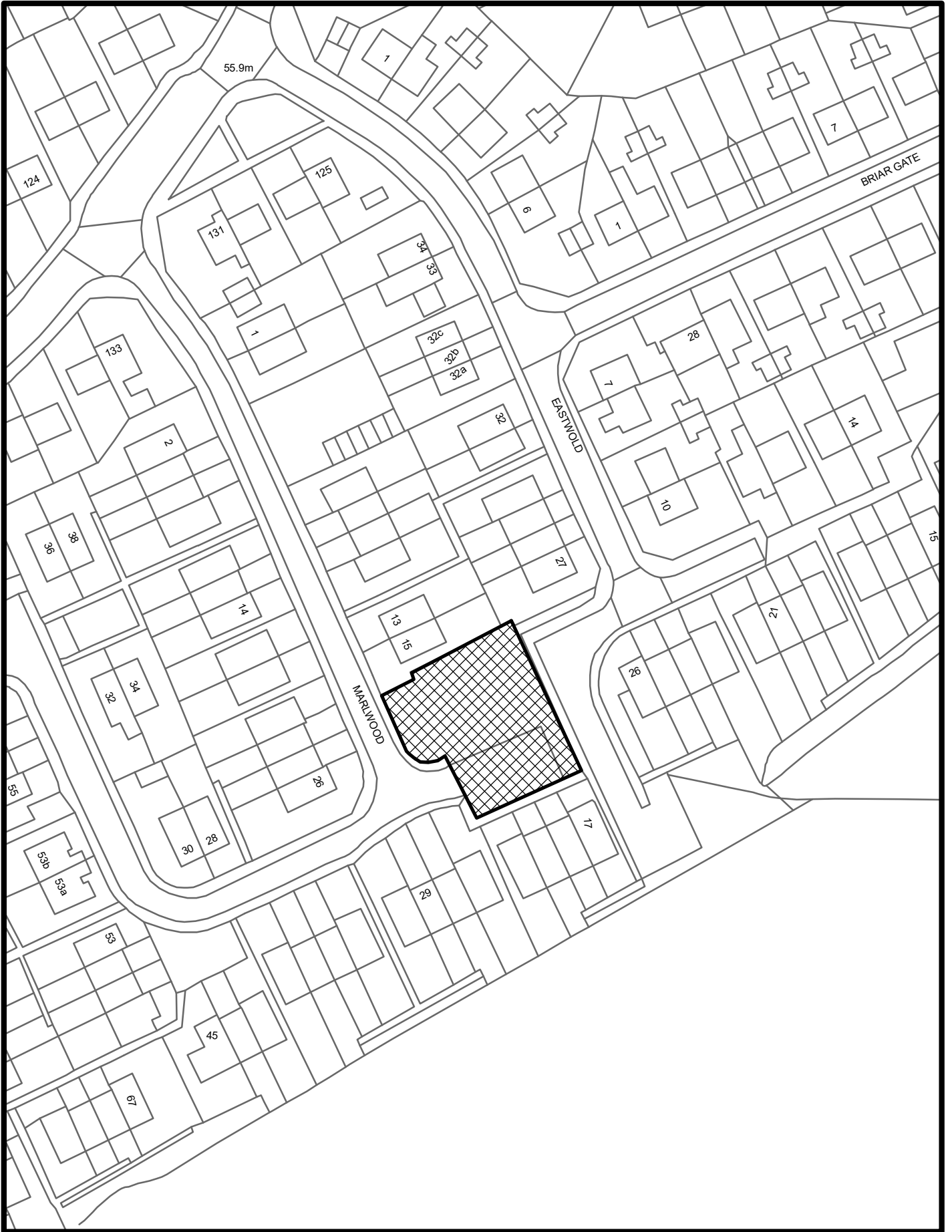
PLEASE NOTE:

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>

Application	Address	Page
20/01309/FUL	Land North Of 19 Marlwood, Cotgrave, Nottinghamshire Erection of 3 dwellings with associated parking.	19 – 37
Ward	Cotgrave	
Recommendation	Planning permission be refused.	
<hr/>		
20/01035/FUL	1A Adbolton Grove West Bridgford Nottinghamshire NG2 5AR Demolition of a single storey bungalow and the erection of a 3 bedroom, two storey detached dwelling with a raised patio to the rear on the existing plot.	39 – 51
Ward	Lady Bay	
Recommendation	Planning permission be granted subject to conditions.	



Application Number: 20/01309/FUL
Marlwood, Cotgrave



scale 1:1000

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20/01309/FUL

Applicant Mr Andrew Gatehouse

Location Land North Of 19 Marlwood Cotgrave Nottinghamshire

Proposal Erection of 3 dwellings with associated parking.

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The 633.4sqm site (including a grass area of approx. 18m x 30m) is located at the end of a turning head within a residential area. Being broadly rectangular in shape, the application site area comprises an open grassed space, free of any boundary treatment or structures. It gradually slopes from the south to the north by around 0.5m and east to west by around 1m. The application site also includes an existing area of on street parking (currently providing the equivalent of 8 parking spaces).
2. The site is located at the end of Marlwood and adjacent to Eastwold. To the north is the side elevation of 15 Marlwood, a 2 storey semi-detached property, having a first floor side window and a ground floor door/window facing the site. The property has a car parking space towards the front and then a footpath to the side with a 2m a fence to the boundary adjacent the application site. The rear corner of the garden of 27 Eastwold also adjoins the application site, this is a 2 storey end of terrace property, which has its blank side elevation garage and fencing adjoining the application site.
3. To the east of the site is Eastwold Road with the side elevation of 26 Eastwold beyond. This again is a 2 storey end of terrace property having a first floor side window and ground floor window and door facing the application side with a 2m boundary fence and Eastwold road intervening. This property also has a garage to the rear of the property. To the south are on street parking spaces with no's 17-25 Marlwood beyond. These are all 2 storey dwellings in a terrace block. To the west of the application site are further 2 storey properties 26 -32 beyond Marlwood Road.
4. The land is owned by Rushcliffe Borough Council and a decision to dispose of the land to MHVT, affordable housing provider, at a nil value was considered and approved at a meeting of the Cabinet in March 2018 to facilitate the delivery of affordable housing in the Borough. This decision was in respect of the disposal of the land and not any specific development proposals. In view of the Borough Council's interest in the land, and in the interests of transparency, it has been determined that the application should be considered by the Planning Committee.

DETAILS OF THE PROPOSAL

5. The application seeks to develop the site for 3 two storey residential properties with parking. The proposed scheme indicates 1 two bedroom house, 1 three bedroom house and 1 four bedroom house. The overall ridge height of the

central property would be 8.3m with the properties to either side being 7.8m high. All would have eaves heights of 5.077m. The overall width of the block would be 18.575m with a maximum depth of 10.77m (although the majority of the block's depth would be 7m). It is proposed that the development would be constructed in brick and tiles to be of similar appearance to surrounding properties.

6. 7 parking spaces are indicated adjacent to the dwellings (3 to the west and 4 to the east of the block), all are to be accessed from Marlwood. A further additional space is indicated in line with the existing spaces adjacent existing properties to the south of the site, in front of no. 17.
7. The proposed buildings would be 23m from the front of the facing properties to the south and over 12m at the rear from the side elevation of no 15 Marlwood to the north.
8. In support of the application information was provided in respect of a tree report, Transport Assessment, Ecological Appraisal and a Site Investigation Report. Additional supporting information was provided in response to Policy 34 of the LPP2 advising that "The Cabinet report notes that, in its current format, the site makes minimal contribution to the Council's priorities but could maximise the contribution via delivery of affordable housing units.

SITE HISTORY

9. There have been no planning applications previously submitted on the parcel of land the subject of this application since the residential estate had been granted planning permission in the mid 1970's.

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr Butler) objects to the application on the following grounds:
 - a. Whilst reflecting on the need for new small scale housing projects, and taking in account local knowledge and the opinions of local residents, he objects to this application.
 - b. Whilst the proposed designs of the houses are acceptable, there will be impact on the amenity of neighbouring existing residences caused by the additional build. In particular, issues of access and movement of vehicles affecting both potential occupiers of the new houses but also neighbouring properties.
 - c. Marlwood and the surrounding area consists of mixes of terraced and semi-detached properties, densely located very close to each other. Like many properties built during the 1960s/70s, the provision for parking of vehicles both on and off road was limited. It might have been ok at the time but of course there has been a vast increase in car ownership over the years. As a result, considerable parking has to take place by residents on the road. There have been numerous reports in

recent times of conflicts of traffic and blocking of even emergency vehicles.

- d. The proposed location of the new houses is at the far end of Marlwood and therefore by default, there will be considerable challenges and obstacles which will affect existing and also occupiers of the new houses, and foreseeable increased conflict.
 - e. In recent years Marlwood and adjacent roads have already had increased numbers of houses built on sites which were previously garages/parking areas, so available space has already been reduced. The effect of losing off road parking and adding to the challenge of on road parking by having new houses and increasing population there, has had a significant effect, and any more would cause considerable pressure on the area.
 - f. The other amenity aspect is the loss of a green space. Whilst this is not an official playground as such, it is an area where children play and is also a pleasant area just for people to see from their homes and get some fresh air and exercise - most of the gardens in the existing houses are small, and in an effort to try to alleviate the parking problems, some properties have converted their small front gardens into driveways. The benefits to people of all ages to see and be able to use an open space are well documented and accepted.
 - g. So with these concerns, Cllr Butler also agrees with the opinions of the Town Council and object on this occasion.
 - h. Whilst it is noted in the application that there are formal/official playparks at Ringleas and Grassmere, the reality is that these are a considerable distance away for children and their parents to feel confident about going to them.
11. One Ward Councillor (Cllr L Healy) objects to the application. His view is based on the collective discussion/decision made by Cotgrave Town Council.

Town Council

12. Cotgrave Town Council have objected to the application:
- a. This area already has issues with street parking and additional houses would increase the number of vehicles using the area. Refuse and emergency vehicles already have issues with gaining access.
 - b. Loss of green space
 - c. Cotgrave already has the potential for further housing development, which could take up these 3 additional properties.
 - d. Marlwood has already had 3 infill developments which have exacerbated the parking issues.

Statutory and Other Consultees

13. The Rushcliffe Borough Environmental Health Officer notes that the applicant has submitted a Ground Engineering Site Investigation report C14859 dated

October 2019. They advise that the report does review most of the potential contamination sources on site, however, a full set of gas monitoring records have not been provided. As a result, the officer recommends a condition is attached to any approval. In respect of Construction Noise and Dust they advise a condition be imposed due to the close proximity of existing residential premises and therefore the need for the applicant to ensure measures are in place to minimise noise and dust emissions during demolition and construction.

14. Rushcliffe Borough Council Recycling Officer has no comments to make.
15. Nottinghamshire County Council as Highways Authority notes that the proposal includes two parking spaces per property proposed, plus an additional two visitor spaces. A new dropped kerb vehicle crossing would be required to serve the parking for plot 1, together with the relocation of a street lighting column. They advise that all associated costs must be met by the developer. They note that on-street parking is in demand in the area, the proposal accommodates sufficient parking for the development, and is not considered to impact the current situation. They consider that the development would be unlikely to result in a severe impact on the public highway. The officer recommends a number of conditions.

Local Residents and the General Public

16. 8 representations were received objecting to the scheme. The comments can be summarised as follows:
 - a. At least 6 residents have paid to have dropped kerbs put in.
 - b. Obstructions for bin lorries and emergency services.
 - c. Good play area for local children who use it regularly.
 - d. How many open spaces are left in Cotgrave?
 - e. Valuable green space in a very built up area – important for mental health and wellbeing. Social benefits to families, children, elderly and dogwalkers. Please refer to the Government paper on public parks and green spaces.
 - f. The World Health Organisation (WHO) has highlighted that physical activity in a natural environment can help alleviate mild depression and reduce physiological stress indicators.
 - g. A fully enclosed field, currently padlocked due to Coronavirus, more than 10 mins walk away is not a suitable substitute. Designated play on Ringleas has hardly been used in the past 12 years and is too far for unsupervised children. Grassmere is used more but it is quite far for young children to use without supervision. The MUGA at the Futures has previously been set on fire and attracted antisocial groups.
 - h. Not designed as a play area but this is what it has become over the last 40 years, children play safely close to where they live.

- i. Policy 32 Recreational Open Space suggests that there should be 'no net loss' of recreational space which there would be.
- j. Overcrowding on a very busy street.
- k. 3 two bedroom houses were completed last year and a further 2 bungalows and 2 houses were built previously.
- l. Flooding of some of the existing properties. If all the green spaces go how will anything soak away. Does it not require a Flood Risk Assessment?
- m. The phased approach seems a deliberate ploy. Marlwood has had an additional 11-14 dwellings built with a loss of a designated play area, 2 grassed areas and 41 parking spaces.
- n. Whilst agreeing there is a need for affordable housing, filling every green space is not the way.
- o. Parking - The only unallocated parking space will be less than a full space and it also results in the loss of 2 unofficial but used spaces along the southern boundary of the site.
- p. The transport assessment shows a significant overlap of the parking spaces during manoeuvring indicating spaces are too narrow, evidenced by the fact that 7 rather than 8 use the area now. It has not taken a holistic approach to reviewing the parking situation.
- q. All the identified spaces are not adopted highway. It should be brought to standard and adopted if the development must proceed.
- r. Local Engagement – no notification from the developer and no site notice.
- s. It has probably already been decided to approve the application.
- t. Realise it's cheaper to build on amenity land and why would residents be heartless to object to helping the homeless?
- u. Strong local objection demonstrated by the petitions.
- v. In 1975 an architect was hired by RBC to look at additional parking spaces. His plans were apparently never adopted, 44 years later we still have a green.
- w. Originally the plans were for 3 dwellings and 5 parking spaces. Subsequently the density has been increased.
- x. The erection of the last 3 properties brought more than 3 cars to the road and it displaced 15 cars. People had not been aware that the parking/garaging was being replaced with housing. Since, at least 8 new dropped kerbs and driveways have been built to reduce on street parking. The Council has earned this extra money of provision. The

residents have to hope that the access is not compromised by the parking of a vehicle opposite on the arrow road.

- y. There is space to build on Hollygate Lane and away from this end of Ringleas.
 - z. People need more than houses, they need homes and homely environments. The plans remove that ideal from those who have nowhere else to go.
17. In addition to the above comments two petitions seeking to protect the open space were received, one referring to it as a green with 128 hand written signatures from local residents and the other electronic petition with 526 names requesting signatories to “save our last community green for the children, our wellbeing and our lives”. This latter included addresses not limited to the locality of Cotgrave or the country.
18. Three undated photographs were also provided showing children camping/ cycling and playing on the area and also a fire engine between two parked vehicles.

PLANNING POLICY

19. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy and the Local Plan Part 2: Land and Planning Policies. 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. Paragraph 15 of 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 8: Promoting healthy and safe communities
 - 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 8 ‘Promoting healthy and safe communities’ sets out at para 91 that planning policy and decision should aim to achieve health inclusive and safe places. Para 91 b) and c) states inter alia, which are safe and accessible e.g. through high quality public open space and enable and support healthy lifestyles e.g through the provision of safe and accessible green infrastructure. Paragraph 92 “*To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should, inter*

alia, b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community” and paragraph 96. States inter alia “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.” Paragraph 97 states that “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

28. 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.

29. 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).

30. 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.

31. 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).

32. National Design Guide – Planning Practice Guidance for beautiful, enduring and successful places. “*The National Design Guide addresses the question of*

how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics: Context – enhances the surroundings; Identity – attractive and distinctive; Built form – a coherent pattern of development; Movement – accessible and easy to move around; Nature – enhanced and optimised; Public spaces – safe, social and inclusive; Uses – mixed and integrated; Homes and buildings – functional, healthy and sustainable; Resources – efficient and resilient; Lifespan – made to last.”

33. Public Health England - Improving access to greenspace: A new review for 2020 *“is intended to provide Local Authorities, particularly public health teams, with the tools to make the case for maintaining or even increasing provision of and equitable access to greenspace and growing the wider network of green infrastructure, especially through the planning system. Good quality greenspace has the potential to deliver substantial benefits for public health and for wider local priorities at a relatively low cost. Greener neighbourhoods benefit everyone, but appear to disproportionately benefit disadvantaged groups, and socioeconomic-related inequalities in health are lower in areas with greater access to greenspace.”*
34. PPG Open space, sports and recreation facilities, public rights of way and local green space 2014 *“Open space should be taken into account in planning for new development and considering proposals that may affect existing open space. Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.”*

Relevant Local Planning Policies and Guidance

35. 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 8: Housing size, mix and choice
 - Policy 10: Design and Enhancing Local Identity
 - Policy 16 Green Infrastructure, Landscape, Parks and Open Spaces
36. 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.
37. Policy 3 outlines the distribution of development in the Borough during the plan period. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built-up area of Nottingham and the Key Settlements. Cotgrave is identified as a 'key settlement'.
38. Policy 8 (Housing size, Mix and Choice) advises that the general approach to residential development should be to maintain, provide and contribute to a mix

of tenures, types and sizes in order to create mixed balanced communities which should be informed by evidence within the Strategic Housing Market Assessments, Sustainable Community Strategy and Housing Strategy; evidence of housing need and demand; area character, site specific issues and design considerations. 10% of new residential developments in Cotgrave is to be affordable housing.

39. 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.
40. Policy 16 (Green Infrastructure, Landscape, Parks and Open Spaces) takes a strategic approach to the delivery, protection and enhancement of Green Infrastructure. Where new development has an adverse impact on Green Infrastructure assets, the need for and benefit of the development will be weighed against the harm caused. Open Space should be protected from development. Exceptions may be made if the development is a small part of the Green Infrastructure network and will not be detrimental to its function, or the development is a use associated with parks and open spaces or if none of the above apply the park or open space is shown to be underused or undervalued. Where open spaces are under used or undervalued, the reasons for this should be explored and where possible addressed prior to alternative uses being permitted.
41. 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 34 Green Infrastructure and Open Space Assets
 - Policy 38: Non-Designated Biodiversity Assets and the Wider Ecological Network.
42. 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 residential amenity of adjoining properties, 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.
43. 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, the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature and would not have a significant adverse impact on the amenities of surrounding residents.

44. 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.
45. Policy 34 – ‘Green Infrastructure and Open Space Assets’ sets out that Green Infrastructure (GI) assets will be protected from development which adversely affects their function unless the need is proven to no longer exist and the benefits of development, in that location, outweigh the adverse effects on the asset. GI includes amenity space and semi natural green space. Planning permission will not be granted for development which would adversely affect access to open spaces.
46. Policy 38 – ‘Non-Designated Biodiversity Assets and the Wider Ecological Network’, 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.
47. 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.
48. 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 and terraced 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

49. The main considerations when determining this application relate to the principle of development, housing mix, loss of the open space, affordable housing need, assessing any design and amenity impacts of the proposal, assessing appropriate access and highway safety and other matters.

Principle of Development

50. Given the site is within an established residential area and given the site’s location within the sustainable ‘key-settlement’ of Cotgrave it is considered that the basic principle of residential development could be acceptable as a ‘windfall’ site subject to the consideration of all other material planning considerations considered below.

Housing Mix

51. The proposal is for 3 dwellings in a mix of 2, 3, and 4 bedroom dwellings which would represent a good housing mix. The scheme would be considered to

provide an appropriate mix of housing, compliant with the aims of policy 8 of the core strategy in its vision to create mixed and balanced communities in a key settlement identified for growth.

Loss of open space (GI)

52. The area is not designated as Local Green Space within the Local Plan or a Neighbourhood Plan, is not an equipped play area but more of an incidental/informal open space resulting from a historic residential development from the 1970's. However, this does not mean that it is any less important for the users in the immediate locality.
53. Part 1 of Policy 11 states the criteria under which development for housing on unallocated sites within settlements will be granted, parts c) and f) require that the site to be developed does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature nor would its development cause a significant adverse impact on the amenity of nearby residents and occupiers.
54. Part 1 of Policy 34 identifies amenity space as a GI asset and states that it will be protected from development that adversely affects their function, unless the need for the asset no longer exists and the benefit of development, in that location, outweigh the adverse effects on the asset.
55. MTVH consider that *“the proposed transfer of the land from the Council strongly indicates that the need for the asset no longer exists and the benefits associated with the development of the land at Marlwood outweigh the loss of the amenity space. The redevelopment of the site will provide affordable housing, contributing towards meeting local and borough-wide housing need.”*
56. A balanced judgement therefore has to be made as to whether the benefit of the development, in this location, outweighs the adverse effects of losing the open space.
57. The National Design Guide suggests that areas of higher density development benefit from a variety of open spaces to break up the form. Whilst the site may not be high quality open space in terms of habitat, landscape or biodiversity the lack of this enables the space to be used for activities such as informal play and physical activity and promote health, well-being and social inclusion and help combat loneliness.
58. It is therefore considered that the space could be considered an important area for local use and health and wellbeing as well as providing a pleasant aspect in what is quite a dense built up area. Garden areas in the vicinity do vary significantly in size therefore the use of the area has the potential to be greater.
59. In considering the impact of the loss of the space, consideration therefore should be given to alternative spaces within the vicinity. The distance to other space (similar green areas in the heart of residential areas) includes 2 within 200m on Hickling Way to the west of the site. In addition, there is access to woodland from the rear of the residential development to the south. The nearest formal play area is on a playing field off East Moor which is around 500m away. All of these areas are considered to be at distances that require supervision of younger children.

60. In addition, the health and wellbeing of our communities post-Covid is an important factor. It is important to balance building a greener, safer and economically resilient future where the health of communities is improved by increasing access to exercise to reduce obesity. The functionality of open space is important and generally more important in denser areas including those areas of affordable housing. It should be suitable for all age ranges and social value. In this regard it is considered that the value of the open space to the occupiers in the vicinity has the potential to be greater than in other less dense residential areas and the lack of onsite play equipment or barriers enables it to be used by a greater number of people of varying ages and for different activities.

Affordable Housing need

61. When considering affordable housing provision as part of the strategic housing developments allocated within LPP2, of which there are two allocated sites at Cotgrave, the local plan sets a lower level of provision at Cotgrave, 10% rather than 20% or 30% sought elsewhere in the Borough, as a result of the greater level of affordable housing that exists in Cotgrave.
62. The Strategic Housing Market Assessment Update (2012) informed the affordable housing 'targets' within the Local Plan Part 1. It identified a need for 463 new affordable homes each year over the next 7 years (up to 2019 - it has not been updated). This would require 8,797 affordable homes and comprise 66% of the 13,150 homes required in the plan and was deemed unviable. Instead the plan requires only 3,100 affordable homes during the plan period. Their delivery was spread within tranches that mirror the overall housing trajectory that ramps up as the strategic sites started to deliver. Between 2011 and 2017, 190 units should be delivered. Between 2012 and 2023 the plan envisages 1,850. Whilst the plan has allocated sufficient sites to meet this target and the target set for 2011 and 2017 has been exceeded (281 delivered), the actual housing need identified in the SHMA is greater and additional sites that help to exceed the targets in the Local Plan should be encouraged.
63. Whilst figures are not available for Cotgrave specifically, currently on the waiting list are 566 applicants registered for housing, of these:
- a. 49 are 2 person households
 - b. 47 are older couples (registered for sheltered)
 - c. 112 older singles (registered for sheltered)
 - d. 36 families with 1 child or pregnant (2 bed need)
 - e. 36 families with 2 children (2 or 3 bed need)
 - f. 14 families with 3 children (3 bed need)
 - g. 14 families with 4 or more children (large 3 or 4 bed need)
 - h. 237 singles (largest need is for 1 bed flats)

64. With regard to meeting local housing need, The Localism Act 2011 and statutory guidance on social housing allocations only allows Local Authorities to allocate accommodation to people who are 'qualifying persons'. The Act also gives Local Authorities the power to decide the classes of people who are qualifying or not, as long as 'reasonable preference' is given to certain groups of people as set out in the Council's Allocations' Policy. Any allocation of social housing will need to be made in accordance with the Allocation's policy to meet borough wide need unless the site is designated as an exception site which would allow the properties to be restricted to people who have a local connection to the Town/ Parish.
65. It is therefore considered that, in respect of affordable housing, whilst there is a Borough wide need, provision specifically in Cotgrave has not been demonstrated. In considering this and the fact that a smaller percentage of affordable housing is sought in the settlement, and the fact that there are two allocations for residential development that would secure 10% of affordable housing on each site as they come forward, it is not considered that affordable housing need, in this particular case, outweighs the loss of the open space. Therefore, it is considered that the proposal fails to comply with Policy 34 of the LPP2. Notwithstanding this it is still considered relevant to consider all other material planning considerations.

Design

66. The properties would be two storey in scale with gable roof incorporating a ridge line not dissimilar to the adjacent properties. The plots would retain a path and landscaping at the frontage of the properties and also on the corner. These are considered to limit the massing of the properties when viewed front and side on and would not be considered to appear overly cramped or out of character on the site. The proposal would retain adequate circulation space, and overall the stepped plots would not be considered unduly prominent, or harmful to the character and appearance of the street scene.
67. It is considered that the design of the properties would be sympathetic to the character and appearance of the locality and the local architectural styles. 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 therefore overall the design proposed is considered appropriate in the area.

Amenity

68. It is considered that the layout and design of the proposal would not result in significant adverse impacts on the residential amenity of the adjacent occupiers. Whilst there are land level changes across the site, unacceptable overlooking would not arise between facing properties (distance of 23m) or at the rear where the first floor bedroom windows of plots 1 and 2 would face the gable end of 15 Marlwood.
69. Plot 3 would have a bathroom and 2 bedroom windows at the upper level facing the rear garden areas of 15 Marlwood and 27 Eastwold, however this 12m distance to the boundary is not considered to result in significant unacceptable overlooking when compared to the existing relationships in the vicinity.

70. Plot 1 also proposes a first floor bedroom window and a living room window on the gable end facing towards nos. 22-26 Marlwood. Again, due to the distances involved (20m) it is not considered that this would result in unacceptable overlooking.
71. It is therefore considered that the proposed development would not have significant adverse impacts on the residential amenities of existing adjacent occupiers or for the future occupiers of the development.

Garden Sizes

72. The proposed development would achieve garden areas of approximately 45sqm for the 2 bed unit, 60sqm for the 3 bed and 120sqm for the 4 bed unit. It is considered that whilst this is not totally compliant with the Councils Residential Design Guide it does reflect the character and available gardens of the existing surrounding development and would not appear cramped.

Highway safety

73. Comments have been received regarding on street parking capacity issues and issues for waste and emergency vehicles due to inconsiderate parking. In addition, comments were raised regarding the changes to on-street parking.
74. The application proposes 2 allocated spaces per dwelling (including 2 sets of tandem spaces) and 2 additional visitor spaces. This is considered an appropriate level of provision for the size of units. 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. In addition, it is proposed that an additional parking space be created outside of number 17 Marlwood, opposite the proposed dwellings.
75. Given there are no objections from the Highway Authority, that appropriate onsite parking provision is proposed to serve the units, and that the Recycling Officer has not raised any objections, it is not considered that the scheme would raise any significant highway safety, parking or access concerns to justify the refusal of the application on highway safety grounds.

Other

76. The LPP2 sets out in policy 12 that all new dwellings should meet the higher 'Optional Technical Housing Standard' for water consumption as Rushcliffe is an area that has been identified as having moderate 'water stress' (i.e. scarcity). This could be addressed by way of a condition to ensure that 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 consent process.
77. The Council has a duty to consider impact of a development on European protected species. The submitted ecology assessment identified that the site has negligible value to support notable and protected species and habitats. It recommends at paragraph 5.4 the following enhancement features:

- Wildlife friendly landscaping across the site by incorporation of native trees and shrubs. In addition, any communal lawn/amenity grassland provided should incorporate wildlife turf, or products which provide higher provision of wildflowers and nectar sources for pollinators.
 - In addition, the small hedgerows/flower beds proposed as part of the development proposals should include a mix of native species or those valuable to wildlife.
 - Provision of artificial bird nest boxes and bat boxes. Bats are a LBAP priority species and house sparrow are a UK BAP priority species. Therefore, provision of nest boxes/bat boxes integrated into the fabric of new buildings would align with national conservation objectives.
 - Invertebrate habitat features. Within landscaped areas, invertebrate habitat features should be incorporated to provide features of interest as well as ecological function. Loggeries, solitary beehives and/or habitat panels could be placed in suitable locations. Loggeries providing shelter for saproxylic invertebrates in larval stage should be placed in shaded areas, whereas beehives and habitat panels should be located in sunny areas.
 - Connectivity for species such as hedgehog should be provided through provision of 13cm x 13cm gaps in any fencing and walls throughout the development. Hedgehogs are a UK BAP species. There are records of hedgehogs in the area and the proposed residential gardens have the potential to increase the value of the site as a foraging resource. Therefore, suitable ground floor landscaping should provide corridors for movement and locations for foraging hedgehogs
78. Biodiversity Net Gain is also encouraged in policy 38 of LPP2, it would be reasonable to condition the inclusion of bat and bird box features into the build of the development together with wildlife enhancing landscaping features in a landscape condition.
79. Flooding has been raised in respect of an incident that occurred earlier in the year. The site is not in an identified floodzone therefore a risk assessment is not required.
80. The Environmental Health Officer raised no objections in relation to the submitted Ground Site Investigation Report, however, they have advised that it did not provide a full set of gas monitoring records and therefore the officer recommended a condition to address this additional element.
81. Concern has been expressed regarding the number of other developments that have taken place in the vicinity. Each application has to be considered on their own merits subject to specific site constraints and planning policy that applies. Therefore, it is not possible to take that issue into account in the consideration of this planning application.

Conclusions

82. 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, on balance, to be contrary to policy 34 of the LPP2. Therefore, in weighing up all planning matters it is considered that the principle of the loss of the open space is not outweighed by the provision of affordable housing and the application is recommended for refusal.

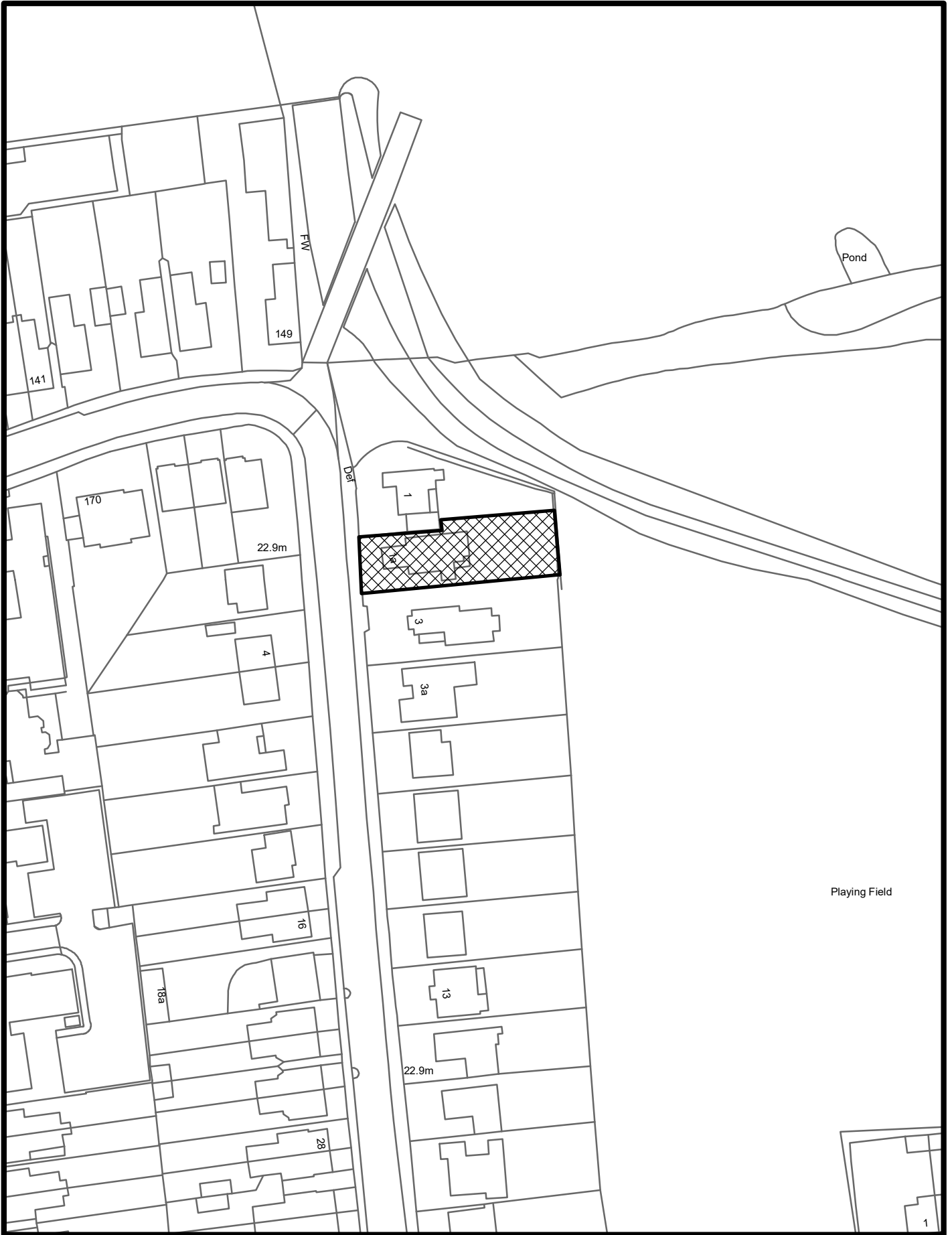
83. The application was subject to pre-application discussions however, it has not been demonstrated that the loss of the open space is outweighed by the provision of affordable housing in this case.

RECOMMENDATION

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

1. It has not been adequately demonstrated that the provision of three affordable dwellings would outweigh the harm caused by the loss of open space that contributes to the character of the area, amenities of existing occupiers and wellbeing of local residents by virtue of its contribution to opportunities for informal communal recreation. The proposal would, therefore be contrary to Policies 11 (Housing Development on Unallocated Sites Within Settlements) and 34 (Green Infrastructure and Open Space Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

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Application Number: 20/01035/FUL
1a Adbolton Grove, West Bridgford



scale 1:1000

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20/01035/FUL

Applicant Mark & Michelle Sewell

Location 1A Adbolton Grove West Bridgford Nottinghamshire NG2 5AR

Proposal Demolition of a single storey bungalow and the erection of a 3 bedroom, two storey detached dwelling with a raised patio to the rear on the existing plot.

Ward Lady Bay

THE SITE AND SURROUNDINGS

1. The application relates to a mid 20th century detached suburban bungalow located on the east side of Adbolton Grove, towards the northern end of the road, in a residential area. There is a playing field adjacent to the east and countryside beyond, within the Green Belt.
2. There is a variety of properties on Adbolton Grove and in the surrounding area in terms of period, scale, form, design/style and materials, including Victorian, Edwardian, interwar and mid 20th century houses and bungalows, a number of which have contemporary alterations/extensions. Extensions/ alterations are currently under construction at 3 Adbolton Grove, adjacent to the south.
3. The site is in Flood Zones 2 and 3 on the Environment Agency's Flood Zone maps. However, the site is within an area which benefits from flood defences along the River Trent.

DETAILS OF THE PROPOSAL

4. The bungalow would be demolished and a two storey detached house would be constructed on a very similar footprint. The design would be contemporary with flat roofs. There would be a single storey rear section, and the front of the dwelling would include a projection to accommodate a garage, with a first floor overhang to the front and side elevations. The plans also show an 'indicative zone for photovoltaics' on the roof of rear part of the two storey section.
5. The external materials would comprise light brown/buff brick to the ground floor with timber cladding panels and dark grey/black timber slats to the first floor, and aluminium windows.
6. The driveway would be widened and there would be a raised patio to the rear.
7. The Design and Access Statement states:
 - *Taking cues from the building heights either side of it, the house will be a flat-roof contemporary design, with bold brick and clad forms, softened by a vertical filigree of dark timber battens that form a privacy screen between bedrooms overlooking the street as well as side windows looking towards neighbouring properties.*

- *The proposed building will be two storeys high and will sit sympathetically within the street-scene by virtue of its flat roof nature and it's stepped approach to massing, where the general approach of the street locally is for projecting elements accompanied by subservient accommodation set back on either side. This provides a street-scene with villa-like buildings.*
8. As a result of consultation responses from the Environment Agency and the Borough Council's Environmental Sustainability Officer, a revised Flood Risk Assessment and a Bat Survey have subsequently been submitted. A revised plan has also been received showing the finished ground floor level of the dwelling and the raised patio raised to meet the requirements of the Environment Agency.

SITE HISTORY

9. There is no planning history relating to the application site. However, permission was granted in respect of 3 Adbolton Grove, the neighbouring property, for demolition of the garage and front single storey part of the dwelling, erection of a two storey front extension and two storey side extension, and addition of balcony to the rear in 2019 (ref. 19/01523/FUL). Permission was refused for a revised scheme, and an appeal was subsequently allowed in June 2020 (ref. 19/02612/FUL).

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr R Mallender) objects on behalf of local residents on the following grounds:
- a. The design is a bold & striking one and very much out of character with the existing street scene and neighbouring properties most of which are Edwardian or 1930s in era.
 - b. The domination of the front of the house by a garage door and the hardstanding in front for yet more cars is particularly objectionable.
 - c. More recent new-builds are sympathetic to the area and of similar appearance and of traditional character whereas this one is not. Whilst there are other similar extensions in the area, there are no complete builds of this style & most of the extensions are at the side or rear.

Town/Parish Council

11. Holme Pierrepont and Gamston Parish Council do not object.

Statutory and Other Consultees

12. The Borough Council's Environmental Sustainability Officer originally commented that, in the absence of an ecological survey, it had not been demonstrated that there will be no impacts on priority or protected species, habitats or sites, and that it was not possible to assess if there will be an impact on populations of European Protected Species. He therefore recommended

that the application not be considered further until a preliminary ecological survey was provided along with any further surveys and assessments identified in the survey. He also recommended that a biodiversity net gain should be demonstrated by a basic biodiversity net gain assessment.

13. He has subsequently commented that the Bat Survey report carried out in May and June 2020 appears to have been carried out according to best practice. The surveys are in date, however, consideration of other potential protected or priority species has not been assessed. No bats were found to be using the buildings, although the site also consists of hardstanding, shrubs, tree and garden. The site is 90m from the Hook Local Wildlife Site, and there is a likelihood that birds will nest on the site, and there is also potential for hedgehogs. The conservation status of European Protected Species is unlikely to be impacted by this development, although the development provides opportunities for ecological enhancement. Recommendations in the report should, where applicable, be subject to conditions on any permission.
14. The Borough Council's Environmental Health Officer has no objection but recommends a condition is imposed to ensure the submission and approval of a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction prior to working commencing.
15. Nottinghamshire County Council as Highway Authority comment that the plans show that the distance between the proposed dwelling and the highway boundary would be 5.6m fronting the garage. The garage would, therefore, need to be fitted with a roller shutter door so that vehicles do not overhang the highway when it is opened/closed. The internal dimensions of the garage do not meet the minimum standard specified in the 6C's Design Guide (3.0m x 6.0m). It is, therefore, more likely that the garage will be used for storage rather than the stationing of a vehicle. The plans also show that the driveway would be able to accommodate two vehicles, which should be sufficient for a 3-bedroom dwelling. However, as the whole of the frontage of the site is proposed to be hard-surfaced, there should be enough space for 3 vehicles to be parked off the highway if such necessity arises.
16. They also recommend conditions to ensure that the driveway is surfaced in a bound material for a minimum distance of 5.5m from the rear of the adopted highway and constructed with provision to prevent the discharge of surface water on to the public highway, and to ensure that the garage is fitted with a roller shutter door.
17. The Environment Agency objected originally on grounds that the Flood Risk Assessment (FRA) did not comply with the requirements of the Planning Practice Guidance, and did not, therefore, adequately assess the flood risks posed by the development (full comments are available on the website).
18. With respect to the revised FRA, they comment that the development will only meet the requirements of the National Planning Policy Framework if the development is carried out in accordance with the FRA with respect to finished floor levels, and the flood resilient design measures stipulated being implemented into construction of the development.

Local Residents and the General Public

19. 10 written representations have been received raising objections and comments which are summarised as follows:
- a. The design, appearance and materials are incongruous and not sympathetic and a complete contrast to Victorian/Edwardian and 1930s dwellings on Adbolton Grove, and would be totally out of character and an eyesore.
 - b. Very exciting and attractive design for a property but the location is completely inappropriate. The design would look fantastic in a different setting where it had more green space around it.
 - c. It would be the only house on the grove without a pitched roof and looks more like an office block or suited to an industrial estate.
 - d. Planners should consider the situation and context of such 'dream' projects and think long and hard about their environmental and emotional impact on the people that have to live alongside them.
 - e. Overlooking/loss of privacy.
 - f. Dominating and overbearing impact.
 - g. Overshadowing/loss of light (reference is made to the 'Ancient light Prescription Act 1932').
 - h. Removal of the existing side and front garden to be replaced with hard standing for cars would look ugly and would add to the drainage and flooding problems the road has suffered over the last few years, with standing water in the road following times of heavy rain.
20. 3 written representations have been received expressing support which are summarised as follows.
- a. We feel very lucky to live in an area with such a diverse and eclectic mix of properties, and that there is a place for new contemporary dwellings to add to the character of the area. In the wider context of Lady Bay there are similar successful examples of highly contrasting contemporary extensions and new dwellings.
 - b. The flat roof element of the proposed design will be a particularly stark contrast to the pitched roofs of the other houses on the road
 - c. It is very refreshing to have a well-executed and well-designed piece of modern architecture that is not over complicated and has hard to achieve simple forms that responds well to the neighbouring property which is circa 1930's, as opposed to the current chalet bungalow which has no architectural merit.

PLANNING POLICY

21. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2).
22. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide (PPG).

Relevant National Planning Policies and Guidance

23. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development. There are three overarching objectives to sustainable development: economic, social and environmental.
24. Chapter 12 'Achieving well designed places' is also of relevance.

Relevant Local Planning Policies and Guidance

25. Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy) is of relevance.
26. Policies 1 (Development Requirements), 17 (Managing flood risk), and 38 (Non-designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (Local Plan Part 2) are of relevance.
27. The Borough Council's Residential Design Guide (RRDG) is also relevant.

APPRAISAL

28. The environmental objective of the NPPF refers to '*contributing to protecting and enhancing our natural, built and historic environment*'.
29. Chapter 12 'Achieving well designed places' of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
30. Policy 10 (Design and Enhancing Local Identity) of the Core Strategy states that all new development should be designed to make a positive contribution to the public realm and sense of place, create an attractive, safe, inclusive and healthy environment, and reinforce valued local characteristics.
31. Policy 1 (Development Requirements) of Local Plan Part 2 states permission for new development will be granted provided that (amongst others) sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space; the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character

- and appearance of the neighbouring buildings and the surrounding area; it should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy; there is no significant adverse effects on important wildlife interests.
32. It also states that the use of appropriate renewable energy technologies will be encouraged within new development and the design, layout and materials of the proposal should promote a high degree of energy efficiency.
 33. The RRDG states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged. Guidance on garden sizes and separation distances is also included, and reference is made to the 25 and 45 degree guides, which are used to assess the impact of proposed development on neighbouring properties in terms of overbearing impact and overshadowing.
 34. The site is within a residential area and it is considered that a replacement dwelling would be acceptable in principle.
 35. As stated in paragraph 2, there is a variety of properties on Adbolton Grove and in the surrounding area in terms of period, scale, form, design/style and materials, including Victorian, Edwardian, interwar and mid 20th century suburban houses and bungalows, a number of which have contemporary alterations/extensions. There is also a variety of external materials including red & buff brick, white render, and timber detailing to gables, and a variety of roof forms including gables, hips and mansards.
 36. Adjacent to the application site is an interwar Art Deco style house which appears to be unaltered (1 Adbolton Grove), and a mid 20th century suburban chalet bungalow which is currently being extended and altered which will transform the property into a contemporary dwelling including the use of timber cladding (3 Adbolton Grove).
 37. The inspector who determined the recent appeal at 3 Adbolton Grove noted the variety of properties on the road, commenting '*There is a significant and notable variety in the age, type, form, scale and design of residential properties within the street.*'
 38. The orientation and design of the existing bungalow is unusual in that the 'principal' elevation containing the main entrance door faces the south (side) boundary, with a garage projection to the front and only one small secondary bedroom window on the front part of the elevation facing the road. Consequently, it is considered that the existing bungalow does not make a particularly positive contribution to the street scene.
 39. It is acknowledged that the flat roofed contemporary design of the new dwelling would represent a contrast to traditional pitched roof properties along the road. It is also acknowledged that the road is characterised by pitched roof properties of a variety of forms. However, flat roofs are not, of course, unusual or a recent innovation, and have been a feature of modern architecture since the 1920s.

40. The dwelling would incorporate a garage projection to the front which would reflect the existing dwelling, and it is considered that the combination of traditional brown/buff brickwork, used elsewhere on the road, and contemporary timber cladding/slats, which should have a natural appearance, would be appropriate. It is also considered that, subject to further consideration of external materials (which can be ensured by condition), the dwelling would not be harmful to the character of the area, and would add to the quality and variety of the area, would be visually attractive and would enhance the street scene.
41. It is considered that the extension to the driveway would not have any significant adverse impact on the street scene, and there is room either side for landscaping. It also has to be borne in mind that the provision of a hard surface or extension of an existing surface to the front of a dwelling constitutes permitted development, provided that any area which exceeds 5 square metres is provided with drainage. Furthermore, there are examples of properties in Lady Bay where the frontage has all been hard surfaced.
42. In terms of amenity, the garage at 1 Adbolton Grove is adjacent to the site boundary, with a conservatory adjacent to the garage with rear elevation windows/doors, and a bedroom window above. This dwelling also has a rear projection with a side elevation bedroom window facing the site. It is understood that there is another window to the bedroom to the north (side) elevation. Whilst the view from inside the dwelling and from the patio and garden would be different, due to the siting, scale and design of the proposed dwelling, it is considered that there would be no significant overlooking/loss of privacy, overshadowing/loss of light or overbearing impact to this property. In view of the extensions/alterations taking place at 3 Adbolton Grove, and the distance from properties on the opposite side of the road, it is also considered that the dwelling would not have a significant adverse impact on the amenities of any other properties.
43. The proposal would also comply with the 25 and 45 degree guides referred to in the RRDG with respect to principal habitable room windows in the adjacent properties.
44. There is a raised area to the rear of the existing dwelling, and 1 Adbolton Grove has a raised patio. The proposed raised patio would be larger and would project further into the rear garden than the existing, and would be around 0.5m higher than the garden level; however, it should not result in any significant overlooking/loss of privacy.
45. With respect to the comments of County Highways, the application plans show that the internal length of the garage would be 6m, and that the length of the driveway between the front of the garage and highway boundary would be 6.3m (the dimension of 5.6m refers to the distance between the front boundary and the first floor element which projects further forward than the garage door). The County Council's 'Standing Advice' states that for a driveway with a length of 6.1m, an 'up and over' garage door is acceptable. Therefore, the suggested condition requiring a roller shutter door is not considered to be necessary.
46. The site is in one of the most sustainable locations in the Borough in terms of access to local services/facilities in Lady Bay and West Bridgford Town Centre,

which are within a reasonable walking distance, and close to bus routes. It is, therefore, considered that the level of off street parking (including the garage) would be more than adequate for a 3 bedroom dwelling in an area where there does not appear to be an on street parking problem.

47. Policy 17 (Managing Flood Risk) of Local Plan Part 2 states that planning permission will be granted in areas where a risk of flooding or problems of surface water exist, provided that it does not increase the risk of flooding on the site or elsewhere.
48. In view of the most recent comments from the Environment Agency relating to the revised FRA, and with a condition to ensure that the development in carried out in accordance with the FRA, it is considered that the development should be safe for its lifetime without increasing flood risk elsewhere. The replacement of a bungalow with a two storey dwelling would also represent an improvement in terms of risk to future occupants through the provision of bedroom accommodation at first floor level.
49. Policy 38 (Non-designated biodiversity assets and the wider ecological network) of Local Plan Part 2 requires, where appropriate, to seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
50. The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc) Regulations 1994, contain three tests which Natural England must apply when determining a licence application. This licence is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations. The three tests are:
 - a. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - b. there must be no satisfactory alternative; and
 - c. favourable conservation status of the species must be maintained.
51. In this case the Environmental Sustainability Officer noted that no bats were found to be using the buildings, although consideration of other potential protected or priority species has not been assessed. He comments that there is a likelihood that birds will nest on the site, and there is also potential for hedgehogs. He considers that the conservation status of European Protected Species is unlikely to be impacted by this development, although the development provides opportunities for ecological enhancement. It is, therefore, considered that it is not necessary to apply the tests in this instance. However, it is considered that a condition to require bird/nesting boxes to be incorporated into the development is appropriate, in accordance with policy 38 of Local Plan Part 2, which promotes the incorporation of features that benefit biodiversity.

52. It is noted that that the Environmental Health Officer recommends the submission and approval of a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction. Whilst such a condition is sometimes appropriate for larger scale developments, it is considered that a condition is not necessary for demolition of one single storey dwelling and replacement with one dwelling. Such a condition was also not imposed on the development at 3 Adbolton Grove which involves demolition and considerable building works. Should issues arise during demolition/construction, perhaps due to hours of operation, this would potentially be a matter to be investigated by the Environmental Health service, planning conditions should not seek to duplicate controls under other regulatory regimes.
53. Reference is made in representations to loss of light and the 'Ancient light Prescription Act 1932'. Whilst loss of light and impact on amenities is a material planning consideration, rights to light is addressed under separate legislation and would not be a material planning consideration.
54. The application was subject to pre-application discussions. Revised and additional information has been submitted during the processing of the application resulting in an acceptable scheme and a recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): PL-004, PL-005, PL-006A.

[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. Construction of the dwelling shall not proceed beyond damp proof course until details of all external materials 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]

4. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Ambiental Environmental Assessment (Ref: 5402) dated 30th June 2020 and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 23.63m above Ordnance Datum (AOD) as stipulated within section 7.3 of the FRA.
- The flood resilient design measures stipulated within the section 7.3 of the FRA shall be implemented in to the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Borough Council.

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

5. The dwelling shall not be occupied until the driveway has been surfaced in a bound material for a distance of 5m behind the highway boundary, and provided with drainage to prevent the discharge of surface water on to the public highway. The hard surfacing and drainage 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]

6. The dwelling hereby permitted shall be occupied until bird nesting boxes have been installed on the site in accordance with details to be previously submitted to and approved in writing by the Borough Council. Thereafter the bird nesting boxes shall be retained for the lifetime of the development.

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

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

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

Notes to Applicant

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

website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

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

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

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

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

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

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