

**When telephoning, please ask for:** Tracey Coop  
**Direct dial** 0115 914 8511  
**Email** democraticservices@rushcliffe.gov.uk

**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 3 February 2021

To all Members of the Planning Committee

Dear Councillor

A Virtual Meeting of the Planning Committee will be held via Zoom on Thursday, 11 February 2021 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>

Note: Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Sanjit Sull  
Monitoring Officer

## **AGENDA**

1. Apologies for Absence and Substitute Members
2. Declarations of Interest
  - a) Under the Code of Conduct
  - b) Under the Planning Code
3. Minutes of the Meeting held on (Pages 1 - 12)
4. Planning Applications (Pages 13 - 168)  
The report of the Executive Manager - Communities.

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Opening hours:  
**Monday, Tuesday and Thursday**  
8.30am - 5pm  
**Wednesday**  
9.30am - 5pm  
**Friday**  
8.30am - 4.30pm

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

Membership

Chairman: Councillor R Butler

Vice-Chairman: Councillor Mrs M Stockwood

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

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



**MINUTES  
OF THE MEETING OF THE  
PLANNING COMMITTEE  
THURSDAY, 14 JANUARY 2021**

Held at 6.30 pm in the

**PRESENT:**

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

**ALSO IN ATTENDANCE:**

Councillor J Walker

**OFFICERS IN ATTENDANCE:**

T Coop  
A Pegram  
R Sells  
L Webb

Democratic Services Officer  
Service Manager - Communities  
Solicitor  
Democratic Services Officer

**APOLOGIES:**

Councillors D Virdi

**1 Declarations of Interest**

There were no declarations of interest.

**2 Minutes of the Meeting held on 10 December 2020**

The minutes of the meeting held on 10 December 2020 were approved as a true record of the meeting.

**3 Planning Applications**

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

As ward Councillor for the following application, Councillor D Mason left the committee at this point.

**20/02691/VAR - Variation of Condition 2 (Change two storey dwellings to three-storey, extending houses by 1m. Second floor dormer windows to front and rear elevation and side elevation windows to second floor. Changes to floor and elevation plans) of planning permission 19/02195/FUL. - Land South East Of The White House Old Melton Road Normanton On The Wolds Nottinghamshire**

## Updates

There were a couple of typing errors on the report. It was noted that the second line of the first paragraph should read 'Normanton on the Wolds' instead of 'Stanton on the Wolds' and that paragraph two of the report should state that the appeal of the application was allowed in September 2020 and not December 2020.

In accordance with the Council's public speaking protocol for planning committee, Richard Ling (applicants agent) and Councillor D Mason (ward Councillor) addressed the Committee.

## 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: Location Plan, GA331/26 (Visibility Splays), Block Plan, GA331/20 (Proposed Plot 1 Plans), GA331/21A (Proposed Plot 1 Second Floor Plan and Side Elevations), GA331/22A (Proposed Plot 1 Front & Rear Elevations), GA331/23 (Proposed Plot 2 Ground and First Floor Plans), GA331/24 (Proposed Plot 2 Second Floor Plan and Side Elevations), and GA331/25 (Proposed Plot 2 Front & Rear Elevations), received on 30 October 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. No construction of the dwellings shall take place above foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

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

4. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4 x 43m are provided at each access in accordance with details to be first submitted and approved in writing by the Borough Council. The area within the visibility splays referred to in

this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m metres in height.

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

5. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary, with provision to prevent the discharge of unregulated discharge of surface water onto the public highway. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material with provision to prevent surface water runoff for the life 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. No trees or hedgerows shall be removed during the development until details of any trees/hedgerow to be removed have been submitted to and approved in writing by the Borough Council and the works shall be carried out in accordance with the details as approved.

[In the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

7. Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2012: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

[In the interests of the appearance of the area and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy].

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

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

9. Should any protected or priority species be found to be present on site then all work shall cease and mitigation measures shall be submitted to an appropriately qualified ecologist. No further work shall be undertaken until these mitigation measures have been approved in writing by the Borough Council and works shall proceed only in accordance with the agreed mitigation measures.

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

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

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the 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.

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.

Condition 10 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

Councillor Mason rejoined the committee at this point.

**20/02539/FUL - Minor extension to the site entrance lodge, new hardstanding areas, fencing and the upgrading of the woodland access track, demolition of existing security office building (Amended Description/Part Retrospective) - The Lodge, 91 Loughborough Road, Ruddington, Nottinghamshire, NG11 6LL**

### **Updates**

The Service Manager – Communities advised the Committee that further information had been submitted, including details of the tree protection measures, which had been assessed by and found to be acceptable to the Landscape Officer. Alternative wording for condition 3 was therefore recommended, requiring the tree protection fencing to be implemented in accordance with the submitted details.

In accordance with the Council's public speaking protocol for planning committee, Matt Hubbard (applicants agent) and Councillor J Walker (Ward Councillor) addressed the Committee.

### **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 plans:

1:5000 Location Plan, reference PH/251/20, dated as received 19

October 2020

Proposed Site Location Plan, drawing number MHRG-EI-2020-02

Proposed Entrance Plan, drawing number MHRG-EI-2020-04-R1

Proposed Alterations to Main Entrance Lodge, drawing number MHRG-EI-2020-05

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

3. Prior to the commencement of the development hereby approved, the tree protection fencing, as set out in the Arboricultural Method Statement by AWA Tree Consultants, reference AWA558AMS, and the Tree Protection Plan in appendix 5, shall be fully implemented. Prior to any works commencing within the areas identified on the Tree Protection Plan as requiring ground protection boards and a 'no-dig' construction, precise details of a site specific 'no-dig' construction technique shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the protection shall be retained for the duration of the construction period.

[To ensure existing trees are adequately protected during the development, in the interests of visual amenity and to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

4. Prior to any part of the development being brought into use a detailed landscaping and ecological enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include an assessment of the harm arising from the construction of the access road through the woodland and actions to mitigate any damage caused, and shall specify the details of replacement tree planting along the new track and native shrub and/or hedgerow planting around the entrance to the site and the area around the Lodge building. The scheme shall include numbers, size, species and positions of all new trees and shrubs and a programme of implementation. The scheme shall also comprise features required for wildlife and biodiversity enhancement, to include wildlife friendly planting and the installation of new bat and bird boxes.

The approved scheme shall be carried out in accordance with the approved details and programme of implementation. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority.

[In order to preserve the landscape character of the area and achieve a net gain in biodiversity, in accordance with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1 : Core Strategy and Policy 1 (Development Requirements) and 38 (Non-Designated

Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The external materials used in the construction of the extensions to the building hereby permitted shall be of a similar appearance to the materials used on the exterior of the existing building.

[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]

6. All new hard surfaced areas around the site entrance, Lodge building and the proposed new parking and turning areas will be constructed from permeable materials.

[To ensure no harm to trees and planting around these areas, in the interests of visual amenity and to comply with Policies 1 (Development Requirements) and 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as the proposal represents minor development, with a gross internal area of less than 100 square metres. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at [info@nottswt.co.uk](mailto:info@nottswt.co.uk). If bats are present you should contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

As Ward Councillor for the following application, Councillor C Thomas left the meeting at this point.

Councillor S Bailey's connection failed during the second item and she was unable to rejoin, sending her apologies for the remainder of the meeting.

**20/02788/FUL – Erection of two-storey side & rear extension (resubmission) - 45 Sharpley Drive, East Leake, Nottinghamshire, LE12 6QT**  
**45 Sharpley Drive, East Leake, Nottinghamshire, LE12 6QT**

**Updates**

There were no updates

In accordance with the Council's public speaking protocol for planning committee, Councillor C Thomas (Ward Councillor) addressed the Committee.

**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:

Site Location Plan & Block Plan, drawing no. 051

Proposed Block Plan

Proposed Floor Plans, drawing no. 032

Proposed Elevations, drawing no. 041

Proposed Elevations, drawing no. 042

Proposed Roof Layout, drawing no. 043

[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. The construction of the extensions shall not proceed above foundation level until specific details of the facing and roofing materials to be used on all external elevations are submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and 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 not CIL chargeable, as the proposal represents minor development, with a gross internal area of less than 100 square metres. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

The 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.

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

**20/02687/FUL - Two storey front and rear and single storey side and rear extensions with application of rendering. (Resubmission) - 31 Roulstone Crescent, East Leake, Nottinghamshire, LE12 6JL**

## Updates

There were no updates

In accordance with the Council's public speaking protocol for planning committee, Eva Nagy (objector) and Councillor C Thomas (Ward Councillor) addressed the Committee.

## 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:

Site Location Plan  
Block Plan  
Planning & BR, drawing number JLR 01/2020, revision G2

[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. The external materials used in the construction of the development hereby permitted shall be as detailed on the approved plans. The roofing materials shall match the existing roof tiles of the building in colour and texture. Prior to application of the render details of the proposed colour shall be submitted to and approved in writing by the Borough Council. The render shall be applied in accordance with the approved details

[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 first floor windows in the side elevations of the development hereby permitted must be:
  - a. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and;
  - b. fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, these windows shall be retained to this specification throughout the life of the development.

[To ensure a satisfactory development in the interests of preserving the amenities of neighbouring properties and to comply with policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies.]

### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as the proposal represents minor development, with a gross internal area of less than 100 square metres. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

The provisions of the Party Wall Act 1996 may apply in relation to the boundary

with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

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

Councillor C Thomas rejoined the meeting at this point.

**20/02715/FUL - Erection of new boundary brick wall and piers to the front of nos. 1 and 3 Dorset Gardens (Retrospective) (Resubmission). - 1 Dorset Gardens, West Bridgford, Nottinghamshire, NG2 7UH**

### **Updates**

There were no updates.

### **DECISION**

#### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

Site Location Plan, dated as received 5 November 2020  
Block Plan, dated as received 6 November 2020  
and the as built photographs submitted with the application.

[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

The meeting closed at 9.14 pm.

CHAIRMAN

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**Planning Committee****Thursday, 11 February 2021****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.

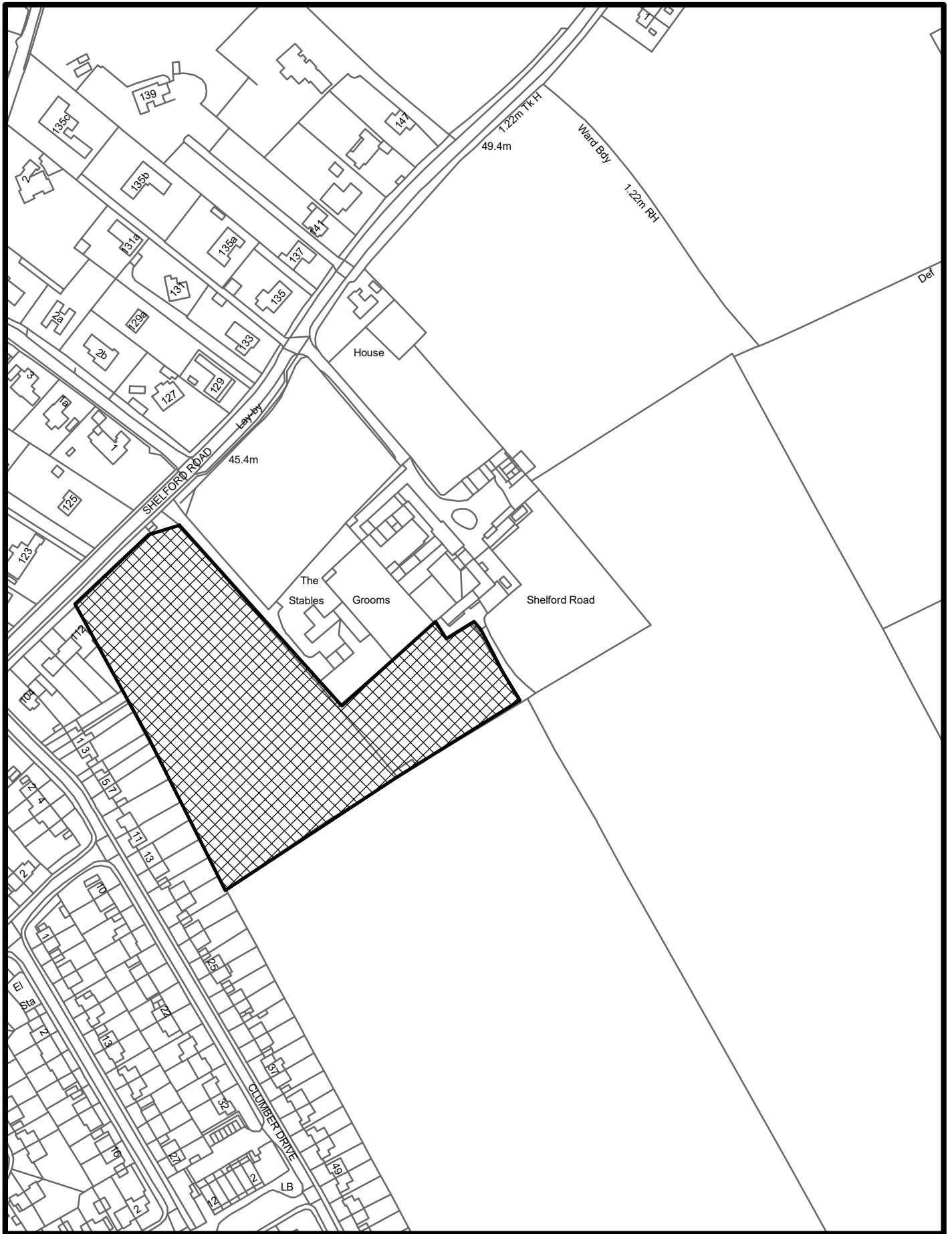
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
<a href="#">20/02652/REM</a>	Land South and West of Grooms Cottage, Shelford Road, Radcliffe on Trent, Nottinghamshire.  Application for approval of matters reserved under Outline Planning Permission 18/02269/OUT relating to appearance, landscaping, layout and scale of 55 residential dwellings.	17 - 38
<b>Ward</b>	Radcliffe On Trent	
<b>Recommendation</b>	Reserved Matters be granted subject to conditions.	
<a href="#">20/00888/FUL</a>	Land off Rempstone Road, East Leake Nottinghamshire.  The erection of 51 dwellings with associated access, parking and landscaping.	39 - 68
<b>Ward</b>	East Leake	
<b>Recommendation</b>	The Executive Manager – Communities is authorised to grant planning permission subject to the prior signing of a section 106 agreement and conditions.	
<a href="#">20/02806/FUL</a>	Kempson Court Kempson Street, Ruddington, Nottinghamshire.  Demolition of existing commercial units and replacement with 4 no. new dwellings, including resurfacing works to street (Resubmission).	69 - 88
<b>Ward</b>	Ruddington	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	

Application	Address	Page
<a href="#"><u>17/03020/FUL</u></a>	Land North West of Kneeton Road, East Bridgford, Nottinghamshire.  New dwelling with ancillary garage (incorporating sustainable building systems and renewable technologies).	89 - 138
<b>Ward</b>	East Bridgford	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	
<hr/>		
<a href="#"><u>20/02703/FUL</u></a>	Gresham Park Pavilion, Gresham Park Road, West Bridgford, Nottinghamshire.  Construction of new 3G all-weather football pitch with associated hardstanding, floodlighting and fencing and re-surfacing and fencing alterations to existing football pitch. Drainage and remediation works to natural playing fields to provide better, more suitable playing fields for football use.	139 - 156
<b>Ward</b>	Compton Acres	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	
<hr/>		
<a href="#"><u>20/02623/FUL</u></a>	Land West of Pasture Lane, Sutton Bonington, Nottinghamshire.  Erection of and equestrian stable block, with outdoor manege, associated car parking and access. Stable block with eight stable pens, hay store and tack room, used as a full livery yard. (Resubmission).	157 - 167
<b>Ward</b>	Sutton Bonington	
<b>Recommendation</b>	Planning permission be refused.	
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**Application Number: 20/02652/REM**  
**Grooms Cottage, Shelford Road, Radcliffe on Trent**



scale 1:2500

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Rushcliffe Borough Council - 100019419

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## 20/02652/REM

**Applicant** Countryside Properties PLC Mr & Mrs Oglesby

**Location** Land South And West Of Grooms Cottage Shelford Road Radcliffe On Trent Nottinghamshire

**Proposal** Application for approval of matters reserved under Outline Planning Permission 18/02269/OUT relating to appearance, landscaping, layout and scale of 55 residential dwellings

**Ward** Radcliffe On Trent

### THE SITE AND SURROUNDINGS

1. The application site is located to the north east of Radcliffe on Trent and extends to approximately 1.75Ha. It sits to the south of Shelford Road and is currently a mixture of grazing land and paddocks associated with Grooms Cottage, a farm and stables.
2. The rear gardens of existing properties along Clumber Drive lie to the west adjoining the western site boundary. At the north the site adjoins the side garden area of no. 172, an end terrace property which has a two storey extension to the side incorporating side windows.
3. The site is bordered by mature hedges to the west, south and north. To the east the site is bounded by a track leading to two residential properties, Hunting Stables and Grooms Cottage.
4. To the east and south of the site is Shelford Road Farm which is presently being developed for a residential development of up to 400 dwellings. Phase one of the development has been granted reserved matters approval and is currently under construction. Part of Phase 2 for 31 dwellings (ref. 20/02587/REM) is currently being considered with the boundary of the site adjoining the southern boundary of the application site.
5. The application site was removed from the Green Belt by the adoption of Local Plan Part 2 and outline planning permission has been granted for a development of 55 dwellings with all matters reserved with the exception of access (reference 18/02269/OUT). The outline planning permission is subject to a S106 agreement and planning conditions.

### DETAILS OF THE PROPOSAL

6. The application seeks Reserved Matters approval in relation to the appearance, landscaping, layout and scale of residential development. Access into the site from Shelford Road was agreed at the outline application stage.
7. The proposal is for 55 dwellings which would comprise twenty 2 bedroom dwellings, twenty five 3 bedroom dwellings and ten 4 bedroom dwellings. The layout incorporates four house types which are all semi-detached properties

except for a single two bedroom detached property. The properties would all be two storeys in height and materials are proposed to be a mix of Wienerberger Colorado Red and Wienerberger Crofters Medley bricks with two different forms of dark grey roof tiles. Render is proposed at first floor on some of the plots. Car parking would be achieved by way of driveways or parking spaces close to the dwelling house they would serve. There are no garages proposed on the development and each house would be provided with a shed which would be available for cycle storage.

8. The layout generally follows that illustrated on the outline application with a central area of public open space. An attenuation pond is proposed adjacent the southern boundary of the site together with a pumping station. The development would achieve an average net density of 40 dwellings per hectare.
9. The application is accompanied by:
  - A design compliance statement showing how the development links with the vision and design framework of the outline permission and the various elements required to satisfy condition 2 of the outline permission;
  - A Building for Healthy Life assessment; and
  - Flood risk assessment
10. In response to the comments received following the initial consultation revised and additional information has been received to provide the following:
  - Additional car parking spaces to the 4 bedroom properties;
  - Provision for a landscape buffer on the external side of the application site to the north eastern boundary with the opportunity to convey this hedge and integrated tree planting to the occupier of the Hunting Stables;
  - Revised boundary treatment proposals adjacent 112 Shelford Road;
  - Relocated bin storage provision;
  - In relation to the concern over the loss of the hedgerow this results from the need to have the attenuation pond in this location which cannot be repositioned. Replacement biodiversity benefits through planting exist in and around the attenuation pond;
  - Discussions have been ongoing with the neighbouring developer in relation to the linkages to that site and the link has been amended to include a combined cycleway/footpath;
  - Additional architectural detailing including bay windows within key focal plots to the Chestnut house type to help satisfy Neighbourhood Plan design policies;
  - A hipped roof has been introduced to plots 21 – 24;
  - Provision of a two metre landscape buffer along the boundary with properties to Clumber Drive; and
  - Confirmation has been received that all properties would have electric charging points which would be freestanding charging points when the parking spaces are remote from the property they serve.

## **SITE HISTORY**

11. Outline planning permission 18/02260/OUT was granted in September 2019 for the development of 55 residential dwellings with all matters reserved with the exception of access. This application was subject to planning conditions and a S106 agreement.
12. Planning conditions were attached to the outline permission, which included details relating to technical matters such as drainage, ecology, construction management plans, archaeology and an employment and training strategy. Discharge of condition applications have been submitted for a number of pre-commencement conditions.

## **REPRESENTATIONS**

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

13. One Ward Councillor (Cllr Brennan) confirms that she will not be commenting on this application in her capacity as a Ward Councillor and declares an interest.
14. One Ward Councillor (Cllr Clarke) objected to the originally submitted scheme for the following reasons:
  - a. The proposals are overintensive in the sense that the dwellings are clearly squeezed in. In particular, he objects to the siting of plots 21 and 22 on the private drive. No. 21 is side on to the rear of existing dwellings on Clumber Drive and has a very truncated garden compared to its neighbouring dwellings. Although it is the side gable it will nevertheless give a very overpowering feeling with a brick wall right up against the boundary of the Clumber Drive properties.
  - b. The whole development should continue the concept of the adjacent William Davis development which has a 5m buffer strip along the Clumber Drive properties. This should be achieved on this site to maintain a consistent approach.
  - c. Remains concerned about the very few mature trees that exist on the site. Mature trees should not be lost and should be protected by TPOs.
  - d. To continue the over intensive theme and the subject of buffers, he is concerned that insufficient buffer is proposed between the proposed new dwellings and the existing properties Grooms Cottage and Hunting Stables. The proposals will give a real sense of the existing dwellings being hemmed in completely, losing their rural feel.
  - e. Plots nos. 1 and 55 are right up to the boundary adjacent to the driveway to the existing dwellings. When viewed from the main Shelford Road a rural view of the driveway should be maintained at the very least by a green buffer commensurate with the buffer along the rear of Clumber Drive
  - f. Concerned that plots 36 - 50 have small gardens bringing the properties close to Grooms Cottage and Hunting Stables without enjoying a green

buffer which should be maintained in place. Suggests that the balancing pond and nos. 36 – 41 should swap places to maintain more of a rural feel.

- g. Confirms that he does not object to the development in principle but does object to the current detail.
- 15. Councillor Clarke has been consulted on the revised plans and no further comments have been received within the consultation period.
- 16. One Ward Councillor (Cllr Upton) does not object as in his opinion it proposes 55 appropriate houses for Radcliffe on Trent. Various comments have been submitted over the course of the application process focussing on the boundary treatments around the site to ensure buffer planting strips to be provided, including provision for planting to the boundary of Plot 21 as it adjoins the rear gardens of properties on Clumber Drive and plots 36.
- 17. He notes that the submitted plans show gardens to the new houses to be about 13m in depth which is longer than recommended in the residential design guide and he acknowledges that a 5m strip may not be feasible but a 2 or 3m one may be. He would hope that electric vehicle charging points are provided for each property.
- 18. Councillor Upton has been consulted on the revised/additional plans and no further comments have been received within the consultation period.

### **Town/Parish Council**

- 19. Radcliffe on Trent Parish Council object to the application on the grounds that a buffer zone should be applied between this development and Clumber Drive (a similar standard to that outlined in the adjacent William Davis Development). They are not supportive of the removal of the hedgerow at the back of plots 36 – 41.
- 20. The Parish Council has been consulted on the revised/additional plans and they confirm that they still object. They recommend a wider strip of land in between the end of the gardens and the clumber Drive properties. They Consider that no. 21 is too close to no. 17 Clumber Drive. Some of the houses are north facing which does not make them compatible for solar panels. Parking for nos. 34 and 37 are away from their properties which will not enable them to charge their electric cars on drives if needed.

### **Statutory and Other Consultees**

- 21. Nottinghamshire County Council (Strategic Planning) does not have any strategic policy comments to make. With regard to matters relating to the proximity of the potential primary school site, they note that the southern boundary of the site abuts the boundary of the new site that is to be built as part of the wider development at Shelford Road. To prevent any overlooking, any buildings should be no more than two storeys. The boundary between the proposed houses and the school site should also have secure fencing with preferable planting along it.

22. Nottinghamshire County Council as Highway Authority initially made some comments regarding the internal access arrangements and car parking provision and revised plans have been submitted to address these comments, which have resulted in confirmation that no objections are raised. Conditions are attached to the outline planning permission which will ensure the technical requirements are satisfied.
23. Nottinghamshire County Council as Local Flood Risk Authority confirmed they have no objection. Surface water management conditions on the outline approval will still require discharging.
24. The Borough Council's Landscape Officer considers that the landscape masterplan is appropriate and it reflects the outline application and the open space on the southern boundary seems to have increased in size which is positive. The suggested species within the landscape masterplan look largely appropriate and details will need to come forward. It is noted that boundary hedging is proposed as a buffer alongside the northeast and southwest boundaries and this will need careful design to ensure it has some screening function or it could end up hidden behind the 2m high fencing.
25. Further landscaping information has been submitted to assist consideration of the application and he has confirmed that the detailed plans are acceptable. He notes that the hedge proposed along the north eastern boundary is not native but as it is evergreen it will better screen the proposed 1.8m high close boarded fencing. He suggests that the maintenance of this hedgerow would be best incorporated within the management plan for the wider public open space to ensure that it is cut on a regular basis and takes on a uniform shape and size. Following correspondence with the agent and the neighbouring property, it is understood that this hedgerow will be conveyed to the neighbouring property, The Hunting Stables, and he considers that this is an acceptable situation. He considers the boundary treatment elsewhere on the site is appropriate.
26. The Borough Council's Environmental Sustainability Officer has no objections to the application and makes general comments in relation to good practise to design for habitats, construction methods, compliance with precautionary recommendations as per the outline permission and provision of a landscape and ecological management plan.
27. The Borough Council's Recycling Officer made comments on the original submission relating to the vehicle tracking analysis, location of bin collection points and potential bin cabinets needed on certain plots.
28. The Borough Council's Community Development Manager has no objections. He notes that the public open space is appropriate for this size of development and understands that a local equipped area for play able to serve this development will be delivered on the neighbouring site. It is important that there are good pedestrian and cycle linkages to the other phases of development and the existing transport infrastructure.
29. The Borough Councils Planning Policy Officer (Strategic Housing) notes that the delivery of a site for 100% affordable housing exceeds the affordable housing requirements within Policy 8 of the Local Plan Part 1: Core Strategy. This policy requires 30% affordable housing on schemes of 10 or more within

Radcliffe on Trent. Although not in strict accordance with Policy 8, the benefits of providing a significant number of affordable homes to meet Borough wide need is a material consideration which outweighs this.

30. The proposed mix does not accord with paragraph 3.8.9 of the Core Strategy which includes the required tenure mix within the Strategic Housing Market Assessment (SHMA) of 42% intermediate housing, 39% affordable rent, and 19% social rent. The proposed tenure mix does not reflect this mix, instead providing only shared ownership (55%) and social rent (45%). The absence of affordable rent may not comply with the Core Strategy and requirements set out in the SHMA, this however is off-set against the benefits of providing a significant number of homes for social rent, which will be available for those on the lowest incomes in the Borough. The provision of 4 bed social rented is particularly welcomed as these will meet the needs of lower income families.

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

31. Comments have been received from 9 neighbouring properties whose comments can be summarised as follows:
  - a. Require a 5m wide planted buffer strip to be a requirement along the back gardens of Clumber Drive (no. 1 - 19) and this to be incorporated into the gardens of the new houses.
  - b. Suggests this is being achieved on the larger William Davis development and provision should be made for the privacy and amenity of their homes on this upper section of Clumber Drive.
  - c. Notes the garden depths are even smaller than the William Davis gardens and as such would be very limited for any meaningful planting.
  - d. Requests that a 1.8m high wall is proposed along their boundary and they do not wish to have a hedge.
  - e. Disappointed to learn that the development in its entirety is proposed to be affordable housing and this is contrary to previous advice given that typically there is a mix of housing types within a development.
  - f. The Rushcliffe Plan sets out the requirement for new development to set aside 30% of properties to be affordable homes and that a balance needs to be maintained. Concern how this could impact on the value of their house.
  - g. Proximity of plot 21 to properties on Clumber Drive. The plan submitted does not accurately reflect the actual position of neighbouring property which has been extended to the rear. They consider that their property is approximately 10m from the boundary with plot 21 and with no buffer they consider this is unreasonably close and will impact on their privacy, sunlight and quality of amenity.
  - h. Plot 21 is set high to allow for drainage. The additional height will mean the proposed dwelling will have a significantly higher floor level than neighbouring property.

- i. Concern that the property will impact on surface water drainage from their property and cause a localised flood risk into their garden and home.
  - j. Suggest that the inclusion of a bathroom window in the side elevation of plot 21 will present a further intrusion of privacy.
  - k. Concern over lack of planting between the boundary of their property and plot 21.
  - l. Suggestion that the plan is altered so that the new plots all back onto Clumber Drive.
  - m. Concern that the omission of hedgerow will impact on loss of habitat. Concern over lack of bat survey. Over the past few years there has been an increase in wildlife in their back garden. Concern that lack of hedgerow and planting will significantly impact on local wildlife.
  - n. Sympathetic to the need for more housing and in general do not object but consider the plans have not adequately taken into consideration the impact of the density of the proposed housing on neighbouring properties and local wildlife.
  - o. The houses are being built far too close to the existing houses on Clumber Drive.
  - p. Concern over lack of adequate screening towards Shelford Road. More trees would have a greater effect in reducing the visual impact of the new houses.
  - q. Concern over the use of rendering on one pair of houses facing Shelford Road. Not clear if this is to be white which would be impossible to screen out and questions whether this would fit in with the other houses on that side of Shelford Road.
  - r. Concern over the impact and boundary treatment to Hunting Stables, the owners of which purchased their property bordering green belt land which they had every reasonable expectation would be maintained.
  - s. Require screening to mitigate impact from 17 dwellings abutting or overseeing their property.
  - t. Supports the inclusion of charging points for electric cars for every dwelling, especially given central government's recent announcement.
  - u. Supports the change of properties to affordable housing.
32. In response to the revised plans submitted, comments from four properties from Clumber Drive and comments from the owners of Hunting Stables have been received whose comments can be summarised as follows:
- a. Additional planting is a minimal gesture and does not address concerns and requirements for a 5m buffer.

- b. Suggests that the plans for the outline showed a green buffer and do not consider that a hedgerow constitutes a green buffer.
- c. Remains of the opinion that the plan should follow that of the William Davis site which proposed 5m buffer.
- d. Pleased to see the inclusion of a hedgerow to the border of plot 21 but feel that it is still insufficient buffer. Plot 21 remains too close to 15 and 17 Clumber Drive which will impact on the light, privacy and quality of amenity to these properties.
- e. If plot 21 cannot be moved further away from properties 15 and 17 Clumber Drive, they suggest it should be removed from the planning application.
- f. Consider that the same equal consideration should be given to their property as every other Clumber Drive resident, i.e. backing onto their property.
- g. Remain concerned that the development has been selected for affordable housing. They would like to see the details that form the basis of the decision to make all properties affordable, also the evidence to demonstrate that this is necessary and will not impact on the value of their homes.
- h. In respect to Hunting Stables, the owner has confirmed that following the submission of the revised boundary details to their property, they withdraw their previous objection to the application subject to planning conditions to secure the proposed landscaping details and conveyance of the planted land to them.

## **PLANNING POLICY**

33. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1), the Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) and the adopted Radcliffe on Trent Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG), and the Rushcliffe Residential Design Guide (RRDG).

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

34. The NPPF includes a presumption in favour of sustainable development. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
35. 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.

36. 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.

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

37. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.

38. The following policies in the LPP1 are relevant:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Climate Change
- 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
- Policy 17 - Biodiversity
- Policy 18 - Infrastructure

39. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:

- Policy 1 - Development Requirement
- Policy 5.2 - Housing Allocation – Grooms Cottage
- Policy 12 - Housing Standards
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 29 - Development affecting Archaeological Sites
- Policy 32 - Recreational Open Space
- Policy 37 - Trees and Woodland
- Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
- Policy 39 - Health Impacts of Development

40. The Radcliffe-on-Trent Neighbourhood Plan was adopted in October 2017 and now forms part of the development plan for Rushcliffe and is relevant to the consideration of applications in the Radcliffe on Trent area. Many of the policies within the document have implications in the consideration of this application to ensure that the development satisfies the vision for the future of the village but of particular reference are:

- Policy 5 - Local Leisure provision
- Policy 6 - Biodiversity Network
- Policy 7 - Pedestrian Focused Development
- Policy 12 - Housing Mix and Density
- Policy 14 - Design and Layout

- Policy 15 - Local Architectural Styles

41. The Residential Design Guide provides general advice and recommendations in relation to densities, mixes, scale, massing, height, materials, design, privacy and gardens sizes.

## **APPRAISAL**

### Principle of Development

42. The principle of residential development on this site has been established by the allocation of the site under Policy 5.2 of LPP2 and by the grant of outline planning permission. The allocation of the site removed this area of Radcliffe on Trent from the Green Belt. The outline permission also approved the access arrangements into the site. This reserved matters application is therefore only considering matters relating to appearance, landscaping, layout, and scale. Policy 5.2 of the LPP2 provides site specific criteria to be addressed in dealing with any planning applications and requires:
- Development which complements and not prejudice the delivery of the neighbouring site which is allocated within Policy 5.3 (Land off Shelford Road);
  - Sensitive boundary treatment should protect the amenity of existing neighbouring properties;
  - Appropriate financial contributions towards education and health capacity improvements to support development;
  - A financial contribution to a package of improvements for the A52(T) between the A6005 (QMC) and A46 (Bingham); and
  - It should be consistent with other relevant policies in the Local Plan.
43. A development framework plan and associated Design and Access Statement were submitted with the outline application indicating how the site could be developed and the design principles to be applied at Reserved Matters submission. The outline planning permission at condition 2 states that the application for approval of reserved matters shall be generally in accordance with the illustrative masterplan (with measurements) and design framework plan and design principles, scale and density set out in sections 5.1 – 5.4 of the Design and Access Statement. This reserved matters submission shows how these design principles have been applied to this site.
44. Matters relating to financial contributions towards education and health capacity and strategic road network highway improvements are addressed under the S106 agreed at the outline stage and do not form part of the consideration of this application.

### Appearance, Layout and Scale

45. LPP1 policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under policy 1 of

the LPP2, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties. Policy 14 of the Neighbourhood Plan requires applications to demonstrate how the design of the new development will make a positive contribution and satisfies certain criteria including amongst other things creating a public realm which is welcoming, attractive and promotes a feeling of safety which enables access for all.

46. On the basis of the layout plans, the proposed dwellings generally follow the illustrative layout of the outline permission which is largely dictated by the L shape form of the site. The properties proposed along the frontage of the site largely follow the building line of those properties to the west of the site on Shelford Road and the existing hedgerow is maintained and landscaping provision is enhanced by additional planting. The proposed layout includes the provision of a central area of open space creating opportunities for relaxation and recreation and therefore promoting healthy communities. As confirmed at the outline application stage, it is not necessary for this to accommodate formal play equipment. An attenuation pond adjacent the southern boundary of the site provides the necessary provision for drainage requirements and also provides opportunities for ecological enhancement. The layout provides semi mature trees to be planted along the spine road and within the public open space to create a sense of space and provide visual interest and ecological benefit.
47. The properties would be located within suitably sized plots and have garden sizes in excess of the minimum recommended within the residential design guide with the two bedroom properties having in excess of 55sqm and the 3 and 4 bedroom semi detached properties in excess of 90sqm. Adequate rear garden lengths are achieved and in most cases are in excess of the 10m length recommended in the Borough Council's Design Guide.
48. Concerns have been raised by occupiers of neighbouring residential properties to the west on Clumber Drive in terms of the impact that the proposed dwellings would have on their residential amenity, including overlooking, overshadowing/ loss of light and also the relationship of the development with the neighbouring properties to the east of the site. During the course of the consideration of the application, additional information has been submitted clarifying the nature of the boundary treatment and level of landscaping along the northern and eastern parts.
49. Attention has been drawn to the suggested boundary provision for the neighbouring site being developed by William Davis. It is accepted that their illustrative masterplan indicates a 5m buffer strip to be provided to Clumber Drive and this was proposed by the developer where their site adjoins this neighbouring development. This area of the site has not been subject to a reserved matters application and the precise details will come forward at that stage. Whilst this 5m buffer was proposed by the developer on the neighbouring site where it adjoins Clumber Drive, each site must be dealt with on its own merits and it is not considered necessary to require a 5m landscape buffer on this site to achieve satisfactory relationship with neighbouring properties and protection of amenity. It is considered that the boundary treatments are appropriate and follow that illustrated at the outline stage and provide the necessary sensitive boundary treatment required by policy 5.2 to protect the amenity of existing neighbouring properties.

50. Specific attention has been made to the relationship of plot 21 and properties on Clumber Drive. It is accepted that this plot has its side elevation facing towards rear gardens of the properties on Clumber Drive and to assist in reducing any perceived impact the roof design has been amended to introduce a hipped roof and the building is set off the boundary to enable the provision of a landscaped strip. The proposed property is a two bedroomed property of two storeys in height with a ridge height of approximately 8.3m and this is set in a minimum of 2.4m from the boundary. It should be noted that no. 15, 17 and 19 Clumber Drive benefit from single storey rear extensions which have reduced the original depth of their rear gardens. Rear garden depths of properties facing plot 21 plot range from a depth of approximately 21m at 15 Clumber Drive to approximately 16m at no. 17 Clumber Drive from their main rear elevation which is considered sufficient to minimise any overbearing impact. Taking into account that plot 21 will be located to the east of these properties it is not considered that any undue overshadowing impact would result. The window proposed in the first floor side elevation of plot 21 serves a bathroom and a condition is suggested to ensure that this is obscure glazed with a top opening light only. In relation to the comment received regarding the suggestion that this area of the development is over intensive, it should be noted that the garden size proposed for the plot closest to the Clumber Drive boundary is some 94sqm which far exceeds that recommended (55sqm) for a two bedroom property. It is therefore considered that the relationship of this property with the existing properties on Clumber Drive is acceptable and it is not necessary for this area to be redesigned to create a back to back garden relationship.
51. With regard to the boundary treatment to the eastern boundary, revisions have been undertaken to this boundary to allow provision for a 1.8m close boarded fence and the provision of a hedgerow to the external edge of the site. Initial concerns raised by the owner of Hunting Stables have been overcome with the provision of these details. It is understood that separate discussions in relation to the ongoing ownership and maintenance of this hedgerow are taking place which sit outside of the consideration of this application. There is a requirement in the S106 for an open space scheme to be submitted and agreed to ensure long term management and maintenance of areas of open space and communal landscaping and it is considered that this hedgerow could form part of this scheme if necessary. It is considered that the layout proposed would not unduly impact on the amenity of the two existing properties to the east of the site in terms of any undue overbearing, overshadowing or overlooking impact. Although it is accepted that the introduction of residential development onto the area of land previously part of the Green Belt will affect the open nature of their outlook, this is mitigated to a degree by the extent of landscaping proposed along this boundary.
52. In relation to the design of the properties, the proposed development is traditional in its approach. Attention has been paid to providing key focal buildings and revised plans have been received to include provision of additional architectural detailing to ensure that the elements of the scheme accord with the design criteria set out in the Radcliffe on Trent Neighbourhood Plan. The details of the materials are considered appropriate for this part of Radcliffe on Trent and there are examples of render detailing elsewhere on Shelford Road and it is not considered that the inclusion of this treatment on a pair of semi-detached properties along the frontage of the site and on certain

plots within the site would be incongruous in the streetscene, but would add variety and interest to the simple design of the dwelling house types.

53. Overall, it is considered that adequate levels of residential amenity would be provided for all future occupiers and that no significant adverse impacts would result in respect of existing adjacent properties.
54. A Building for a Healthy Life assessment has been submitted to support the application and covers the 12 underlying principles identified to help create good places to live.
55. The proposal in relation to reserved matters relating to appearance, layout and scale is considered to satisfy the requirements of condition 2 attached to the outline planning permission which sets out that the application for reserved matters shall be generally in accordance with the illustrative masterplan accord with LPP1 policy 10 and policy 1 and site specific policy 5.2 of the LPP2 and Neighbourhood Plan policy 14 and 15 in terms of its impact on the residential amenity of neighbouring occupiers and a refusal of planning permission on these grounds would not be substantiated.
56. Revised plans have been submitted to provide the necessary linkages for cycle and pedestrian movement to be achieved through the site and into the neighbouring development and the current application being considered on the neighbouring site has been revised to ensure appropriate coordination between the schemes thus satisfying the requirements of Policy 5.2 of LPP2.
57. The Borough Council's recycling officer raised a number of concerns regarding aspects of the layout of the development, including:
  - The vehicle tracking analysis did not include the correct details for the vehicle used by the Borough Council, excluding the equipment on the rear of the collection vehicle, reasserting that no part of the vehicle should overhang the pavements;
  - Concern that occupants of those properties which are either terraced or semi-detached would not remove bins from the front of their properties post collections which then cause bin blight, suggested that some sort of bin cabinets are provided to house a minimum of two bins on certain plots; and
  - The Bin Collection Point directly at the front of plot 52 is wholly inappropriate, suggested that this area is redesigned to remove private drive and the need for a bin store.
58. Further swept path analysis plans were submitted using the correct vehicle details. These show that, for the most part, the refuse vehicle can be accommodated within the highway without overhanging any pavement/pedestrian areas. The few areas where the vehicle body (not wheels) may overhang the pavement would be in the turning area at the eastern end of the main spine road, where parking areas or a private drive are accessed off the turning head. As such, it is not considered that this creates a significant threat to the safety of pedestrians, particularly given that this would occur for a very short period, once a week when collections take place.

59. The plans make provision for the storage of wheeled bins in the rear gardens of all of the properties and the concerns about behaviour of occupiers of the dwellings not putting their bins away after collection is not considered to justify a need for some sort of bin storage to the front of the property, this behaviour could apply to any of the dwellings on the site. Finally, the comments regarding the location of a bin collection point and omission of the private drive to obviate the need for this are noted, however, the layout as proposed is considered to be acceptable and the omission of the private drive and extension of the adopted highway in this area would have implications for the parking layout and potentially loss of parking spaces.

### Landscaping

60. The application is supported by a full landscaping scheme which has been reviewed by the Borough Council's Landscape Officer. Whilst the layout proposed results in the loss of some hedgerow within the site, the layout of the site however allows for the retention of the front hedgerow to Shelford Road (except that required to be removed to facilitate access) and substantial hedgerow planting along the east and west boundaries and adjacent to some footpaths within the development. The net gain in relation to hedgerow and tree planting is sufficient to outweigh the harm by the loss of this section of hedgerow. The details of the landscaping scheme are considered acceptable and appropriate for its site context. The hedgerow to the south of the site is outside of the application site. There are conditions on the outline permission to secure the protection of existing hedgerows which are proposed to be retained by this application.
61. There are no mature trees on the application site. A small number of broad leaved trees exist off site within the garden area of the existing Grooms Cottage and in the garden areas of some properties on Clumber Drive. An attenuation pond is proposed to the south of the site which will incorporate a permanently wet micropool and wildflower meadow with native shrub mix to the southern aspect of the pond and tree planting. This area is proposed to be enclosed by a 1.1m timber post and rail fence. The details of the landscaping will result in a significant gain in terms of the number of trees on the site.
62. The obligations within the S106 require the submission of an Open Space Scheme which shall include the timing, location and method for securing the provision, permanent availability, management and maintenance of the open space. Areas of landscaping which fall outside of the garden areas of the properties could potentially be covered by this scheme, yet to be submitted. It is understood that separate discussions with the owner of Hunting Stables have taken place with regard to the potential ownership and ongoing maintenance of the proposed hedgerow to the side of the fence running parallel with the private driveway to Hunting Stables and Grooms Cottage and some additional hedgerow planting within land owned by Hunting Stables. This is a separate matter which sits outside of the planning application process.

### Other Matters

63. Policy 8 of the LPP1 relates to housing size, mix and choice with the general approach being that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes to create mixed and balanced communities. The approach to affordable housing is that new

residential development should provide for a proportion of affordable housing and that within Radcliffe on Trent 30% should be sought through negotiation. The outline planning permission requires that the developer deliver 30% affordable units. The delivery of affordable housing is a priority for the Borough Council and is challenging due to viability issues often being raised and a number of our strategic sites are not delivering the level of affordable houses envisaged in the LPP1. This application however includes information to confirm that it is proposed that all houses would fall under the 'affordable homes' definition and following a change in the proposed registered provider on the site, this would be a mix of shared ownership and social rent homes. The suggested mix is thirty shared ownership properties (fifteen bedroom properties and fifteen 3 bedroom properties) and twenty five social rent (five 2 bedroom properties; ten 3 bedroom properties and ten 4 bedroom properties). Strategic housing welcome both this additional provision to the number of affordable housing units available in the Borough and to the proposed housing tenure mix.

64. Condition 22 of the outline planning permission requires that the mix of market housing within the site shall comply with the housing mix set out in Radcliffe on Trent Neighbourhood Plan Policy 12 (Housing mix and density) unless otherwise agreed. This scheme is being promoted as an affordable housing development with no open market housing and therefore direct compliance with such a condition is not achievable. The Neighbourhood Plan, however looks to achieve a broad mix of properties including 1 and 2 bedroom properties for older persons, whether as retirement apartments or bungalows, 30% 2 bedroom homes, 25% 3 bedroom homes and 20% 4 bedroom homes and whilst there is no retirement apartments or bungalows proposed, the mix does provide a mix of two, three and four bedroom properties and allows for appropriate diversity of house type and tenure, thereby satisfying the general spirit of the policy within the LPP1 and Neighbourhood Plan.
65. The relatively small number of units on this site and the two distinctive types of 'affordable units', together with the proximity of the neighbouring LPP2 development site for 400 dwellings (Shelford Farm - William Davis), which is proposed to deliver 70% of its site for market housing and to which this application site links in locational and practical terms, means that it is considered that a mixed and balanced community will be delivered. It is not therefore considered that the mix of house types or tenure is a reason to justify a refusal of permission and the provision of additional housing of an 'affordable' tenure is welcomed in this location by our Strategic Housing Officer.
66. The S106 relating to the outline permission requires an affordable housing scheme to be submitted and agreed to show the tenure and location of the units to avoid clustering of particular tenures and this has been provided to show that this could be achieved acceptably on this site. It is not considered necessary to query why this site is proposed to be fully affordable in tenure. The dwellings are tenure blind and the suggested or feared loss of property value is not a material consideration in the determination of this application. As the S106 associated with the outline application refers to 30% affordable housing it is necessary for a deed of variation to be entered into by the applicant should they wish to pursue this level of affordable housing. The determination of this application is not contingent on the fact that this is a fully affordable housing scheme and it is not considered that a decision on this application needs to be deferred until the deed of variation is finalised.

Highway matters

67. Access into the site has been approved at the outline planning application stage and the internal road layout has been reviewed by the County Council as Highway Authority. Revised plans have been submitted to overcome a few initial concerns and to increase car parking for the four bedroom properties within the site. This has resulted in a development which satisfies the recommended car parking standards within the Highways Design Guide and provides adequate and safe movement of refuse vehicles within the site.
68. The proposal is therefore considered to comply with Policy 1 of the LPP2 in terms of highway safety

Ecology

69. With regard to the comments made regarding impact on wildlife and their habitats, it should be noted that the outline planning application was supported by the relevant ecological surveys and a condition was imposed on the outline planning permission requiring the submission and approval of an ecological management plan, which should include the recommendations of the preliminary ecological appraisal and Bat Survey Report, including provision of bat and bird nest boxes and hedgehog boxes. Condition 24 of the outline permission requires the submission of a bat sensitive lighting scheme to be and condition 20 requires further protected species surveys to be undertaken if the outline planning permission is not implemented within 2 years of the grant of outline planning permission. Condition 12 requires a badger survey to be undertaken by a competent ecologist immediately prior to development commencing including site clearance. Compliance with these conditions will ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the LPP1. This is a pre-commencement condition and it is considered that the layout proposed allows for such conservation and enhancement to be delivered in various ways including wildflower areas, new hedgerow and tree planting and the delivery of an attenuation pond.

Renewable/Energy Efficiency measures/Electric Charging Points

70. Condition 5 (xiii) of the outline planning permission requires details of how electric charging points will be provided together with other information relating to renewable/energy efficiency measures. The applicant has confirmed that every house will be provided with a charging points which will be freestanding on the small number of parking spaces which are not directly adjacent to the property. With regard to the comment from the Parish Council in relation to solar panels, it is not intended that such provision is provided.

Flood Risk

71. The application is supported by a Flood Risk Assessment and this has been reviewed by the County Council as the Lead Local Flood Authority. The application includes the provision of an attenuation pond adjacent the southern boundary of the site and water storage system under part of the central open space and no objections in principle have been raised to the technical details

submitted to support this Reserved Matters application. The outline permission includes a pre-commencement condition in respect of surface water drainage which will require discharging prior to work commencing on site. Confirmation has been received that the necessary permission now exists from the landowner to the south of the site to connect a storm water outfall to an existing Severn Trent water drainage system.

#### Requirements of previous permission

72. The requirements and conditions of the relevant outline planning permission granted on the 30 September 2019 and the associated section 106 agreement remain enforceable against this development
73. For the reasons set out above it is considered that the details pertaining to the Reserved Matters relating to Appearance, Landscaping, Layout and Scale satisfy the requirement of condition 2 of the Outline Planning Permission and the associated policies as set out in the development plan. Accordingly, it is recommended that approval is granted for these reserved matters subject to conditions.
74. Pre-application advice was sought and provided prior to the submission of the planning application and revisions have been made to the scheme in an attempt to overcome concerns raised as a result of the consultation period. This has resulted in a scheme which is recommended for approval.

### **RECOMMENDATION**

It is RECOMMENDED that approval of Reserved Matters be granted for the appearance, landscaping, layout and scale of the development subject to the following conditions(s)

1. The development shall be carried out in accordance with the following approved plans:
  - Planning Layout - drawing no. SKEM-044-003-I
  - External Materials – drawing no. SKEM- 044-004-E
  - House Types:- House type Pack SKEM-044-100 plus Chestnut Bay 02 GFPlan and Chestnut Bay 02 FFPlan,Ivy hip and Cedar hip
  - Streetscene sections SKEM-044-011-A and SKEM-044 -011-2
  - Landscape Masterplan 3700 101D
  - Planting Plan 1 drawing no. 3700 201B
  - Planting Plan 2 drawing no. 3700 202B
  - Boundary Treatments – drawing no. SKEM-044-005-F
  - Pumping Station and Fence detail
  - Swept path analysis drawing no. 21304 -313B
  - attenuation details (showing levels)21304-312

[To ensure an acceptable development in accordance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

2. The boundary treatment/means of enclosure as detailed on drawing no. SKEM-044-005-F shall be erected prior to the occupation of the respective

dwelling(s) or in the case of hedgerow planting, in the first planting season following completion of the plot. In addition, details of the timing of the provision and ongoing maintenance of the hedgerow proposed along the eastern boundary of the site shall form part of the open space scheme required pursuant to the S106 agreement. The means of enclosure shall be erected pursuant to the approved details and thereafter retained for the lifetime of the development.

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

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

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

4. Prior to the occupation of Plot 21 the first floor side window with the dwelling shall be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. The window shall thereafter be retained in this form.

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

5. No dwelling shall be occupied until such time as it has been serviced with the appropriate electric vehicle charging infrastructure as agreed by the details required to be discharged under Condition 5 (xiii) under ref 18/02269/OUT and the apparatus shall be retained for the lifetime of the development.

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

### **Note to applicant**

This permission relates to matters reserved by Condition 1 and 2 of planning permission 18/02269/OUT, dated 30 September 2019 and does not constitute the discharge of any of the remaining conditions on the outline approval. Separate application/applications for the discharge of the remaining conditions should be submitted to the Local Planning Authority either prior to works commencing on site, or prior to the occupation of the dwellings, as appropriate. Your attention is also drawn to the informatives attached to the outline planning permission.

Condition 3 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The

developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

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

The S106 agreement dated 27 Sept 2019 requires the submission of an Affordable Housing Scheme and Open Space Scheme prior to the development commencing.

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**Application Number: 20/00888/FUL**  
**Rempstone Road, East Leake**



**scale 1:5000**

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<b>20/00888/FUL</b>
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<b>Applicant</b>	David Wilson Homes East Midlands
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<b>Location</b>	Land Off Rempstone Road East Leake Nottinghamshire
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<b>Proposal</b>	The erection of 51 dwellings with associated access, parking and landscaping
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<b>Ward</b>	Leake
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## THE SITE AND SURROUNDINGS

1. The application site comprises part of a large, former arable field immediately north-east of Rempstone Road, on the southern edge of the village of East Leake. To the north of the site is the Sheepwash Brook, beyond which are equine paddocks and the village of East Leake. A micro-propagation business, together with other commercial units on a former farm are located to the east, accessed off Loughborough Road. To the south is Rempstone Road beyond which is open countryside. Immediately adjacent to the western boundary is a large residential development (by Persimmon), accessed off Kirk Ley Road, which is currently under construction.
2. Until 2020 the site was agricultural in use and land levels slope downwards in a northerly direction from Rempstone Road towards the village. In January 2020 Reserved Matters for 235 dwelling on the site were approved and that development commenced in the latter part of 2020. The site is therefore currently a residential development site for new dwellings. A public right of way runs north/south roughly through the centre of site and onwards towards the village centre. The boundaries of the site comprise of native hedgerows with trees.

## DETAILS OF THE PROPOSAL

3. The application seeks full planning permission for 51 additional dwellings on the site that was granted permission under 16/01881/OUT and 19/01770/REM (as amended by 20/02300/REM) for 235 dwellings.
4. The proposed access to the site comprises the existing (approved) singular vehicular access point off Rempstone Road, located in the centre of the south-eastern boundary.
5. The proposed site layout indicates that the 51 dwellings would be built within the approved site of the 235 houses granted reserved matters approval last year, in two separate locations; along the north-western boundary of the site between the approved development and the approved balancing pond features and along the north-eastern boundary between the approved development and the location of the proposed primary school. The proposed 51 dwellings would therefore remain located broadly in the southern “two thirds” of the site, with the northern “third” reserved for a proposed balancing ponds and a primary school site (as secured through the S106 agreement but without the benefit of

planning permission) with the PROW remaining aligned through the centre of the wider development site.

6. The approved single access point off Rempstone Road would lead to a loop road around the site, off which access roads would create a number of cul-de sacs.
7. The existing PROW would remain on its current alignment and run through landscaped areas of an already approved centrally located Public Open Space (POS) which would include a Local Equipped Area of Play (LEAP) that both formed part of the scheme for the 235 dwellings, and those features are unaffected by the current proposal.

## SITE HISTORY

8. Planning application ref 16/01881/OUT, an outline application for up to 235 dwellings, primary school, infrastructure, green space, associated surface water attenuation and landscaping was refused under Delegated Authority on 31st March 2017 on the following three grounds;
  1. *The proposal would comprise residential development of a greenfield site outside of the built up part of the settlement. The site is not allocated for development in the development plan and, although East Leake is identified as a key settlement for growth in Policy 3 of the Rushcliffe Core Strategy, the development would exceed the minimum target of houses to be provided in and around East Leake by over 160% when considered cumulatively with schemes already granted planning permission. This level of housing delivery for East Leake would be contrary to the Council's housing distribution strategy set out in Policy 3 and would lead to the unplanned expansion of development significantly beyond the established built edge of the village with resultant adverse impact on its rural setting, poor connectivity to the village by car and non-motorised modes of transport and adverse impact on access to services.*
  2. *The development would not provide a direct vehicular access to the adjacent residential development site under construction and, whilst there would be a connection to the village via a public footpath and potential pedestrian connections to the adjacent development site the only paved and lit pedestrian link that is clearly deliverable by the applicant at this time would be via proposed improvements to Rempstone Road, which would involve a walking distance in excess of the 1.25km to the village centre. It has not been adequately demonstrated that the development would integrate with or provide good connectivity with the existing settlement and would be contrary to Policy 14, particularly paragraphs 1 and 2 of the Rushcliffe Core Strategy and to Policy H6 (a) of the East Leake Neighbourhood Plan.*
  3. *Whilst the application proposes to deliver a site suitable for the provision of a new primary school this level of provision is in excess of the need justified by the scale of development proposed and in any event would not provide any funding to provide such a facility.*

*It would not therefore adequately or appropriately meet the requirements for improvements to primary school provision arising from the development or weigh in favour of the granting of permission. Furthermore the applicant has not provided an undertaking to enter into an obligation to meet the requirements for improvements to secondary education provision arising from the development. The proposal would therefore be contrary to Policy 19 of the Rushcliffe Core Strategy, which requires all development to meet the reasonable cost of new infrastructure required as a consequence of the proposal. It would also be contrary to Policy H1(b) of the East Leake Neighbourhood Plan which requires all development in East Leake over a cumulative total of 400 dwellings to demonstrate that the provision of improved infrastructure can be delivered in time to serve the needs of the development.*

9. The application was the subject of an appeal, considered by way of a Hearing, and was subsequently allowed on 20th November 2017, subject to a number of conditions, a S106 agreement and a legal agreement relating to pedestrian access through the adjacent development site to the west.
10. A Reserved Matters application (ref 19/01770/REM) for the approval of 235 dwellings and associated appearance, landscaping, scale, layout and infrastructure works was approved under delegated authority on 31 January 2020.
11. In September 2020 an application for a Non-Material Amendment (20/01945/NMA) for substitute house types and changes to the road layout was not agreed as the changes were deemed to be materially different to the approved Reserved Matters layout.
12. A subsequent Reserved Matters application (ref 20/02300/REM) for the partial re-plan of approved application ref 19/01770/REM (for the matters refused under application 20/01945/NMA) was approved in December 2020.

## REPRESENTATIONS

### Ward Councillor(s)

13. One Ward Councillor (Cllr Thomas) initially objected to the proposal raising concerns regarding the principle of more homes on the site, the loss of on-site green space for the approved development whilst adding pressure for it by increasing density, the housing mix proposed compared to the requirements of Policy H3 of the Neighbourhood Plan, impact on the infrastructure in the village (schools, medical centre, drainage), the proposed access arrangements for vehicles, impact on traffic (cumulatively) from all the recent developments, and concerns on flooding questioning whether the proposed SUDs are large enough to accommodate all the development on the site. Following the submission of the Transport Assessment (TA) Cllr Thomas further commented on the scope of the TA, the proposed road closures on Rempstone Road, and the Junction Modelling Methodology.
14. Cllr Thomas subsequently withdrew her objection following the submission of further information from the developer and responses from other consultees. However, Cllr Thomas did request that officers seek to address her other

concerns regarding the loss of green space requesting an off-site contribution, requesting that DWH work with the County Council to not impede the delivery of the primary school

15. One Ward Councillor (Cllr Way) also echoed Cllr Thomas' initial objections, adding that impact on the traffic in the village should also factor in other nearby developments (cumulative impact) such as the DNRC, and that the land within the approved scheme for 235 dwellings was not allocated for housing but as green space.
16. Cllr Way subsequently confirmed her objection to the proposal on grounds of the additional development over and above that approved at appeal for this site, the fact that the local services such as health care struggle to cope with the existing populous, the primary school has not yet been applied for therefore this development will place greater pressure on school places in the village, the walking distance to this school is unrealistic for other likely pupils living elsewhere in the village so traffic pressure around the school will impact on the amenity of residents living alongside the school, impact of additional traffic, impact on the sewage system, and the fact that East Leake has already had more than three times the minimum development as stated in the Local Plan with no infrastructure improvements.

### **Town/Parish Council**

17. East Leake Parish Council object to the proposal on the following grounds:
  - a. Loss of green space;
  - b. Impact on infrastructure contrary to Policy H1 of the Neighbourhood Plan;
  - c. Housing Mix does not comply with Policy H3 of Neighbourhood Plan;
  - d. Walking distances to the centre of the village; and
  - e. Impact on safety and capacity of road junctions requesting a revised Traffic Assessment for normal traffic conditions, not those experienced during the Covid-19 pandemic.
18. The Parish Council subsequently confirmed that they maintain their objection, noting that whilst the proposal was revised to be more in compliance with the Housing Mix (Policy H3), nevertheless that the proposal was over intensive and caused a loss of green space in breach of Neighbourhood Plan Policy H1. They also commented that whilst it was not clear if a revised Traffic Assessment had been provided, they note that the Highway Authority have not objected.

### **Statutory and Other Consultees**

19. East Midlands Airport have advised that conditions seeking to control dust, to prevent light spill including from street lights, restrictions on solar panels which can cause glint and glare and measures to prevent flocking birds being attracted to the site should be attached to any grant of permission.
20. National Air Traffic Safety (NATS) have no safeguarding objections to the proposal.

21. Nottinghamshire Police do not object to the proposal subject to conditions in respect of Secure by Design being attached to any grant of permission.
22. The Environment Agency have no comment to make, noting that there are no environmental constraints associated with the development that fall within the remit of the Environment Agency.
23. The Trent Valley internal Drainage Board (TVIDB) advise that the site is outside of the TVIDB district but within the Boards Catchment, however there are no Board maintained watercourses in close proximity to the site.
24. Nottinghamshire Wildlife Trust initially commented that the proposal does not adequately demonstrate adequate mitigation for the loss of habitat which would subsequently lead to a net loss in biodiversity. The applicants subsequently provided a Construction Environment Management Plan (CEMP), an updated Preliminary Ecological Appraisal (PEA) and a BMP (Biodiversity Management Plan) which the Wildlife Trust advised addressed their concerns subject to conditions being attached to any grant of permission.
25. The NHS Clinical Commissioning Groups (CCG) request Section 106 (S106) contributions for Primary Health Care from this development. Officers however note that Primary Health Contributions are covered by the Community Infrastructure Levy (CIL) and therefore not through the S106 process.
26. Nottinghamshire County Council as Highway Authority initially commented that application should be deferred to enable the applicant to submit an updated Transport Assessment (TA) including any significant committed development in the area to address the specific points set out in the response. Following the submission of the requested information the Highway Authority confirmed that they do not object to the proposal subject to conditions being attached to any grant of permission.
27. Nottinghamshire County Council as Lead Local Flood Authority (LLFA) initially objected to the proposal as it failed to include sustainable drainage systems and therefore failed to demonstrate that the development would not increase flood risk elsewhere. The applicant provided the requested drainage information and the LLFA confirmed that they have no objections to the revised proposal and no further comments to make.
28. Nottinghamshire County Council (Strategic Planning) advised that County Education seek contributions towards the 11 additional primary school places generated by a development of 51 dwellings at a cost of £20,592 per place i.e. £226,512. They also make requests for contributions towards the eight additional secondary school places generated by the proposal (NB Officers note that secondary education is covered by CIL). The County Property Team request clarification over an indication on the plan and that conditions be attached to any grant of permission to ensure that the access road to the school is available for construction traffic to build the school. Finally, the County Council advise that no Highway improvements were sought over and above those already secured as part of 16/01881/OUT.
29. The Nottinghamshire County Council Community Liaison Officer for Heritage has advised that the site does not immediately contain records on the Historic Environment Record (HER) but notes that this does not discount the sites

ability to contain any buried archaeology noting other finds in the locality. The applicant's desk-based assessment was not considered to be sufficiently detailed and accordingly additional information in the form of an updated archaeological desk based assessment was requested from the applicants. This information was provided concluding that no features of archaeological significance were found on site including Phase 1 (approved and Phase 2 (the current proposal). The County Council Community Liaison Officer for Heritage confirmed that the submission met their requirements and that they have no comments or recommendations to offer.

30. The Borough Council's Planning Contributions Officer advised on the CIL liability for the development, estimating a receipt of £277,000 of which £193,900 would likely go towards items on the Borough Council's Strategic Infrastructure List, £69,250 likely towards the East Leake Neighbourhood CIL and £13,850 towards CIL Admin.
31. The Borough Council's Conservation Officer does not object noting the distance to, and the intervening existing and approved buildings between the site and both the Conservation Area and the nearest listed building.
32. The Borough Council's Environmental Sustainability Officer does not object to the proposal requesting that conditions be attached to any grant of permission.
33. The Borough Council's Planning Policy Manager advises that the loss of green space and effect on the sites biodiversity is of concern and that the applicants should provide evidence that the additional units do not conflict with Policies 3.1 and 38 of the Local Plan Part 2 and that net-gains can be achieved within phase 2.
34. The Borough Council's Strategic Housing Officer (affordable housing) does not object to the proposal.
35. The Borough Council's Community Development Manager has commented that the proposal would generate a need for on-site children's play provision, unequipped play/amenity public open space and allotments that should be secured through Section 106 contributions and that the indoor and outdoor sports provision will be addressed via the Community Infrastructure Levy (CIL) contributions. The agent queried the need for the provision based on the size of the development and the existing provision within the scheme for 235 dwellings which this sits alongside. The Community Development Manager subsequently agreed that there was sufficient open space provision as part of the approved scheme for 235 dwellings to mitigate the total requirements of open space for both the approved and proposed development. S106 contributions towards off-site improvements for allotments and play provision were also requested.
36. The Borough Council's Environmental Health Officer does not object to the proposal initially requesting that conditions seeking to control the noise, dust and vibration during construction and controlling the working hours on site be attached to any grant of permission. The applicant subsequently provided the information requested and the Environmental Health Officer confirmed that the condition was no longer required, but that the requirements of the Construction Method Statement should be adhered to during the development of the site.

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

37. A total of forty seven (47) representation have been received, forty six (46) of them objecting to the proposal citing the following:
- a. This is a further unwanted development – East Leake has taken its fair share of new development with no infrastructure improvements as promised.
  - b. Unacceptable to identify further land in East Leake for housing development in the plan period.
  - c. Proposal is contrary to the Neighbourhood Plan.
  - d. Proposal is contrary to Paragraph 3.26 of the Local Plan Part 2.
  - e. Impact on services (schools, dentists, doctors, sewage system, nurseries etc).
  - f. Flooding from yet more development.
  - g. Potholes created by construction traffic.
  - h. Impact on wildlife.
  - i. Visual impact.
  - j. Further traffic impacts.
  - k. Lack of connectivity to the village other than by road.
  - l. Development reliant on cars due to distance from village centre.
  - m. Types of housing proposed does not meet the local need for smaller homes.
  - n. Rempstone Road and Loughborough Road junction is already dangerous.
  - o. Loss of more green space – the importance of which has been highlighted during the pandemic.
38. One (1) neutral response was received stating that as long as the primary school is still in the plan then they do not object.

## **PLANNING POLICY**

39. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). The East Leake Neighbourhood plan also forms part of the Development Plan when considering applications in the East Leake area. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.

## Relevant National Planning Policies and Guidance

40. The National Planning Policy Framework (NPPF) (updated in 2019) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental.
41. The presumption in favour of sustainable development is detailed in Paragraph 11. For decision making this means; "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless; i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole."
42. Paragraph 67 requires Local Authorities to identify a supply of specific, deliverable housing sites for years one to five of the plan period (with an appropriate buffer) and developable sites or broad locations for growth for years 6-10, and where possible, for years 11-15 of the plan.
43. Paragraph 91 advises the decision maker to aim to achieve healthy, inclusive and safe places which: promote social interaction; are safe and accessible; and enable and support healthy lifestyles. Paragraph 92 further states that decisions should provide the social, recreational and cultural facilities and services the community needs, planning decisions should: a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.
44. Paragraph 98 requires decision makers to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
45. Paragraph 108 states that; *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."* Paragraph 109 goes on to state that; *"Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

46. Paragraph 124 addresses the need for the creation of high quality buildings and places being fundamental to what the planning and development process should achieve stating that *"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."*
47. Paragraph 127 requires decision makers to ensure that developments will function well and add to the overall quality of the area; that they are visually attractive; and that they are sympathetic to local character and history; seek to establish a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

48. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
49. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are also relevant:
  - Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 2 - Climate Change
  - 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
  - Policy 17 - Biodiversity
  - Policy 18 - Infrastructure
  - Policy 19 - Developer Contributions
50. The Local Plan Part 2: Land and Planning Policies (LLP2) was adopted in October 2019 and the following policies in LPP2 are also considered material to the consideration of this application:
  - Policy 1 -Development Requirement
  - Policy 3.1 - Housing Allocation – Land north of Rempstone Road, East Leake
  - Policy 12 - Housing Standards
  - Policy 17 - Managing Flood Risk
  - Policy 18 - Surface Water Management
  - Policy 29 - Development Affecting Archaeological Sites
  - Policy 32 - Recreational Open Space
  - Policy 37 - Trees and Woodland
  - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
  - Policy 39 - Health Impacts of Development
  - Policy 43 - Planning Obligations Threshold

51. The East Leake Neighbourhood Plan was adopted on 19th November 2015, and forms part of the Development Plan for the area. The following policies are considered relevant;
  - Policy H1 - Number of New Homes
  - Policy H2 - Phasing of New Homes over the Period 2013 to 2028
  - Policy H3 - Types of Market Homes. On developments of 10 or more homes developers will provide a mixture of homes for the market that broadly reflects Rushcliffe Borough Council's and East Leake's most up to date assessments of housing needs derived from projections of household types, as follows; 1 and 2 bedrooms between 30% and 40%; 3 bedrooms between 40% and 60%; 4 bedrooms between 10% and 20%; 5 bedrooms between 0% and 5%. In addition, a diverse mix of home types within each of the categories will be provided in line with projected need.
  - Policy H4 - Aircraft Noise
  - Policy H5 - Design and Building Standards
  - Policy H6 - Sites where Housing Development will be Permitted
  - Policy T1 - New Development and Connectivity
  - Policy T2 - Strategic Network of Footpaths and Cycle paths
  - Policy T3 - Public Transport
  - Policy E1 - Containment of Built Environment
  - Policy E2 - Green Infrastructure: Wildlife and Rural Heritage
  - Policy E3 - Green Infrastructure within the Built Environment
  - Policy L1 - Playgrounds
52. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Leisure Strategy, Nature Conservation Strategy and the Borough Council's Corporate Priorities.
53. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
54. The Council as Local Planning Authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the "three tests" under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:

1. There are "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"
  2. There is no satisfactory alternative; and
  3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 
55. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
  56. Natural Environment and Rural Communities Act 2006 at Section 40 states that *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."* Section 40(3) of the same Act also states that *"conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat."*
  57. Planning for Growth (Ministerial Statement 2011) emphasises the priority for planning to support sustainable economic growth except where this compromises key sustainable development principles. The range of benefits of proposals to provide more robust and viable communities should be considered and appropriate weight should be given to economic recovery.
  58. The Community Infrastructure Levy Regulations 2010 (As amended) places the Government's policy tests on the use of planning obligations into law.
  59. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relation.
  60. Design Council Building for Life 12 - This assessment sets 12 criteria to measure the suitability of schemes and their locations in relation to design, layout, sustainability criteria, adaptability and effect of existing local character and reduction of crime, amongst other things.
  61. Environmental Impact Assessment Regulations - The outline planning application (16/01881/OUT) for the development of the 235 dwellings and supporting infrastructure was screened under the Environmental Impact Assessment Regulations 2018 prior to that application being submitted. Whilst this application 20/00888/FUL sits within the redline area of the 235 dwellings, it is a standalone planning application seeking full planning permission for 51 dwellings. The application only just passes the threshold for screening (the threshold being 50 dwellings) in its own right and even as a cumulative assessment of the wider development of 286 dwellings the current application does not significantly alter the parameters or the quantum of development that was secured through the appeal process and this development is considered to accord with the outline application that was initially screened. As such a formal Environmental Impact Assessment is not considered to be required for this application.

## APPRAISAL

### Principle of Development

62. Policy 3 of LPP1 identifies East Leake as a 'Key settlement identified for growth' and, furthermore, the principle of developing this site for housing was established with the granting of outline planning permission 16/01881/OUT. Despite the Borough Council initially refusing that application, the applicants appealed and following a Hearing, the Planning Inspectorate allowed the proposal, subject to a number of conditions and a S106 agreement. Whilst that application did set a quantum of development, that was only based on the level of development sought under the outline application. The Planning Inspector has not, in allowing the appeal determined the threshold for development on that site, merely determined the appeal before them.
63. Objections received from the public have often quoted paragraph 3.26 of the LPP2 which is part of the text stating the limitations on allocating new development in the village. Paragraph 3.26 states; *"It is considered that it would be unacceptable to identify further land at East Leake for housing development over the plan period. To do so would put at risk the Core Strategy's focus to locate development within or adjacent to the main urban areas of Nottingham. There are also concerns over East Leake's capacity to support and assimilate additional housing at this time and the affect that any further development would have on the character of the village. This Local Plan Part 2 allocated two sites for housing development at East Leake on land to the north of Rempstone Road and the second on land north of Lantern Lane (see Figure 2). Both these sites are outside the existing built extent of the village and both already have planning permission for new housing but development has yet to start."*
64. Paragraph 3.26 of the LPP2 clearly identifies the application site at Land North of Rempstone Road as one of the two development sites within the Plan for development. Officers do acknowledge that planning permission has already been approved for 235 dwellings. However, the current application site is located within the area identified as part of Policy 3.1 in the LPP2 identifying it for development of "around" 235 dwellings. The Planning Inspector, in their determination of that appeal that resulted in the allocation of the site accepted the sites relationship to the village, the walking distances to the village, the impacts on wildlife, ecology, as well as on the villages character and appearance, albeit in principle for a lesser quantum of development than would result from the current proposal on the site.
65. This application proposes an additional 51 dwellings on the site, alongside both the approved 235 dwellings and also alongside the neighbouring approved development of circa 300 dwellings currently being constructed by Persimmon Homes to the west. Officers are therefore satisfied that the principle of dwellings on this site has already been established. Furthermore, the application is not for a new development site as many objectors state, but for additional development on the existing allocated Rempstone Road site. Whilst this might be seen as semantics it is an important differentiation as the current proposal is within the application site of the approved 235 dwellings, but more importantly within the allocation as identified in Figure 2 of the LPP2 identifying housing allocation sites in East Leake.

66. The proposal is therefore considered to broadly accord with the requirements of Policy 3 (Spatial Strategy) of the Rushcliffe Local Plan Part 1: Core Strategy. Furthermore, whilst the Planning Policy Officers comments are noted about ensuring that the proposal accords with Policy 3.1 of the LPP2, officers note that Policy 3.1 states that the area shown on the policies map is identified as an allocation for “around” 235 homes. The Policy does not seek to place an upper limit on the number of dwellings on this site as it does not state a maximum of 235 dwellings. What this application is seeking to demonstrate is that the proposed additional 51 dwellings are not demonstrably harmful to the environment, the character and appearance of the development or the amenities needed to support these additional dwellings.
67. Therefore, it is the impact of that additional development that must be assessed as part of the determination of this application, i.e. if the proposed resultant densities, the relationships to the surrounding landscape result in any demonstrable harm, and if these additional 51 dwellings have any significant impact on the amenities/services in the village and the highway network, and if so, if those impacts can be adequately mitigated through either planning conditions or S106/CIL contributions if appropriate.

### Access

68. The site would be served by one single point of access off Rempstone Road, as already approved to serve the 235 dwellings. The application is accompanied by a Transport Technical Note prepared by BWB. It is stated within the Technical Note that whilst the planning application was approved for 235 dwellings, the transport work considered the impact of up to 250 dwellings at the site. The current assessment considers the impact of an additional 36 dwellings. The assessment concludes that the additional development would not result in a significant traffic impact, and as such no further assessment should be required.
69. The Highway Authority reviewed the original Transport Assessment and technical notes for the site, noting that capacity issues were previously identified on the local network, in particular the A60/Main Street/Wysall Road (Costock crossroads) and the A6006/Leake Lane junction. These junctions were identified as approaching/close to capacity, and likely to experience further congestion and delay as a result of the development. Capacity issues were also identified associated with the A60 Rempstone traffic signal-controlled junction.
70. Taking into account that the previously approved development has not yet been built out, together with the capacity issues on the surrounding network, and further committed development in the area, The Highway Authority considered that the traffic impact of the total development of 286 dwellings should be assessed, requesting that an amended Transport Assessment should therefore be submitted. The Highway authority also highlighted some technical issues with the proposed layout, requesting tracking details, 2m wide footways, highlighting issues with private driveways and potential visibility spay issues amongst others.
71. In response to the request the applicant submitted a Transport Technical Note – Rempstone Road, East Leake, Nottinghamshire – Phase 2 (Doc. No. REM-BWB-GEN-XX-RP-TR-03-TN-P1). Whilst the document refers to the additional

dwelling as phase 2, it is acknowledged that it is a stand-alone application for an additional 51 dwellings in addition to the previously permitted 235 dwellings.

72. As noted within the Technical Note, the application seeks permission for an additional 51 dwellings, although it is only 36 dwellings over that considered in the previous Transport Assessment which was deemed acceptable. As requested, the Technical Note submitted has provided an updated assessment of the total development of 286 dwellings. Having reviewed the information submitted and considering the scale of trips over that already accepted, and their distribution onto the network, the highway authority advised that impact of the development cannot be considered severe. They therefore conclude that the principle of the development, and its impact on the highway network is accepted.
73. The Highway Authority also advised that the internal layout has secured Technical Approval under Section 38 of the Highways Act 1980 for the adoption of the new roads. Officers understand that the S38 process has now been completed. The Highway authority advised that the revisions addressed their previous concerns and concluded that subject to conditions being attached to any grant of permission, that there were no technical grounds to object to the proposal on either highway safety impacts on site, or on the wider road network as a result of the proposal.
74. Officers are therefore satisfied that the proposal accords with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure, amongst other things, a suitable means of access for all new developments without detriment to the amenity of adjacent properties or highway safety and the parking provision in accordance with the advice provided by the Highway Authority.

### Appearance

75. The proposed housing development would be relatively low density comprising approximately 35 dwellings per hectare, which, when read in the context of an overall development of 286 dwellings would not appear too dense in the context of its location with differing densities across parts of the site. The proposal still allows for open space as part of the development and landscaping to soften its overall appearance.
76. In support of the application, detailed plans and elevations of all the house types, illustrative street scenes, together with details of the construction materials, surfacing and boundary treatments have been submitted.
77. The proposed dwellings range from 2 bedroom maisonettes and 2 and 3 bedroom properties and would be of a high quality with many design details. In terms of materials, the existing housing stock in East Leake comprises a range of construction materials, with variations of red brick found extensively throughout the village. The proposed construction materials would comprise the same range of materials approved as part of the 235 dwellings, namely three different brick types from the Ibstock range comprising Arden Olde Farmhouse, Welbeck Village Blend and Welbeck Red Mixture, together with pockets of Ivory Cladding on some front gables and to the elevations of some corner properties to create a visual break.

78. This would create a visually attractive and cohesive residential development which would respect both the established housing stock and the more recent housing developments within the village.
79. The application is therefore considered to accord with the requirements of Policy 1 (Development Requirements) of the LPP2 which seeks to secure that proposals will not impact on the amenity of any adjoin properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

#### Landscaping and Ecology

80. The current proposal does not include any areas of landscaping save for the frontages of plots. Detailed landscaping plans for the rest of the site, namely the sites frontage along Rempstone Road and for the open space in the middle of the site have already been approved.
81. The Council's Environmental Sustainability Officer (ESO) reviewed the submission and noted that the Ecological Appraisal that accompanied the submission was up to date and that no protected species were found on site. However, it was also noted that wild birds are highly likely to be present on the site. The submission confirmed that the site currently comprises poor quality grassland ruderal habitats, ditch and plantations bound by species poor hedgerows with trees. As a result, whilst the proposal would not have a material impact on the favourable conservation status of a European protected species, provided mitigation measures are implemented, the development was identified as capable of provide opportunities for a net gain in biodiversity. As a result, an ecological method statement incorporating reasonable avoidance measures (RAMs) was requested along with an ecological landscape management plan, including a full metric biodiversity net gain assessment
82. The applicant subsequently provided additional information, and again the professional view of the ESO was sought. The new information submitted included as biodiversity net gain (BNG) assessment. The ESO advised that they were happy with the proposal to combine the two phases of development (from an ecological perspective) so that they are contiguous. Officers are also satisfied that the submission was a reasonable methodology and that the calculator had been used correctly. However, the ESO did advise that the statement about *"whilst there is an overall loss in habitat units there is significant gain of hedgerow habitats, which is not taking into account by the calculator when providing an overall score figure of BNG. This binary assessment is therefore not considered appropriate for this site, and a more holistic approach to assessing BNG is required"*, was more contentious.
83. This is because the metric does not allow the increase in hedgerow units to offset the loss in other habitats because the principles of biodiversity net gain is that habitats should replaced like with like, i.e. grassland with grassland, not hedgerow for grassland. So, for example larger area of low-quality grassland could be replaced with a smaller area of high quality grassland

84. The assessment demonstrates an overall biodiversity net loss of -4.49 habitat units, which is a -16.83% loss. However, a significant increase in hedgerow units of 6.94 units (+116.84%) is recorded. The consultant ecologist has advocated that the increase in hedgerow units should be used to offset the loss in habitat units. The guidance provided by CIRIA (2019) Biodiversity Net Gain - Principles and Guidance for UK construction and developments states that compensation should be “ecologically equivalent in type” unless justified by “delivering greater benefits for nature conservation”.
85. The ESO did however comment that it is fair to say that the current poor semi improved grassland has low intrinsic biodiversity value, supporting a fairly low faunal population, some of which would be maintained through the provision of the smaller but higher quality neutral grassland and SUDs. They also commented that the hedgerow proposed, if managed appropriately, would also have higher intrinsic biodiversity value.
86. Therefore, officers were advised that it is unlikely that this type of replacement/substitution would be permitted under the proposed measures being brought forward by the Environment Bill 2019-21. However at this time, as the legislation is not in place and as Rushcliffe Borough Council do not have any supplementary planning guidance or other form of policy which sets a specific target for biodiversity net gain, the ESO advised that officers can agree to this approach and accept the biodiversity net gains being offered for this development.
87. The ESO also commented that the strategy includes a management plan and that they are satisfied that the proposed management plan is satisfactory and should be implemented. They also advised that public access is prevented in the proposed Skylark nesting area to reduce disturbance and should also be fenced with sheep netting to reduce disturbance by pets; that all external lighting is designed to provide minimal sideways spread and makes use of low UV/warm spectral colour lighting (greater than 500nm or <3000K) and that monitoring reports should be copied to the local authority.
88. The Nottinghamshire Wildlife Trust (NWT) also reviewed the application noting that the application seeks to erect an additional 51 dwellings within 1.3ha of the previously approved site, noting it would result in a net loss of 1.3ha of open space, comprising mostly proposed meadow grassland which would be of value to insects, including a range of pollinating species as well as birds, small mammals, reptiles and amphibians.
89. The Trust agreed with the Borough Council's ESO that the ecological report included with the application (Ramm Sanderson, Oct 2019) provided an up to date assessment of the ecological value of the whole site and that the recommendations for avoiding impacts during construction were relevant to this application. However, the Trust advised that the 2019 report did not consider the current application for the addition of 51 dwellings on what was previously approved open space/meadow grassland. In this respect, they considered that the applicant had failed to provide adequate mitigation for loss of approved habitat which would subsequently lead to a net loss in biodiversity, should this application be approved as submitted. Moreover, as this is a new application, they advised that it should be subject to the latest planning policy regarding biodiversity net gain as required by both the current NPPF and Rushcliffe's Local Plan, requesting (as per the ESO's comments) that a

Biodiversity Net Gain Metric should be used to calculate any gain or loss in accordance with the CIRIA (2019) document/standards.

90. As already reported additional documents were submitted and the Wildlife Trust subsequently confirmed that their previous concerns had been addressed through the CEMP, Biodiversity Management Plan, and an updated Preliminary Ecological Appraisal as submitted. In addition, NWT advised that they understood that a sensitive lighting scheme is to be implemented and secured by a suitably worded planning condition. Therefore, subject to conditions being attached to the grant of any permission to secure the mitigation measures identified in the additional information, the NWT withdrew their previous objections to the proposal.
91. The application is therefore considered to accord with the requirements of Policy 16 of the LPP1 as it provides the requisite retention of green corridors through the site and links into the existing green infrastructure. The proposal is also considered to accord with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the LPP2 which seek to ensure net gain in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats and through the incorporation of features that benefit biodiversity.

#### Open Space and Play Provision

92. The application site is defined by a red line on the plans which is drawn tightly to the edges of the 51 proposed dwellings and as such there is no open space or play provision proposed as part of this application. The Borough Council's Community Development Manager rightly questioned the impacts of this "additional" development and whether the needs of the new residents was being mitigated, as it appears that the proposal is increasing the housing numbers whilst simultaneously decreasing the amount of open space on the approved development.
93. The applicants have stated that the original application, for 235 dwellings could be accommodated on approximately 80% of the overall site, and this is what they secured permission for under application ref 19/01770/REM, as revised by 20/02300/REM. Whilst this may not have been explicitly stated in those submissions, the applicant is correct that the NPPF does require development to make efficient use of land. Therefore, the current proposal, which seeks to develop approximately 20% of the overall site is what the developer would term "white land" i.e. it is not open space, but land that they seek to develop at a later date and therefore did not form part of the open space offering for the currently approved scheme of 235 dwellings.
94. If only 235 dwellings were to be built on the site, then this would result in a density of approximately 28 dwellings per hectare, and at that low density the developer states that the scheme would not be economically viable to deliver. Therefore, the applicants, advised that the additional 51 dwellings make more efficient use of the site, as per the requirements of the NPPF, whilst still delivering an acceptable density of development in this location at approximately 35 dwellings per hectare. Were the developer required to only deliver the lower density scheme of 235 dwellings, they would need to seek a new reserved matters application to re-plan the layout and whilst the properties may benefit from more private amenity space, they state that no additional

physical area for public open space and equipped play spaces would be provided when compared to the current proposal for the total development of 286 dwellings. The developer states that there is sufficient provision of open space and play areas for the totality of 286 dwellings.

95. Officers accept that a density of approximately 35 dwellings per hectare is acceptable in this location and is comparable to the density of the neighbouring site to the west, which itself was on the edge of the village when it was granted planning permission a number of years ago.
96. The Borough Council's Community Development Manager has reviewed the proposal, and is satisfied that an on-site delivery of children's play areas and allotments is not achievable for this development due to how the redline has been drawn. However, whilst accepting that there is no opportunity to provide any on site play provision or allotments, there are opportunities to make an off-site contribution to improve and enhance the current offering as part of the approved 235 dwelling scheme. As a result, either a scheme towards improvements on the wider site or, if this is not possible, off-site contributions for the children's play area (equipped) of £559 per dwelling are sought via the S106 agreement to be allocated towards the closest geographic play provision to the site, (which would be on the site that secured planning permission for 235 dwellings). This is required to mitigate the harm of the additional 51 dwellings to enhance the areas of the already approved site, which is in the applicant's ownership, to provide additional facilities and encourage better usage of the public areas beyond the approved equipped provision in the centre of the site. Off-site contributions of £73.00 per dwelling towards allotment provision are also sought.
97. Officers again noted that there was no ability to provide any additional open space within the redline boundary of the application site for the 51 dwellings. It was therefore requested that the applicant demonstrate that the wider approved development provides enough public open space for the overall proposal of 286 dwellings.
98. The Community Development Manager advises that a scheme of 51 dwellings would normally also require the provision of 0.064ha amenity space. As it was not possible to deliver this "on-site", the applicants were asked to calculate the level of provision of open space on the entire development of 286 dwellings to check if the provision complied with the policy requirement. The Community Development Manager advised that for the entire development of 286 dwellings an area of 0.36ha of open space would be required to mitigate the need arising based on their calculations. The supporting calculations submitted with the applicant's response confirmed that a total of 2.84ha of open space would be provided for the entire development of 286 dwellings. Therefore, whilst the proposal would not be able to provide the 0.064ha of open space required for the 51 dwellings, the wider development, within which the proposal would sit and form part of, would far exceed the required 0.36ha of open space provision for this totality of development. Officers calculate that the open space around (but excluding) the central play area for the approved 235 dwellings is circa 0.54ha, so this area of open space alone would be large enough to provide sufficient open space for a development of 286 dwellings. On this basis the Community Development Manager advised that they are not objecting to the proposal subject to the financial contributions towards off-site

improvements to equipped play provision and allotments being secured by S106.

99. Officers are therefore satisfied that the provision of open space, play space and allotments can be mitigated through off-site contributions, which in the case of play provision are requested to go towards the land and facilities surrounding the application. Furthermore, the adjoining development, as approved is considered to provide more than sufficient open space to mitigate the harm of the approved and proposed development. The proposal is therefore considered to be capable of complying with the requirements of Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy which seek to deliver a range of housing types, sizes and choices across a development and to ensure that new housing developments make a positive contribution to the public realm and sense of place through the treatment of elements, preserve local characteristics and landscapes and create safe, inclusive and healthy environments accordingly. The proposal is also considered accord with Policies 1 (Development Requirements) and 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

### Layout

100. The proposed layout of the site, with the housing as a continuation of the approved built form located either side of the Public Right of Way that bisects the site is considered to be in general accordance with the parameters set out on the outline planning permission, as allowed at appeal.
101. The proposed housing development would be screened from the open countryside beyond the southern boundary by a deep landscape buffer measuring 25-40m in depth, and in due course by the approved 235 dwellings to the south of the areas proposed to be developed as part of this submission.
102. An approved central corridor of public open space would remain running through the centre of the wider site for its entire length from south to north. This would incorporate the existing public right of way and an equipped play area. This Public Right of Way (PROW) connects the site to the village centre via Burton Walk and links up with the proposed footpath linking the site with Brookside through the adjacent development to the west. The walking/travelling distances to the village have already been established and accepted through the appeal process as part of the 2016 outline permission for the 235 dwellings.
103. The proposal would provide ten affordable housing units, as required under Policy 8 of the LPP1, of these, 42% should be shared ownership, 39% affordable rent and 19% social rent. The application was assessed in the context of the affordable housing tenure mix agreed under 19/01770/REM. The Affordable Housing Officer has compared what the applicant is providing and if it meets the Councils preferred mix when considering the site as a whole.
104. In summary, in terms of the affordable housing, the new application is for an additional four 2 bedroom maisonettes, two 2 bedroom houses and four 3 bedroom houses. The additional 2 bedroom maisonettes makes up for the shortfall identified in the 19/01770/REM and is therefore welcomed. The provision of the 2 and 3 bedroom houses is also acceptable. In total the

scheme is considered to present an acceptable range of house types and although the affordable units are provided in one single cluster, given that this forms part of a larger scheme, this is considered acceptable as other pockets of affordable housing are provided elsewhere.

105. As the types of units broadly comply with the requirements set out in previous advice, Strategic Housing have stated that they have no fundamental objections to the affordable housing provision.
106. The dwellings located with corner plots have been designed to be dual aspect so they address both road frontages. Each property would benefit from private garden areas, commensurate in size with the scale of the dwelling, and off street allocated car parking. Some of the properties have garden sizes smaller than those stated within the Residential Design Guide Supplementary Planning Document (SPD), however the presence of the considerable on-site open space provision is considered to suitably mitigate for smaller gardens, as per the exceptions within the SPD. The SPD states that the availability of two or more of the exceptions stated will help in demonstrating why smaller gardens should be allowed, and the list includes *"The close proximity to public open space or accessible countryside"* and *"The development provides for a range of garden sizes including a proportion which are in excess of the referenced size requirements"* which the proposal is considered to comply with.
107. The Highway Authority initially objected to the proposal's layout citing several concerns regarding matters such as the width of the highway, the need for provision of footways, the number of dwellings that can be served off a private highway, the need for turning heads in some locations and their removal from others, visibility splays, substandard width of some parking spaces, vehicle tracking issues, commuted sums associated with highway trees, and the distances between some parking spaces and the properties they are intended to serve. Subsequently, revised plans were submitted that sought to address the above concerns and the Highway Authority advised that the matters regarding refuse tracking and private drive turning provision had been addressed.
108. The layout of the internal roads has also been subject to a technical approval checking process as part of a section 38 agreement of the Highways Act 1980. The Highway Authority are content to recommend approval of the application, subject to conditions being attached to any grant of permission.
109. The proposal does not affect the Public Right of Way that runs through the wider site which has been established through the 235 dwelling scheme.
110. The proposed layout is therefore considered to comply with Policies 8 (Housing Size, Mix and Choice) and 10 (Design and Enhancing Local Identity) of the LPP1 which seek to deliver a range of housing types, sizes and choices across a development and to ensure that new housing developments make a positive contribution to the public realm and sense of place through the treatment of elements, preserve local characteristics and landscapes and create safe, inclusive and healthy environments accordingly. The proposal is also considered accord with Policies 1 (Development Requirements) and 12 (Housing Standards) of the LPP2, which seeks to secure that the proposal will not impact on the amenity of any adjoining properties, provides a suitable means of access, provides sufficient space for ancillary amenity and circulation

space, is of a scale, density, height, massing, design, layout and is constructed from suitable materials that are sympathetic to the area, as well as addressing other matters including but not limited to noise, impacts on wildlife, landscape character, heritage assets and energy efficiency requirements.

111. Policy 12 (Housing Standards) states that for developments of more than 100 dwellings, at least 1% should comply with the requirements of M4 (3) (a) of the Building Regulations regarding wheelchair adaptable dwellings. The proposal includes 4 affordable maisonettes, of which 2 would be ground floor, as well as four open market maisonettes, of which 2 would be ground floor, i.e. a total of 4 properties. Therefore, this is well in excess of the 0.51 dwellings (1% of the 51 dwellings) needed to comply with the policy.

### Scale

112. Officers have assessed the revised submission against Policy H3 (Types of Market Housing) of the East Leake Neighbourhood Plan which requires; 1 and 2 bedrooms between 30% and 40%; 3 bedrooms between 40% and 60%; 4 bedrooms between 10% and 20%; 5 bedrooms between 0% and 5%.. The open market housing proposed comprises twenty 2 bedroom properties and twenty one 3 bedroom properties. This would equate to 48% 2 bedroom and 52% 3 bedroom properties. This application therefore exceeds the requirements for two and three bedroom properties, whilst failing to propose any 4 or 5 bedroom properties. Therefore, whilst the proposal does not strictly accord with the requirements of Policy H3, it does seek to address some of the imbalance permitted in allowing the approval of the adjoining development of 235 dwellings by increasing the provision of 2 and 3 bedroom properties.
113. Policy E1 (Containment of the Built Environment) of the East Leake Neighbourhood Plan seeks to protect the ridges around the village, by limiting the heights of any buildings on the slopes up to these ridges, although there is no maximum height specified. Ridge "A" runs along Rempstone Road, (to the south west of the site, and is the dominant southern view from the West Leake Road. The location of the proposed development is such that, from any public vantage point and from any buildings that have a clear line of sight of the site, it would be read against the backdrop of the existing/approved development on this and the adjoining Persimmon Development. The proposed housing is of a similar scale and density to these adjoining developments and, therefore is considered to be in character with the existing approved forms of residential dwellings in this location.
114. The proposed scale of the development is therefore considered to comply with Policies 8 (Housing Size, Mix and Choice) and 10 (Design and Enhancing Local Identity) of the LPP1 which seek to deliver a range of housing types, sizes and choices across a development and to ensure that new housing developments make a positive contribution to the public realm and sense of place through the treatment of elements, preserve local characteristics and landscapes and create safe, inclusive and healthy environments accordingly. The proposal is also considered accord with Policies 1 (Development Requirements) and 12 (Housing Standards) of the LPP2 and is also in general accordance with the East Leake Neighbourhood Plan.

Flooding

115. Resident's and Councillors have voiced concerns that yet more development in the village will further exacerbate existing known flooding and sewage systems issues experienced in the village. Officers note that the site is not within either Floodzones 2 or 3 and therefore a Flood Risk Assessment was not required. However, due to the known issues in the village, officers have liaised with the County Council, who are the Lead Local Flood Authority (LLFA), asking them to review the submission and comment on the proposal. The LLFA commented that the original submission failed to include sustainable drainage systems and therefore failed to demonstrate that the development would not increase flood risk elsewhere.
116. The application proposes that surface water is to be managed on the wider site through appropriate attenuation sized for the combined proposals (i.e. the approved and the proposed development) and foul water is managed appropriately in line with the submitted drainage strategy and the required S104 approval, a process related to the adoption of drains by the drainage authority that sits outside of the planning system. The submission included a copy of the response from the applicant's engineers detailing there is a betterment to the situation at Sheepwash Brook as a result of the drainage works for this site. Furthermore, the applicants correctly state that Condition 11 on the Outline Permission relating to foul and surface water strategies has been discharged and that the discharge includes the sizing of the infrastructure to accommodate the current proposal. Officer's note that the LLFA have advised that they no longer object to the proposal and that they have no further comments to make.
117. On the basis that the LLFA are no longer objecting to the proposal, officers are satisfied that the proposal meets the objective of Policies 17 and 18 of the LPP2 which state, inter alia, that planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided the development does not increase the risk of flooding on the site or elsewhere, and that development should be located taking account of the level of flood risk and promote the incorporation of appropriate mitigation measures into new development, such as sustainable drainage systems.

Aircraft Noise

118. Policy H4 (Aircraft Noise) of the East Leake Neighbourhood Plan states that *"Where required following a noise assessment, planning conditions will be imposed to ensure that new dwellings include appropriate measures to mitigate the effects of aircraft noise."* The East Leake Neighbourhood Plan was adopted on 19 November 2015 and the outline appeal was granted on the 20 November 2017 following the hearing being held 6 days earlier. Therefore, the Neighbourhood Plan was adopted and a material consideration at the time that the outline appeal was determined. The issue of compliance with the East Leake Neighbourhood Plan would therefore have been assessed at the Hearing, with the Inspector allowing the appeal. Nevertheless, the Policy remains a material consideration, however the Environmental Health Officer advises that there are no major roads adjacent to the site and the application proposes setting back the houses from Rempstone Rd with a landscaped buffer. The Environmental Health Officer also comments that there are no

known local noise sources and that the noise environment does not raise any significant concerns. It is also noteworthy that the National Air Traffic Service (NATS) do not raise any safeguarding objections to the proposal. As such the proposal is judged to be acceptable in terms of potential impacts from all noise sources, including aircraft noise.

119. The submitted Phase 1 desk top study together with Borough Council's own records indicate that there should not be any land contamination issues and no significant risk of a pollutant linkage(s) existing on the site and therefore there is no need to mitigate against any such issues.
120. The Environmental Health Officer also noted that there are also no major roads nearby nor any known local sources of concern with regard to air quality in proximity to the site that require mitigation measures. The application is therefore considered to have adequately addressed the assessment of potential noise requirements, as per the intentions of Policy H4 of the East Leake Neighbourhood Plan.

#### Bird Strike

121. The Airport Authority have requested that a condition be attached to any grant of permission securing measures to prevent birds flocking to the site to prevent the risk of bird strike. Officers advise that the current application does not propose any open space or any bodies of open water as part of this application, both features being part of the previous approved schemes. Officers also note that the Airport Authority did not request such a condition as part of the approved scheme and, therefore, as no open space or any bodies of open water are proposed, the scheme for 51 dwellings alone are unlikely to attract flocking birds to the site and as such, it is not considered necessary to attach such a condition.

#### Adjacent School Site

122. In accordance with the requirements of the S106 and the outline permission for the 235 dwellings, part of the application wider site is required to facilitate a new primary school building, with the provision of the playground/outside space already secured on the neighbouring parcel of land that forms part of the Persimmon development. Following consultation with Nottinghamshire County Council's Education and Property Teams, they confirm that the size and location of the site for the new primary, to be located towards the northern boundary of the site, is acceptable in principle. This application does not impede the delivery of the school (which benefits from outline permission) and contributions towards the impact of the 11 primary school children generated by this proposal can be secured via a S106 agreement.
123. The County Property Team request clarification on what the hatched area represents in the school site. Officers sought clarification that this is as per the submitted Drainage Strategy, which denotes a drainage easement for a piped surface water discharge to the existing ditch in the north-east corner. The applicants clarified that this is accurate referring to Drawing H8112\_002\_02 (RACE). The applicant also advises that the specific details of this can be secured by condition, to develop in accordance with the drainage strategy, and the necessary S104 approvals process which relate to this proposal and the existing approved development.

124. The County Council's request that the spine road through the residential development be completed and is available for construction traffic to build the school is not considered to be reasonable. Furthermore, the applicant advises that *"...access to the school land is covered by Schedule 3 of the signed S106 relating to the original Outline approval which requires access up to the site. The actual transfer of the land will be on the basis of the School Land Undertaking. This application does not include the school land and these provisions are better established by the existing S106."* RBC Officers agree with this position.

### Secure by Design

125. Nottinghamshire Police request that the development be conditioned to require full Secure by Design (SBD) compliance. Officers are mindful that this was not a request on the wider approved scheme for 235 dwellings that this proposal will ultimately form part of, and therefore officers do not consider, in this instance, that the request meets the six tests for imposing the requested condition as this is an extension to an existing development.

### Conclusion

126. The proposal is considered, on balance to be an efficient use of the allocated site. Officers note that the proposal, in combination with the already approved development, does not strictly adhere to the quantum of development indicated in the Local Plan Part 2 allocation, nor is it, in isolation, able to provide on-site levels of biodiversity net gain, on site play provision, amenity open space or allotments. However, the 'additional' dwellings should be viewed as part of the wider development of this site and officers are satisfied that these matters can be adequately mitigated for the reasons expressed in the above report. The proposed development is considered to be of a scale and density that is appropriate to its context and that any impacts of the development are capable of being mitigated through a combination of planning conditions, S106 contributions or CIL payments to the satisfaction of both technical consultees and officers. As such the application is recommended for conditional approval.
127. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers/to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the grant of planning permission.

## **RECOMMENDATION**

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

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

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

2. This permission shall be constructed in accordance with the approved plans and documents as stated in the drawing register, document reference H8112-ELP2-001-DRAWING REGISTER received on the 27.01.2021.

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

3. The materials, as specified on drawing number H8112/002/02 Rev C, shall be used for the external walls and roof of the development hereby approved. If any alternative materials are proposed to be used, prior to the plots affected by any proposed change of materials advancing beyond foundation level, details of any alternative facing and roofing materials to be used on their external elevations shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be undertaken in accordance with the materials as 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) or the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No dwelling shall be occupied until the vehicle access, parking, manoeuvring and turning areas for that dwelling have been constructed in accordance with the approved drawings, and are available for use. Thereafter they shall remain as such for the lifetime of the development.

[To ensure a suitable access is provided 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. No dwelling shall be occupied until the driveway and parking areas associated with that plot have been surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

[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].

6. No reflective materials, surfaces or finishes shall be used in the construction of any of the buildings or structures hereby approved.

[Flight safety; to prevent ocular hazard and distraction to pilots using East Midlands Airport].

7. Notwithstanding the provisions of Schedule 2, Part 14, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015

(GPDO) (or any order revoking or re-enacting that order with or without modification) no solar panels or solar photovoltaics may be installed on any of the dwellings hereby permitted without first obtaining planning permission to do so.

[To be able to first assess any impact on Flight safety, specifically to ensure that they would not cause any ocular hazard and distraction to pilots using East Midlands Airport].

8. The development hereby approved shall be carried out in accordance with the guidance and recommendations contained within the following:
  - a) The Construction Environmental Management Plan: Biodiversity (CEMP) prepared by RammSanderson (report ref RSE\_3254\_01\_V3\_CEMP) dated February 2020, specifically but not exclusively Section 4 “Practical Measures” and the relevant Figures in Section 5 “References” of the report;
  - b) The Biodiversity Offsetting Strategy prepared by RammSanderson (report ref RSE\_3433\_03\_V1) dated September 2020, specifically but not exclusively those contained within Section 5 “Management Plan” of the report; and
  - c) The updated Preliminary Ecological Appraisal contained within the letter from RammSanderson (ref RSE\_3254\_L1\_V1) titled “Rempstone Road, East Leake – Ecology Update Survey” dated 21 October 2019.

[For the avoidance of doubt, for reasons of flight safety as dust and smoke are hazardous to aircraft engines; dust and smoke clouds can present a visual hazard to pilots and air traffic controllers and to ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Prior to the first occupation of any dwelling hereby approved, bat and bird boxes shall be placed on or built into the new dwellings and hedgehog boxes shall be located within retained hedgerows or ornamental planting in accordance with details first submitted to and approved in writing by the Local Planning Authority. Thereafter the bat, bird and hedgehog boxes shall be installed in accordance with the approved details and retained as such for the lifetime of the development.

[To ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies and the guidance contained within para xi of the updated PEA].

10. Any brash vegetation removed from site shall be chipped, and any small logs retained, and placed onsite within the site margins.

[To provide reptile and amphibian refuge habitats and ensure the proposed ecological mitigation is undertaken in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated

Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Prior to the installation of any lighting on site, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. The strategy should provide details of the chosen luminaires and any mitigating features such as dimmers; PIR sensors and timers. The strategy should also include a lux contour plan to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Furthermore, all lighting shall be capped at the horizontal. Thereafter all lighting shall be installed and retained in accordance with the approved details for the lifetime of the development.

[To safeguard bats and any other nocturnal wildlife 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 and for Flight safety; to prevent ocular hazard and distraction to pilots using East Midlands Airport].

12. No hedgerows, trees, shrubs, brambles or long grass (over 100mm) shall be removed from the site between 1st March and 31st August (inclusive), unless a survey has been undertaken by a suitably qualified ecologist to assess the nesting bird activity on site during this period. If any nesting bird interest is found on the site, details of measures to protect any nesting bird found on the site, including the timescales for implementing and retaining said measures, shall be submitted to and be approved in writing by the local planning authority. Thereafter the approved measures shall be implemented and retained for the time periods set out in the approved details.

[To safeguard against any harm to nesting birds and their nesting sites 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.]

### **Note 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.

The applicant's attention is drawn to the new procedures for crane and tall equipment notifications, please see:

<https://publicapps.caa.co.uk/docs/33/CAP1096%20E2.1%20September%202020%20FINAL.pdf>

A pre-start meeting to be arranged with EMA Safeguarding prior to construction starts. Email [ops.safety@eastmidlandsairport.com](mailto:ops.safety@eastmidlandsairport.com) with reference number 2019-S29 to arrange a meeting, due to the construction activity being under the approach to East Midlands Airport.

If the use of a crusher is required on site, this should be sited as far as possible from nearby dwellings and be operated in accordance with its process authorisation.

Details of the sensitive lighting on site, as required by condition 11 should follow the guidance set out in Bats and Lighting in the UK (BCT and ILP, 2018). Therefore, associated site lighting proposals must consider the following:

- Avoid lighting where possible;
- Install lamps and the lowest permissible density;
- Lamps should be positioned to direct light to avoid upward spill onto any green corridors that could be used by commuting bats or features with bat roost potential;
- LED lighting - with no/low UV component is recommended;
- Lights with a warm colour temperature - 3000K or 2700K have significantly less impact on bats;
- Light sources that peak higher than 550nm also reduce impacts to bats; and
- The use of timers and dimmers to avoid lighting areas of the site all night is recommended.

Where new landscape planting is proposed native species commonly occurring locally should be specified and planting of species known to encourage invertebrates, particularly those that are night-flowering would be beneficial for foraging bats (further information can be found in para ix of the updated PEA.



**Application Number: 20/02806/FUL**  
**Kempson Court, Ruddington**



scale 1:1000

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<b>20/02806/FUL</b>
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<b>Applicant</b>	Kempson Rose LLP
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<b>Location</b>	Kempson Court Kempson Street Ruddington Nottinghamshire
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<b>Proposal</b>	Demolition of existing commercial units and replacement with 4no. new dwellings, including resurfacing works to street (Resubmission)
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<b>Ward</b>	Ruddington
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## THE SITE AND SURROUNDINGS

1. The application site comprises a broadly 'L' shaped single storey commercial building which opens onto a concrete forecourt and parking area. There is a separate small single storey building to the front of the site. Both buildings are faced in cream render with a concrete tile pitched roof. The front boundary treatment comprises a circa 1.65 metre high rendered wall with a sliding gate providing vehicular access. The site is located off the end of Kempson Street, a cul-de-sac which is a private shared road leading from High Street. The immediate streetscene along Kempson Street and at the junction with High Street comprises predominantly of two storey brick terraced properties.
2. The commercial units fall outside of but immediately adjacent to the Ruddington Conservation Area, Kempson Street itself falls within the conservation area.

## DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the demolition of the commercial units and the erection of two pairs of semi-detached dwellings containing a total of four, two-bedroom units. The dwellings would be two storey in appearance although units 1-3 would have second floor accommodation in the roofspace. Each pair of dwellings would feature a single storey rear projection. The main roof would have a ridge height of 8.6 metres and an eaves height of 5.5 metres.
4. Units 1 - 3 would feature one undercroft parking space each, unit 4 would have a front parking space located at the end of the cul-de-sac. The dwellings would be faced in brick with a rendered first floor on the rear elevation and a metal seem pitched roof. The front elevation would feature projecting first floor windows that would be angled to face diagonally across Kempson Street. The application also proposes the resurfacing of the section of the road at the end of Kempson Street, across the frontage of the site.

## SITE HISTORY

5. 8/K2/76/C/709 - Erect single storey office block to replace existing. Approved in 1976.

6. 8/K1/77/D/668 - Use premises as garage and showroom with alterations to existing building to form showroom. Approved in 1977.
7. 99/00662/FUL - Erect detached house. Approved in 1999.
8. 05/00401/FUL - (Demolish Workshop); Construct two storey house and attached double garage. Approved in 2005.
9. 14/02570/FUL - Repairs and refurbishment of workshop units; part demolition of wall to provide wider access. Approved in 2015.
10. 15/01323/COU - Change of use of unit 1 to sun-bed salon. Approved in 2015.
11. 16/00238/FUL - Change of use of Unit 3 to furniture and soft furnishings showroom. Approved in 2016.
12. 20/01538/FUL- Demolition of existing commercial units and replacement with 4no. new dwellings, including resurfacing works to street. Withdrawn.

## **REPRESENTATIONS**

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

13. One Ward Councillor (Cllr Walker) objects to the proposal on the basis that the resubmission is still over-intensive for the site. Parking around Ruddington and Kempson Street is a problem and this development with its inadequate parking provision will only add to it. The height of the plans will also impact the light and privacy for those living around the site. The repaving of the road is welcomed but it sounds like it has not been properly communicated to the residents who also have ownership rights.
14. Cllr Walker has subsequently provided further comments declaring a non-pecuniary interest as she previously occupied one of the units on the site in connection with her business, however, she remains of the view that the current scheme is over-intensive.
15. One Ward Councillor (Cllr Dickman) supports the application, commenting that the existing buildings are dilapidated and not fit for purpose, the proposed development is generic to the village, embraces electric vehicle charging and addresses the issues of height and overlooking. The issues of traffic will be mostly addressed as the builder's yard and beauty parlour along with their customers have successfully relocated in the village. The proposed development, when finished should ensure that Kempson Street will become a quieter cul de sac. A Flemish brickwork façade with lighter headers and lintels over the windows would be desirable.

### **Town/Parish Council**

16. Ruddington Parish Council object to the proposal on the grounds that it is too intensive for the location, makes inadequate parking provision and the height of the development is excessive compared with surrounding properties which would lead to it dominating over them.

## Statutory and Other Consultees

17. Nottinghamshire County Council as Highway Authority consider that the proposal is unlikely to result in a material change in traffic movements compared to the existing commercial use. The level of parking provision is low and may result in additional on-street parking on Kempson Street and the surrounding area. It is however noted that the existing industrial units are likely to generate some degree of on-street parking which would be removed as a result of the proposal. The proposal is considered unlikely to materially change the current situation. Traffic Regulation Orders are in place on the surrounding highway to prevent indiscriminate parking, and as such, any overspill parking on the public highway is considered unlikely to result in a highway safety concern. The amenity impact of insufficient parking on local residents should be considered.
18. The Borough Council's Environmental Health Officer does not object to the application, subject to a number of conditions requiring the submission of a construction method statement, sound insulation scheme, contaminated land report, and the testing of any imported soils.
19. The Borough Council's Conservation Officer comments that the site is outside of the Conservation Area, and the existing building may be demolished without benefit of planning permission. The proposed new dwellings would have a negligible impact on the character and appearance of the setting of Ruddington Conservation Area by virtue of their location, their limited visibility from the public realm within the Conservation Area, and the inoffensiveness of their design.
20. The Borough Council's Environmental Sustainability Officer notes that the building appears in good condition providing negligible opportunity for protected species to utilise the buildings. The yard is almost exclusively concrete, other than a semi-mature tree to the corner which is unlikely to provide habitat for bats, but could support nesting wild birds. An ecological survey is therefore not considered necessary. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development. A number of recommendations are set out in the consultee response.

## Local Residents and the General Public

21. Representations objecting to the proposal have been received from 10 neighbours/members of public with the comments summarised as follows:
  - a. Overbearing impact
  - b. Negative visual appearance of angular first floor windows.
  - c. Loss of privacy to neighbouring properties to the front and rear. The angled windows would still result in overlooking.
  - d. Overshadowing impact.

- e. Inadequate parking provision. Would likely result in 2 cars per dwelling not 1 car as suggested. Limited parking options elsewhere in the village for residents.
- f. Increased on street parking could compromise access for refuse vehicles and emergency access. Increased on-street parking would further restrict manoeuvring.
- g. Parking an issue in Ruddington - would cause parking issues for existing and proposed residents.
- h. Reduction in road width will make manoeuvring difficult.
- i. The applicant proposes resurfacing of road but Kempson Street is a private road, does not appear the various owners have been consulted.
- j. Applicant proposes solar PV and air/ground- source heat pumps but this is not shown on the plans.
- k. Lack of electric charging points.
- l. Noise and disturbance from four additional households.
- m. Site is not large enough for 4 properties, over-intensive.
- n. Site on a dead- end with no sufficient turning space.
- o. Appearance not in keeping.
- p. Height overly tall.
- q. Proposed rear boundary fence - maintenance liabilities for neighbour.
- r. Proposed tree planting - impact on the garden of the neighbouring bungalow including overshadowing.
- s. Loss of light to neighbouring properties.
- t. Plans have not significantly changed from the previous application. A reduction in the scale and/or number of units would be more appropriate.
- u. Fence height with 12 Kirk Lane insufficient to maintain privacy.
- v. Construction work will compromise parking/delivery access to No. 12.
- w. Adjacent to the conservation area.
- x. Angled windows now result in greater overlooking of the garden of 2 Kirk Lane.
- y. Noise and dust impact.
- z. Increased risk of road traffic accidents.

- aa. Concern buildings are being built for rental income.
- bb. Bats are often seen around the building.

## **PLANNING POLICY**

- 22. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) (2014) and the Local Plan Part 2: Land and Planning Policies (LPP2) (2019). Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009). The emerging Neighbourhood Plan (NP) for Ruddington has been submitted to the Borough Council and has been the subject of consultation which ended on 18 December 2020 and is pending examination. The NP will not form part of the development plan and carry full weight until such time that it has been subject to a referendum and formerly adopted.

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

- 23. The relevant national policy considerations for this proposal are those contained within the 2019 NPPF and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 24. As the site is located adjacent to the conservation area, the proposal falls to be considered under section 16 of the NPPF (Conserving and Enhancing the Historic Environment). Paragraph 194 of the NPPF states that any harm arising to a designated should require clear and convincing justification. Where a development would lead to substantial harm to, or total loss of, a designated heritage asset, then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the criteria under paragraph 195 can be satisfied. Where a development would lead to less than substantial harm then under paragraph 196 this harm should be weighed against the public benefits of the scheme.
- 25. Further to this, when considering applications for development within a Conservation Area, the Borough Council has a duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to preserving or enhancing the character and appearance of the conservation area. This statutory duty does not extend to development which is adjacent but not within the designated area, although it is necessary to consider the impact on the setting of the Conservation Area.

## Relevant Local Planning Policies and Guidance

26. The LPP1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal falls to be considered under Policy 10 of the LPP1 (Design and Enhancing Local Identity). Development should be assessed in terms of its treatment of the criteria listed under paragraph 2 of this policy.
27. In considering the sustainability of the location for development, the proposal falls to be considered under LPP1 Policy 3 (Spatial Strategy). This policy identifies the settlement hierarchy for sustainable development which should be focused on the main built up area of Nottingham and six Key Settlements identified for growth. Ruddington is identified as one of the settlements for growth. LPP1 Policy 8 (Housing Size, Mix and Choice) states that residential development should provide a mix of housing tenures, types and sizes.
28. LPP1 Policy 5 (Employment Provision and Economic Development), paragraph 8 states the need to retain viably employment sites and to release poor quality, underused and poorly located employment sites for other purposes.
29. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2, specifically the following criteria: 1) ensuring there is no adverse impact on neighbouring amenity from activities on site or traffic generated; 2) ensuring a suitable means of access without detriment to highway safety, with parking in accordance with Highway Authority requirements; 3) providing sufficient ancillary amenity and circulation space; 4) ensuring 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. The proposal also falls to be considered under Policy 11 of the LPP2 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted subject to compliance with the criteria listed under part 1 of this policy.
30. As the proposal would result in the loss of an employment use, it falls to be considered under LPP2 Policy 15 (Employment Development). The proposal falls to be considered under Policy 28 of the LPP2 (Conserving and Enhancing Heritage Assets).
31. The Rushcliffe Residential Design Guide (2009) sets out guidelines for minimum garden size standards, whereby semi- detached dwellings should be served by a private garden space of 90sqm, or 55sqm for a 1-2 bed dwelling. Where this cannot be achieved, it should be demonstrated why a smaller garden size is appropriate.
32. The Ruddington Neighbourhood Plan is still emerging and carries limited weight. The following policies are considered relevant:
  - Policy 1 – Sustainable access
  - Policy 6 – Housing mix

- Policy 11 – Traffic and new development
- Parking and servicing
- Policy 13 – Conservation areas
- Policy 19 – Ruddington Design Guide
- Policy 20 – Sustainable design
- Policy 22 – Biodiversity in new developments

## APPRAISAL

33. The proposal falls to be considered under LPP2 Policy 11 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted for development on unallocated sites subject to compliance with the criteria listed under part 1 of this policy. Of specific relevance are criteria a, b, c, f, and g whereby planning permission will be granted provided:
- a. the proposal in terms of scale and location is in accordance with Local Plan Part 1: Core Strategy Policy 3 (Spatial Strategy);
  - b. the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials;
  - c. the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;
  - f. the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
  - g. appropriate provision for access and parking is made.
34. In terms of the principle of development as set out in criteria a) above, the site falls within the built-up area of Ruddington which is a key settlement identified for growth and therefore a residential development in this location would be in accordance with CS Policy 3 (Spatial Strategy) and acceptable in principle.
35. In terms of residential amenity, the main 2/3 storey element of the dwellings would be between 9.4 and 11.5 metres from the rear boundary with 37 High Street, the single storey rear projections would reduce the distance to between 5.6 and 7.2 metres from the rear boundary.
36. The neighbour at No. 37 comprises a bungalow which is set back from the boundary with the application site by a narrow garden. The separation distance between the bungalow and the site boundary is circa 3.5- 4.2 metres. The elevation facing the application site features windows serving habitable rooms. There is a conservatory which projects close to the site boundary.
37. The proposed dwellings would not result in a significant direct overshadowing of No. 37 given the position of this neighbour to the south of the application site. In terms of overshadowing impacts, the current commercial building is sited directly on the boundary with No. 37, thus the rear windows of this neighbour currently face directly onto the rear wall and roof slope of the commercial building, which measures c.2.2 metres to the eaves and 4.5 metres to the ridge relative to the ground level of this neighbour. The application proposes a 1.7 metre high timber fence on the boundary with No. 37 in place of the commercial building. The replacement fence would therefore have a lesser overbearing impact than the current situation.

38. The applicant has provided a cross-section of the site which shows that the ground level of the application site is approximately 0.9 metres lower than the garden of No. 37. To assess whether there would be an overbearing impact on No. 37, a line of sight drawn at an angle of 25 degrees from the head of the rear windows in the neighbouring property is shown on the site section. The proposed buildings do not intersect this line and it is considered the proposal would not therefore be overbearing on this neighbouring property to an extent that would justify refusal of planning permission.
39. To understand the potential impact on the rear garden of No. 37, a further measurement of the line of sight was calculated from the top of the proposed rear boundary fence. This shows that the roof of the proposed dwellings would still not impact upon this line of sight, indicating that the development would not have a detrimental overbearing on this neighbouring rear garden space. Given the separation distance and change in levels, it is not considered that there would be an undue overbearing impact on this neighbour.
40. The proposed dwellings would feature first floor rear windows and second floor roof lights in the rear elevation. The roof lights would be raised 1.7 metres above the internal floor level and would not result in overlooking. The distance between the first floor rear windows and No. 37 would fall below the minimum separation distance guidelines set out in the Residential Design Guide. The proposed dwellings would however sit at a lower land level than this neighbour, with the proposed boundary fence providing a degree of screening. It is not considered that there would be a harmful direct overlooking impact on this neighbour.
41. The front elevation of the dwellings would feature angled first floor windows that would face diagonally across Kempson Street rather than directly towards the terrace of properties opposite at Nos. 2 - 10 Kirk Lane. The separation distance between the proposed dwellings and this terrace would be approximately 24 metres. Some of the dwellings feature two storey rear extensions although the minimum separation distance between the first floor windows of these properties and the proposed dwellings would be approximately 20 metres. The angled nature of the proposed first floor windows would limit the direct overlooking of the rear gardens of the properties opposite. It is not considered that there would be an undue overlooking of these neighbours.
42. The existing building is located directly on the side boundary of 12 Kirk Lane, running along the boundary with the neighbouring rear garden for a length of approximately 19 metres. The proposed development would form an 8.6 metre high side gable, although the main dwelling would run parallel to the boundary for approximately half the depth of the current building. The dwelling would be set a minimum of 1.7 metres from the side boundary. Given the current situation and the proposed distance from the boundary of the new dwellings, it is not considered that there would be an undue overbearing or overshadowing impact on this neighbour. Unit 4 would feature a ground and first floor window in the side gable, but these would both serve bathrooms rather than habitable rooms and therefore would not result in an unacceptable loss of privacy.
43. The property to the west at Orchard House is a commercial property with a beauty salon across both floors. The proposed dwellings would partly abut the rear car park serving these business premises. Part of the site, and the

buildings to be demolished, immediately adjoin the garden of 31 High Street. The proposed layout of the development would result in the rear garden of plot 1 adjoining the garden of 31 High Street and in view of the location of the proposed buildings relative to the garden area to this property, it is not considered that the proposal would result in any overbearing or unacceptable overlooking impacts.

44. The existing buildings immediately abut the eastern, southern and part of the western boundary of the site, therefore, the demolition of the buildings would remove the walls that effectively form the boundary of the site with the neighbouring properties. In the circumstances, a condition is recommended requiring the provision of boundary treatment, to first be agreed with the Council.
45. Kempson Court is located outside of, but immediately adjacent to the Ruddington Conservation Area, whilst Kempson Street itself is within the designated area. The site is located off the end of a private road and the visibility of the proposed dwellings from the public realm, principally the High Street would be limited. The street scene is characterised by two storey brick terraced properties and the overall scale and built form would not appear at odds with the character of the streetscene. By way of comparison, the eaves height of the proposed dwellings would be broadly the same as the Conservative Club buildings on the corner of Kempson Street, with a ridge height approximately 0.6 metres higher than these buildings. The application proposes a contemporary design whilst retaining some elements that would reflect the surrounding character such as the red brick facing and standard pitched roof form. Given the high standard of design and limited visibility of the site from the public realm, it is not considered that the proposal would result in harm to the setting of the conservation area.
46. Kempson Street itself is included within the application site and is also within the conservation area. The proposals include the resurfacing of the section of Kempson Street in front of the site. This section of the road currently has a concrete finish and it is proposed to resurface this area in tarmac. It is considered that this work would have a neutral impact and would therefore preserve the character and appearance of this part of the conservation area and would achieve the objective described as desirable under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
47. In terms of highway considerations, the previous application (ref: 20/01538/FUL) proposed two sets of two-bedroom properties and two sets of three-bedroom properties. The Highways Authority commented on that previous application raising concerns regarding insufficient parking provision, noting that the Nottinghamshire Highway Design Guide requires a minimum of 2 parking spaces for any three-bedroom properties. The current application proposes solely two- bed dwellings, therefore generating a lower demand for parking. The site is in a central location close to services and public transport links.
48. The Highway Authority comment that the parking provision on the current application is still considered low, which could result in additional on-street parking. They note however that the existing commercial units are likely to generate some overspill on-street parking demand beyond the courtyard parking area, and therefore it is not considered that the proposal would

materially change the existing situation. The surrounding adopted public highways are subject to Traffic Regulation Orders to prevent indiscriminate parking and therefore it is not considered that any overspill parking would result in a highway safety impact. Kempson Street is a private road therefore falling outside of the jurisdiction of the Highways Authority. It was noted from on-site observations that most of the road appears to be subject to privately imposed parking restrictions which appear to restrict on- street parking.

49. Wheelie bin storage would be provided for each of the properties. Stores would be provided in the undercroft areas of units 1-3 with a bin store to the side of unit 4. These would be serviced by the existing refuse collection arrangement for Kempson Street.
50. The internal floor area of each dwelling would be in excess of the minimum internal floor space standards set out in the Nationally Described Space Standards. The rear gardens would measure between 42 - 55 sqm, with the gardens serving units 2-3 falling short of the guideline minimum garden size of 55 sqm set out in the Rushcliffe Residential Design Guide. It is not considered that this shortfall is significant or that given the central location of the site within the built-up area, the private south-facing nature of the gardens, and the comparable garden sizes in the vicinity, this issue would justify refusal of the application. It is not considered that the proposal would result in an over-intensive development of the site.
51. The proposal would result in the loss of an employment use. Policy 15 of the LPP2 states that planning permission will not be granted for the redevelopment of employment sites for non-employment purposes unless it can be demonstrated that there is no demand for the specified employment use; the site is not viable for re-occupation; and the proposed use would not cause a significant adverse impact on nearby residents.
52. The original commercial building was constructed as a car workshop. The submitted planning statement states that since the units were refurbished there has been little demand for the intended commercial use. The units are currently used for a hair salon, car finding business, occasional office/storage for a small building contractor and small business office. Unit 5 is unlet and used as storage by the applicant. The Planning Statement sets out that the applicant is currently making a loss due to the units not being used as envisaged. Kempson Court is not an allocated employment site and therefore given the identified viability issues, it is not considered that the loss of the units would be contrary to Policy 15 of the LPP2.
53. The application includes proposals to resurface the section of shared private road in front of the site and to construct a footpath with a dropped kerb edge running along the frontage of the site. Issues relating to the maintenance of the private road are a private legal matter.
54. The existing building was repaired and refurbished following approval in 2015 (ref: 14/02570/FUL) and is therefore in good condition. It is therefore considered to provide a negligible opportunity for roosting bats. The buildings face onto a concrete forecourt with no vegetation other than a tree to the corner of the site. The site is within a built-up area. The site as a whole is not considered a suitable habitat for protected species. The Environmental Sustainability Officer considers that a preliminary ecological assessment is not

necessary in this instance. His comments set out a number of recommendations including opportunities for ecological enhancement and biodiversity net gain, for example bat boxes/ bricks and bird boxes.

55. The application was accompanied by a Planning Statement which includes a section on the sustainability credentials of the scheme, indicating that basic Passivhaus principles have been used to inform the development and building form and orientation of the buildings on the site. Energy efficiency measures are also proposed, including reducing the embodied energy in selected materials to limit the carbon intensity of the development, installation of photovoltaic panels, sustainable waste management and location close to local facilities to reduce reliance on the private car. The plans do not include details of the size, location etc of the proposed photovoltaic panels, however, given the orientation of the proposed buildings, the panels would most likely be located on the rear roof slope, as indicated in the Planning Statement. Therefore, the panels would not be visually prominent from the public realm. Nevertheless, a condition is recommended requiring the submission of further details of the photovoltaic panels prior to their installation on the buildings.
56. The Environmental Health Officer has recommended a number of conditions including limitations on hours of construction work and deliveries and also requiring the submission of a sound insulation scheme for the dwellings to reduce the transmission of noise from external sources. The scheme involves development of a relatively small scale and it is not considered that a condition seeking to limit the hours of construction etc would satisfy the tests for the use of conditions, including the requirement that conditions must be necessary and reasonable. Instead, it is recommended that the standard note to applicant regarding working hours is included on any decision notice. If any issues arose during the construction phase, such as disturbance at antisocial hours, this would be a matter for the Environmental Health team to investigate. With regard to the requirement for the submission of a sound insulation scheme, the Environmental Health Officer has confirmed that he would not expect this to include measures that would exceed the requirements under the Building Regulations. Therefore, such a condition would not again satisfy the 'necessary' test.
57. The proposal was subject to pre-application discussions with the architect and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation to grant planning permission.

## **RECOMMENDATION**

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

1. The 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: 190730-001.02 (Site Location Plan), 190730-005.06 (Block Plan), 190730-002.06 (Layouts- Proposed), and 190730-006.05 (Elevations- Proposed), received on 11 November 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. No construction shall take place above damp course level until details of the facing and roofing materials have been submitted to and approved in writing by the Borough Council. The Development shall then be carried out in accordance with the approved details.

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

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

[In the interest of neighbouring amenity and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure measures are in place during the construction phase to safeguard against potential impacts].

5. Prior to the commencement of development, a Contaminated Land Report shall be submitted to and approved by the Borough Council. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required, to be submitted to and approved by the Borough Council prior to the commencement of development. Thereafter, the development shall be carried out in accordance with the requirements of the statement,

[To ensure that the site, once developed, is free from contamination and to protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition as this matter needs to be addressed before work commences on site to inform any measures that may need to be taken during the construction phase].

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

[To ensure that the site, once developed, is free from contamination and to protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. The development shall not be brought into use until the parking areas have been constructed in accordance with drawings 190730-005.06 and 190730-002.06, provided available to use, and surfaced in a hard-bound material for a minimum distance of 5m from the rear of the highway boundary. The drives shall each be fronted with a suitably constructed dropped kerb access in accordance with Highway Authority standards. The external drive serving unit 4 shall be drained to prevent the unregulated discharge of surface water onto the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

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

8. Prior to the development being brought into use, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancements shall be implemented prior to the development being brought into use and shall thereafter be retained for the lifetime of the development.

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

9. Prior to the occupation of any dwelling, details of all boundary treatment shall be submitted to and approved in writing by the Borough Council. The submitted scheme shall include a boundary fence with a minimum height of 1.7 metres to the rear boundary of the site, as indicated on drawing 190730-006.05. The boundary treatment shall be erected in accordance with the approved details prior to the occupation of any dwelling. Thereafter the approved boundary treatment shall be retained for the lifetime of the development.

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

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

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: Land and Planning Policies].

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

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: Land and Planning Policies].

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

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

13. The development hereby permitted shall not proceed above foundation level until a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the development on site. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, the use shall not commence until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

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

14. Prior to the installation of any solar panels on the dwellings hereby approved, details of their size, number and location on the building(s) shall be submitted to and approved in writing by the Borough Council. Thereafter, the solar panels shall be installed and maintained in accordance with the details as approved.

[In the interest of the amenities of the area 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].

### **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.

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.

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

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

If a complimentary ventilation scheme is required, then this scheme shall be designed to ensure that the windows can remain closed. This will retain the integrity of the noise insulation scheme, whilst ensuring the provision of the ventilation required by the Building Regulations. The upper limit for living rooms shall be an LAeq, 16h of 35dB, and for bedrooms an internal LAeq,8h of 30dB and an LMax of 45dB. Furthermore, the Noise Rating Curve of 30 shall not be exceeded in any octave band.

- A demonstrated biodiversity net gain should be provided where possible as recommended by CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments, with the means to implement in the long term, supported by a simple Landscape and Ecological Management Plan (LEMP) and agreed by the local planning authority.
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good

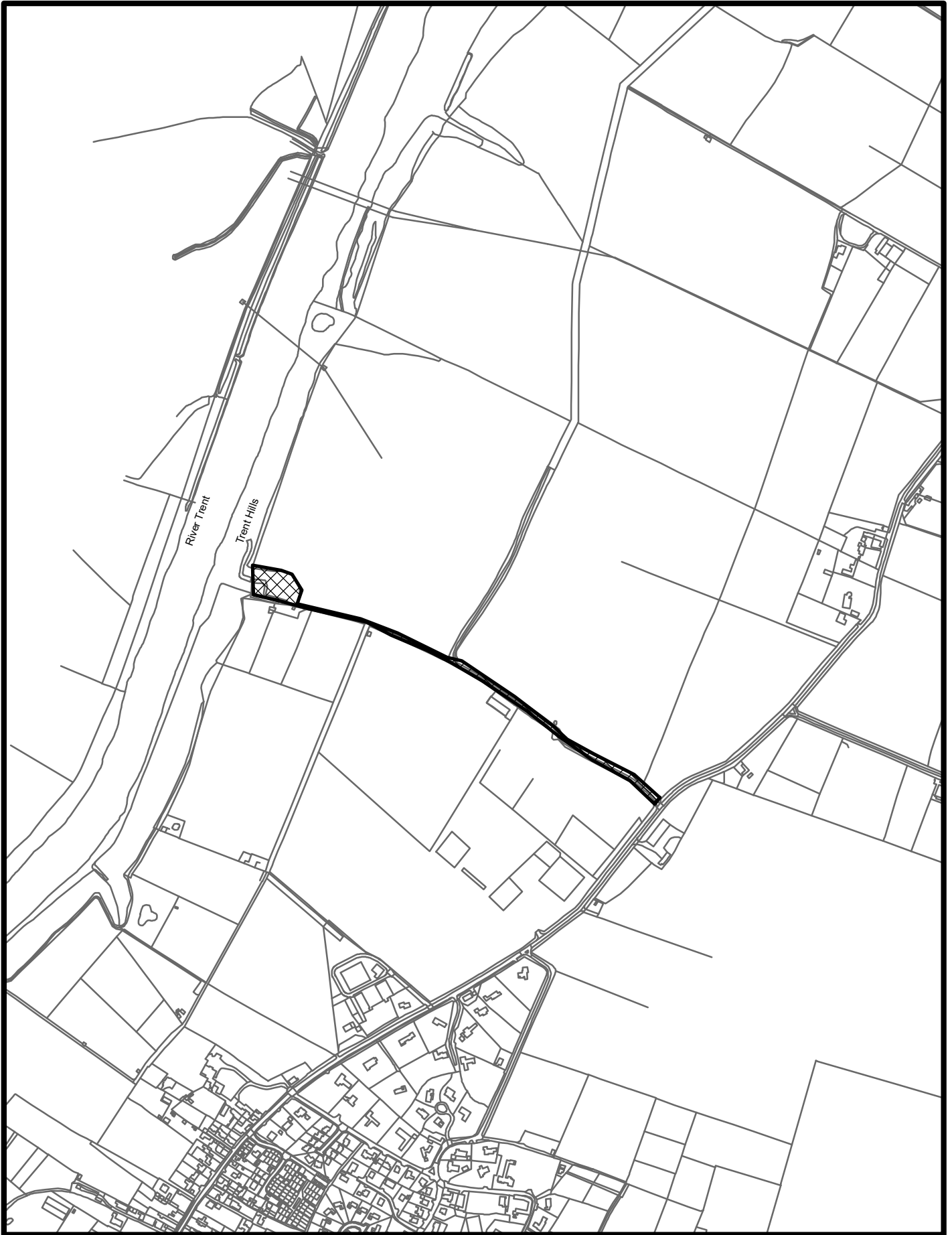
practice points below.

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Permanent artificial bat boxes / bricks and wild bird nests (including Swallow/swift cups and sparrow terrace / boxes) should be installed within / on buildings.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats 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/trees/hedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).
- Good practice construction methods should be adopted including:
  - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
  - Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.
  - 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, soil or rubble 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
  - It is recommended that consideration should be given to climate change impacts, energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle and cycle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

Condition 12 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this

requirement as a condition of their planning permission.

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**Application Number: 17/03020/FUL**  
**Kneeton Road, East Bridgford**



**scale 1:8000**

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Rushcliffe Borough Council - 100019419

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# 17/03020/FUL

**Applicant** Mr Guy Phoenix

**Location** Land North West Of Kneeton Road East Bridgford Nottinghamshire

**Proposal** New dwelling with ancillary garage (incorporating sustainable building systems and renewable technologies)

**Ward** East Bridgford

## THE SITE AND SURROUNDINGS

1. The application relates to land North West of East Bridgford, accessed via Oldhill Lane (East Bridgford Bridleway 15) from Kneeton Road. The easternmost portion of land comprises an informal area of car parking which has historically had issues with fly tipping. This broadly flat area of land is bordered by hedges and trees to the north east and south, with the access track descending steeply just beyond the southern edge of the informal car parking land towards the river banks and fishing areas to the west of the site.
2. The western edge of the car parking area sits atop a steep muddy escarpment where land falls towards a footpath (East Bridgford Footpath 13) and the fisheries parking on the banks of the river to the west of the site, within a mature woodland. The wider land holding includes this woodland up to the river which extends a considerable way north along the river, an area of land containing another public right of way in East Bridgford Footpath 14.
3. The site lies within the countryside in an area designated as Green Belt. Arable land lies to the north, east and south, with the wooded escarpment to the west leading to the River Trent which forms part of a designated local wildlife site. Following the submission of the application the woodlands surrounding the site are now subject of an area Tree Preservation Order. A smallholding exists directly to the south of the site. Land rises steeply to the east with a high point from where the private track leaves Oldhill Lane, meaning longer distance views of the site are more limited.

## DETAILS OF THE PROPOSAL

4. This application seeks full planning permission for the erection of a single dwelling house on the informal car parking area to the easternmost part of the site. The dwelling proposed would be of individual design, partially sunk into the escarpment with a two storey appearance above ground level from the east. The dwelling is proposed as a 5 bedroom family home of bespoke design for the applicant and would have a contemporary circular form at basement level, the ground and first floors of semi-circular form, opening views from an internal courtyard towards the west and the river Trent. Material finishes include stone to the basement level, and laser cut Corten Steel to the ground and first floor levels. The flat roof would be finished in sedum, whilst a separate garage is proposed to the east of the building which would be bunded and green roofed so as to integrate into the sites landscaped boundaries.

5. The scheme has undergone revisions throughout the course of the application process, and has undergone an independent design review carried out by 'OPUN Design Review Panel'. The comments of the design review panel have since been submitted as supporting information. The scheme is also supported by a detailed Design and Access Statement which discusses the design evolution of the scheme, and details the proposed design concepts. The Design and Access Statement also details how the scheme seeks to meet the tests identified under former paragraph 55 of the NPPF (now superseded by paragraph 79 of the NPPF 2019).
6. The scheme proposes the inclusion of renewable building technologies and renewable energy systems, whilst also proposing the use of Sustainable Drainage Systems, and proposing the main power and heating system to be fed by a biomass boiler capable of being run from wood chippings from the careful management of the woodland area associated with the site. A Unilateral Undertaking has been put forward by the applicant to ensure that the woodland and dwelling land cannot be subdivided, safeguarding the implementation of woodland enhancements as outlined in the submitted outline woodland management plan.

## **SITE HISTORY**

7. The site has no relevant planning history.

## **REPRESENTATIONS**

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

8. The former Ward Councillor (Cllr Lawrence) objected to the scheme, noting the requirements of section 56 (quote), of the NPPF. Officers would suggest this should read as paragraph 55 of the NPPF (Pre 2018). The former councillor identified the 4 tests which any scheme is required to meet for development seeking permission under the exceptional design exemption.
9. The former councillor went on to consider that whilst the proposed design is innovative, it is neither contemporary nor of the very highest standards, clarifying that 'textured concrete has never been regarded as being particularly desirable', and identifying that they saw no way that a plain concrete drum looking out over the flood plain could be said to enhance the immediate setting.
10. The former Councillor also identified that the proposal bears no resemblance to the defining characteristics of the area whatsoever and concluded that the scheme would not pass the test as set out by paragraph 55 of the NPPF (Pre 2018 version).

### **Town/Parish Council**

11. East Bridgford Parish Council objects to the proposed development. The Parish Council consider the scheme does not meet the requirements of Paragraph 55 of the NPPF (Pre 2018) (Now amended as paragraph 79 of NPPF 2019) as it does not improve the landscape and the effect of the services and the approach road are not defined. The Parish Council also consider that the site development drawing lacks clarity and cannot be assessed, and a tree layout is not provided.

12. The Parish Council make a final comment that should permission be forthcoming, unrestricted access should be maintained at all times to the local rights of way network.
13. Following a revised consultation, the Parish Council reiterated their objection (April 2019) to the scheme for the prior reasons, whilst also noting the scheme would adversely impact the landscape character of the area, and would not significantly enhance the site and its setting.
14. In December 2019 the Parish Council reiterated their objection and again sought to expand. They identified that an application under Paragraph 79 (replaces paragraph 55 in the updated NPPF as of 2018), does not automatically address green belt concerns. The Parish Council identify the policy position on the importance of the green belt, that the development would indeed represent 'inappropriate development', harmful to the green belt. The Parish Council confirm they do not believe any special circumstances have been demonstrated to outweigh the harm to the green belt.
15. The Parish Council further identify they are unsure how this large isolated dwelling would raise standards of low energy design on a domestic scale locally, as the application suggests it would. They also suggest there are other means of securing the site to prevent fly tipping that would not require a dwelling on site, whilst the woodland management should be carried out also irrespective of any dwelling. Any dwelling would also be discordant and in no way sensitive to its environment.

### **Statutory and Other Consultees**

16. Newark and Sherwood District Council as neighbouring Local Authority confirmed they had no observations to make regarding the proposed scheme.
17. Nottinghamshire County Council as Highway Authority raised no objections to the scheme, noting that visibility at the junction of Oldhill Lane and Kneeton Road was adequate.
18. Via East Midlands on behalf of Nottinghamshire County Council Rights of Way note that rights of way within the site would appear to be unaffected by the building. They request that any change to the character of the surrounding rights of way should be made clear, and comment that the width of the rights of way should not be infringed upon by the scheme.
19. They also confirm that Rights of Way should not be blocked during construction, and that the path surfaces should not be altered without authorisation from the rights of way team. Similarly, the existing access track represents a right of way and any construction traffic would be required to respect the continued pedestrian use, and make good any damage made through the use of the track for the transport of heavy goods. The details for securing temporary diversion orders are also provided where this may be required for public safety reasons, with such orders requiring at least 5 weeks' notice and the provision of an alternative route where possible.
20. In December 2019 Via EM sought to reiterate that any surfacing above that required for the access to function as a bridleway would both require the

permission of the Local Rights of Way Team, and would only be maintained by the applicant and not by the local rights of way team.

21. The Borough Council's Environmental Health Officer (EHO) raised no objections to the proposed scheme, however recommended conditions requiring the submission of a contaminated land report prior to any works commencing.
22. The Borough Council's Environmental Sustainability Officer (ESO) notes the scheme is supported by an ecological survey, protected species survey and Framework Woodland Management Plan. The Officer notes the surveys were conducted in accordance with best practice but that they are out of date, having been conducted in 2015. The Officer notes the application site includes part of the Trent Woodland Local Wildlife Site (LWS), however that the proposed dwelling lies on land outside this designated area. The Officer identifies that the site's main habitat is woodland (of moderate ecological value and suitable for enhancement), Grassland, Tall Ruderal Vegetation and Recolonising Ground; Bramble and Scrub; Hedgerow and Dry or Ephemeral Pond, all of low ecological value, but suitable for enhancement. Himalayan Balsam was identified within the landholding.
23. The Officer identifies that the land where the dwelling is proposed is of negligible value, and that overall if implemented in accordance with the recommendations of the consultant ecologists, the scheme would not be likely to have any negative impact on the favourable conservation status of protected species and is likely to have a net positive impact. The Officer makes a number of recommendations to be subject of conditions and/or informatives:
  - a) An update to the ecological survey should be carried out to ensure the findings of the supplied ecological documents are substantive. This should be carried out prior to determination of this planning application.
  - b) Further surveys may be required immediately prior to construction within the immediate area of the proposed new development, if more than 6 months has elapsed from any previous survey, this may be conditioned.
  - c) The recommendations of the consultant ecologist should be implemented (section 6 of the Ecological Appraisal).
  - d) The Framework Woodland Management Plan should be implemented and the means to do so secured. Ash (*Fraxinus excelsior*) planting is not recommended at this time due to Chalara dieback of ash, unless sourced from within the site.
  - e) All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
  - f) 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.

- g) The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice and a wildlife sensitive lighting scheme should be developed and implemented.
  - h) 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 animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering.
  - i) Any trees to be impacted should be surveyed by an appropriately qualified ecologist for potential bat roosts.
  - j) Where possible new trees/hedges should be planted with native species (preferably of local provenance) and existing trees/hedges should be retained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). 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.
  - k) It is recommended that consideration is given to installing bird boxes/bricks or lofts.
  - l) All Rights of Way should be maintained.
  - m) Consideration is advised on how parking for anglers can be managed.
  - n) The suggestions of sustainability features within the design and access statement are welcome and should be implemented.
24. Following revisions to the scheme in February 2019, the officer confirmed their comments remained as previous, although that an updated ecological survey could be secured by appropriate planning condition. This matter was again clarified in June 2020 where the officer confirmed updated surveys would be suitable to secure by planning condition prior to the commencement of any works on site.
25. The Borough Council's Conservation and Design Officer confirms that there are no designated heritage assets nearby, certainly not which would be affected by the proposal given its position within a wooded area which limits long range visibility.
26. The officer initially identified a shortfall in the Landscape Visual Impact Assessment (LVIA) which did not include the relevant viewpoint images. Following the submission of a revised document containing the full package of images, the officer raised concerns with some conclusions, noting that some of the images skewed views so as to try and minimise views of the development unnaturally, and some conclusions relating to viewpoints in

proximity to the dwelling seemed unjustified. The officer identified that the longer distance views were more accurate and agreed the dwelling would be screened to most views, however the officer sought clarity over the proposed felling of trees to create longer range vistas over the river from the dwelling, as these would increase visibility which seems not to have been taken into account.

27. The Officer further reviewed the design story behind the scheme and raised queries over the level of detail and the authenticity of links between the woodland and powering the building, suggesting queries such as where would timber from the coppicing be kept and seasoned for use etc. The officer also raised queries with the detail provided regarding the sustainable technologies and SUDS, in that limited detail has been provided for such an intrinsic part of the scheme.
28. The Officer also identified some inaccuracies in the Design and Access Statement regarding finishing materials and building composition and landscaping, which it was suggested should be reviewed and updated.
29. Following updates in February 2020 the officer reiterated some queries over the proposed biomass system as some references had been removed from the design and access statement, although the CHP room remained on plan. The officer also questioned the design of the log store, for which the external structure was provided very limited detail. The officer also queried whether orientation may reduce the efficiency of some of the solar panels to the building's roof.
30. In terms of design, the amendments to the garage location were considered positive, whilst the change in materials from concrete to stone was welcomed and appeared to fit more with the structure appearing as an outcrop from the escarpment. The officer concluded that whilst some questions remained, the design evolution shown was positive.
31. The Borough Council's Archaeology Advisor does not object. The officer identifies there are two entries in the Historic Environment Record located at the riverfront on the lower part of the site just to the west and include a Malthouse, and brick and malt kilns. These features appear on the 1836 'Sanderson' map, there are a number of archaeological features including an Iron Age settlement scattered over a wide area of interesting archaeological feature of various dates.
32. The Officer considers the application site is steeply sloped and has been modified in part by the importing and deposition of a large quantity of materials in recent years. As such any archaeological horizons on the site of the proposed dwelling are both of low potential and buried under spoil and regraded ground. Anything that does survive will have lost its stratigraphic context and that as such there could not be any justification for any further archaeological investigation of the site.
33. The Borough Council's Landscape Officer initially made comments noting that any reference to the planting of Ash should be removed from the Woodland management plan due Ash Dieback. The officer also raised concerns over the proposed crown lifting and thinning of trees on the escarpment to allow for views out over the Trent, noting this is not likely to offer any public amenity

benefits, and that there was little to quantify and detail the level of works proposed to create such views.

34. The Officer considered the woodland management plan to be a positive starting point, but that a detailed plan would require to be attained by condition with the current plan lacking the requisite level of detail. The officer noted that the trees on site would shade the courtyard given its orientation and that as such pressure may be put on the surrounding trees by future occupants. As such the officer recommended a Tree reservation Order be placed on the escarpment to ensure the trees are appropriately protected.
35. In terms of landscaping the officer requested that a clearer outline landscaping plan be produced to show how any loss of trees could be mitigated. The officer also questioned the position of the garage which would necessitate the removal of a mature tree on the site boundary. The officer considered the tree survey to be accurate, but reiterated the retention of as many trees as possible will be important to help any scheme integrate into the site and mitigate any possible impacts.
36. The officer identified they generally agreed with the discussions contained in the LVIA, suggesting there should be little impact on landscape character but that there will be a clear impact on users of the right of way. It was suggested that details of possible boundary treatments should be included to aid the consideration of impact on visual receptors of users of the PROW network.
37. Following revised submissions in November 2020 the Landscape Officer confirmed that the revised soft landscaping plan as submitted on the 13<sup>th</sup> November 2020 shows in principle how the development could provide an enhancement to the area. The officer also confirmed the applicant be made aware that a Tree Preservation Order now exists on the woodland.
38. The Nottinghamshire Ramblers Association note that they welcome all existing rights of way are to be retained, but query procedures for possible diversions during construction works and request any diversions are in place prior to works commencing. The Ramblers Association also note whether any new landscaping or fencing to provide screening to the property would affect views from the rights of way.
39. The Ramblers provided further comments requesting the impact on views from a number of locations and rights of way near to the site be considered as one of the Ramblers charitable objectives is *"the protection and enhancement for the enjoyment of the public of the beauty of the countryside"*. The Ramblers then confirmed they objected due to the reasons previously provided (as detailed in point 38 above).

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

40. 5 representations were received objecting to the proposals. The concerns raised can be summarised as follows:
  - a. The village is in need of affordable homes, not executive housing;
  - b. Any re-surfacing of the access would alter the character and appearance of the area and may encourage further fly tipping;

- c. The local mudstone is susceptible to collapse;
  - d. The amount of concrete require to stabilise the sight would far outweigh any eco credentials of the final build;
  - e. The creation of a river view may require the felling of trees which should be protected;
  - f. Concerns over recent site maintenance and footpath maintenance across the site;
  - g. The development site is rural and the scheme would have a significant detrimental impact on the local environment;
  - h. The development may set a dangerous precedent for new housing;
  - i. The suggestion a house is the answer to the fly tipping problem on site is flawed;
  - j. The site is located in the green belt;
  - k. Access is by a narrow unmade track;
  - l. The development will create traffic and air pollution in a rural area;
  - m. The development would be contrary the development plan for east Bridgford;
  - n. Increased heavy traffic on Kneeton Road, particularly related to construction (size, speed and timing of vehicles);
  - o. Traffic should be controlled so as to only access site from the north via the A46.
41. One neutral comment was received on behalf of the East Bridgford Wildlife and Biodiversity Group (C.I.C – Community Interest Company) who confirmed whilst they could not comment on the nature or structure of the building, and whilst unhappy about any incursion into the greenbelt, they fully supported the Ecological Appraisal and plans for protection and mitigation on wildlife, including the long term management of the woodland. The following matters were particularly highlighted as items supported:
- a. Removal of invasive species, especially Himalayan Knotweed;
  - b. Planting of hedges and trees;
  - c. Preparation and implementation of a long-term management plan for Trent Hills Wood LWS;
  - d. Tree enhancement and management, including coppicing, inside this wood;
  - e. Leaving habitat piles (of tree branches) for invertebrates;

- f. Installation of bat and bird boxes;
  - g. Provision for and safeguarding of protected and Biodiversity Action Plan species.
  - h. Similar strategies should be devised for hare and water vole.
42. The chair of the East Bridgford Wildlife and Biodiversity CIC requested that should plans proceed to a more advanced stage, that they be re-consulted.
43. One comment in support of the scheme was submitted by the applicant. The applicant identified the lengthy design process, consultations including design review panels, the reputation of their company and local benefits in terms of market values in response to comments raised by others in response to the scheme. The applicant also identified that design comes down to personal taste and identified other examples of developments where textured concrete had won awards at a national level.
44. One Comment in support of the scheme was received from the Nottingham Anglers Association who own the fishing rights along the River Trent closest (within) the site. The association consider the development will help alleviate the fly tipping and antisocial behaviour issues that currently blight the site. The association also welcome any proposed improvements to the surface of the access track which is susceptible to water erosion.
45. Two representations were received from members of the public in support of the scheme, the matters identified can be detailed as follows:
- a. The fact that all rights of way are to be retained is welcomed;
  - b. A residential use on site would deter anti-social behaviour on site and the visit of fly tippers who can make it more intimidating to walk in the area;
  - c. The design is contemporary and well thought through;
  - d. The use of Corten Steel is unusual but has been used effectively elsewhere such as Lincoln Castle which is very sensitive as represents a scheduled ancient monument;
  - e. Tree cover surrounding the site and new planting will be imperative to the success of the design;
  - f. A dwelling submitted under the provisions of P.55 of the NPPF is unlikely to set any precedent for further development;
  - g. There is a precedent for 'Country Houses' overlooking the river from other centuries such as the Manor and the Hill, further other development such as the business park are arguably more visible from across the Trent valley;
  - h. The scheme would only be intrusive along a small section of footpath;

- i. The scheme includes a woodland management plan which would significantly enhance the site which is currently neglected;
- j. Local walkers would benefit from improved access to the Trent side footpaths;
- k. The scheme will require review against East Bridgford's wildlife and environmental strategy;
- l. It is unfortunate there will be no financial benefit to the local village.

## **PLANNING POLICY**

46. 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**

47. 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.
48. The NPPF includes a presumption in favour of sustainable development. 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.
49. 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 type 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.
50. In paragraph 15 the NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
51. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Section 5 - Delivering a Sufficient Supply of Homes
  - Section 6 - Building a strong, competitive economy
  - Section 9 - Promoting Sustainable Transport
  - Section 12 - Achieving well-designed places
  - Section 13 - Protecting Green Belt land
  - Section 15 - Conserving and enhancing the natural environment
52. 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.
53. Of specific reference to rural housing paragraph 79 of the NPPF identifies that *"planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:"* Paragraph 79 of the updated NPPF released in 2018 replaced Paragraph 55 as per the original 2012 NPPF. Criterion 'e' of the list under paragraph 79 identifies the following:
- e) *the design is of exceptional quality, in that it:*
- *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
  - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
54. 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.

55. 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.
56. Section 12 - 'Achieving well- design places' states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, 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).
57. Paragraph 129 the NPPF identifies that Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development, and suggests such tools could include inter alia, 'design advice and review arrangements'. It is suggested that such processes are of greatest use early in the design process, and that in assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.
58. In line with paragraph 131 of the NPPF, in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
59. Section 13 – Protecting Green Belt land states in paragraph 133 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 143 states that, *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* Paragraph 144 goes on to advise that, *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."* Paragraph 145 makes clear that the construction of new buildings in the Green Belt is inappropriate development save for a number of

exemptions listed under paragraph 145 and 146 which may be considered 'not inappropriate'.

60. 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:
  - a) 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);
  - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
  - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
61. Paragraph 175 goes on to state that when determining planning applications authorities should apply the principles set out under this paragraph, part 'a' of which states that if significant harm to biodiversity as a result of development cannot be avoided, mitigated or compensated, then permission should be refused.
62. This section of the NPPF goes on to cover Ground Conditions and Pollution and under paragraph 178 identifies that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

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

63. The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are relevant:
  - Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 3 - Spatial Strategy
  - Policy 4 - Nottingham – Derby Green Belt
  - Policy 10 - Design and Enhancing Local Identity
  - Policy 17 - Biodiversity
64. 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.
65. 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. In other settlements development should be for local needs only which will be delivered through small scale infilling and on exception sites.

66. Policy 4 (Nottingham – Derby Green Belt) establishes the principles of the Green Belt in the Borough.
67. 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; be adaptable to meet the evolving needs of climate change and reflect the need to reduce the dominance of motor vehicles. Part 5 of this policy identifies that outside of settlements, new development should conserve or where appropriate, enhance or restore landscape character. Proposals will be assessed with reference to the Greater Nottingham Landscape Character Assessment.
68. Policy 17 (Biodiversity) states that biodiversity in Rushcliffe will be increased over the core Strategy period by, inter alia, seeking to ensure all new development provides new biodiversity features and improves existing features as appropriate. It also requires decisions to support the need for appropriate management of existing and created habitats through the use of appropriate planning conditions and obligations.
69. The Rushcliffe Local Plan Part 2: Land and Planning Policies (LPP2) was adopted in October 2019 and sets out non-strategic allocations and detailed policies for managing development. The following policies in the LPP2 are relevant:
- Policy 1 - Development Requirements
  - Policy 12 - Housing Standards
  - Policy 13 - Self-Build and Custom Housing Provision
  - Policy 18 - Surface Water Management
  - Policy 21 - Green Belt
  - Policy 36 - Designated Nature Conservation Sites
  - Policy 37 - Tress and Woodlands
  - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
  - Policy 40 - Pollution and Land Contamination
70. Policy 1 – ‘Development Requirements’ sets out that planning permission for new development will be supported provided that where relevant, a list of criteria are met. This list includes aspects such as suitable access being provided, sufficient amenity spaces for end users, the relationship with nearby uses in terms of the amenity of future occupants and aspects such as ensuring no significant impact on wildlife or landscape character.
71. 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.
72. Policy 13 – ‘Self Build and Custom Housing Provision’ identifies applications for such housing will be supported where a number of criteria are met, namely that the location for development be in accordance with policy requirements and designations such as green belt, landscape, heritage and environment. The policy also requires consideration of design, amenity and access.

73. Policy 18 – ‘Surface Water Management’ identifies that, at an early stage of design development must identify opportunities to deliver a range of sustainable drainage systems appropriate to the scale of the development. Surface water drainage should be delivered in accordance with the drainage hierarchy, with solutions seeking to enhance biodiversity and existing green infrastructure/drainage features.
74. Policy 21 – ‘Green Belt’ identifies that applications for development within the Green Belt be considered in accordance with the NPPF.
75. Policy 36 – ‘Designated Conservation Sites’ identifies that development likely to have a significant adverse effect on a site of local nature conservation value (such as a Local Wildlife Site), will not be permitted unless there are reasons for the proposal that could be clearly demonstrated and would outweigh the impacts of the scheme.
76. Policy 37 – ‘Trees and Woodland’ identifies that adverse impacts on mature trees must be avoided, mitigated or, if removal is justified it must be replaced.
77. Policy 38 – ‘Non-Designated Biodiversity Assets and the Wider Ecological Network’ states that where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity. It further advocates that outside of Biodiversity Opportunity Areas developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.

### **Other Legislation/Regulations**

78. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
79. The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
  - 1) There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of

primary importance for the environment”;

- 2) there is no satisfactory alternative; and
  - 3) the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
80. The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England.
81. Natural Environment and Rural Communities Act 2006 at Section 40 states that “*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”. Section 40(3) of the same Act also states that “*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.*”
82. The Community Infrastructure Levy Regulations 2010 (as amended) places the Government’s policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

## APPRAISAL

83. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
84. It is considered that the main planning considerations in the determination of this application relate to:
- The principle of development having regard to its location (Spatial);
  - The principle of development within the green belt;
  - Whether the proposal truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;
  - Whether the proposal would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area;

- Green Belt - Implications of Green Belt policy, impact of the development on the openness of the Green Belt, and whether any harm would be outweighed by 'very special circumstances';
- Whether the development would result in a significant loss of amenity for residents of nearby properties; and
- Whether there would be any adverse highway safety implications.

Principle of Development having regard to its location (Spatial):

85. The application site is located outside of any reasonable settlement boundaries, within the countryside and designated green belt. The site has no near residential neighbours and is located circa 750m (as the crow flies, 1200m by road) from the edge of the settlement of East Bridgford, which lies to the south east.
86. Policy 3 (Spatial Strategy) of the Core Strategy defines how sustainable growth within Rushcliffe will be achieved over the plan period, with the policy outlining a strategy of urban concentration. The policy dictates that development be directed towards the most sustainable locations in accordance with the settlement hierarchy to ensure that development reduces the need to travel, promoting sustainable communities based on the services and facilities that are available in each settlement.
87. As the application site lies within a rural location, away from the built form of East Bridgford, the proposal, which would result in an isolated dwelling in the countryside, when assessed against the adopted Local Plan would be considered to lead to an unsustainable form of residential development where future residents would be reliant on the private car to access day-to-day services, facilities and employment opportunities, contrary to the aims of Policy 3 of the Core Strategy.
88. However, whilst Local and National policy guidance does not normally support new isolated dwellings within the countryside, an exception does apply where a proposal is of exceptional architectural quality, such that it meets the requirements of Paragraph 79 of the NPPF (2019).
89. A proposal must be able to demonstrate that the design is of exceptional quality in that it is truly outstanding or innovative, reflecting the highest standards in architecture; helps to raise standards of design more generally in rural areas; significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area.
90. As such, whilst the proposal is contrary to the spatial policies of the adopted LPP1, the principle of new build residential development within the open countryside could be considered to be acceptable, subject to compliance with Paragraph 79 of the NPPF (2019), specifically criterion 'e' which states;
  - e) the design is of exceptional quality, in that it:
    - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

91. As part of pre-application discussions, and as identified within the submission documents, the scheme underwent 2 independent design review panel meetings and feedback sessions over a 4 year development period. The role of the design review panel is to provide support to Local Planning Authorities in the way of assessing the specific architectural design merits of the proposal in accordance with Paragraph 79 of the NPPF (2019). This process is endorsed in paragraph 129 of the Framework which emphasises that Local Planning Authorities must make use of such tools in helping to assess relevant applications, and that due regard should be given to the outcome of these processes.
92. Furthermore, during the course of this application the applicants have instructed The Design Review Panel (OPUN Design Review Panel) (TDRP) which comprises a group of independent and multi-disciplinary construction professionals to perform a written appraisal of the final amended scheme as revised through the planning process. The design review panel is a review panel of professionals who are separate from the application promoter and decision-maker to protect against conflicts of interest. The outcome of the review by the TDRP is discussed later in this report.

### Green Belt

93. The government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 of the NPPF advises that the Green Belt serves 5 purposes:
  - a. to check the unrestricted sprawl of large built-up areas;
  - b. to prevent neighbouring towns merging into one another;
  - c. to assist in safeguarding the countryside from encroachment;
  - d. to preserve the setting and special character of historic towns; and
  - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
94. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are provided in a 'closed' list within paragraph 145 of the NPPF. Residential development, involving isolated dwellings in the countryside, does not fall within this list and, therefore, must be considered as inappropriate development.
95. As the application site is currently in the Green Belt, there is a specific policy identified in the NPPF that indicates development should be restricted. Residential development of this nature constitutes inappropriate development which is, as set out in paragraph 143 of the NPPF, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances' (VSCs). Paragraph 144 goes on to state that, *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other*

*considerations.” Very special circumstances (VSCs) must, therefore, be able to be clearly demonstrated to justify a support of planning permission on this site. Harm to the Green Belt should be given substantial weight in determining the application.*

96. The applicant acknowledges that the proposal scheme would be inappropriate development in the Nottingham-Derby Green Belt and should not be approved except in VSCs.
97. It has previously been established by planning inspectors (for example see APP/X4725/W/19/3235581 – available on the Council’s website) that there is no reason why that ‘in principle’ meeting the tests of paragraph 79 cannot also be considered as part of a justification for VSC’s within the green belt.
98. Paragraph 22 of this appeal decision reads as follows:  
  
*“22. Exceptional design quality per se, which could include compliance with paragraph 79 e) could well be capable of amounting to very special circumstances on the specific facts and evidence of a particular case. This is supported by the fact that irrespective of location, the Framework advises that ‘great weight’ should be given to outstanding or innovative designs that promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The Framework is ultimately a material consideration and any findings simply need to be weighed in the balance. Despite some lengthy submissions on this the Council correctly acknowledge this is the case within their officer report and statement<sup>3</sup> and are right to do so.”*
99. As such the next section of this report will seek to assess the scheme against the stringent criteria as set out in paragraph 79, part ‘e’.

Is the proposal truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas

100. The first criteria of Paragraph 79 of the NPPF requires that proposals should be truly outstanding or innovative. The applicant has sought to demonstrate how the scheme would meet both tests.
101. The application is accompanied by a series of supporting documentation including; Design & Access Statement, including environmental addendum and materials and finishes addendum, Design Review Panel responses, Summary Part L1A Building Regulations Assessment, Tree survey & constraints plan, Landscape and Visual Impact Assessment, Framework Woodland Management Plan and further imagery to showcase the development and to demonstrate how the proposal satisfies the requirements of Paragraph 79.
102. The dwellinghouse has been designed to optimise energy efficiency through sustainable construction techniques, use of integrated renewable energy technologies, use of sustainable drainage systems, the generation of on-site renewable energy and the use of water efficiency measures. These concepts are not uncommon in modern developments but are more rare to find the integrated technologies in a single dwellinghouse development.

103. TDRP has acknowledged this multi-stranded environmental approach for the scheme whilst noting that shading from the existing trees may impact the efficiency of the solar PV, and drawing attention to Forestry Commission guidance on timber harvesting. In response to these comments the architects provided the environmental strategy addendum to the Design and Access Statement which has also sought to holistically review the environmental strategy across the scheme.
104. As well as the Environmental Strategy addendum to the Design and Access Statement, a summary part L1A Building Regulations assessment has been submitted in support of the scheme. The building regulations assessment finds that through enhanced building fabric and the use of ground source heat pumps and mechanical ventilation and heat recovery systems, the scheme would offer a 21.3% improvement over building regulation standards, whilst also identifying that should the photovoltaic panels be included in the assessment, the improvement over Part L standards increases to 55%. The solar orientation diagrams within the environmental addendum seek to demonstrate that the PV panels would receive adequate daylight throughout the year.
105. The applicants identify that unlike many 'eco-buildings' this scheme will provide environmental innovation by seeking to create a sculptural dwelling underpinned by sustainability. The holistic approach of the scheme includes a fabric first low energy design incorporating recycled materials which remains simple to construct, allowing skills to be widely learned and utilised by tradespeople. The building design is proposed to include the following features:
- Durisol Block Construction – These blocks are constructed from 80% recycled materials with a high thermal mass, and represent a 'non – specialist' form of construction;
  - High performance glazing with automatic blinds;
  - Mechanical Ventilation and Heat Recovery Systems;
  - Automatic Cross ventilation systems; and
  - Automatic Pool cover to improve heat retention.
106. The scheme also presents that the property has received an optimized solar orientation designed to minimize risk of overheating in the summer and ensure access to appropriate summer ventilation and winds.
107. In terms of energy generation, the scheme proposes to include a 10KWe solar array to the roof which would power a 'significant proportion' of the building's electrical requirement. The scheme proposes to combine the PV array with the use of 'XStorage' batteries which would hold charge generated by the PV array for use in the property as required. In terms of heating and hot water, the property would utilize underfloor heating throughout, with hot water and heating to be sourced from a centralized 1500 litre thermal store fed by a 20kw ground source heat pump system connected to 4 boreholes. Further to this, a smaller array a thermo evacuated tubes are also proposed on the roof of the property to supplement the system.
108. In terms of water management, the proposed green roof beneath the roof-based PV array and solar tubes would absorb and store water, slowing the movement of water to the ground. Surplus water is then to be stored in a 10,000 litre capacity rain water harvesting tank which would service internal toilet

cisterns and potentially other domestic appliances requiring non-potable water such as washing machines. The water would also be used for the gardens, and should the tank overflow it would automatically feed a rainwater garden to the south side of the site. The scheme also proposes the installation of water efficient fittings, and identifies all external surfacing is to be permeable to allow for infiltration.

109. Further to the above, the scheme proposes a more direct relation to the landholding which contains some 2.5 hectares of woodland. The scheme proposes the inclusion of a biomass boiler as a backup heat and power option should the renewables not provide adequate capacity, with the biomass boiler proposed to run on wood chippings. The woodland management proposed as part of the scheme (discussed in detail later in this report) includes for the coppicing and planting of trees, whilst natural churn from fallen trees would also provide additional timber. The scheme, as revised, includes an internal wood store where timber from the management of the site woodland would be seasoned, before use in the biomass boiler system.
110. It has been suggested that in cold weather, the biomass system may burn up to 6 cubic metres of fuel per year. This is said to equate to 2 or 3 'typical trees', and it is suggested that such provision would likely result from natural churn and management processes on site. Whilst the scheme does provide servicing to allow for wood chippings to be transported in as required, the scheme proposes a fundamental and intrinsic link to the land and its environment, seeking to establish a workable relation where the power and heating can, where possible, be off-grid.
111. The applicant advises that the design of the scheme has evolved over a significant period including an extensive term of pre-application engagement where 2 separate design reviews took place. These processes honed the design into the project as now presented which represents a solid 'object building' rooted into the ground, sitting on a rocky escarpment (basement level clad in stone) with a simple material palette to the upper floors consisting a 'rusty' corten steel cladding with organic shaped tracery cut outs. This simplistic approach gives the scheme the legibility of 'a roundhouse in the woods' as suggested by the Design Review Panel (TDRP), with the corten cladding reflecting the changing woodland seasons in a subtle yet dramatic way.
112. TDRP in their independent assessment confirm that, following previous reviews in 2014 and 2015 the scheme has developed and evolved, improving its understanding of the site context and constraints whilst also evolving the scheme philosophy from that of any building which 'weaves through the trees' to that more of an 'object building' within the woodlands. TDRP acknowledge and agree that the site presents a significant opportunity for a highly distinctive new dwelling and architectural exemplar.
113. Within TDRP comments from June 2019, there remained some items of discussion for the panel. The bold and uncompromising approach to the design of the building was endorsed as a concept in response to site context, however questions were raised regarding the number and presence of secondary objects outside of the core building, which provide a potential challenge to the site design concept. Since these comments were initially made the reflection

pool and external wood store have been removed from the site frontages and replaced with further landscaping.

114. In a covering letter the agents identified that the garage was required at grade with the building entrance rather than underneath, however that the removal of the reflection pool and additional landscaping and weaving footway would emphasise the entrance to the building through a woodland, rather than a more urban setting and layout. TDRP acknowledge that these changes represented an improvement and provided a simpler entrance, moving away from the urban looking reflection pool and patio. It was suggested that the planting to the building could be improved to provide additional woodland glade type vegetation, but that in general the suggested use of wildflower turf would complement the natural setting of the building, so long as its longevity was secured and it was not returned to any mown grass or manicured lawn style feature.
115. With regards to the garage and bin store retentions, TDRP emphasised that if these structures were to remain, there was great importance in ensuring these structures are carefully considered and detailed to ensure they would not appear incongruous and would appropriately integrate into the environment.
116. In considering this matter holistically, officers consider that the proposal to bund the garage and bin store structures with green roofs so that they nestle into the landscaped frontage would aid the structures assimilate into the site as viewed from the north and east, with the buildings able to capably form part of the landscaped glade edge.
117. Following the amendments officers would suggest that from the southern aspects, boundary hedgerows, shrub and tree planting would break down the main building structure and massing without screening the building, allowing filtered views through and along the drive. Stone boundaries and corten steel gates and garage doors would provide a consistency of design through these secondary features associated with the scheme, and whilst these structures would be additional to the site beyond the core structure, it is considered that these smaller secondary features would be well designed and integrated into the site so as not to detract from the overall design concept of the scheme, achieving the goals advocated in TDRP's comments.
118. The internal site landscaping scheme remains in outline form at this stage, however it is acknowledged that additional planting could be secured through any detailed landscaping condition. The landscaping scheme as currently presented is however considered by the Borough landscape officer to demonstrate how the site development could enhance the sites immediate setting and does in principle show that additional planting will be provided to all elevations of the building. The landscaping includes subtle elements such as holly to the building base to help integrate the building into the landscape whilst also providing for security given the surrounding public access.
119. TDRP identified how the scheme could nestle into the woodland location as shown on the site sections, aided by the landscaping such as the holly, but highlighted the importance of the management of the trees in proximity to the building. Officers advise of the Tree preservation Order now covering the woodlands, whilst the architects have removed any reference to the thinning of trees to create glimpsed views to the west, with a view to potentially re-visiting

such a matter following completion of the scheme should permission be forthcoming. This would provide the security noted by TDRP over control of the creation of any glimpsed views and any impact this may have on the woodland.

120. TDRP concluded (prior to the revisions and additional information regarding the reflection pools, environmental strategy etc.) that; *"This is an ambitious and interesting scheme, promising a high quality and highly distinctive building, in what is a very attractive setting. If the vision is to be realised, it will be vital that the design detailing and construction reflects the stated ambitions of the project, in order to deliver on the promise of a building which has the potential to reflect the highest standards in architecture."*
121. *The Panel believe that, with further consideration given to ensuring a truly integrated environmental approach, as well as the 'peripheral' elements (garage, etc.) and matters of landscape and setting, the development has the potential to meet the requirements of Paragraph 79."*
122. Officers would agree that the scheme represents an articulate and authentic approach to the site context, with the form, massing and scale of the scheme presenting a clear contemporary vision that would be responsive to the sites opportunities and constraints. The simple and singular form of the building would appear to sit on a rocky out crop creating a solid and significant base form that would complement the characteristics of the area. The ground and first floors would then be more open, revealing a central courtyard with forms remaining cylindrical but with slightly offset footprints to add interest and reduce visual weightings. When combined with the corten steel cladding that would have organic patterned tracery cut outs, the visual weight of the building would reduce. The reduced visual weight and rusty appearance of the cladding would react positively with the changing seasons of the forest canopies and is endorsed by TDRP.
123. The garaging to the east of the site takes a differing design approach with the structure to be bunded and covered with a green roof that would integrate as part of the site boundary landscaping scheme along the periphery of the glade edge. This differing approach would be considered appropriate for this smaller secondary feature and would also ensure the structure would not directly compete with or detract from the strong singular form of the main building.
124. The agent has identified that the scheme would act as both a prototype for construction training as well as a demonstration project for craftsmanship, with building skills gained transferable to other schemes in the local area. Whilst only a single site, should a programme of training and skills workshops be secured throughout the scheme delivery, then it could be reasonably considered that the skills gained from this project, integrating a significant number of environmental gains, could help raise standards of design and construction across the area. Such outcomes could be secured through a condition requiring the submission and agreement of an employment skills strategy.
125. Having regard to the advice in paragraphs 128 and 129 of the NPPF, the expectation is that significant weight will be attributed to the endorsement of the quality of the design by TDRP in the light of the provisions in paragraph 79 'e' which supports new isolated dwellings in the countryside where they are of exceptional quality.

126. Given the above considerations including the comments of TDRP, officers consider that the amended scheme would achieve the highest standards in architecture with a design that is considered to be both outstanding and innovative in its integration of environmental improvements and sustainable technologies with design of such architectural merit. As such, the scheme is considered to satisfy the requirements of paragraph 79 'e', justifying the approval of an isolated dwelling in the countryside.

Would the proposal significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area

127. The area falls within the national landscape character area of the Trent and Belvoir Vales. On a local level the site sits within the local landscape character area of the South Nottinghamshire Farmlands: East Bridgford Escarpment, characterised by the steep wooded escarpments down to the river Trent and large areas of arable land subdivided by boundary hedgerows and only very limited areas of woodland beyond the river boundaries.
128. The application site comprises degraded land of an informal car parking area on the edge of a wooded glade, with the car parking area the centre of several environmental concerns due to fly tipping. A high plateau sits to the east of the site, with a track sloping down towards the car park which demarks the edge of the wooded escarpment with boundary trees and hedging meeting the boundary with arable land. The track passes the car parking area on the southern side, sloping steeply down towards the river banks and anglers club parking area.
129. A steep muddy escarpment demarks the western edge of the parking area, with a public footpath running part way down the escarpment in a north south direction. The bare unmade ground of the informal car parking area provides appropriate opportunity for development that could significantly enhance its immediate setting. The boundary vegetation to the car park provides an opportunity for the delivery of a scheme which could sit within the woodland context without any undue removal of trees. Discussions have removed any reference to wider tree thinning works within the wider woodland setting where they were originally proposed for aesthetic value to the property.
130. The construction works as revised propose the removal of 1 early mature sycamore tree (T8), whilst also proposing the removal of part of two self-set young/early mature tree groups in G3 and G4. These specimens lie to the south and north sections of the site closest the proposed dwelling structure. All the above specimens were classified within the arboricultural report as category 'C' trees/groups, defined as of 'low quality'. The landscape and Visual Impact Assessment (LVIA) identifies this loss to be of neutral effect in the site context.
131. The LVIA considers that overall, the scheme would have no significant impact on landscape character subject to securing the quality of the design, appropriate landscaping and the implementation of the woodland management plan. The LVIA confirms that the scheme would not change the key landscape characteristics of the local or wider landscape, and that where perceptible, the scheme would be largely contained within a well-vegetated and enclosed landscape that would be further enhanced through additional planting and

management. The Borough landscape officer has not raised any concerns with these conclusions of the LVIA, agreeing there would be little impact on landscape character, and as such it is considered that in principle the scheme would be sensitive to the defining characteristics of the local area.

132. In terms of significantly enhancing the sites immediate setting, the LVIA considers a range of local views from the numerous footpaths and bridleways within and adjacent the site, noting there are no significant views from nearby roads or at longer distances. Whilst Public Right of Way (PROW) users are of medium to high susceptibility to changes, particularly where in close proximity to the site, it has also been identified that visual effects will be felt on a localised level only. From the 6 viewpoints assessed around the site the scheme has found no views would experience adverse impacts, with the closest views noting the most significant change, but also identified beneficial changes when considering the current site context, a low quality and degraded parking area.
133. The scale of the building would be in keeping with the existing and surrounding trees allowing the structure to effectively nestle into the existing canopies in any views from elevated ground to the east. The green roofing system would assist in aiding the structure to assimilate more harmoniously with the woodland canopies, particularly in views from the east. As users of the bridleway move closer from the east the existing landscaping to the site boundaries would filter views of the building. The Corten clad ground and first floors would however be visible as users get closer to and pass the site, and it was a conscious decision that the scheme not be hidden, or completely screened from view with any proposed landscaping. New hedge planting and further tree and shrub planting is proposed to these eastern and south eastern side boundaries which would enhance the approach to the site, increasing the amount of woodland understory in what is currently a significant area of hard standing, breaking up the significant width of the currently open but contained area.
134. When approaching from the north of the building and transitioning through the site of FP13 the development would appear as a two storey building with the corten steel cladding, with additional enhanced landscaping and planting to both the structure and the PROW route through the site. The structure would provide enhancements to the existing bare ground and poorly maintained area and whilst generating a perceptible change, the landscape led approach not including hard boundaries and proposed high quality design, layout and identified material finishes would provide a notable and permanent change that is identified as 'beneficial' to the landscape character, and may therefore offer improvements of aspects contributing to landscape character.
135. From the south and west the scheme would be 3 storey, with the stone clad basement level appearing and providing a rocky outcrop like grounding to the scheme that would be surrounded by native planting. The upper floors would open up, on what otherwise would be significant elevations, to reveal the internal courtyard and domestic hub of the scheme. This orientation would break the visual massing of the structure to these sensitive elevations visible from lower land to the west and prevent the scheme generating any overtly dominant or closed relationships with these key rights of way and public vantage points.

136. It has been confirmed that all existing rights of way through the site and adjacent the site will be retained in situ and that no permanent diversions would be required. The scheme proposes the use of defensive planting such as holly for security where required and does not propose any hard site boundaries, save for to the south of the site where retaining stone walls are proposed for the basement access. Similarly, the main drive is proposed to utilise small stone kerbing edges to match the house with a low Corten Steel gate across the drive. As such the scheme proposes the use of natural boundaries appropriate to the location, and so long as rights for any new boundaries are removed the scheme as presented shows an appropriate sensitive relationship with surrounding public vantage points, addressing comments raised by both the Ramblers Association and the Landscape Officer.
137. Following the submission of revised landscaping proposals, the Borough Landscape officer has confirmed they are content that the outline landscaping schemes demonstrate how a detailed landscaping scheme in combination with the development could deliver enhancements to the immediate setting of the site. The landscape officer and environmental sustainability officer, as well as the local East Bridgford Biodiversity group have all welcomed the proposals of the outline woodland management plans and have accordingly suggested this document would showcase how any scheme could deliver further benefits to the immediate site setting.
138. The woodland management plan is in outline or framework at this stage, and a detailed and long term management plan would be secured by condition, with the subdivision of the land protected by the Unilateral Undertaking offered by the applicant. The Management Plan however works from ecology surveys undertaken and identifies that the main feature of ecological interest supported by the management area is the broadleaved semi-natural woodland itself, and therefore the existing woodland habitat will form the focus of the management plan. Additional habitats are identified to include an existing hedgerow, an overgrown dry pond and an area recorded to support the invasive plant species Himalayan Balsam.
139. In summary, new woodland planting is proposed within parts of the site currently devoid of trees whilst invasive species are to be treated, and sections of the woodland are to be thinned to allow the growth of the woodland understory. Further to this the scheme proposes the creation of deadwood habitats such as log piles, the re-watering and enhancement of the pond and faunal enhancements including bat and bird boxes.
140. The development scheme incorporating these improvement and showcasing the integral links of the dwelling to the landholding is considered to demonstrate appropriate sensitivity for the sites context as outlined above, whilst also providing significant enhancements to the immediate site setting as visible from local rights of way. As such, subject to conditions attaining the agreement and implementation and management of landscaping and woodland improvements, and securing the design quality of the design as submitted, the scheme is considered to achieve the test outlined under this part of paragraph 79 part 'e' of the NPPF.
141. In addition to these considerations, given the sites location within the green belt it is necessary to consider whether there would be additional harm to the Green Belt by reason of loss of openness, visual impact and any other harm

with regard to the purposes of the Green Belt, together with any other planning harm. Any additional harm must also be clearly outweighed by other considerations.

#### Effect on openness of the Green Belt

142. It is considered that the proposed development would have an adverse impact on the openness and permanence of the Green Belt at this location, introducing a permanent structure into an otherwise open, natural environment.
143. The NPPF states that 'substantial weight' should be given to any harm to the Green Belt. However, in this case the limited quantum of built development, the semi subterranean design and location within a wooded glade as part of the design considerations, as set out above, would contribute to drawing a conclusion that the scheme would not have any impressionable impact on the extent of open land, with these factors also contributing to help minimise the visual impact of the scheme on openness.
144. The proposed development must also be tested against the purposes of the Green Belt as set out in paragraph 134 of the NPPF, whilst is discussed further in the following paragraphs.
145. To check the unrestricted sprawl of large built up areas - In this instance, the application site is separated from the main built up area of Greater Nottingham and the surrounding villages, and the proposal would represent an isolated dwelling in the countryside. For this reason, it is considered that the proposed development would not represent or contribute to urban sprawl.
146. To prevent neighbouring towns merging into one another - As stated above, the application site is separated from the main built up area of Greater Nottingham by a number of miles and is a notable distance from the nearest villages of East Bridgford and Kneeton, with no visual relationship. For this reason, it is considered that the proposed development would not result in Greater Nottingham merging with these villages.
147. To assist in safeguarding the countryside from encroachment - The application site currently comprises woodland. As noted above, built development would fill part of the site and thus encroach on the countryside.
148. Preserving the setting and character of historic towns - It is not considered that the development would harm the setting and character of any historic town and would not therefore conflict with this aim of Green Belt policy.
149. Assist in urban regeneration, by encouraging the recycling of derelict and other urban land - The proposed development would not encourage the recycling of derelict and other urban land, so it would not assist in urban regeneration. However, as has been noted, the exact site of the dwelling currently comprises degraded land with associated environmental problems due to fly tipping. The scheme would however not assist in encouraging urban regeneration.

#### Summary of Green Belt Considerations

150. The scheme is inappropriate development in the Green Belt. It would encroach on the countryside, reducing the openness of the Green Belt, albeit to a limited

extent. Therefore, the scheme must be regarded as causing harm to the Green Belt, both by definition and physical harm. This harm must be given 'substantial weight' in the determination of the application and permission should only be granted where very special circumstances exist, and the harm is clearly outweighed by other considerations. In this respect, the scheme is considered to be of exceptional quality and go beyond the requirements of 'the country house policy' under paragraph 79 part 'e' of the NPPF in that the scheme would be both truly outstanding and innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

151. In such circumstance paragraph 131 of the NPPF identifies that 'great weight' should be given to such outstanding or innovative designs. As such Officers are satisfied that, in principle, subject to a detailed balancing exercise, the benefits of the scheme design may be considered as very special circumstances, sufficient to outweigh the harm to the green belt, justifying a departure from the normal rule that strictly controls and restricts inappropriate development within the green belt.

#### Heritage and Archaeology

152. The Borough Conservation and Design Officer has confirmed that there are no designated heritage assets in the vicinity of the site and therefore concludes that the scheme would have no impact on any designated heritage assets.
153. In their role as archaeological advisor the officer noted that there were two Historic Environment Records close to the site, both of which are located along the river banks to the lower parts of the wider site and relating to a malthouse and brick and malt kilns visible on the 1836 Sanderson Maps.
154. The officer however noted the application site was steeply sloped with the areas of possible excavation for the dwelling design subject to the dumping of imported material in recent times. As such the officer considers that any archaeological horizons that may have existed would be buried beneath spoil and regraded land. Notwithstanding these issues, the Officer highlights that this area of the site would be of low archaeological potential, and overall concludes that there be no requirement for any further archaeological investigations to the site.

#### Trees/Woodland and Landscaping

155. The proposed development as revised is supported by an aboricultural impact assessment, Framework Woodland Management Plan and an outline landscaping proposal.
156. The scheme would result in the loss of tree T8, an early mature Sycamore Tree of category 'C' quality, whilst also proposing the removal of two self-set young/early mature tree groups in G3 (partial - up to 2m pruning required in places for building footprint) and G4, also of category 'C' quality. Revisions to the garage location have seen tree T2 retained to the sites eastern periphery along with G2 to the same site boundary. The landscape Officer has raised no objection to the removal of this limited selection of established planting. The scheme also originally discussed limited crown reduction through parts of the

woodland to open up views from the proposed dwelling over the Trent valley. This was, however removed from the scheme following discussions, and the woodland is now covered by an area Tree Preservation Order (TPO).

157. The landscape officer has also reviewed the latest indicatory landscaping scheme for the development site which seeks to demonstrate how a range of soft landscaping treatments, including wildflower planting to the sites periphery transitional areas, new selective tree planting, native hedging, bulb planting as well as feature shrub planting areas will seek to develop the character of the site. Smaller areas of amenity turf and ornamental shrubs are also identified to the sites core. Stone boundary walls and cobblestone strips are proposed to the most public facing elevations of the site, with the driveway surfacing to be a permeable recycled tyre material. These hardscape materials would tie into the proposed building construct with a stone clad basement level and contemporary glazing protected by laser cut corten steel above.
158. The Borough Landscape Officer found that in light of the sites current derelict state as an open informal parking area, the scheme and levels of landscaping indicated showcase how any development could bring about and achieve a significant enhancement to the landscape character of the immediate site and setting. A condition requiring the submission and agreement of a detailed landscaping scheme would however be necessary in order to secure such outcomes.
159. A revised framework woodland management plan has also been provided relating to the wider woodland area alongside the river stretching west and north of the site. This area of woodland is used by anglers and contains a number of public rights of way. The woodland is not currently actively managed and is under threat from invasive species. The applicant for the site has submitted a unilateral undertaking (legal agreement) preventing the woodland area from being separated or sold off from the proposed dwelling site.
160. The framework plan sets out how the woodlands would be carefully managed and enhanced. It sets a series of management objectives that are proposed:
  - i) Prevent deterioration of the area of woodland habitat through halting the spread of non-native species, fly-tipping and informal woodland clearance.
  - ii) Provide compensation for losses of habitat through new tree planting.
  - iii) Provide enhancements to woodland structure and floral diversity where possible, with the aim of creating an area of high quality woodland.
  - iv) Provide new opportunities for faunal species.
  - v) Create and maintain visual vistas from the proposed dwelling through selective tree thinning.
  - vi) Maintain and improve fishing access.
161. Whilst any detailed management plan would be required to remove reference to selective thinning to create views and vistas for the proposed dwelling, which would not be supported in principle, the framework plan does seek to demonstrate how the woodland habitat areas could be placed under regular management and maintenance to enhance its ecological and amenity value with new tree planting to incorporate Oak, Hazel, Field Maple and Willow, as well as other management practices and enhancements to re-water the dried

pond within the woodland, and bring about faunal enhancements through bat and bird box provisions, and the creation of deadwood habitats.

162. The Borough Landscape Officer has confirmed that the framework plans sets a positive outline for the scope of works, however that it would require refinement and further detail and that as such a condition would be appropriate to secure the submission, agreement and long term implementation of an appropriate detailed woodland management plan. This would be considered reasonable and necessary in relation to the scope of development sought.
163. A condition securing appropriate tree protection prior to any commencement would also be considered necessary in the interest of the amenities of the area.

#### Landscape and Views

164. A detailed discussion of impacts on landscape character and views can be found under the section 'Would the proposal significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area' in paragraphs 125 through 139.

#### Ecology

165. The application has been supported with various ecological surveys and appraisals. The application site has no statutory designations, however does form part of the Trent Hills Woods Local Wildlife Site (LWS), with two additional LWS's in proximity in the 'River Trent (Gunthorpe to Fiskerton)' to the west of the site, and the 'East Bridgford Banks Pasture' to the north west. The proposed site for development (location of the proposed house) falls outside the defined LWS boundaries.
166. The trees on site are identified to form a 'lowland mix deciduous woodland' habitat area, however as the scheme identifies minimal tree removal is necessary, and proposes new landscaping to the immediate development site as well as the long term management, maintenance and improvements to the wider woodland, it is concluded the scheme would likely bring about improvements to the woodland habitats.
167. There is an existing hedgerow around the car park area to be re-developed which is identified as a priority habitat and should be retained. The plans identify the boundary hedgerows to be largely retained and enhanced save for an area to the south adjacent the bridleway where more notable removal may be required to facilitate development. The Borough Environmental Sustainability Officer has raised no objections to this matter and subject to replacement hedgerows and additional landscaping being secured by condition, this limited removal would not be considered overtly detrimental in context of the wider scheme.
168. The woodlands contains a pond which represents a priority habitat. This pond is, however currently dried and overgrown and is of low value. The scheme proposes the management of the site including the dredging, re-profiling and re-watering of the pond, a matter which can be secured by condition as part of the ongoing woodland management plan, and would represent an ecological enhancement.

169. The woodland area was also found to contain a number of examples of Himalayan Balsam, an invasive species. The Woodland Management Plan would ensure this threat is treated appropriately and removed from site.
170. The Ecological Appraisal found that, subject to the implementation of recommended measures (set out in section 6 of the ecological report), it is considered that adverse effects on the both Trent Hills Wood, East Bridgford LWS, River Trent (Gunthorpe to Fiskerton) LWS and East Bridgford Bank Pasture LWS from construction activities and effects as a result of the completed development will be minimised, whilst following development works, the favourable conservation status of the Trent Hills Wood, East Bridgford LWS will be secured and enhanced in the long-term, thereby providing an overall benefit to the designation.
171. The submission and agreement of a Construction Environmental Management Plan prior to works commencing would seem an appropriate and necessary way of securing construction and pollution prevention safeguards for the site in order to protect the adjacent local wildlife sites and their habitats from any significant impacts.
172. The woodland area contains an outlier badger set, however the bare ground of the development site is not identified as of any foraging benefit to any badgers and as such, given the sett remains away from this development site, subject to basic mitigation measure secured by condition the scheme would not raise any undue concerns relating to possible impacts on this protected species.
173. With regards to Bats, there are some low value trees noted within the surveys, however the most important feature of the site represents the riverside corridor which would not be impacted. It was considered that, subject to safeguards including a new bat survey prior to any commencement of any tree works, and sensitive lighting schemes being approved, the scheme would not result in any harm to the conservation status of any protected bat species on site.
174. With regards to other species, the site has negligible potential for reptiles or mammals, with no evidence of invertebrates and the site was assessed as unlikely to support Great Crested Newts. A condition regarding any site clearance being completed outside of bird nesting season would be considered pertinent.
175. In principle however, subject to the controls outlined above, the scheme identifies how works could be completed without any impact on the conservation status of any protected species, whilst also providing opportunities for site wide enhancement and ecological gain which could be secured through appropriately worded landscape conditions and woodland management plans.
176. The Borough ESO has supported these conclusions within their comments. They also, however identify that the surveys are now out of date, and that as such whilst they provide a baseline position appropriate to issue a decision on, that new surveys be carried out prior to development commencing to confirm the results of the previous surveys remain valid, and suggest any further mitigation or surveys as may be deemed necessary dependent on the findings

of any update. This is considered reasonable, and as such a condition requiring updated surveys prior to any commencement is recommended.

### Flood Risk and Drainage

177. The site of the proposed dwelling lies within flood zone 1, raised above the river and therefore represents land at the lowest risk of flooding. Flood risk therefore, does not present any inherent constraint to development.
178. In terms of drainage, the site surface water is to be treated as part of the site wide environmental strategy. The dwelling would have a green roof around the photovoltaics, which would drain to a rainwater harvesting tank of circa 10,000 litres in size. Should this tank be exceeded then any overflow would feed into a rain garden to the southern side of the property, whilst water from the harvesting tanks would be utilised for the gardens and to feed internal header tanks serving the toilet cisterns and feed appliances such as washing machines. The scheme also proposes the use of water efficient fittings.
179. In principal this SUDS first approach would be compliant with the drainage hierarchy advocated within the local plan. A condition requiring detailed design and calculations to be submitted and approved, and following that implemented is recommended to ensure the scheme works as part of the sites wider environmental strategy which forms part of the schemes suggested VSCs.
180. In terms of foul water, the site is a significant distance from the nearest public sewer and as such the scheme proposes the use of a bio treatment plant located on site. Such technology treats liquids to an appropriate quality standard before discharge, and requires emptying on average once or twice each year for the retained solids. A condition securing full details is recommended in order to ensure the final system complies with the appropriate foul water drainage assessment criteria, and to ensure any final system forms part of the sites integrated environmental strategy.

### Environmental Health

181. The Borough EHO has required a contaminated land report be submitted prior to any commencement. Given the site's history of associated pollution incidents from fly tipping, and the site's use as a car park, this would be considered reasonable and necessary in the interests of the amenities of future occupants and site workers.

### Land Stability

182. The land represents made ground in an area known regular land slips due to water soluble gypsum veins within the mudstone cliffs. Given the dwelling is proposed to be built into the escarpment it is considered prudent in the interests of amenity that land stability surveys be conducted and submitted prior to works commencing to evidence a viable build design that protects both the structure proposed and the users of PROW's in the vicinity of the site. This aligns with paragraph 178 a) of the NPPF, stating risks from land instability can be considered.

### Public Rights of Way

183. Following revisions to the plans it has been confirmed that none of the existing rights of way, either within or adjacent the site will be moved or diverted as a result of the development proposals.
184. The initial scheme sought to re-surface the entire length of the access drive, however following concerns raised by Via East Midlands on behalf of Nottinghamshire County Council Rights of Way team over the suitability of the new surfacing for equestrian users of the bridleway (BW15), which also runs the length of the access road, this element of the scheme was withdrawn, and as assessed the scheme seeks no changes to the surfacing of the access ways.
185. A condition requiring the submission and approval of details of any upgrades to the site access prior to such works commencing would be recommended to ensure that any new surface is considered with regards to landscape and the usability for both future occupants and PROW users. Similarly, a condition preventing the construction of any new gates along this access is also recommended.

### Access and Servicing

186. The County Council as Local Highways Authority have raised no objection to the proposed access which includes appropriate visibility splays on its Kneeton Road junction. The site access would remain in its current format and layout. The dwelling itself would have appropriate off street parking and turning areas to ensure access and egress can be made in a forward gear, whilst serving vehicles to the basement are shown to have sufficient turning, either utilising the turning head, or using the fisherman's car park at the bottom of the access which is within the applicants ownership.
187. In terms of waste collection, the property access would be unsuitable for the Borough Council's Waste Collection vehicles. As such, collections would be made from the access point to Kneeton Road where a wooden bin store would be located. The applicant has identified they would remove wastes from site and transfer them to the bins at the end of the drive for collection. Whilst this represents a unusual situation, it is not considered to amount to any significant site constraint that would be a constraint to development.
188. It is noted that a bin store has already been erected to demonstrate the scheme could be viable, however that it has been subject to damage. This permission does not authorise any such structures. A condition is recommended to require the submission of a refuse strategy for approval prior to occupation.

### Sustainability and Environmental Credentials

189. The sustainability and environmental credentials of the scheme have been discussed and identified in more detail under paragraphs 101 to 109 of this report.
190. It is recommended that conditions be imposed to secure the detailed designs for the renewables schemes and for confirmation of compliance and installation statements to be provided to ensure the full identified extent of the schemes

environmental plan is brought to fruition, another element of the schemes identified VSCs.

191. Similarly final technical workings and assessments demonstrating the schemes compliance with the design and build specifications on ventilation, glazing, air tightness and thermal mass amongst other matters will be imperative to ensure any scheme reaches and achieves its identified vision of setting environmental standards for buildings of such architectural merit, again part of the developments identified VSCs.

#### Amenity

192. The scheme does not have any direct residential neighbours, and would provide future occupants with appropriate internal and external spaces so as not to raise any amenity concerns.

#### Conclusions

193. Having reviewed the scheme as now presented, there remain no outstanding technical matters of concern, with all matters as reviewed capable of being appropriately controlled by condition where necessary.
194. It therefore remains for the scheme to be considered in the planning balance. Fundamentally the scheme for the development of a new dwelling represents inappropriate development in the green belt which must not be approved, save for where very special circumstances have been demonstrated and other factors outweigh any harm, as identified in paragraphs 93 to 97 of this report. It is necessary to consider whether there would be additional harm to the Green Belt by reason of loss of openness, visual impact and any other harm with regard to the purposes of the Green Belt, together with any other planning harm. Any such harm must be given substantial weight.
195. The scheme would result in encroachment into the countryside and would not help fulfil the roll of green belt in seeking to support urban regeneration with the scheme not conflicting with 3 of the 5 purposes of the green belt, as discussed in paragraphs 140 to 147 of this report. The scheme would therefore cause a limited level of additional harm through impact on the openness of the green belt. This matter is considered under para's 140 and 141 of this report. The scheme would also provide additional residential accommodation in an isolated location in the countryside, devoid of access to services and amenities, save for by private transport. The scheme would therefore be contrary to policy 3 of the LPP1 (Spatial Strategy), and as such the scheme would also bring about harm, in a limited form due to the scale of development, to the spatial objectives of the Council's local plan policies for the sustainable distribution of new housing. These additional harms must also be clearly outweighed by other considerations.
196. The scheme meets all other technical requirements. The scheme as discussed through paragraphs 98 to 139 is, however considered to go beyond the basic requirement of paragraph 79 of the NPPF under subsection 'e' in providing a scheme that would be both truly outstanding and innovative, reflecting the highest standards in architecture and helping to raise the standards of design more generally in rural areas. Paragraph 79 has historically been known as the 'Country House' policy, and dictates that isolated new homes in the countryside

not be built save for in a few defined scenarios. The scheme as assessed in this report is considered to go beyond the basic requirement of the country house policy set out under 79 'e' of the NPPF.

197. The scheme has been through 3 design review panel processes across its evolution, and has each time progressed. Whilst it cannot be ignored that there remained some minor critiques, even within the latest comments provided by TDRP as part of this application (for example TDRP questioned whether the separate garage could be incorporated within the basement), the main matters raised are matters that can be subject of suitable conditions, including matters of ensuring the integrated environmental approach is truly implemented, and ensuring that the detailed landscaping approach builds upon the promises of the current strategies.
198. As such the scheme promises to combine the latest environmental technologies and strategies from multiple sectors (heating, power, water, building structure, automated technologies), with the highest standards in architecture, whilst also showcasing an intrinsic link to the management of its surrounding land through the fuelling of the backup biomass boiler from coppiced wood dried on site and harvested as part of ongoing management practices to improve the woodland. It is this truly multi-faceted and integrated environmental approach which provides the scheme with ability to, in officers opinion, meet and exceed the stringent requirements of paragraph 79'e' of the NPPF. Such high standards of integrated design can help to raise the standards of design more generally in rural areas as advocated in para 79 of the NPPF, and the recommendation includes a condition to secure training and craftsmanship workshops during construction to showcase the schemes commitment to improving knowledge and skills in implementing such integrated technologies and design approaches.
199. Paragraph 129 of the NPPF identifies that, amongst other things, in assessing applications, local planning authorities should have regard to the outcome from these processes (Design Review Processes), including any recommendations made by design review panels. As identified earlier in this report the garage design is one which does not raise any concern with officers in the context of the schemes design approach and the design review panel were generally excited by the scheme concept and supportive of the scheme and the benefits it would bring. These conclusions and considerations must be given due weight. In this regard paragraph 131 of the NPPF identifies that 'great weight' should be given to such outstanding or innovative designs.
200. The scheme is also considered to meet the requirements of paragraph 79'e' of the NPPF in relation to landscaping which requires under part 2 that such schemes significantly enhance their immediate setting, and be sensitive to the defining characteristics of the local area. This assessment is made in paragraphs 125 to 139 of this report and represents a benefit of the scheme.
201. As well as landscape improvements, the scheme would bring about the re-use and remediation of this informal car park which has a history of environmental concerns due to fly tipping and waste disposal. This represents an environmental gain. The scheme also proposes the long term management of the currently unmanaged woodlands, which as discussed in para's 163 through 174 of this report, would secure tangible long term ecological gains and biodiversity enhancements to areas of land which also have public access,

which also both represent benefits of the scheme.

202. For the reasons set out above, there is harm to the Green Belt by reason of inappropriateness, loss of openness and incursion into the countryside, with the scheme also contrary the Borough's Spatial Strategy, and such harm must be given 'substantial weight' as per NPPF paragraph 144. However, other considerations as identified in the report and summarised above comprise a set of very special circumstances which are considered substantial in weight and benefit to outweigh the identified harm. In undertaking the balancing to determine whether Very Special Circumstances exist, the benefits must clearly outweigh the policy harm by way of inappropriateness and any other harm. For the reasons set out in this report, it is concluded that this requirement is satisfied.
203. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst the scheme would be contrary development plan policies relating to green belt and the spatial strategy, when giving consideration to the balancing exercise of the material considerations also weighs in its favour. Consequently, it is recommended that the Planning Committee grant planning permission, subject to the submitted S106/Unilateral Undertaking.
204. This application has been subject to pre-application advice. Further discussions have taken place during the consideration of the application in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. This has ultimately resulted in a favourable recommendation to the Planning Committee.

## RECOMMENDATION

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

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

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

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

- Proposed Location Plan – '160-200-001A' – Received 08/01/2018;
- Proposed Wider Site Plan – '160-200-003B' - Received 28/09/2020;
- Proposed North Elevation – '160-200-041B' – Received 26/07/2019;
- Proposed East Elevation – '160-200-042B' – Received 26/07/2019;
- Proposed South Elevation – '160-200-043C' – Received 28/09/2020;
- Proposed West Elevation – '160-200-044B' – Received 26/07/2019;
- Proposed Lower Ground Floor Plan – '160-200-010D' – Received 13/11/2020;
- Proposed Ground Floor Plan – '160-200-011D' – Received 28/09/2020;
- Proposed First Floor Plan – '160-200-012D' – Received 28/09/2020;
- Proposed Roof Plan – '160-200-013D' – Received 28/09/2020;

- Proposed Section A-A – ‘160-200-030C’ – Received 28/09/2020;
- Proposed Section B-B – ‘160-200-031B’ – Received 26/07/2019;
- Proposed Section Through Basement Gradient – ‘160-200-032B’ – Received 28/09/2020;
- Proposed Section through Basement Wall – ‘160-200-048B’ Received 26/07/2019;
- Proposed Section through Retaining Wall – ‘160-200-049B’ – Received 26/07/2019;
- Proposed Garage Plan – ‘160-200-050C’ Received 26/07/2019;
- Proposed Hard Landscape Plan – ‘160-200-047C’ – Received 28/09/2020;
- Proposed Soft Landscape Plan – ‘160-200-046C’ – Received 28/09/2020;
- Proposed Landscape Plan – ‘160-200-002D’ – Received 28/09/2020;
- Proposed Refuse Storage Location Plan – ‘160-200-060A’ – Received 17/09/2019;
- Proposed Refuse Storage Plan, Elevations and Details – ‘160-200-061A’ – Received 17/09/2019.

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

3. No operations shall commence on site until a construction method statement detailing techniques for the control of noise, dust and vibration during construction, along with a construction access improvement/protection strategy and site materials storage strategy has been submitted to and approved by the Local Planning Authority. Thereafter the works shall only be carried out in accordance with the approved method statement.

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting in order to protect the amenities of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

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

5. No operations shall commence on site until finished site levels including cross sections and levels for the landscaped areas shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall only be implemented in accordance with the finished site levels so agreed.

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

6. No operations shall commence on site until a report on land stability relating to the site shall be produced by a competent person such as a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) and submitted to and approved in writing by the local planning authority.

The report shall include a scheme of mitigation and/or recommendations regarding the potential impacts of the scheme on the structural integrity of the site and surrounding banks. In the event of a scheme of mitigation or remedial measures being necessary these shall be supervised throughout their duration by a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) whose appointment has been confirmed in writing to the local planning authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the mitigation or remedial works are completed all works on site will cease until a replacement Chartered Engineer of the afore-described qualification has been appointed to supervise their completion and their appointment confirmed in writing to the local planning authority.

[This is a pre-commencement condition to ensure acceptable details of construction methods have been agreed prior to works commencing to avoid any potential public safety concerns arising and to protect the amenities of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No operations shall commence on site until an updated ecological appraisal supported by appropriate protected species surveys has been undertaken for the site, and submitted to and approved by the Borough Council. Any mitigation measures identified and required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

In the event that the planning permission is not implemented within 2 years of the date of the updated surveys being submitted and approved, further updated surveys will be required for submission and approval prior any commencement of works.

[This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage and to ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy, and policies 36 (Designated Nature Conservation Sites) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. No operations shall commence on site until a construction ecological management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP will build upon the recommendations

of the submitted Ecological Appraisal and Badger Survey Report, along with their associated update documents as required by condition 7 of this recommendation. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage and to ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy, and policies 36 (Designated Nature Conservation Sites) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. No operations shall commence on site until an Employment and Skills Strategy for the construction phase of the approved development has been produced in consultation with the Economic Growth team and submitted to and approved in writing by the Borough Council. This strategy will be based on the relevant Citb framework and will provide opportunities for people in the locality to include apprenticeships and training, and curriculum support in schools and colleges. The strategy will be implemented by the developer throughout the duration of the construction in accordance with the approved details and in partnership with relevant stakeholders.

[This condition is pre-commencement to ensure the secured measures are implemented during the construction phase of development; in order to promote local employment opportunities and ensure the development helps raise and influence standards of construction in the locality in accordance with paragraph 79 part e of the NPPF and Policies 1; 5 and 24 of the Rushcliffe Local Plan Part 1: Core Strategy].

10. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a written report of the findings of a Preliminary Risk Assessment (PRA) of the nature and extent of any contamination affecting the site, whether or not it originates from the site, has been submitted to and approved in writing by the Local Planning Authority. The PRA must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM). As a minimum the PRA must include the following:
  - i. a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses;
  - ii. the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface;
  - iii. the development of an initial 'conceptual site model' (CSM) which identifies and qualitatively assesses any potential source – pathway – receptor (contaminant) linkages;
  - iv. basic hazard assessment identifying the potential risks from any contaminants on:

- Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - Adjoining land;
  - Ground and surface waters;
  - Ecological systems;
  - Archaeological sites and ancient monuments.
- v. Recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.

Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority.

Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:

- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
- the proposed remediation objectives and criteria; and,
- a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[This is a pre-commencement condition to ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 179 of the National Planning Policy Framework (February 2019)].

11. No operations shall commence on site until a detailed environmental strategy and building assessment has been submitted to and approved by the Borough Council. This detailed assessment must be based upon working drawings and feasibility surveys and build upon the commitments made in the pre-assessment report by Etude Consulting Limited, and meet with the commitments also made within the integrated Environmental Strategy (Addendum 1 – Design and Access Statement).

The scheme must demonstrate how the following details and technologies (or appropriately justified enhancements or alternatives) have been incorporated as a minimum:

- Use of Photovoltaic Arrays;
- Use of storage Batteries in association with PV Arrays;
- Use of Solar evacuated Tubes for heating;
- Use of Ground Source Heat Pumps;
- Use of Thermal Stores;
- Use of Durisol Block Construction;
- Use of High Performance Glazing (Triple Glazed Minimum with thermal bridging enhancements) ;
- Use of Automatic Blinds;
- Use of Mechanical Ventilation & Heat Recovery (MVHR)
- Use of Automatic Pool Cover;
- Use of Biomass Boiler;

Any scheme must also demonstrate, following these detailed assessments, a minimum 55% improvement over Part L Building Regulations requirements for carbon emissions from the building envelope and services and the house will achieve a target of 0.6 ACH (Air Changes per Hour) - equivalent to the German Passivhaus standard.

The development must subsequently be constructed in full accordance with the details and requirements of the approved documents and thereafter maintained to this specification for the life of the development unless permission is given in writing for any variation.

[This condition is pre-commencement as the agreed details will impact the construction design of the scheme; In order to promote sustainable development process and ensure the development achieves its commitments relating to environmental innovation and helps raise and influence standards of construction in the rural locality in accordance with paragraph 79 part e of the NPPF and Policies 1 of the Rushcliffe Local Plan Part 1: Core Strategy].

12. No operations shall commence on site until a detailed foul and surface water drainage scheme building upon the drainage strategies identified within the integrated environmental strategy have been submitted to and approved in writing by the Borough Council. The scheme must include the following systems:

- Rain Gardens;
- Green Roofs;
- Rain water Harvesting Tank (10,000 litres Minimum);
- Internal Header Tanks for appropriate systems serviced by the Rainwater Harvesting Tank;

- Permeable paving;
- Foul Water treatment plant design and details;

The development shall only be carried out in accordance with the approved schemes, which shall thereafter be maintained throughout the life of the development.

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

13. There shall be no works to any trees on site until a bat survey of any impacted trees has been undertaken for the site, and submitted to and approved by the Borough Council. Any mitigation measures identified and required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

[To ensure that ecological matters are adequately considered at an early stage and to ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Policy 17 of the Local Plan Part 1: Rushcliffe Core Strategy, and policies 36 (Designated Nature Conservation Sites) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The development hereby permitted shall not proceed beyond foundation level (including construction of the basement walls) until details (including samples) of all materials to be used on all elevations including any boundaries and details of any architectural details have been submitted to and approved in writing by the Borough Council. The details must comply with the concepts and commitments made within the Design and Access Statement and the details must include the final design and detail of the tracery cut-outs for the Corten Steel cladding. The development shall only be undertaken in accordance with the materials and details so approved.

[To ensure the appearance of the development is exemplary and to comply with paragraph 79 'e' of the NPPF, policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan part 1: Core Strategy; Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. The development hereby permitted shall not proceed beyond foundation level (including construction of the basement walls) until a detailed hard and soft landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The submitted scheme must include the following details:

- Detailed planting plans;
- The treatments proposed for all ground finishes, including hard and soft landscaped areas;
- Details of all boundary treatments;
- Planting schedules, noting the species, sizes, numbers and densities of plants.

- Details of the planting schedules and maintenance regimes for the green roofs for the dwelling and garage;
- Details of the planting schedules and maintenance regimes for the wildflower meadow planting areas;
- Details of proposed biodiversity enhancements including bat and bird boxes within the housing site area (not within the wider site covered by the woodland management plan)

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

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

16. The development shall not proceed beyond foundation level until (including construction of the basement walls) a detailed woodland management plan has been submitted to and approved in writing by the Borough Council. The detailed management plan shall build upon the following key objectives as discussed in the submitted framework management plan:

- Prevent deterioration of the area of woodland habitat through halting the spread non-native species, fly-tipping and informal woodland clearance.
- Provide compensation for losses of habitat through new tree planting.
- Provide enhancements to woodland structure and floral diversity where possible, with the aim of creating an area of high quality woodland.
- Provide new opportunities for faunal species.
- Maintain and improve access.

The approved plan shall include identified timescales for works across the objectives to be undertaken and annual monitoring reports (to be submitted to the Local Planning Authority for the first 15 years) to confirm compliance and/or progress in line with the schemes overall objectives.

Any scheme will also work closely with the dwellings environmental strategy in allowing for appropriate management to ensure provision of enough fuel for the biomass boiler at the dwelling.

The approved plan shall be implemented in perpetuity and in accordance with the approved timetables and details contained within.

[To ensure the development will conserve and enhance biodiversity and to comply with Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and policies 1 (Development Requirements); 36 (Designated Nature Conservation Sites) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: land and Planning Policies].

17. The construction of the dwelling hereby permitted must not proceed beyond foundation level (including construction of the basement walls) until a scheme for the provision of Electric Vehicle Charging Points (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type and location of the proposed EVCP apparatus. The dwelling hereby permitted must not be first occupied until the EVCP has been installed in accordance with the approved details. Thereafter the approved EVCP must be retained on the site in perpetuity.

[To promote a reduction of carbon emissions within the Borough and ensure that the development does not exacerbate poor air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

18. The construction of the dwelling hereby permitted must not proceed beyond foundation level (including construction of the basement walls) until a scheme for final improvements to the site access surfacing (from Kneeton Road to the dwelling site and Fisheries car park) has been submitted to and approved by the Borough Council in consultation with the County Rights of Way Team. Any proposed access improvements must be suitable for the site's rural location, the access' use by vehicles in relation to the dwelling and fisheries, and also for use by members of the public as a bridleway which includes equine users. Any improvements shall only be made in accordance with the details so approved, and the access shall be thereafter maintained in accordance with these details for the lifetime of the development.

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

19. The dwelling shall not be occupied until such time as it has been serviced with the appropriate parking, turning and servicing areas as detailed on the approved plans. These parking, turning and servicing areas shall thereafter be maintained for the lifetime of the development.

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

20. The dwelling shall not be occupied until such time as details of the location and design of an appropriate refuse collection point for the collection of wastes associated with all units shall be submitted to and approved in writing by the Borough Council. The refuse collection point shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

[To protect the amenities of the area 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].

21. The dwelling shall not be occupied until such time as it has been verified that the measures contained within the detailed environmental strategy and building assessment secured under Condition 11 of this permission have been

implemented and are fully operational. This verification shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling.

[In order to promote sustainable development process and ensure the development achieves its commitments relating to environmental innovation and helps raise and influence standards of construction in the rural locality in accordance with paragraph 79 part e of the NPPF and Policies 1 of the Rushcliffe Local Plan Part 1: Core Strategy].

22. Prior to the installation of any external lighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any submission must have regard to guidance for bat sensitive lighting guidance. The lighting shall be installed only in accordance with the approved details and maintained thereafter.

[To protect the amenities of the area and to comply with Policies 1 (Development Requirements); 36 (Designated Nature Conservation Sites) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

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

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

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

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

25. Notwithstanding the provisions of Schedule 2, Part 1 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, or erection of any outbuildings without the prior written approval of the Borough Council.

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

26. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, or other built form seen as a means of enclosure other than those shown on the approved plans and approved under condition 14 shall be erected on the site without the prior written approval of the Borough Council.

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

### **Notes to Applicant**

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 the prevention of the housing site and the surrounding land being subdivided in terms of ownership.

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable, and the amount payable will be calculated following approval of any subsequent Reserved Matters application. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

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

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

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath which crosses the land to which this application relates. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures. (Tel 01159 9148215)

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.

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

Condition 23 requires the dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

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

All workers/contractors should be made aware of the potential of protected/priority species being found on site and care should be taken during works to avoid harm, including during any tree works.

If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

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.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations and a wildlife sensitive lighting scheme should be developed and implemented.

Best practice should be followed during building work to ensure trenches dug during work activities that are left overnight should be left with a sloping end ramp to allow animals that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are, they should be dismantled by hand prior to removal. Night working should be avoided.

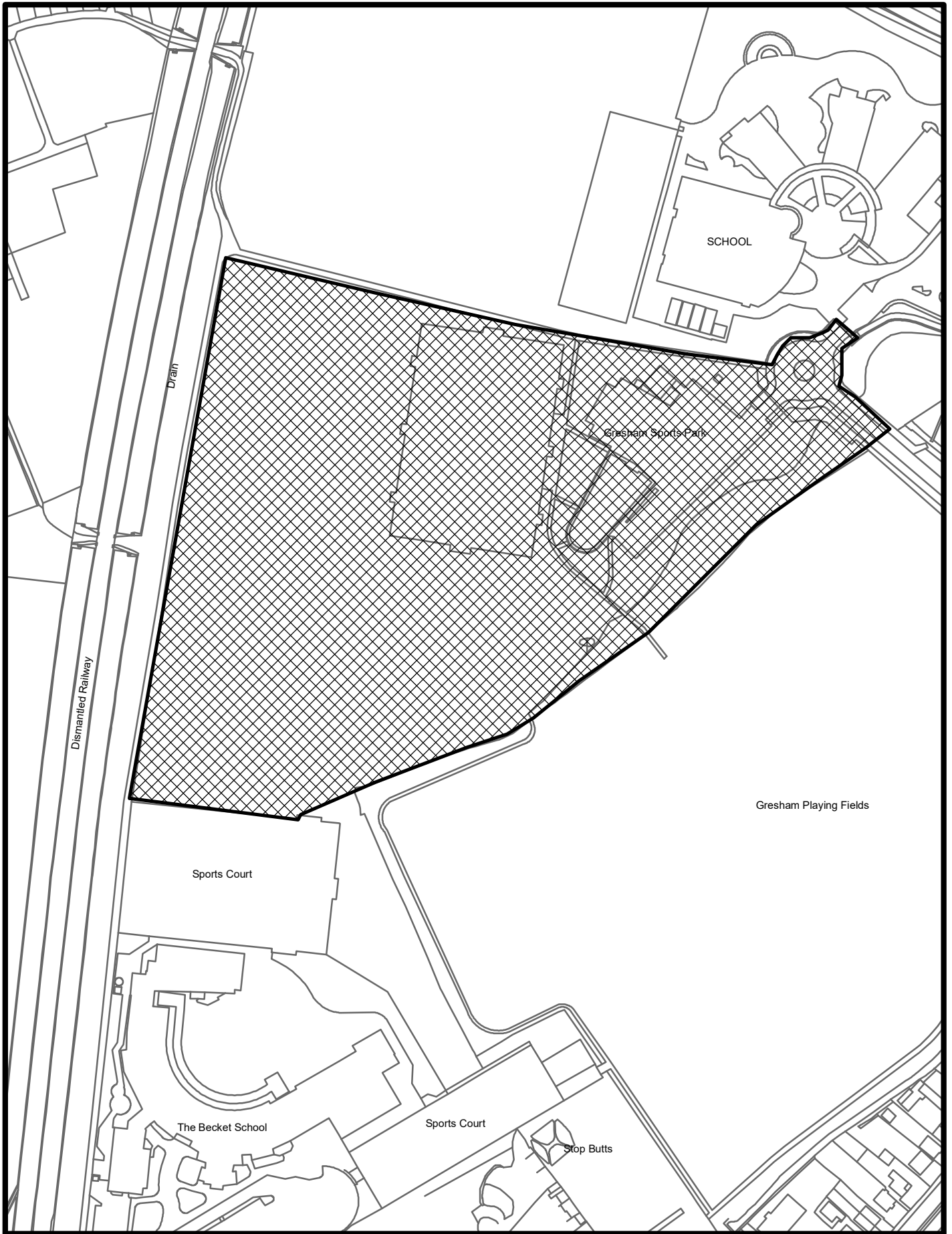
Where possible, new trees/hedges should be planted with native species (preferably of local provenance and including fruiting species) and existing trees/hedgerows should be maintained and hedgerows gapped up if necessary. If removal of trees is necessary, they should be replaced with new native trees (preferably of local provenance). 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 the zones.

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

The applicant is encouraged to incorporate bird and bat boxes into the fabric of buildings where practicable.

The existing trees on the site are the subject of a Tree Preservation Order and consent is needed for any works to uproot, cut down, top or lop the protected tree(s). Unauthorised works to a protected tree are a criminal offence.

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.



**Application Number: 20/02703/FUL**  
**Gresham Park, West Bridgford**



**scale 1:2500**

**page 139**

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<b>20/02703/FUL</b>
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<b>Applicant</b>	Rushcliffe Borough Council
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<b>Location</b>	Gresham Park Pavilion Gresham Park Road West Bridgford Nottinghamshire NG2 7YF
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<b>Proposal</b>	Construction of new 3G all-weather football pitch with associated hardstandings, floodlighting and fencing and re-surfacing and fencing alterations to existing football pitch. Drainage and remediation works to natural playing fields to provide better, more suitable playing fields for football use.
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<b>Ward</b>	Compton Acres
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## THE SITE AND SURROUNDINGS

1. The application relates to land at Gresham Sports Park and Pavilion, and has been submitted by the Council. The application area is currently used as playing fields. The River Trent is located to the north of the site beyond The Emmanuel School site, the NET tram borders the site to the west, Trent Pastures Local Wildlife Site (LWS) is to the east, properties on Wilford Lane and the land where the former Chateau resided is to the south east and The Becket School is located to the south of the site.
2. Access to the site is via the Gresham Park Roundabout off Wilford Lane and Gresham Park Road. A belt of mature trees runs along the south eastern boundary of the car park. The grass playing pitches are connected to the pavilion by a public footpath and West Bridgford Footpath 8 runs through the application site. The site is within Floodzone 2 and 3 of the River Trent.

## DETAILS OF THE PROPOSAL

3. This application is before Planning Committee as the applicant is the Borough Council and the application involves work to a Council owned facility.
4. Planning permission was originally sought for the Construction of a new 3G all-weather football pitch with associated hardstandings, floodlighting and fencing and also the re-surfacing and fencing alterations to the existing football pitch on land that is currently laid to natural grass sports field and the existing football pitch due to be re-surfaced is an existing all-weather sports pitch. The proposal covered an area of 15000sq.m.
5. The proposed new pitch would have an area of 7420m<sup>2</sup>. It has been designed to be in line with the Football Association (FA) guidelines for pitch sizes. The dimensions of the proposed synthetic pitch would be 106m x 70m. The existing site is laid to grass. The installed appearance of the 3G pitch would be Green artificial grass surface with line markings of White, Yellow, Blue and Red for the different sports playable on the pitch. The perimeter ball stop fencing would be 4.5m high galvanised and powder coated Green or Black 868 Twinbar fencing, complete with 1.2m Super Rebound Panel. Floodlighting would be

provided comprising eight 15m high columns around the 3G artificial grass pitch.

6. The refurbishment of the existing pitch facility would affect a surface area of 7526m<sup>2</sup>. The dimensions of the existing facility is 106m x 71m. The appearance of the 3G pitch would be Green artificial grass which would match the existing playing surface currently installed on to the pitch. Blue line markings would denote cross-pitch Football playing. Polypropylene netting sections would be installed between the existing fencing to match the existing height of approximately 3m.
7. The plans and application description were amended during the course of the application to also include drainage and remediation works to the natural playing fields to provide better, more suitable playing fields for football use. Consultation was undertaken on this revised proposal.
8. The 3G pitch would be located between an existing artificial grass pitch and the western boundary of the site, adjacent to the tram with the refurbished pitch to the east of this and the pitches, subject to the drainage improvement, to the south of the pavilion.
9. The application was accompanied by a number of technical reports and plans. Plan were updated as a result of the changes made during the course of assessment.

## **SITE HISTORY**

10. 20/01661/FUL - Continued use of the land as a motorcycle training facility and retention of the Porta-cabin, metal storage container and portaloo (extension of planning permission 15/01785/FUL) (Amended Description). Approved
11. 15/01785/FUL - Placement of Porta-cabin and metal storage container for use in connection with motor bike training. Approved
12. 05/00987/REM - New playing fields, pavilion and car parking with new access road, footpath/cycleway from Wilford Lane via new bridge
13. 04/01859/OUT - Form new playing fields, sports pavilion, car park, access from Wilford Lane. Approved

## **REPRESENTATIONS**

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

14. One Ward Councillor (Cllr Phillips) has no objection to the original application and confirmed his support on the revised information.
15. One Ward Councillor (Cllr Wheeler) has no concerns and is happy to support the amendments.

### **Statutory and Other Consultees**

16. The Borough Council's Environmental Health Officer raised no objection to proposal subject to a note to applicant regarding construction times. The officer

considered the two Site Investigation Reports from JPP Geotechnical and Environmental Ltd. (Report Ref: R-SI-20283-01 & R-SI-20283-02 dated June 2020) in respect of the 3G pitch and resurfaced pitch and confirmed that they are satisfied with the methodology and results of the investigations. A condition is suggested in respect of unexploded Ordnance.

17. The Borough Council's Sustainability Officer has advised that *"The site consist of improved grassland. No protected or priority species were identified on site. No priority habitats exist on the site, there is negligible potential for foraging protected or priority species. The site is approximately 50m from Wilford Disused Railway LWS, and Trent Pasture, West Bridgford LWS. It has been shown that the floodlighting will not impact outside of the development footprint, however noise may impact upon the nearby LWS, however as the site is currently used as a playing field this will not alter the amount of noise, and as the site is next to an existing floodlit all-weather football pitch there will be negligible change in impact. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development."* Recommendations have been made. In respect of the revision and plans received on the 18 December he advised that *"these do not materially impact on my recommendations made on 4 December 2020, therefore I make no further recommendations."*
18. The Borough Council's Design and Landscape Officer has no objection to the proposal. They advise that *"The site is given over to sports pitches already. The new fencing will be slightly more urbanising, but would not be out of keeping with the surrounding land use with two schools and other pitch which are enclosed in similar fencing. The proposed pitch will also make the site more usable due to the current poor drainage."*
19. Nottinghamshire County Council as Lead Flood Risk Authority initially provided their standard advice for minor development. Subsequently the Officer provided specific comments advising that they have no objections to the proposal for the 3G pitch. After consultation on the revised proposal they advised that they were happy that drainage is proposed to be implemented as part of the scheme now. No further comments or conditions have been advised.
20. The Environment Agency raised no objection to the proposal subject to a condition regarding the FRA and mitigation measures proposed. They advise that *"the revised documentation relates solely to land drainage issues and therefore falls under the remit of the LLFA who should be consulted. The proposed changes to layout do not change our requested conditions as this can still be achieved."*
21. Network Rail have no observations to make.
22. Nottingham City Council has advised that *"This application does not look like it will affect the tram operationally. The applicant should note that a permit to work will be required for any scaffolding that is required in 6metres of NET infrastructure. Further details regarding undertaking works adjacent to the tramway are available at <https://www.thetram.net/work-near-the-tram.aspx>. The applicant should also get in touch with Glenn Oakes ([glenn.oakes@thetram.net](mailto:glenn.oakes@thetram.net)) the Infrastructure Maintenance Coordinator at*

*NTL to discuss any potential issues with access and construction close to the tramway.”*

23. Sport England do not raise an objection to the application as it is considered to meet exception E5 of its Playing Fields Policy subject to a condition regarding a community use agreement.
  
24. Sport England “*consulted the Football Foundation and the Rugby Football Union; The Football Foundation (FF) on behalf of the Football Association advise that they fully support this proposal, financial support for this development is currently being considered. The Local Authority completed its Playing Pitch Strategy (PPS) in 2017 and undertook a formal review in 2019; The FF and Nottinghamshire Football Association have been working with Rushcliffe BC to develop this football hub proposal to address the shortfall of 3G facilities in the borough, as identified in the PPS and LFFP. Supplementary to this application is a grass pitch improvement scheme at Gresham Park, creating a mix of 3G and natural turf provision rationalised to a single venue supported by car parking and ancillary facilities. The 3G Football Turf Pitch will be procured via the FF Framework, thereby ensuring that it meets the standards required for FIFA Quality accreditation and inclusion on The FA Register of 3G FTPs. The FF on behalf of the FA, is fully supportive of this application. It is recommended that planning consent should be provided with the following notes:*
  - *Testing - The 3G pitch is tested and subsequently FA registered (on completion and then every three years for grassroots football and every 1 year for football in the National League System). This will enable the 3G to be used for league matches and therefore help the 3G pitch to be used to its maximum potential by programming matches at peak times. For schools please See the link below, section 5 <http://www.esfa.co.uk/rules/?id=2#5.-THE-FIELD-OF-PLAY>*
  - *Pricing - Pricing policies must be affordable grass roots football clubs and should be agreed with the local County Football Association. This should include match-rate at weekends equivalent to the Local Authorities price for natural turf pitches.*
  - *Sinking fund - Ensure that a sinking fund (formed by periodically setting aside money over time to cover the resurface and replacement life-cycle costs) is in place to maintain 3G pitch quality in the long term. The Football Foundation recommend £25K per annum.*
  
25. *The Rugby Football Union (RFU) advises; Nottingham Touch Club use Gresham Sports Park and the existing AGP facility on a regular basis and would wish to continue doing so. It is understood that West Bridgford RFC Colts also trained at the site and wish to continue. With the above in mind Rugby would like to retain use of the pitch (AGP) etc moving forward with a robust CUA and Pricing policy to aid Rugby development in the area. We have assessed the potential benefit of the new sports facilities, given the above comments and against our policy and consider that the proposal;*
  - *The strategic need of the facility is supported by the Rushcliffe BC PPS;*
  - *Meets a local need identified supported by the Local Football Facilities Plan, which is an investment plan;*
  - *fully secures sport related benefits for the local community;*
  - *helps to meet identified sports development priorities;*

- *complies with relevant Sport England and NGB design guidance*

26. *The Rushcliffe PPS advises;*

- I. The site has Five standard quality adult pitches which have minimal spare capacity.*
- II. Pitches over marked with touch pitches in the summer for use by Nottingham Touch Rugby and Nottingham Touch Rugby Leagues.*
- III. Plans should be put in place to, sustain and improve pitch quality through continued and better standard and regularity of maintenance and remedial works. (Identified as a priority project in the 2019 FA Local Football Facility Plan referenced above).*
- IV. Refurbish the existing AGP to meet performance standard testing and performance for use.*
- V. Seek to secure additional capacity where possible to facilitate growth of the Nottinghamshire Touch League, either onsite or through use of a second venue.*
- VI. Develop and deliver an additional full sized 3G pitch onsite to address 3G pitch shortfalls for football in the analysis area. (Identified as a priority project in the 2019 review)*

*The proposals help meet the abovementioned aims, the wider project, which are not part of the application, delivers the re-carpeting of the existing AGP and works to improve the drainage and quality of the retained natural turf playing field area for both football and touch rugby.*

27. In respect of the revised consultation Sport England advised that “No objection is raised to the proposed drainage and remediation works as detailed in the submitted Specification of Works dated December 2020, including the proposed dates and time frame for the works.”

28. Nottinghamshire County Council as Highways Authority no comments received at the time of writing the report.

29. Nottinghamshire County Council Rights of Way - VIA no comments received at the time of writing the report.

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

30. No comments have been received as a result of the Site Notice that was displayed.

### **PLANNING POLICY**

31. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2), which was adopted on 8 October 2019. Other material considerations include the 2019 National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (the Guidance).

## Relevant National Planning Policies and Guidance

32. 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. The following sections of the NPPF are relevant to this application.

- Section 6 - Building a strong competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the Challenge of Climate Change
- Section 15 -Conserving and enhancing the natural environment

## Relevant Local Planning Policies and Guidance

33. The following LPP1 policies are considered to be of relevance to this application:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Climate Change
- Policy 5 - Employment Provision and Economic Development
- Policy 10 - Design and Enhancing Local Identity

34. The following LPP2 policies are considered to be of relevance to this application:

- Policy 1 - Development Requirements.
- Policy 15 - Employment Development
- Policy 17- Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 30 - Protection of Community Facilities
- Policy 31 - Sustainable Tourism and Leisure
- Policy 38 - (Non-Designated Biodiversity Assets and the Wider Ecological Network)

## APPRAISAL

35. Planning permission is sought on an existing leisure complex for a 3G pitch, pitch refurbishment and improvements to pitch drainage. It is considered to be a sustainable form of development and acceptable in principle subject to other material planning considerations.

### Economic/community facility

36. The NPPF states at paragraph 80 that planning decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth, taking into account local business needs. Policy 5 of the Core Strategy also generally promotes economic development and job creation and policy 31 of the Local Plan Part 2 seeks to promote and support existing leisure facilities. Paragraph 97 of the NPPF support applications relating to existing open space, sports

and recreational buildings and land, including playing fields, where the development is for alternative sports and recreational provision, and where the benefits of which clearly outweigh the loss of the current or former use.

37. The existing facilities include 3G floodlit football pitch, which is proposed to be refurbished, six full-sized and one mini grass football pitches. There is parking situated in front of the pavilion building.
38. The new AGP is to be located adjacent to the existing 3G pitch and connected to the existing footpath to the North.
39. The supporting documents advise that *“The facility will be managed internally at Gresham Park School and over-seen by Rushcliffe Borough Council. The management of the facility by the internal operator will ensure high quality and affordable leisure provision in an ideal location. This will maximise the positive impact of a much needed facility. The proposed facilities have been designed to satisfy all FIFA Quality Sporting Standards and will be tested throughout construction to ensure compliance. The final facilities will be tested to ensure the Standards are fully met and be placed on the FIFA register which can be viewed by anyone. The existing facility is a vital part of the local community and the nearby school network, the addition of the new facility would contribute further to this. The new 3G pitch will help the facility remain competitive and add desirability to the facilities available to the community, and continued employment of local people at Gresham Sports Park”.*
40. The proposal is supported by the recommended actions contained in the Rushcliffe Playing Pitch Strategy Review and Action Plan Update 2019: which states:
41. *“Football and touch: Sustain and improve pitch quality through continued and better standard and regularity of maintenance and remedial works. (Identified as a priority project in the 2019 FA Local Football Facility Plan). Consider options to resolve drainage issues reported through increased aeration and potential installation of drainage systems through Section 106 funding secured.*
42. *3G Pitch and Football touch: Refurbish the pitch dependent on rate of deterioration, ability to meet performance standard testing and performance for use. This may be facilitated by linked Section 106 funding secured. Seek to secure additional capacity where possible to facilitate growth of the Nottinghamshire Touch League, either onsite or through use of a second venue. Develop and deliver an additional full sized 3G pitch onsite to address 3G pitch shortfalls for football in the analysis area. (Identified as a priority project in the 2019 FA Local Football Facility Plan).”*
43. Sport England supports the proposed development subject to a condition in respect of a community use agreement. The proposal can be viewed as supporting both a local business activity and a leisure facility for the community by providing a facility that can be used more widely in compliance with national guidance and local planning policy.

Coal Mining

44. *The Design and Access Statement advises that the site “is located within a Coal Mining Reporting area but not within a development high risk area and therefore a Coal Mining Risk Assessment is not required.”*
45. As a result, and in accordance with the Coal Authority Guidance Version 6-January 2021, a note to applicant is suggested regarding the Coal Authority Low Risk Area Standing Advice.

Unexploded Ordnance

46. *The submitted site Investigation report for the 3G pitch advises that “Based on the available online data, hazard risk mapping records indicates that within the site boundaries and surrounding area, it is classified as moderate risk from Unexploded Ordnance. A UXO risk review was consequently obtained to refine this risk specific to the subject site. The report determines the UXO risk to be medium within the site boundary with recommended detailed UXO study or mitigation procedures of site personnel UXO safety awareness talk and specialist EOD services support for intrusive works.”*
47. *The site investigation report for the refurbishment advises that “Based on the available online data, hazard risk mapping records indicates that within the site boundaries and surrounding area, it is classified as moderate risk from Unexploded Ordnance. A UXO risk review was obtained to refine this risk for the site of the proposed new AGP to the west of the existing artificial pitch. Any deeper intrusive investigations (not considered likely to be required for the proposed refurbishment) would require further risk assessment and a specialist UXO engineer to advise safety precautions and clear excavation positions.”*
48. No such site investigation report has been submitted for the wider drainage improvement area proposed. As a result a condition is recommended to ensure further investigation works are undertaken in advance of works taking place.

Ecology

49. The Council has a duty to consider the potential impacts of a proposal on wildlife. The submitted ecology report concludes that “the proposed new AGP and resurfacing of the adjacent pitch is highly unlikely to have an adverse impact on local nature conservation designations. The on site amenity grassland is not of ecological importance and is unlikely to support protected or notable fauna. The new floodlights will not impact the Wilford Disused Railway LWS, and therefore nocturnal fauna such as bats utilising the habitat would not be adversely impacted by the proposals. In conclusion it is therefore considered highly unlikely that the proposals will result in significant harm to biodiversity. No further survey work or ecological mitigation is considered necessary as a result of this desk based appraisal.”
50. The Sustainability Officer advises that “the favourable conservation status of Protected Species is unlikely to be impacted by this development.” It is therefore considered that the 3 tests are not applicable for the assessment of this application and that the development will not have an adverse impact on wildlife in the vicinity.

Amenity

51. There are no immediate adjacent residential properties that are considered would be affected by the proposed development. The closest properties are 114m from the site within the City Boundary having the Tram and allotments intervening to the west of the application site. The proposed lighting has been designed so as to prevent light spillage beyond the extent of the 3G pitch and so whilst these would be seen from outside of the site, it is not considered that the development would have any undue impacts on these nearby residential properties.

Landscape

52. It is considered that the proposed development would not have any detrimental impact on the character of the area or boundary treatment to the overall site, with the development sitting within an existing leisure facility and not therefore being alien to the character of the area.

Flood Risk

53. It is noted that the site lies entirely within Flood Zone 3, although the area benefits from protection from flood defences. This has been specifically addressed within the application, by the submission of a full flood risk assessment and technical views sought. The submission advises that informal advice was sought from the Environment Agency and Flood Authority prior to the submission of the application. The advice provided was that, in general, there would be no objection to the installation of a 3G synthetic pitch in the proposed location, as long as the ground levels were not altered significantly.
54. The applicant has confirmed that *“the ground levels have mostly been left as per the existing field, as requested by the EA. The application proposes a positive drainage outlet via a soakaway that is designed to overflow into the swale area in the event of flooding or high ground water. The flood risk for the area will remain as it is currently, however, a positive outfall is proposed so that water should get to the swale quicker than it currently runs.”*
55. The supporting FRA advises that *“it is not practical to consider alternative site in an area at a lower risk of flooding. The site is defended and the proposed AGP is categorised as Water Compatible development. The risk of flooding can be adequately managed through flood warnings. The new AGP will be constructed at or below existing ground levels, with all excavated material to be removed from the site. Any fences to be constructed associated with the AGP will have an open nature so as to not impede the flow of flood water. The proposed drainage strategy will provide attenuation within the permeable subbase of the proposed pitch. The sub-base attenuation will be designed to accommodate all storms up to and including the 1 in 30 year event (241m<sup>3</sup>). Storage for all storms exceeding the 1 in 30 year event will be provided above ground by allowing the proposed pitch to flood (residual 333m<sup>3</sup>). As such, no flood storage compensation is considered to be required. The proposed surface water drainage infrastructure will comprise a private SUDS system and will be maintained by Gresham Sports Park.”*
56. Both the Environment Agency and the Lead Local Flood Authority have confirmed that they have no objections to the proposed development

including the improvements to drainage on the pitches to the south of the Pavilion, subject to conditions.

57. In order to ensure compliance with the submitted FRA and the Environment Agency suggested condition requiring that “Any fences to be constructed associated with the AGP to have an open nature so as to not impede the flow of flood water.” Therefore, a condition is recommended to require the submission to a scheme to stop/collect the rubber crumb infill escaping from the pitch.
58. It is considered that sequentially there is no practical alternative site and that the submitted documentation supports and confirms that the 3G Pitch development would not exacerbate any flood risk elsewhere. It is also considered that the improvements to the other pitches and drainage at the site again would not lead to flood risk elsewhere. As a Council owned site appropriate flood warning measures are in place and the car park would be closed should flooding reach an extent to breach the flood defences. A condition is recommended to ensure that the works to the 3G pitch are done in accordance with the mitigation referred to in the FRA.

### Conclusion

59. No objections have been received to the proposed 3 G Pitch and associated lighting, drainage and infrastructure and it is considered that it would not have any overriding adverse impact on the appearance of the site. Approval would support the existing business activity and provide a valuable leisure service to the local community. The proposal is therefore considered to accord with the policies set out in The Local Plan Part 1 and 2 and the relevant guidance within the NPPF. Approval of the application is therefore recommended.
60. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary resulting in a favourable recommendation.

### **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 shall be undertaken in full accordance with the following approved plans and documents:
  - Design and Access Statement Revision 0- October 2020
  - 15m - Lighting Mast Elevation
  - B and L Fencing Services Ltd QUOTATION - PRODUCT SPECIFICATIONS

- B and L Fencing Services 1.2M HIGH SPECTATOR RAIL REBOUND TWIN SB 1200-02-B
- B and L Fencing Services 4.5M HIGH TWIN BAR SYSTEM TWIN SB 4470-01
- B and L Fencing Services 4.5M HIGH TWIN BAR REBOUND SYSTEM TWIN SB 4470-02
- B and L Fencing Services EXPLODED DETAIL FOR DUEX FIXING SYSTEM C/W SOUND/VIBRATION REDUCTION RUBBER BL-RUBBER-01
- B and L Fencing Services EXPLODED DETAIL FOR DUEX FIXING SYSTEM C/W SOUND/VIBRATION REDUCTION RUBBER ACOUSTIC STRIP BL-RUBBER-01 rev A
- Smith Sports and Civils Proposed Synthetic sports pitch and refurb General Arrangement, Construction detail, Drainage detail, Line Marking detail, fencing and floodlight detail plan 2347/GA/01
- Smith Construction - Construction Management Plan
- Christy Lighting Masts Ltd LED Floodlighting System a20-0716923/bjl dated 18 September 2020
- Christy Lighting Ltd 3G Pitch Lighting – 200lux ref CLa18/0716923 issue 1
- CHRISTY LIGHTING MASTS LTD Floodlighting Scheme Description and spec
- Labosport AGP constraints plan 19-1008 01
- JPP Flood Risk Assessment Revision A December 2019 R-FRA-20219-01-A
- JPP Site Investigation Reports Revision 00 June 2020 R-SI-20283-01-00
- JPP Site Investigation Reports Revision 00 June 2020 R-SI-20283-02-00
- JPP Topographical Survey 20264Y 01
- Aspect Ecology Ecological Appraisal dated September 2020

And plans and documents received 18 December 2020 in respect of the works to improve the drainage to pitches 5 and 6 as identified within the red line of the application site boundary on Smith Sports and Civils Proposed Layout Plan 2347-SL-01 Rev B only (Any other work referred to in respect of other pitches is not approved under this application):

- Smith Sports and Civils Proposed Layout Plan 2347-SL-01 Rev B
- Smith Construction Drainage Drawing Levels and Coordinates 2347/DRAIN/01 Rev A
- PSD Agronomy Labosport Group CONSTRUCTION, DRAINAGE & SURFACE IMPROVEMENTS OF NATURAL GRASS SPORTS PITCHES December 2020 LA/003/RCGSP/1648/S/201127
- PSD Agronomy Labosport Group Topographical Survey 1648/001
- PSD Agronomy Labosport Group Drainage Design and Surface Remediation plan 1648/006

[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

3. The materials referred to in the application shall be used in the development hereby permitted.

[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 shall be carried out in accordance with the submitted flood risk assessment (JPP Consulting Ref. R-FRA-20219-01-A Rev.A, December 2019) and the following mitigation measures it details:

- AGP to be constructed at or below existing ground levels, with all excavated material to be removed from the site (Paragraph 3.8.3).
- Any fences to be constructed associated with the AGP to have an open nature so as to not impede the flow of flood water (Paragraph 3.8.3)

These mitigation measures shall be fully implemented prior to use commencing and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

[To prevent flooding elsewhere by ensuring no loss of flood storage, to ensure that flows are not impeded by the development and to comply with Policy 17 (Managing Flood Risk) and Policy 18 (Surface Water Management) and of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Use of the development shall not commence until a community use agreement, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the new 3G all-weather football pitch with associated hardstandings, floodlighting and fencing, and re-surfacing and fencing alterations to the existing football pitch and shall include details of pricing policy, hours of use, access by non-educational establishment users/non-members, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

[To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy 30 (Protection of Community Facilities) of the Rushcliffe Local Plan Part 2].

6. The development of the 3G pitch and pitch refurbishment hereby approved shall be undertaken in full accordance with the recommendations of the Site Investigation Reports from JPP Geotechnical and Environmental Ltd. (Report Ref: R-SI-20283-01 & R-SI-20283-02 dated June 2020 in respect of Unexploded Ordnance (para 3.9 and Appendix G of Report Ref: R-SI-20283-01 and 3.8 of Report R-SI-20283-02 respectively). Prior to commencement of earthworks in relation to the improved drainage for pitches 5 and 6, a report quantifying risk from unexploded ordnance shall be submitted to and approved

in writing by the Local Planning Authority. The development shall be carried out in accordance with any agreed details.

[To establish the risk levels within the overall site and ensure adequate mitigation is achieved/ ensure that the site is free from unrecorded munitions.]

7. The development hereby permitted shall not come in to use until a Management Plan has been submitted and approved by the Local Planning Authority. The contents of the Plan shall have regard to the practical control of noise, artificial light associated with the use of the artificial grass pitch and traffic. Thereafter, all agreed measures shall be maintained in perpetuity.

[To ensure that the users of the all-weather pitch are aware of the need to use the facility in a manner that minimises the impact on the amenity of local residents and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2.]

8. The floodlights hereby permitted shall only be switched on when the artificial grass pitch is in use or for maintenance purposes.

[To safeguard the amenities of nearby residential occupiers and ecological habitats adjacent the site to comply with policy 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2 and Chapter 15 of the NPPF].

9. The use of the 3G Pitch/ artificial grass pitch(s) hereby permitted shall be restricted to between the hours of:

8.00 and 22.30 Monday to Saturday  
8.00 ad 20.00 Sunday and Bank Holidays

[To safeguard the amenities of nearby residential occupiers and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2.]

10. The development shall only be carried out in accordance with the levels identified in the application submission.

[To ensure a satisfactory development in the interests of amenity and to comply with policy 1 (Development Requirements) and Policy 17 (Managing Flood Risk) and Policy 18 (Surface Water Management) and of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. Notwithstanding the submitted plans/documents indicating a 500mm perimeter board around the 3G pitch, a scheme to stop/collect the rubber crumb infill escaping from the pitch in the event of a flood shall be submitted and approved in writing by the Local Planning authority prior to the commencement of the development hereby approved. Such a scheme shall not include a perimeter board but shall be designed so as to comply with the Flood Risk Assessment (JPP Consulting Ref. R-FRA-20219-01-A Rev.A, December 2019) submitted with the application. The development shall be undertaken in accordance with the approved scheme.

[To comply with the submitted Flood Risk Assessment, to prevent flooding elsewhere by ensuring no loss of flood storage, to ensure that flows are not

impeded by the development and to comply with Policy 17 (Managing Flood Risk) and Policy 18 (Surface Water Management) and of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition in order to establish the design does not conflict with condition 4 above and would not impact on flood risk].

### **Notes to Applicant**

The development should not increase flood risk to existing properties or put the development at risk of flooding.

Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.

Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Any construction work, including deliveries, be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents/businesses:

Monday Friday 0700 1900 hours  
Saturday 0800 1700 hours  
Sunday/Bank Holidays No work activity.

A permit to work will be required for any scaffolding that is required in 6metres of NET infrastructure. Further details regarding undertaking works adjacent to the tramway are available at <https://www.thetram.net/work-near-the-tram.aspx>. The applicant should also get in touch with Glenn Oakes ( [glenn.oakes@thetram.net](mailto:glenn.oakes@thetram.net)) the Infrastructure Maintenance Coordinator at NTL to discuss any potential issues with access and construction close to the tramway.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate.

New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.

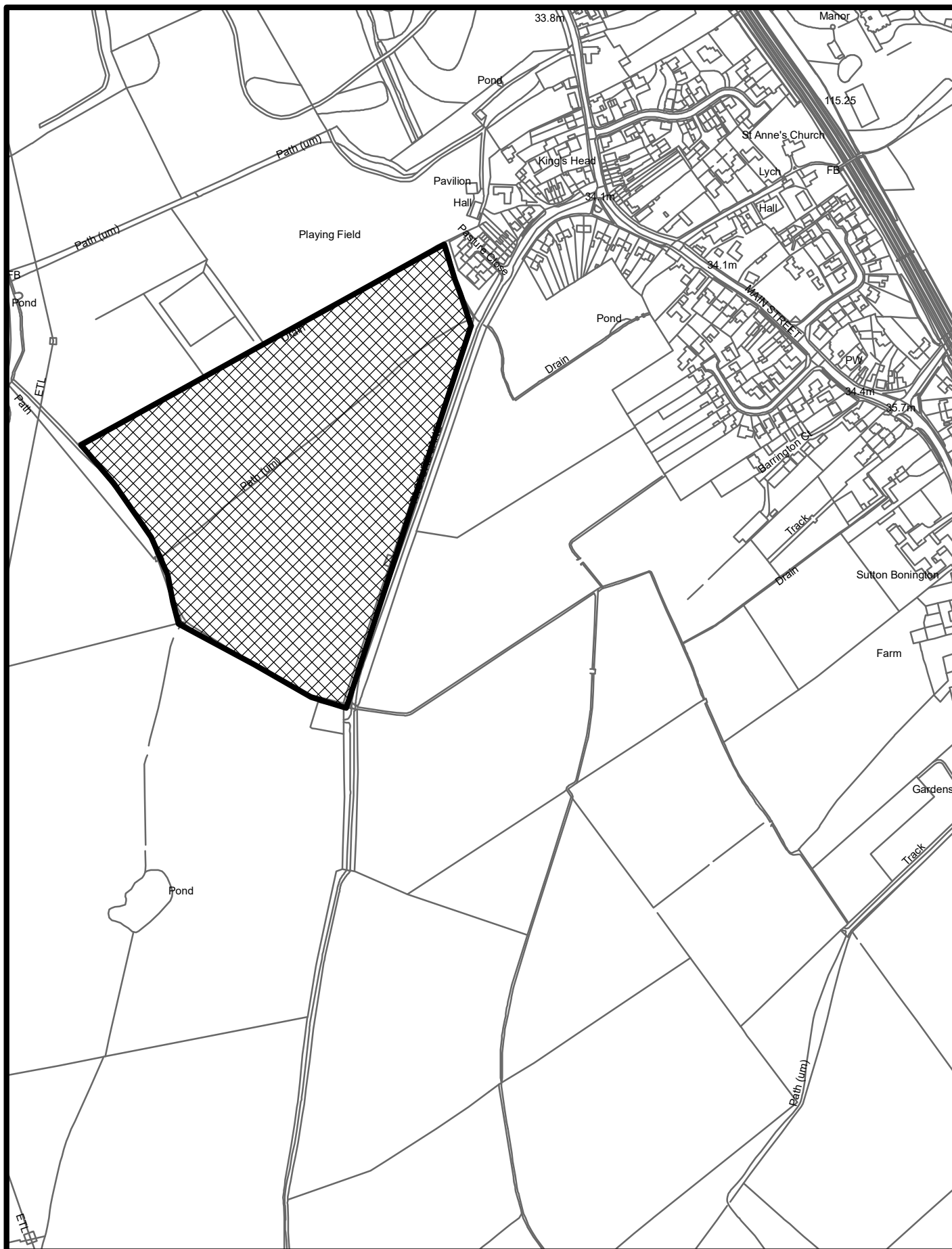
Where possible new trees/hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/treeshedgesandlandscaping/landscapingandtreeplanting/plantingonnewdevelopments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*))

Good practise construction methods should be adopted. 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. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.

Notwithstanding the plan 1648/006 Drainage Design and Surface Remediation and the PSD Agronomy Labosport Group SPECIFICATION OF WORKS FOR CONSTRUCTION, DRAINAGE & SURFACE IMPROVEMENTS OF NATURAL GRASS SPORTS PITCHES dated December 2020 this permission only authorises works to improve the drainage to pitches 5 and 6 within the red line of the application site boundary as defined on the Smith Sports and Civils Proposed Layout Plan 2347-SL-01 Rev B only. Any other work referred to is not approved under this application.

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). Further information about CIL can be found on the Borough Council's website at: <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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**Application Number: 20/02623/FUL**  
**Land west of Pasture Lane, Sutton Bonington**



scale 1:5000

page 157

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<b>20/02623/FUL</b>
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<b>Applicant</b>	Miss Jen Harvey
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<b>Location</b>	Land West Of Pasture Lane Sutton Bonington Nottinghamshire
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<b>Proposal</b>	Erection of an equestrian stable block, with outdoor manège, associated car parking and access. Stable block with eight stable pens, hay store and tack room, used as a full livery yard. (Resubmission)
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<b>Ward</b>	Sutton Bonington
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## THE SITE AND SURROUNDINGS

1. The application site comprises a large broadly triangular open field to the west of Sutton Bonington, accessed off Pasture Lane which runs along the south east boundary of the site. The site is currently in use for grazing. The field is fairly flat, bound by a hedge and post-and-wire fence with some mature tree planting along the Pasture Lane frontage. There is a cluster of modern residential properties immediately to the east of the site at Pasture Close (approved under planning reference 06/01291/FUL). A public footpath runs through the middle of the site, with access off Pasture Lane, adjacent to the site of the proposed vehicular access to the site. The site falls within Flood Zone 3 (high flood risk).

## DETAILS OF THE PROPOSAL

2. The application seeks planning permission for a commercial livery comprising an eight-bay stable block with hay store and tack room, a manege, and associated parking and access. The stable would comprise a timber building measuring 32.5 metres in width and 3.8 metres in depth, with a 2.9 metre deep single storey rear projection at the eastern end. The roof would comprise corrugated Onduline sheeting measuring 2.1 metres to the eaves and 3 metres to the ridge. The stable would be positioned close to the Pasture Lane frontage.
3. The proposed manege would be sited to the rear of the stables. This would comprise a rectangular area measuring 20 x 40 metres, filled with sand and synthetic fibres and enclosed with a post-and-rail fence. A gravel car park is proposed in the north east corner of the site comprising 8 car parking spaces and 4 trailer spaces. A vehicular access would be formed off Pasture Lane to the north east corner of the site.

## SITE HISTORY

4. 20/00964/FUL - Erection of an equestrian stable block, with outdoor manège, associated car parking and access. Stable block with eight stable pens, hay store and tack room, used as a full livery yard. Withdrawn in 2020.

## REPRESENTATIONS

### Ward Councillor(s)

5. There is currently no Ward Councillor for the area, however, Cllr Upton as substitute councillor for the area does not object.

### Town/Parish Council

6. Sutton Bonington Parish Council commented on the application with the points summarised as follows:
  - a. The suggested access and highway improvements are inadequate, Pasture Lane will need widening and improving up to and slightly beyond the suggested access point.
  - b. The stable will attract large horse boxes/trailer vehicles requiring large turning circles/manoeuvring space.
  - c. The proposal would lead to verges being overrun
  - d. The existing public footpath is likely to get severely churned up - the need to address this was highlighted prior to submission.
  - e. An alternative access route for horse traffic is needed

### Statutory and Other Consultees

7. The Environment Agency initially objected to the application due to the absence of an acceptable Flood Risk Assessment (FRA). The applicant subsequently provided an FRA.
8. Following the receipt of an FRA, the Environment Agency provided further comments. They note that the site is in a functional floodplain. If the Local Planning Authority deem to classify the development as 'water compatible', then a planning condition should be included requiring the development to be carried out in accordance with the submitted Flood Risk Assessment, specifically the mitigation measures in section 9.1 and Figure 17 of the FRA.
9. The Nottinghamshire County Council as Lead Local Flood Authority do not wish to make specific comments on the application, however they provide standing advice as detailed in their consultee response.
10. The Nottinghamshire County Council as Highways Authority note that the proposal would result in additional traffic, impacting on the public bridleway. As such, the section of Pasture Lane leading to the site requires upgraded surfacing to prevent further degradation along with widening to accommodate two-way traffic. The parking and turning provision are considered acceptable. They suggested that the application should be deferred so that further information can be provided.
11. The Highway Authority also forwarded comments from the Rights of Way team. Rights of Way do not object as the path is fenced on both sides to an acceptable width. They request the applicant considers compacted stone surfacing at any equine/vehicular crossing point of the path and that the design of the site infrastructure allows it to freely drain avoiding the possible retention of water upon the footpath following high rainfall or flood events. The footpath

should remain open at all times, unless a temporary closure has been agreed with Highways.

12. The Highway Authority provided further comments following the receipt of a supporting statement from the applicant's highways consultant. The site currently accommodates 9 horses, of which two are owned by the applicant, and 7 by others. The supporting statement states that the site lacks livery services, the other horse owners currently visit the site twice daily, as well as other vehicle movements associated with vets, farriers and associated service providers. It is argued that the proposal for a full livery service will actually result in a reduction in vehicle movements, with less need for the owners to visit as regularly as at present.
13. However, it is understood that the current equestrian use of the agricultural fields requires planning permission, which has not been applied for, and is therefore unauthorised. Unauthorised and the associated vehicle movements cannot be considered to offset the impact of the proposed development. The actual current permitted use for the site would generate much fewer vehicle movements than suggested by the applicant. The proposal would result in additional traffic to and from the site, impacting on the public bridleway which is in a poor state. The section of Pasture Lane leading to the site would therefore require widening and an upgraded surface. The Highway Authority are unable to recommend approval of the application in its current form, and further information should be submitted to address these concerns.
14. The Ramblers comment that whilst it is difficult to object to the application purely from a Rambler's perspective, they have serious concerns about the nature of Pasture Lane and the proposed access arrangements. There are concerns about the narrowness of Pasture Lane if there is an increase in traffic in the form of larger vehicles towing trailers, or lorries. There could be issues with vehicles trying to pass, although the adequacy of the lane is for technical departments to assess. Without knowing the traffic volume, it is hard to assess the impact on walkers along this lane. The proximity of the proposed site access to the footpath is a concern. Potential visual impact walking in a NE direction. Potential impact on ridge and furrow pasture.
15. East Midlands Airport have no aerodrome safeguarding objections to the proposal subject to a condition that all exterior lighting is to be capped at the horizontal with no upward light spill.
16. The Borough Council's Environmental Health Officer notes that the applicant has provided some details on the waste management proposed at the stables, however there are no details provided on the frequency of the disposal of the manure from the site. In order to ensure that they can be confident the waste management process will be acceptable and create no issues with odours, further details are requested on the frequency of the waste disposal from the site.
17. The Borough Council's Environmental Sustainability Officer notes that the submitted Preliminary Ecological Appraisal was completed in February 2020, which is outside of the optimal time period for flora surveys, but can be used to assess where further surveys are likely to be required. The survey appears to have been carried out according to good practice and is in date. A number of recommendations are detailed in the consultee response.

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

18. 24 representations objecting to the proposal have been received from neighbours/members of public with the comments summarised as follows:

- a. Increased traffic volumes
- b. Risk to users of Pasture Lane i.e. pedestrians
- c. Insufficient width for two vehicles to pass
- d. Would be difficult for horseboxes/ trailers to reverse safely if oncoming traffic is encountered
- e. Further erosion of the track and verges
- f. Will increase flooding issues. Would add to existing surface water issues. Impact on the function of the flood plain
- g. Existing drainage system inadequate
- h. Impact on ability to remove storm water from houses
- i. Visual impact of buildings and hardstanding, equipment and horseboxes/ high-sided trailers
- j. Loss of unobstructed views towards the river
- k. Hazard of further congestion on Main St - Pasture Lane junction
- l. Would result in increase in large vehicles i.e. trailers
- m. Would operate all year round, potentially antisocial hours
- n. Blind exit of the footpath onto the road
- o. Pedestrian visibility issues on Pasture Lane. New entrance is a pedestrian hazard
- p. Impact of the application on the road condition, including the small bridge
- q. Potential damage to hedges and tree roots from vehicles
- r. Impact of proposed access on trees/hedges - there is already a vehicular access further along Pasture Lane
- s. Risk to footpath users from manoeuvring vehicles i.e. trailers
- t. Horses may present a risk to users of the footpath
- u. Footpath may be churned up by horses and impassable
- v. Impact on historic ridge and furrow pasture

- w. Traffic noise impacts
- x. Potential lighting impacts
- y. Odour impacts from stored manure
- z. Additional water supply to service stables could add to flooding
- aa. Unlikely that it would benefit local business and amenities
- bb. Query if a toilet block would be required
- cc. No information on local demand for the proposal - customers may not be local, resulting in private vehicle use
- dd. Route of footpath not shown on HAS drawings, making hard to assess the impact on the footpath
- ee. Concern that demand could outstrip the proposed parking. Increased on street parking could make pasture lane impassable for larger vehicles
- ff. The stables must contribute to the maintenance of the road
- gg. Likely future increase in facilities due to the size of the site
- hh. Land can become waterlogged in winter, not good for horses
- ii. Could lead to further development
- jj. Horses already in the field and horsebox parked on the road for several months

## **PLANNING POLICY**

19. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2), which was adopted on 8 October 2019. Other material considerations include the 2019 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).

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

20. The relevant national policy considerations for this proposal are those contained within the NPPF (2019) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan should be approved without delay.
21. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127. Development should function well

and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130, 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.

22. The site falls within an area of flood risk. Paragraph 155 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

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

23. LPP1 Policy 1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal falls to be considered under LPP1 Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development shall be assessed in terms of the criteria listed under section 2 of Policy 10.
24. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2 which states that Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the criteria listed under this policy are met. As the site lies outside of the settlement, the proposal falls to be considered under Policy 22 (Development within the Countryside). The site is within a high flood risk area and the proposal therefore falls to be considered under Policy 17 (Managing Flood Risk).

### **APPRAISAL**

25. The current application is a resubmission following the withdrawal of application 20/00964/FUL. This previous application was withdrawn on the basis of a technical objection from the Environment Agency and a recommendation from the Highways Authority due to an absence of sufficient information on parking and access arrangements.
26. The Environment Agency objected to the previous application on the basis that the development was considered to be within a flood risk vulnerable category not compatible with its location within Flood Zone 3. Following the withdrawal of the application, discussions took place with the applicant and a revised Flood Risk Assessment has been provided as part of the current application, which confirms that the use of the site for the keeping of horses would be a 'water compatible use'. To avoid the risk of flooding elsewhere, the FRA recommends the use of soakaways for the discharge of any surface water.
27. Subject to the use being considered 'water compatible' the Environment Agency do not raise any objections to the current application, however to comply with the requirements of the NPPF they request that the mitigation measures detailed in the FRA in relation to a water entry strategy for the

buildings should be secured by way of a condition in the event that planning permission is granted.

28. The current application includes supporting plans provided by a highway consultant which show the layout of the proposed car and trailer parking spaces including vehicular tracking, thus addressing the concern raised by the Highway Authority in their comments on the previous application. The Highway Authority consider that the turning and parking provision is acceptable. However, they maintain their objection on the basis that the proposal would result in increased vehicle movements at the site, impacting on the bridleway which provides a substandard level of access for the level of vehicle movements anticipated.
29. The applicant has suggested that the proposed livery would generate fewer trips than the existing use of the site, which currently accommodates 9 horses, two owned by the applicant and 7 others. As the site currently lacks livery services, the use of the site results in vehicle movements associated with twice-daily visits by owners, as well as other vehicle movements associated with vets, farriers and associated service providers. The applicant therefore argues that a full livery service would negate some of these vehicle movements.
30. It should, however, be noted that the site is agricultural land with no existing planning consent for a change the use of the land to equestrian use. As such, the proposed stables would result in increased vehicle movements beyond the existing authorised use of the land, which is restricted to the grazing of livestock. The proposed stables and livery service would thus result in an intensification of the use of Pasture Lane compared with the authorised use.
31. Access to the site is via a single width track leading from the tarmacked part of Pasture Lane, which terminates at the junction with Pasture Close. The section of Pasture Lane running from the end of the metalled area up to the site access is in a poor state of repair, resulting in mud being carried onto the road. The width of the road is also considered substandard. The Highway Authority therefore request that this section of Pasture Lane is widened and its surface upgraded in light of the increased intensification of use. However, the applicant's highway consultant maintains that the level of work required and associated expenditure is not justified.
32. In terms of residential amenity, the closest properties are at Pasture Close to the north east. The proposed stables and manege would be approximately 83m and 92m respectively from the closest property at No. 3. It is not considered that the proposed livery use would unduly impact upon the amenities of these neighbours given the separation distance.
33. The application falls to be considered under Policy 22 of the LPP2 as a development in the countryside. Section 2 of this policy lists appropriate forms of development in the countryside, which include agriculture, equestrian, forestry and other uses requiring a rural location. The proposed equestrian use is thus an appropriate form of development in the countryside. The proposal therefore falls to be considered under the requirements listed under section 3 of this policy. Of particular relevance is criterion 3a) whereby development should conserve and enhance the appearance and character of the landscape, including its historic character and features such as habitats, views, settlement

pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness.

34. In terms of visual impact, the development would be confined to the north east corner of the site closest to the edge of the settlement. The stable building would be located on the edge of the site, close to the boundary with Pasture Lane, therefore retaining the majority of the field open and free from development. Whilst the proposed eight bay stable building would be fairly substantial in length, it would be a modest height timber structure that would not appear at odds with the rural setting. The stable would be sited on relatively flat ground with long distance views from the south limited by the tree screening along Pasture Lane, and a backdrop of two storey properties to the north east on Pasture Close. The proposed manege would be enclosed by a post and rail fence and it would not therefore appear prominent in the landscape. It is not considered that the development would appear overly prominent or that it would unduly harm the rural character of the area.
35. A footpath runs across the application site. The layout plan shows that the path would run behind the proposed stables, manege and car park. The Rights of Way Team confirm that the path is fenced to both sides to an acceptable width, therefore the proposal would not impact on its route. They request that the applicant considers compacted stone surfacing at any points where there is an equine/vehicular crossing point, to maintain the integrity of the path.
36. Although the proposal would comprise an appropriate form of development in the countryside, and a 'water compatible' form of development in a high flood risk area, the proposal would result in an intensification of the use of Pasture Lane, which currently provides a substandard level of access both in terms of its narrow width and poor condition. Despite discussions with the applicant in an attempt to address the issue, it has not been possible to agree any improvements to Pasture Lane and therefore the highway objections remain.
37. There is a fundamental objection to the proposal and it is considered that this cannot be overcome. However, discussions have taken place with the applicant in an attempt to address a number of issues and to limit the reasons put forward in the officer recommendation to refuse the application.

## RECOMMENDATION

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

1. The proposed development would be accessed via a shared highway and public bridleway that is substandard in width and in a poor condition. The proposal would result in increased vehicle movements and an intensification of the use of Pasture Lane, leading to further degradation of the highway and bridleway. The width of the highway is insufficient to allow a two-way flow of traffic. The proposed development would therefore be served by an unacceptable highway access to the detriment of highway safety and public amenity.

The proposal would be contrary to Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies, which states that permission for new development, changes of use, conversion or extensions would normally be granted provided that, inter alia;

"a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority;"

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