

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8511
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Our reference:
Your reference:
Date: Wednesday, 3 March 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 March 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>
Please note, that until the meeting starts the live stream video will not be showing on the Council's 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 - 22)
4. Planning Applications (Pages 23 - 82)
The report of the Executive Manager - Communities.

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

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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

Meeting Room Guidance

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, 11 FEBRUARY 2021**

Held at 6.30 pm via Zoom and streamed live on the Council's YouTube Channel.

PRESENT:

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

ALSO IN ATTENDANCE:

Councillors R Upton and L Way

OFFICERS IN ATTENDANCE:

A Pegram
R Sells
M Hilton
G Sharman
T Coop
L Webb

Service Manager - Communities
Solicitor
Area Planning Officer
Area Planning Officer
Democratic Services Officer
Democratic Services Officer

APOLOGIES:

None

4 Declarations of Interest

There were no declarations of interest reported.

5 Minutes of the Meeting held on

The Minutes of the meeting held on 14 January 2021 were approved as a true record.

6 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 N Clarke removed himself from the meeting and did not take part in the following discussion.

20/02652/REM – Application for approval of matters reserved under Outline Planning Permission 18/02269/OUT relating to appearance, landscaping, layout and scale of 55 residential dwelling – Land South and West of Grooms Cottage, Shelford Road, Radcliffe on Trent, Nottinghamshire.

Updates

An additional representation from a neighbouring property was received after the agenda was published and was circulated to the committee before the meeting.

In accordance with the Council's public speaking protocol for planning committee, Barry Herrod (Applicant's Agent), Andrea Lightbown (Objector) and Councillor N Clarke (Ward Councillor) addressed the Committee.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

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

- Planning Layout - drawing no. SKEM-044-003-K
- 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 (plot 21) and Cedar hip (Plot 22,23 and 24)
- Streetscene sections SKEM-044-011-A and SKEM-044 -011-2A
- 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-G
- 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.

Councillor N Clarke re-joined the meeting at this point.

As Ward Councillor for this application, Councillor C Thomas removed herself from the meeting and did not take part in the following discussion.

20/00888/FUL – The erection of 51 dwellings with associated access, parking and landscaping – Land off Rempstone Road, East Leake, Nottinghamshire.

Updates

Additional representations were received after the agenda was published and were circulated to the committee before the meeting.

In accordance with the Council's public speaking protocol for planning committee, Harry White (Applicant), Liz Taylor (Objector) and Councillor L Way (Ward Councillor) addressed the Committee.

DECISION

THAT THE EXECUTIVE MANAGER – COMMUNITIES IS AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO THE PRIOR SIGNING OF A s.106 AGREEMENT AND SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

2. 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.]

13. Prior to the construction of any dwelling on the site proceeding above damp proof course level, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be 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. If any plots not to be served by a EVCP then it must be demonstrated why the provision of a EVCP would not be technically feasible. None of the dwellings on the site shall be first occupied until an EVCP serving it has been installed in accordance with the approved scheme. Thereafter an EVCP must be retained on each dwelling in accordance with the approved scheme in perpetuity.

[To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute

towards an improvement in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Par 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and paragraph 110 of the National Planning Policy Framework (February 2019)].

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 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.

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

20/02703/FUL – 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 – Gresham Park Pavilion, Gresham Park Road, West Bridgford, Nottinghamshire.

Updates

An additional representation was received after the agenda was published and was circulated to the Committee before the meeting.

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 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) 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

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/trees/hedges/landscaping/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/>

The applicant is advised to ensure that the drainage does not have an adverse impact on the adjacent footpath.

The footpath surfaces adjacent to the application must not disturb without authorisation from Nottinghamshire County Council Right of Way, and must remain open and available at all times. Unless there is a public safety reason to apply for a temporary closure of either footpath during the construction phase. Such a diversion or closure will require prior agreement with the appropriate Authority.

20/02806/FUL – Demolition of existing commercial units and replacement with 4 no. dwellings, including resurfacing works to street (resubmission) – Kempson Court, Kempson Street, Ruddington, Nottinghamshire.

Updates

In accordance with the Council's public speaking protocol for planning committee, Barnaby Kent (Applicant) 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: 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 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 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].

15. Notwithstanding the provisions of Schedule 2 Part 1 Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows shall be inserted in the roof space to form second floor habitable accommodation without the prior written approval of the Borough Council.

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

Notes to Applicant

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

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.

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.

17/03020/FUL – New dwelling with ancillary garage (incorporating sustainable building systems and renewable technologies) – Land North West of Kneeton Road, East Bridgford, Nottinghamshire.

Updates

In accordance with the Council's public speaking protocol for planning committee Richard Coutts (Applicants Agent) addressed the Committee.

Comments

Members did not consider that the proposal achieved the high standards required by paragraph 79e of the National Planning Policy Framework - Outstanding and Innovative Design and did not therefore consider that very special circumstances existed which would outweigh the significant harm which would be caused to the greenbelt arising from inappropriate development and other harm to the area.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

1. The proposal would result in a new isolated dwelling within the green belt. The form of development does not satisfy any of the exceptions included in the 'closed' list of development, which would be considered to be inappropriate under paragraphs 145 and 146 of the NPPF. The development must therefore be considered inappropriate development in the green belt which, as set out in paragraph 143 of the NPPF is, by definition, harmful to the green belt and should not be approved except where 'very special circumstances' exist to outweigh the harm to the green belt. Paragraph 144 of the NPPF requires that substantial weight is given to any harm to the green belt and identifies that '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.

The scheme has presented a case that 'very special circumstances' exist on the basis that development would meet and exceed the high standards required under paragraph 79, section 'e' of the NPPF relating to design and architecture, innovation through integrated environmental strategies and landscaping, environmental and biodiversity enhancements. However, it is the view of the Borough Council that the scheme is not considered to have met the high standards required by

paragraph 79 'e' of the NPPF and is therefore not considered to have demonstrated 'very special circumstances' sufficient to outweigh the potential harm to the green belt, along with other harm, including conflict with the Borough Spatial Strategy (Policy 3 of the Core Strategy) and paragraph 79 of the NPPF, which seeks to prevent the development of isolated new homes in the countryside. The proposal would also be contrary to Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, which requires applications for development in the green belt to be determined in accordance with the NPPF.

20/02623/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. (Resubmission) – Land West of Pasture Lane, Sutton Bonington, Nottinghamshire.

The Committee agreed to defer this item to the March meeting of the Planning Committee, as there would not be sufficient time to consider the application in its entirety, due to the meeting having to close at 10.30pm.

The meeting closed at 10.13 pm.

CHAIRMAN

**Planning Committee****Thursday, 11 March 2021****Planning Applications****Report of the Executive Manager - Communities**

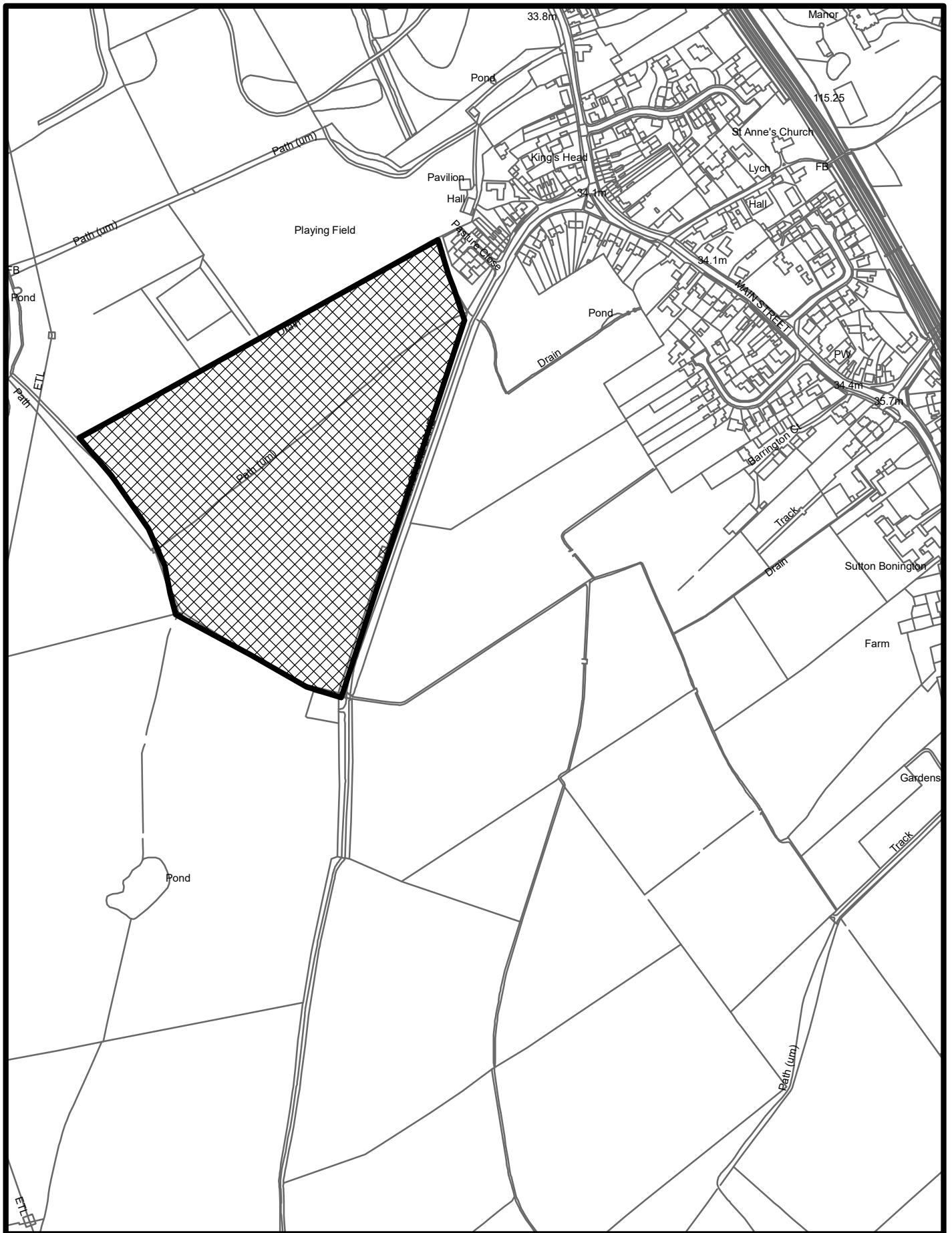
PLEASE NOTE:

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
20/02623/FUL	Land West of Pasture Lane, Sutton Bonington, Nottinghamshire Erection of an Equestrian stable block, with outdoor manège, associated parking and access. Stable block with eight stable pens, hay store and tack room, used as a full livery yard. (Resubmission)	25 - 36
Ward	Sutton Bonington	
Recommendation	Planning Permission be refused	
20/02632/REM	OS Field 8500 Partial Lantern Lane, East Leake, Nottinghamshire Application for approval of matters reserved under application ref 17/02292/OUT relating to appearance, landscaping, layout and scale for the erection of 915 dwellings with associated access, landscaping, open space and drainage infrastructure.	37 - 72
Ward	Leake	
Recommendation	Reserved Matters be granted subject to conditions.	
20/03153/FUL	12 Abbey Road, West Bridgford, Nottinghamshire, NG2 5HB Proposed two storey rear elevation extension and single storey side elevation extensions.	73 - 81
Ward	Trent Bridge	
Recommendation	Planning permission be granted subject to conditions.	



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



scale 1:5000

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20/02623/FUL

Applicant Miss Jen Harvey

Location Land West Of Pasture Lane Sutton Bonington Nottinghamshire

Proposal 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)

Ward Sutton Bonington

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 associate 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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Application Number: 20/02632/FUL
Lantern Lane, East Leake



scale 1:5000

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20/02632/REM

Applicant Mrs H Dawkins

Location OS Field 8500 Partial Lantern Lane East Leake Nottinghamshire

Proposal Application for approval of matters reserved under application ref 17/02292/OUT relating to appearance, landscaping, layout and scale for the erection of 195 dwellings with associated access, landscaping, open space and drainage infrastructure.

Ward Leake

THE SITE AND SURROUNDINGS

1. The application site is located to the north east of East Leake village to the north of Lantern Lane. To the south of the site, beyond Lantern Lane, is the Harry Carlton Secondary School, East Leake Leisure Centre and open countryside. To the west of the site is a housing development of 170 dwellings approved in 2013. To the north west of the site is the British Gypsum site. To the north and east is open agricultural land.
2. The rectangular application site measures approximately 14.08 hectares and is split into a number of fields by established hedgerows. The majority of the site is flat, with the northern field rising quite steeply in a northerly direction. It is currently used for herd grazing.
3. The centre of the application site is located approximately 1.25km from the centre of East Leake.
4. The application site was allocated for residential development by the adoption of Local Plan Part 2 and outline planning permission has been granted for a development of up to 195 dwellings with all matters reserved, with the exception of access (reference 17/02292/OUT). The outline planning permission is subject to a Unilateral Undertaking and planning conditions.

DETAILS OF THE PROPOSAL

5. The application seeks reserved matters approval in relation to the appearance landscaping, layout and scale of residential development. Access into the site from Lantern Lane was approved at the outline application stage.
6. The proposal is for 195 dwellings which would comprise eight 1 bedroom houses, fourteen 2 bedroom bungalows, four 2 bedroom flats, fifty eight 2 bedroom houses, eight seven 3 bedroom houses and twenty four 4 bedroom houses.
7. The layout incorporates eleven house types which are a mix of semi-detached and terraced houses. The properties would all be two storeys in height, except for the 14 bungalows which would be single storey. The materials proposed include a mix of red bricks including Ibstock Harwicke Welbeck red mixture,

Ibstock Calderstone Claret and Ibstock Mercia Antique with a grey (Russell Grampian Slate Grey) and a red/brown (Russell Grampian Brown) plain tile, as well as a red pantile (Russell Pennine Cottage Red). White Roughcast Render would be applied to the front and side elevations on some plots. Car parking would be achieved by way of driveways or parking spaces close to the dwelling house they would serve.

8. The layout generally follows that illustrated on the outline application with a central area of public open space, and open space provided in a landscape buffer to the north and east of the buildings. The buildings would be concentrated in the southern portion of the site below the 60m contour line. Two attenuation ponds are proposed adjacent the western boundary of the site, either side of the existing watercourse. A Local Equipped Area of Play (LEAP) providing 6 pieces of play equipment would be provided within the central area of open space. East Leake footpath 27 would be retained running diagonally through the site from south west to the north east.

9. The application is accompanied by:
 - 3D Visuals
 - Site Sections EL-SITE SECTIONS
 - Affordable Housing Plan EL-AH-01
 - Affordable Housing Statement
 - Design and Access Statement
 - Updated Ecology Report
 - Finished Floor Levels (1 of 3) 20055-100C
 - Finished Floor Levels (2 of 3) 20055-101C
 - Finished Floor Levels (3 of 3) 20055-102C
 - Adoptable Drainage Strategy (1 of 4) 20055-103C
 - Adoptable Drainage Strategy (2 of 4) 20055-104C
 - Adoptable Drainage Strategy (3 of 4) 20055-105C
 - Adoptable Drainage Strategy (4 of 4) 20055-106C
 - External Surfaces 20055-108
 - Gypsum Mining Investigation Summary Report
 - Archaeological WSI
 - Noise Assessment Report

10. In response to the comments received to the initial consultation, revised and additional information has been received including the following:
 - Geoenvironmental and Geotechnical Site Investigation Report, RSK, January 2019
 - Vehicle Tracking and Visibility Splay Plan 20055-150B
 - Detailed Planning Layout EL-DPL-01, Rev. B
 - Materials Layout EL-MAT-01
 - Boundary Treatments Plan EL-BTP-01
 - Refuse Plan EL-RCL-01
 - House Type Pack, January 2021
 - On-Plot Landscaping 9707-L-04-09B
 - Landscape and Ecological Management Plan, Rev. A, FPCR, January 2021
 - POS Landscape Proposals 9707-L-01-03E

SITE HISTORY

11. Outline planning application ref. 17/02292/OUT for the erection of up to 195 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Lantern Lane, all matters reserved except for means of access, was refused in February 2018 for 2 reasons:
 - 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 150% 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 and adverse impact on access to services.
 - 2) It has not been demonstrated that a suitable access to serve the new development can be provided or that the traffic generated by the proposed development would not result in an unacceptable increase in danger to the users of the highway due to the use of the access. The proposal would therefore be contrary to the provisions of Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan, which states that planning permission for changes of use and new development will be granted provided that, inter alia;
 - b) A suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety, the provision of parking is in accordance with the guidance in the County Council's parking provisions for new developments and the design of the proposal accords with guidance produced by the Highway Authority.
12. The application was subsequently allowed on appeal on 18 July 2019 subject to conditions and a unilateral undertaking for contributions. The above permission is therefore still capable of being implemented.
13. Section 73 application ref. 19/01667/VAR to amend conditions 2, 6i and 6ii of permission 17/02292/OUT to allow revised access arrangements, traffic calming, and other highways improvements was refused for the following reason:
 - 1) The alternative access arrangement proposed on drawing 24802_03_020_01 Rev C and alteration to traffic calming improvements as shown on drawing 24802_03_020_02D would result in a significant and unacceptable risk to highway/pedestrian safety. It has therefore not been demonstrated that it is a suitable alternative scheme to the access arrangements and traffic calming previously approved under planning permission 17/02292/OUT and as shown on plan 1499/16F. The application is therefore considered to be contrary to Policy 1 of the Local

Plan Part 2 and Paragraphs 108 and 109 of the NPPF.

14. Section 73 application ref. 19/01670/VAR to amend conditions 2 and 6i of 17/02292/OUT was refused for reason:
 - 1) The alternative access arrangement proposed on drawing 24802_03_020_01 Rev C would result in a significant and unacceptable risk to highway/ pedestrian safety. It has therefore not been demonstrated that it is a suitable alternative scheme to the access arrangements previously approved under planning permission 17/02292/OUT and as shown on plan 1499/16F. The application is therefore considered to be contrary to Policy 1 of the Local Plan Part 2 and Paragraphs 108 and 109 of the NPPF.

15. Section 73 application ref. 19/02742/VAR to amend conditions 2, 6i and 6ii of 17/02292/OUT to allow revised access arrangements, traffic calming, and other highways improvements was refused for the following reasons:
 - 1) The alternative access arrangement proposed on drawing 24802_03_020_01 Rev D and alteration to traffic calming improvements as shown on drawing 24802_03_020_02E would result in a significant and unacceptable risk to highway/ pedestrian safety. It has therefore not been demonstrated that it is a suitable alternative scheme to the access arrangements and traffic calming previously approved under planning permission 17/02292/OUT and as shown on plan 1499/16F and 1499/18B. The application is therefore considered to be contrary to Policies 10 and 14 of the Local Plan Part 1 Core Strategy, Policies 1 and 3.2 of the Local Plan Part 2 and Paragraphs 108 and 109 of the NPPF.
 - 2) The alternative traffic calming improvements as shown on drawing 24802_03_020_02E would result in undue harm to the residential amenity of the neighbouring properties by reason of noise and disturbance. The application is therefore considered to be contrary to Policy 10 of the Local Plan Part 1 Core Strategy and Policies 1 and 3.2 of the Local Plan Part 2.

16. Section 73 application ref. 19/01670/VAR to amend conditions 2 and 6i of 19/02743/VAR was refused for the following reasons:
 - 1) The alternative access arrangement proposed on drawing 24802_03_020_01 Rev D and alteration to traffic calming improvements as shown on drawing 24802_03_020_02E would result in a significant and unacceptable risk to highway/ pedestrian safety. It has therefore not been demonstrated that it is a suitable alternative scheme to the access arrangements and traffic calming previously approved under planning permission 17/02292/OUT and as shown on plan 1499/16F and 1499/18B. The application is therefore considered to be contrary to Policies 10 and 14 of the Local Plan Part 1 Core Strategy, Policies 1 and 3.2 of the Local Plan Part 2 and Paragraphs 108 and 109 of the NPPF.
 - 2) It has not been demonstrated that culverting the open drainage ditch to the south of Lantern Lane would protect, conserve or enhance the watercourse corridor in accordance with Policy 19 of the Local Plan Part 2.

17. Application ref. 21/00435/DISCON to discharge of conditions 11 (Surface water design and management) and 15 (Nesting Birds Survey) from planning permission 17/02292/OUT is pending consideration.
18. Environmental Impact Assessment Regulations - The proposed development was screened under the Environmental Impact Assessment Regulations 2018 prior to determination. It was determined that any effects of the proposal would be of a local nature which would be dealt with under the normal development control process and a formal Environmental Impact Assessment was not required in this instance. This was also the case when it was previously screened ref 16/03061/SCREIA prior to the submission and determination of planning permission 17/02292/OUT and the two previous section 73 applications ref 19/01667/VAR and 19/01670/VAR.

REPRESENTATIONS

Ward Councillor(s)

19. One Ward Councillor (Cllr Thomas) did not initially object but raised a number of concerns which are summarised as follows:
 - a. Made no further objection on matters of infrastructure and access although they continue to cause great concern.
 - b. On several sites in the village applications have come forward for the number of homes approved by outline permission, followed by additional applications to build on green space allocated within the site. This could not be supported on this site.
 - c. The concept of a softer green edge to the site in the design and access statement should not be contradicted by the addition of further homes around the outside.
 - d. Section 2.6 of the East Leake Neighbourhood plan sets objectives for affordable housing in the village. Rushcliffe has insufficient affordable housing, so the addition of an “all affordable” development is welcomed as far as the Rushcliffe stock is concerned. Also, it is felt that East Leake could have been a viable location for a target of 30% rather than 20% affordable, so despite the massive expansion of the village, its potential for affordable housing has not been maximised. The market housing mix provided elsewhere in East Leake has concentrated on larger homes, so the addition of a number of smaller homes to the overall village stock would be welcomed.
 - e. On the other hand, it is not clear that East Leake is the optimal location for affordable homes for Rushcliffe, and the numerous other recent developments have already created a good supply here. An “all affordable” development goes against current best practice of integrating affordable and market housing. There is some opposition from residents in the adjacent estate. Villagers still express the view that they cannot obtain affordable homes in the village, e.g. the young people have to move out of the village when they wish to leave their parental home.
 - f. In view of the unusual injection of a whole development of affordable homes into the village, the following are suggested to mitigate against what are seen as less desirable impacts:

- i. The usual conditions that affordable homes remain affordable in perpetuity be removed in this case, to facilitate the development moving towards a greater proportion of home ownership in future, for example through the “right to buy”. (Residents on other new estates have had such requests refused).
 - ii. Earmark a number of homes where priority will be given to applicants with a connection to East Leake, similar to the Woodroffe Way estate.
- g. The housing mix table appears in 3 documents – (layout, DAS, affordable statement) and is not consistent between these.
- h. There are one bedroom/2 person houses included in the mix, there is nothing specifically for single people, e.g. studio apartments. There are no one bedroom options in the shared ownership category, which would be of huge benefit to young single people trying to get on the housing ladder whilst staying in the village. As far as known, none of these have been provided on other developments in East Leake either.
- i. Questions whether there are 14 or 12 bungalows in total? 14 would be preferable. It would seem from the plans that the two wheelchair adapted bungalows are the same footprint as the others, and that they could all be built to accommodate less mobile residents in the future. It is much easier to include wider doors, level access etc in the original build rather than add them later. It is requested that consideration be given to this.
- j. It is a shame but perhaps inevitable that some of the semi-detached and bungalow designs appear somewhat “plain” or “box-like”, echoing traditional “council house” styles and exacerbating a feeling that this development is “different” in terms of tenure. However, there is a good variety of building styles and finishes with keynote buildings to aid navigation and create a sense of place. There appears to be good integration of the three categories of affordable homes within the site. The designs compare favourably with some of the other new developments in the village.
- k. Access was agreed in the outline planning permission 17/02292/OUT. Four subsequent applications to change the access have been refused and residents are very confused about the approved scheme. The final agreed plans include substantial modifications to Lantern Lane and Gotham Road and they are buried in the appeal documentation.
- l. Adding a bus service along Lantern Lane so that there are bus stops within 400m of all dwellings would prove problematic, given the approved access arrangements and modifications to Lantern Lane.
- m. Residents already have severe concerns about road safety and congestion on Lantern Lane, particularly at school open and close times. A bus service would indeed be needed to position this concentration of affordable housing within recommended distances of public transport. However, running a new bus service along Lantern Lane would exacerbate the existing problems.
- n. There was a contribution request from NCC therefore needs be accompanied by detailed plans and commitment by them to actually provide this new bus service, including a traffic impact assessment, all to be made available for public consultation and approved by Highways. Otherwise these contributions will simply join similar nonsensical requests made in respect of other developments in the village where public transport contributions have not been spent.

- o. The number of parking spaces per home appears generally adequate, however there is very little provision for visitor parking and many of the plots have tandem style parking for two cars. Side by side parking is preferable to tandem style.
 - p. In several runs of houses (e.g. plots 22 to 27), dedicated spaces are allocated outside other homes, which is not ideal in terms of future neighbour relations.
 - q. Pedestrian and cycle connectivity with the neighbouring estate needs to be assured, as required by the East Leake Neighbourhood Plan and standards/guidelines such as Building for Life and Manual for Streets.
 - r. There appears to be an opportunity to provide this via Woodpecker Close and/or Fieldfare Close. Although those residents may understandably oppose this, it is important that such connections are provided. Properly lit, surfaced, and overlooked connections allowing for access with baby buggies and by wheelchair or mobility scooter would be safer, more secure and more inclusive than allowing desire line connections to form.
 - s. The paths shown around the public open space are welcomed, however the area of public open space at the top of the site should connect with that on the adjacent development for access and for enhanced recreation/exercise opportunities for the benefit of both sets of residents and the public, and this should be explicitly planned.
 - t. What is the reason for removing the mature hedge along Lantern Lane?
 - u. Is a local equipped area for play to be provided?
20. Cllr Thomas subsequently objected to the application. In summary although the objection is not to the principle of the development of 195 affordable homes on the site, there are outstanding questions with these plans. She would also like to record the public outcry to the removal of the hedges and trees before this planning application has been determined.
21. One Ward Councillor (Cllr Way) objects to the application, in summary, on the following grounds:
- a. Concerned that future attempts will be made to increase the number of houses and build on the designated open land. A condition needs to be made for this.
 - b. The areas marked for replanting should be populated with mature plants of native species and more trees need to be included. The planting needs to start early and not be left until the estate is completed. This needs to be a condition.
 - c. It needs to be clear who will adopt and manage the open space and at what cost to the householders? Management charges on other new estates are causing a number of problems including an onerous financial burden, which would be out of keeping with affordable housing.
 - d. The transport documents show that there is to be a bus route along Lantern Lane to this development. Plans for this are vague and need to be specific.
 - e. Important for links to be made through the existing estate towards the school for safety. There are various opportunities for these links to be made.
 - f. The application includes information about alterations to the footpaths along Lantern Lane and Gotham Road. It needs to be clear who is responsible for carrying out this work, and when, and who is bearing the

- cost?
- g. The housing mix, whilst providing a variety of housing options, is questionable in terms of tenure.
 - h. It is unclear how the bungalows are being designed for people with disabilities. Only two are to be designed with doorways wide enough for wheelchair access.
22. One Ward Councillor (Cllr Shaw) objects to the application pending further clarification of several matters.

Parish Council

23. East Leake Parish Council object on the following grounds:
- a. Would like to see different housing mix, there are no one person homes.
 - b. Bungalows all adapted for people with disabilities.
 - c. The release of condition 12 archaeology has not been met.
 - d. No linkage for walking/cycling to existing housing estate.
 - e. Improvements to Lantern Lane due to extra traffic.
 - f. No building should take place on existing pond – could be incorporated into the development.
 - g. Concern about the number of tandem parking spaces, can this be revisited as there may be more than one car at a lot of the houses.
 - h. No further houses to go up in the future on the remainder of the site.
24. The Applicant provided a written response to their concerns, but no further comments have been received from them.

Statutory and Other Consultees

25. Trent Valley Internal Drainage Board confirm there are no board maintained watercourses in close proximity to the site but under the provisions of the Flood and Water Management Act 2010, and the Land and Drainage Act 1991, the prior written consent of the Lead Local Flood Authority, Nottinghamshire County Council, is required for any proposed works or structures in any watercourse outside those designated main rivers and Board Drainage Districts. The Board advises the applicant that they are likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.
26. Nottinghamshire County Council Policy Team advises that at this time the County Council does not have any comments to make.
27. Nottinghamshire County Council Transport and Travel Services comments with regard to bus service provision - A planning obligation for Bus Service provision to the value of £100,000 (indexed) is approved to serve the development for at least two years from commencement of service, subject to review based on usage and revenue. They request that the loop road and swept paths within the site are designed to be accessible for a midi-sized vehicle, to allow all dwellings to be located within 400m walk distance of a bus stop. A £32,500 (indexed) bus stop infrastructure contribution is approved towards the costs of the provision of two new bus stops within the site or in the

vicinity of the site. Locations should be identified within the site for bus stop(s) meeting Highway Design Guide standards, and included on Section 38 and Section 278 agreements where appropriate.

28. Also, that the proposed highway widths, vehicle tracking and new bus stop locations, including accessibility isochrones meeting Nottinghamshire Highway Design Guidelines are marked on all relevant plans going forward. The bus stop locations will be subject to approval by Highway Safety. The provision of detailed bus stop locations and facilities will mean this information is in the public domain for comment from adjacent properties/prospective buyers, and therefore avoiding objections from residents about the location for new bus stop infrastructure.
29. Nottinghamshire County Council Community Liaison Officer - Heritage confirms that the County Council are monitoring the situation with regard to the discharge of the archaeological condition.
30. Nottinghamshire County Council as the Lead Local Flood Authority have no objection and recommend the approval of the application. Any surface water management conditions on the outline approval will still require discharging.
31. Nottinghamshire County Council Rights of Way (ROW) Officer commented, in summary, the Applicant must be confident that the route of the public footpath is accommodated on the recorded line. The Officer requests the first short section of footpath is stopped up, as it serves no public benefit; a surfaced path for permissive use would be more suitable. The section within the green space, east of the pond is acceptable and it helps retain the identity of the footpath, but it is potentially shown slightly off-line on the Definitive Map. A Breedon Gravel surfaced route of a minimum width of 1.5m is requested; and the surface to be maintained by the developers Management Company following installation.
32. Continuing easterly, they do not support the incorporation of the footpath no.27 upon the footway of the adopted highway, and therefore this would require Stopping Up under s.257 of the Town and Country Planning Act 1990. The final section crossing the Public Open Space, connecting with Lantern Lane – Restricted Byway no 30, is acceptable, and would require surfacing to the same Breedon Gravel specification, to provide for the increased usage and expectations of the public. They request a clear gap of no less than 1.2m width to be retained at the point the footpath leaves the adopted highway. They request the timber style, joined to a ditch crossing is removed as stock control will no longer be required in the future. East Leake - Byway no 11 – Lantern Lane, will under a S278 agreement become adopted highways to serve the new development access. The Officer requests that a 'buffer zone' surface is considered in addition to the adopted footway, to identify this change of status, and reduce the migration of loose surface materials between the two. Also, the safety of the public using the path should be observed at all times. A temporary closure of the footpath may be granted to facilitate public safety during the construction phase, subject to certain conditions.
33. Following the submission of additional information, the ROW Officer commented further; *"Many thanks for returning this information and your proposed amendments for this scheme. I am in overall agreement with the treatment of footpath 27 as described, including the stopping up of sections*

where the public can use the adopted footway as access, the slight realignment over the central greenspace, and the surface treatments to this and the eastern boundary section.”

34. The ROW Officer confirms they are satisfied that the applicant has sufficiently considered the treatment of public footpath no 27 and byway no 11, affected by this scheme, and they will be implementing the following:
- Two sections of footpath no 27 will be Stopped Up in places where the footpath is no longer viable or incorporated within adopted footways.
 - The sections of footpath retained within the open spaces and upon their recorded lines will be surfaced with Breedon gravel to a minimum of 1.5m width. They recommend that the central section be a sealed surface material such as tarmac due to a higher level of use and maintenance expectation.
 - There will be no additional structures upon the line of the footpaths and gaps in landscape infrastructure must be a minimum of 1.5m width. The stile upon the eastern boundary bridge crossing at Lantern Lane will be removed.
 - On byway no. 11, Lantern Lane, the applicant has agreed to consider how the new adopted access provision will offer surface transitions between byways 11 and 12 during S278 technical approval.
 - Legal Orders for Stopping Up rights of way affected will be coordinated through TCPA S257 at the earliest opportunity.
 - Temporary closures to the highways affected will be required and applied for by the applicant and the ROW officer would urge them to make every effort to provide alternative public access along Lantern Lane during the construction phase, due to high public demand for this recreational facility.
35. Nottinghamshire County Council as Highway Authority initially commented that the layout of the internal roads will be subject to a technical approval checking process as part of a section 38 agreement under the Highways Act 1980. Until this happens, the site will not be subject to a full technical approval design check. The Highway Authority is generally satisfied with the proposed layout, though they would recommend that the areas within the forward visibility splays should form part of what would be adopted as highway to ensure that these areas could be protected. This potentially has an issue on the splay outside plot 143 as it looks to be tight to the side elevation of a dwelling and crosses a parking bay. The splay has not been annotated with a figure, so they recommend that the applicant informs them with the speed that has been used. As the location is towards the end of a cul-de-sac, it may be possible to reduce the splay to accommodate lower vehicle speeds. They recommend that this is looked at in more detail. Subject to a satisfactory outcome on the forward visibility splays, the Highway Authority has no objections to the proposal.
36. Following submission of further information, the Highway Authority confirmed they are now satisfied with the visibility splays as shown on the drawing entitled

'Vehicle Tracking & Visibility Splay Plan' drawing no. 20062-150, revision B. Also, they have now received a technical approval submission under section 38 of the Highways Act, but the plans have not been given final approval. In view of this, they have no objections to the proposal subject to conditions and note to applicant, which have been included in the recommendation at the end of this report.

37. The Borough Councils Environmental Health Officer (EHO) does not object. With regard to noise, they have reviewed the submitted noise assessment and confirm the mitigation measures proposed are suitable and request the inclusion of a condition to ensure that all attenuation measures detailed in the submitted noise assessment are implemented prior to occupation.
38. With regard to land contamination, having reviewed the mining investigation report, the EHO requested site of the previous reports referred to. They have no further comments to make regarding the construction management as the outline permission has a condition relating to construction noise and dust.
39. The EHO provided updated comments after reviewing the RSK geo-environmental and geotechnical report dated January 2019 and the RSK mining investigation dated 07/10/20. These reports suitably assess the site for issues relating to land contamination and the risk to human health. As the reports conclude that there is no risk to health and no remediation works are required, they have no conditions to recommend.
40. The Borough Councils Environmental Sustainability Officer raises no objections. The Officer notes the updated ecological report provided demonstrates that conditions have not changed on site since the outline application and appears to have been completed according to best practice. He 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, as well as the submission of a further ecological survey and assessment report if the work has not substantially begun before September 2022.
41. The Borough Councils Planning Policy Officer (Strategic Housing) advises the principle of housing development in this location has been established through the granting of outline planning permission on appeal and through the allocation of the site for housing development through Local Plan Part 2. Policy 3.2 of LPP2 allocates Land off Lantern Lane for around 195 houses. The application should demonstrate compliance with the four criteria (a-d) included under the policy:
 - Criteria (a) - the submitted detailed planning layout shows a significant area of open space to the north and east.
 - Criteria (b) - the submitted detailed planning layout indicates a public right of way accessible from Lantern Lane, across the site toward the open countryside to the east.
 - Criteria (c) - a Geo-environmental and Geotechnical Site Investigation report which recommends at para 9.2 that "to be protective of any risk

of subsidence relating to collapse of mine workings beneath the north of the site, a buffer zone from the known extent of the workings is required. It is considered appropriate that the buffer zone is 45m from the extent of the workings as mapped by British Gypsum. This should be agreed with the NHBC and British Gypsum". The separate mining Investigation Summary letter dated 7 October included as part of the application states that Miller Homes have received email correspondence from NHBC and British Gypsum that they were in general agreement with the proposed 45 metre buffer zone.

- Criteria (d) - The proposed scheme is for 100% affordable housing comprising of 195 units in total (51% shared ownership, 33% affordable rent and 15% social rent). The proposed mix is as follows: 100 shared ownership units (6 x 2 bed bungalows, 2 x 2 bed flats, 30 x 2 bed houses, 52 x 3 bed houses and 10 x 4 bed houses), 65 Affordable Rent (28 x 2 bed houses, 27 x 3 bed houses and 10 x 4 bed houses) and 30 Social Rent units (8 x 1 bed houses, 8 x 2 bed bungalows, 2 x 2 bed flats, 8 x 3 bed houses and 4 x 4 bed houses).
42. Policy 8 of the LP1 requires 20% of the units in the Leake submarket area on qualifying sites to be affordable. Provision in excess of 20% affordable housing is not, however, precluded by the policy. The supporting text to the policy stipulates a preferred mix of 42% intermediate (shared ownership), 39% affordable rent and 19% social rent. The unilateral undertaking accompanying the outline permission mirrors these requirements.
43. As demonstrated by the evidence supporting the LPP1 (including the SHMA 2007 and subsequent updates), there is a pressing need for the delivery of affordable housing in the Borough. Emerging evidence commissioned as part of the review of the strategic plan for Greater Nottingham demonstrates there remains a high level of affordable housing need in the Borough and highlights that affordability in terms of home ownership remains a key issue. The provision of a significant amount of affordable housing is therefore supported. The three tenure types are evenly distributed throughout the scheme which will help contribute to an integrated and sustainable scheme. The variety of house types provided is also considered acceptable. In terms of phasing, the supporting information indicates the units will be delivered over a four-year period with around 50 delivered each year. It is recommended that the applicant keeps the Strategic Housing team updated on this phasing and the timings for when units are handed over."
44. The Borough Council's Recycling Officer raised a number of concerns regarding aspects of the layout of the development, including:
- There are a number of plots which have no access to the rear of their properties other than a walk round the boundary of other plots, to remove their bin from the street post collection days. The only reasonable outcome will be that those property owners will simply leave their bins on the frontage of their properties causing bin blight.
 - There are many example where the tracking analysis shows the vehicle passing over an area of footfall (ie footpath) and where the rear of the

vehicle also passes over an area of footfall and into a shared drive. Examples are adjacent to:

- Plots 34 forward movement & plots 28 reverse movement.
- Plots 78 & 69 forward movement & 69 reverse movement. In this instance it looks like the forward movement, the vehicle has to mount the pavement.
- There are what looks like 8 x little squares in two banks of 4 on some street corner plots 89 & 108, he assumes these could possibly be street furniture, but the tracking shows the vehicle actually passing over them.

45. The Recycling Officer feels the whole tracking should be reviewed to meet the requirements within the Borough Council's Waste Management advice for planners and developers.

Local Residents and the General Public

46. A total of 22 comments objecting to the proposal have been received which are summarised as follows:

- a. More environmental destruction.
- b. Insufficient services and infrastructure to support more houses and people living in the village.
- c. Lantern Lane is already very busy, the increased traffic generated raises safety concerns.
- d. The access proposed to the site through Woodpecker Close would cause noise and disturbance to residents, as well as loss of privacy.
- e. The access through Woodpecker Close is not shown on all the plans, the submitted plans should be coherent and show consistent information.
- f. Woodpecker Close as its name suggests is a Close and was not designed and built to be a thoroughfare.
- g. The Police would confirm that one of the main uses of shortcuts is for the criminal fraternity to move around easily.
- h. Request separation and screening is provided between the site and the existing housing on Lantern Lane.
- i. The natural environment surrounding the village is slowly being eroded by development.
- j. No mention of floods which affect the area.
- k. If Lantern Lane is made wider and better and provide surgery with better facilities, support may be given to the development.
- l. The introduction of the correct signage and road markings could make

Lantern Lane safer.

- m. Taking longer to get from centre of village to green spaces.
- n. The roads are in a terrible state from all the trucks delivering materials to sites, none of them have been resurfaced for many years.
- o. Proposing 100% affordable housing goes against the appeal approval. Feel that 20% affordable housing (8% of Rushcliffe's requirement per annum) is more appropriate for one estate within one village.
- p. The housing mix needs to contain many more bungalows and other adapted properties, and one-bedroom properties.
- q. There is not enough parking provision.
- r. Welcome the large areas of green space around the site, but would like confirmation that further building will not happen on these areas.
- s. The access to the site for these 300-400 cars needs to be addressed, two schools come out on to Lantern Lane and to have another 300-400 cars along Lantern Lane past the school is an accident waiting to happen.
- t. Why is this development now a full social housing estate? This has not happened elsewhere in Rushcliffe Borough. 100% affordable housing scheme goes against community housing strategy. How will this promote inclusion with a specific socioeconomic zone in the village being purposefully created? This could be construed as discriminatory?
- u. Potential impact on air quality.
- v. Why are further developments at this rapid rate being enabled, yet not improving the infrastructure as has been historically requested.
- w. Request assurance that bridle path and existing right of way to access across the upper fields to Bunny Hill will not be curtailed or impeded by this proposed development?
- x. Request assurance that no existing hedging will be moved or damaged to create slip paths between the proposed development and Lantern Fields as this will affect sustainability and natural wildlife habitat already present?
- y. Given the problems already experienced with traffic on Lantern Lane, buses now adding to the density of traffic is ridiculous, even if it is a requirement.
- z. Questions the content of the GM11446 Final Noise Assessment Report.
- aa. If a whole development of social housing is to be allowed, has the financial implications for the new residents been costed? E.g. Transport costs? The extortionate bus fares which prevent a lot of shared sustainable travel, as most residents use cars as it is cheaper to travel

to work outside of the village.

- bb. Understood that families are required to have a certain number of children to warrant social housing benefit, this development would therefore likely increase the number of children applying for local over-subscribed schools.

PLANNING POLICY

- 47. 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 East Leake 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

- 48. 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.
- 49. 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.
- 50. 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

- 51. 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.
- 52. 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 14 - Managing Travel Demand
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Spaces
 - Policy 17 - Biodiversity
 - Policy 18 - Infrastructure

53. 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 3.2 - Housing Allocation – Land off Lantern Lane, East Leake
- Policy 12 - Housing Standards
- Policy 17 - Managing Flood Risk
- Policy 18 - Surface Water Management
- Policy 19 Development Affecting Watercourses
- Policy 20 Managing Water Quality
- Policy 22 Development within the Countryside
- Policy 29 - Development affecting Archaeological Sites
- Policy 32 - Recreational Open Space
- Policy 33 Local Green Space
- Policy 34 Green infrastructure and Open Space Assets
- Policy 35 Green Infrastructure Network and Urban fringe
- 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 Obligation Thresholds

54. The East Leake Neighborhood Plan was adopted in November 2015 and forms part of the development plan for Rushcliffe and should be afforded appropriate weight. It is relevant to the consideration of applications in the East Leake area. The following policies are considered relevant in assessing the proposal:

- E1 – Containment of Built Environment
- E2 – Green Infrastructure: Wildlife and Rural Heritage
- E3 – Green Infrastructure within the Built Environment
- H1 – Number of new Homes
- H4 – Aircraft Noise
- H5 – Design and Building Standards
- T1 – New Developments and Connectivity
- T2 – Strategic Network of Footpaths and Cycle Paths
- T3 – Public Transport
- L1 - Playgrounds

APPRAISAL

Principal of Development

55. The principle of residential development on this site has been established by the allocation of the site under Policy 3.2 of LPP2 and by the grant of outline planning permission. 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 3.2 of the LPP2 provides site specific criteria to be addressed in dealing with any planning applications and requires:

- a) in order to reduce landscape and visual impacts elevated land to the north and east should comprise a multi-functional green-infrastructure buffer between the development and open countryside;
 - b) the right of way which crosses the site from Lantern Lane should be preserved, forming a pedestrian corridor to the open countryside;
 - c) a detailed geotechnical and mining study should be undertaken to ensure an acceptable buffer between gypsum mining operations and the development can be established; and
 - d) it should be consistent with other relevant policies in the Local Plan.
56. A development framework plan and associated Planning 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 parameters set in the Development Framework Plan (dwg. No. a 5409_202_A) and shall not extend building beyond the 60 metre contour line. This reserved matters submission shows how these design principles have been applied to this site.
57. Matters relating to financial contributions towards education and health capacity, highway improvements and public transport provision, and open space and play provision 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

58. 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.
59. 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 need to locate buildings below the 60m contour line of the site and that the elevated land to the north and east should comprise a multi-functional green-infrastructure buffer between the development and open countryside, as well as the watercourse and public rights of way which run through the site.
60. The properties proposed along the frontage of the site would be set back a similar distance from Lantern Lane to the dwellings within the neighbouring residential site. The existing hedgerows along the frontage would be removed, as approved at outline stage, to allow for the widening of the BOAT to an adoptable standard. Replacement native hedgerow planting would be provided, and landscape provision would be enhanced by additional planting throughout the site, including the provision of the required landscape buffers

to the north and east of the site. In addition to these the proposed layout includes the provision of a central area of open space creating opportunities for relaxation and recreation, therefore promoting healthy communities. A LEAP including 6 items of play equipment would be provided within the central area of open space, to the south of the watercourse and west of the public right of way (East Leake footpath 27). Two attenuation ponds adjacent to the western boundary, either side of the existing drainage ditch, provide the necessary provision for drainage requirements, it also provides opportunities for ecological enhancement. The layout provides for trees to be planted within the areas of public open space as well as between parking spaces throughout the site to create a sense of space and provide visual interest and ecological benefit.

61. The properties would be located within suitably sized plots and have garden sizes, in the majority of cases, in line with the minimum recommended within the residential design guide, one and two bedroom properties having around 55sqm and the 3 and 4 bedroom semi-detached properties around 90sqm. The residential design guide indicates the need for a variety of garden sizes, which is reflected in this development. Although some properties would have smaller gardens, future occupiers would have ease of access to the surrounding open space and the wider countryside. Adequate rear garden lengths of 10m, as recommended in the Borough Council's Design Guide, are achieved and in most cases, the few plots where garden lengths fall slightly short is to allow for direct access for bins or parking provision.
62. Concerns have been raised from local residents regarding the proposed pedestrian access between the site and Woodpecker Close to the west, relating to loss of amenity including privacy and as a result of noise and disturbance. It is also noted that two of the Ward Councillors, Cllr Thomas and Cllr Way, are in favour of providing this pedestrian access. The Applicant has looked into this matter and it has not been possible to provide a pedestrian access due to matters of land ownership. The provision of a pedestrian access at this point is not necessary to make the scheme acceptable and it was not included on the framework plan attached to the outline application.
63. There is currently no formalised access between the application site and the neighbouring residential development other than via Lantern Lane. The creation of a pedestrian access between the site and Woodpecker Close has the potential to provide the residents of Woodpecker Close, and the neighbouring development, easier access to the site and the surrounding countryside. Given the limited number of pedestrians who are likely to make use of the access from the site to Woodpecker Close is unlikely to lead to a significant harm to their amenity as a result of loss of privacy or noise and disturbance.
64. However, it would be of limited benefit to future occupiers of the site in terms of ease of access to the local amenities and services outlined in policy T1 of the Neighbourhood Plan. The approved improvements to pedestrian and cycle access routes would provide easy access for pedestrians and cyclists to (a) The centre of the village and Health Centre; (b) Brookside and Lantern Lane Primary Schools and East Leake Academy; and (e) The nearest bus stop on the No. 1 Loughborough to Nottingham route. Due to the site's location, future occupiers of the site would also have easy access on foot and cycle to (f) the strategic network of footpaths and rights of way around the village and into the

surrounding countryside.

65. The comments made by Cllr Way that a connection at this point could be used by school children are noted, however, their safety has been addressed through the financial contribution towards the provision of a school crossing patrol and traffic calming measures on Lantern Lane, secured through the Unilateral Undertaking associated with the outline permission. The scheme has been amended to provide the possibility of a pedestrian access in the future.
66. The existing hedgerow along the western boundary would be reinforced with additional hedgerow to stop up the gaps and tree planting, providing some screening and reflecting the illustrative plan submitted at the outline stage. A significant distance between the proposed dwellings and those within the neighbouring site of over 20 metres would be provided. These measures are considered sufficient to achieve a satisfactory relationship with neighbouring properties and protect the amenity of existing neighbouring properties. The hedgerow along the eastern boundary would be retained, tree planting is included within the area of open space between it and the proposed dwellings. This would adequately protect the amenities of the small group of residential properties located to the west of the site.
67. In relation to the design of the properties, the proposed development is traditional in its approach. Attention has been paid to providing visual stops at the end of streets in the form of boundary hedges and strategically planted trees. Trees and hedgerows are interspersed between the parking spaces throughout the site to break up the hard landscaping. Dual aspect buildings are included to ensure adequate natural surveillance over the areas of open space, as well as on corner plots so that buildings appear to address the street. Terraces are described in the Neighbourhood Plan as helping to produce a village rather than a suburban feel to developments, so the inclusion of terraced properties in particular along the main spine road is welcomed. Render is predominantly used on corner plots and buildings overlooking the areas of open space. Red brick would be the predominant building material but render is used on corner plots and buildings overlooking the areas of open space which would add variety and interest to the simple design of the dwelling house types. The details of the materials are considered appropriate for this part of East Leake.
68. 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.
69. The comments of the Borough Council's recycling officer are noted. The swept path analysis plans submitted 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 limited overhang of the vehicle body and overrun would occur would be in the turning areas within the site, 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.

70. Amended planning layout plans were submitted making provision for bin collection points and bin storage areas for the plots as requested. The Waste and Recycling Officer confirmed that the amended plan does meet the bin storage issues, although they thought plots 169 and 170 would also benefit from storage. No further amendments have been submitted to address the concerns relating to these two plots however, this would have a very limited impact on the overall scheme. Therefore, the layout as proposed is considered to be acceptable without this extra provision.

Landscaping

71. 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 hedgerow to the site's north, east and west boundaries. Part of the hedgerow would be removed along the frontage of the site adjacent to Lantern Lane to allow for the proposed access points and associated visibility splays, provision of drainage, and the widening of the BOAT to an adoptable standard, as approved at the outline stage. The hedgerow removed from within the site provides for the creation of a new ditch course on site which would replace the existing one that is affected by the BOAT widening. A tree would also be removed. This detail was agreed at the outline stage.
72. To mitigate this loss, substantial hedgerow planting is proposed along the southern boundary adjacent to Lantern Lane. Additional hedgerow planting is also included within the site to the north of the watercourse and between the dwellings and the area of open space to the east of the site, as well as to gap up the western hedgerow. The net gain in relation to hedgerow and tree planting is sufficient to outweigh the harm by the loss of these relatively small sections of hedgerow. The details of the landscaping scheme are considered acceptable and appropriate for the site's context. There are conditions on the outline permission to secure the protection of existing hedgerows which are proposed to be retained by this application.
73. Two attenuation ponds are proposed within the central area of open space to the north and south of the existing watercourse, which will incorporate a wet grassland surrounded by a meadow grassland. In accordance with Policy 3.2(a) a green infrastructure buffer would be provided on the land to the north and east of the built development comprising retained grassland with the addition of tree planting. Areas of amenity grassland would also be provided within the central area of open space, as well as surrounding the built development, including along the site frontage. Tree planting would also be included within the plots. Overall details of the landscaping will result in a significant gain in terms of the number of trees on the site.
74. The Unilateral Undertaking requires the submission of a 'Management Plan' for the Open Space Scheme which shall include the timing, location and method for securing the provision, permanent availability, management and maintenance of the open space. It also requires that the open space is transferred to a management company. The amount paid by each household to the management company is not a matter relevant to planning.

75. Condition 8 attached to the outline application already sets out the timescale for the implementation of the landscaping scheme; *“All planting, seeding or turfing comprised in the detailed landscaping scheme submitted and approved in compliance with condition 6) shall be carried out in the first 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.”*

Housing Mix

76. 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 East Leake 20% should be sought through negotiation. The outline planning permission requires that the developer deliver 20% of affordable units.
77. 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 the 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 this would be a mix of shared ownership, affordable rent and social rent homes. The suggested mix is 51% shared ownership - 100 units (6 two bedroom bungalows, 2 two bedroom flats, 30 two bedroom houses, 52 three bedroom houses and 10 four bedroom houses), 33% affordable rent - 65 units (28 two bedroom houses, 27 three bedroom houses and 10 four bedroom houses) and 15% social rent - 30 units (8 one bedroom houses, 8 two bedroom bungalows, 2 two bedroom flats, 8 three bedroom houses and 4 four bedroom houses). The housing mix has been reviewed by Strategic Housing who consider the proposed mix to be appropriate and welcome this additional provision to both the number of affordable housing units available in the Borough and to the proposed housing tenure mix.
78. Condition 16 of the outline planning permission requires that the mix of market housing within the site shall comply with the housing mix set out in the East Leake Neighbourhood Plan Policy H3 ‘Types of Market Homes’ 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.
79. The Neighbourhood Plan, looks to achieve a broad mix of properties, the table at para 2.3.6 sets out the housing mix needed for East Leake including 1 and 2 bedroom properties between 30% and 40%, 3 bedroom homes between 40% and 60%, 4 bedroom homes between 10% and 20% and 5 bedroom homes between 0% and 5%. The housing mix within the site would comprise approximately 44% 1-2 bedroom homes, 45% 3 bedroom homes and 12% 4 bedroom homes broadly in line with this policy.
80. Policy 8 of the LPP1 requires 20% of the units in the Leake submarket area on qualifying sites to be affordable. Provision in excess of 20% affordable housing

is not precluded by the policy however, the supporting text to the policy stipulates a preferred mix of 42% intermediate (shared ownership), 39% affordable rent and 19% social rent. The scheme includes a slightly higher percentage of intermediate housing and less of both affordable and social rent although it is broadly in line with this policy. For these reasons the mix does allow for appropriate diversity of house type and tenure, thereby satisfying the general spirit of the policy within the LPP1 and the Neighbourhood Plan.

81. The proposal would provide a relatively large number of affordable units within a single site however, it must be viewed within the wider context of the extensive housing development experienced in East Leake over the past 10 years. Over 1000 new homes have been built within or adjoining the settlement. Although the majority of the large housing sites, of 10 or more units, included the required 20% affordable housing provision as outlined in policy H3 of the Neighbourhood Plan, there has been a general undersupply of smaller housing units. As stated at para.2.3.5 of the Neighbourhood Plan; *“Recent new developments of market housing in East Leake have generally provided for the higher end of the market – i.e. 4 and 5 bedroom detached houses. This is leading to an imbalance in the housing provision in the village, working against population diversity, exacerbating the difficulties facing first time buyers, and meaning that the housing market “ladder” is developing some serious gaps. Policy H3 seeks to address the imbalance for the future.”* As well as providing house sizes in line with the neighbourhood plan the housing types include 14 bungalows, two of which would be wheelchair accessible, as well as 4 two bedroom flats. The proposal therefore would go some way towards addressing this imbalance.
82. As highlighted by the Planning Policy Officer the three tenure types are evenly distributed throughout the scheme which will help contribute to an integrated and sustainable scheme. The variety of house types provided is also considered acceptable. In terms of phasing, the supporting information indicates the units will be delivered over a four year period with around 50 delivered each year. Each phase will have a range of house types and tenures to prevent large clusters of just one tenure or property type.
83. Although the site is located on the edge of the existing settlement it was determined to be a sustainable location within 1.25km, or walking distance, of the village centre and the wide range of services it provides. Cycleway and footway improvements between the site and the Village centre were approved at the outline stage and secured through the Unilateral Undertaking. It is also located within close proximity to a primary and secondary school, as well as the local leisure centre. Bus service improvements have been secured through the Unilateral Undertaking at the outline stage to ensure occupiers of the site have easy access to public transport. The public right of way across the centre of the site would be retained and draw residents of the village through the site to the countryside beyond. It is considered that the application site’s strong links in locational and practical terms with the adjoining settlement, means 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 the Strategic Housing Officer.
84. The concerns raised by Councillors are noted. Tenancies for affordable housing tend to be shorter than in the past to allow tenants to move between

housing to meet their current need. Bungalows are not just for older people looking to downsize, they may be suited to a wide range of people. There are no one bedroom shared ownership properties but a two person household could potentially meet the criteria for a two bedroom property of which there are thirty proposed including bungalows, flats and houses. Although the mix does not include two bedroom social rent houses, two bedroom social rent properties, including bungalows and flats, are proposed (a total of 10) which may be suitable for a 4 person household. In addition, a four person household may meet the criteria for a 3 bedroom property, 8 three bedroom social rent houses are proposed. Only two of the bungalows proposed are wheelchair accessible. The parking spaces serving them are considered acceptable in size and location.

85. It is not considered necessary to query why this site is proposed to be fully affordable in tenure. Although the majority of 100% affordable housing schemes within the Borough tend to be within small scale rural exception sites, planning permission was recently granted for a scheme proposing 100% affordable housing comprising 55 dwellings at Land South and West of Grooms Cottage, Radcliffe on Trent. As the Unilateral Undertaking associated with the outline application for the Lantern Lane site refers to 20% affordable housing, it is necessary for a deed of variation to be entered into by the applicant should they wish to pursue the level of affordable housing currently proposed. 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.

Mining

86. Policy 3.2 of LLP part c) requires that *“a detailed geotechnical and mining study should be undertaken to ensure an acceptable buffer between gypsum mining operations and the development can be established”* which reinforces condition 18 attached to the outline application; *“Prior to the commencement of the development hereby approved a detailed geotechnical and mining study shall be carried out and an acceptable “buffer zone” to the former mine workings shall be submitted to and approved by the Local Planning Authority. The “buffer zone” specified in the approved scheme shall be implemented in accordance with the approved details and retained thereafter.”* The required geotechnical and mining study has been completed (RSK geo-environmental and geotechnical report dated January 2019 and the RSK mining investigation dated 07/10/20) and submitted along with details of the proposed buffer zone.
87. It is noted that the Environmental Health Officer considers these reports *“suitably assess the site for issues relating to land contamination and the risk to human health. As the reports conclude that there is no risks to health and no remediation works are required they have no conditions to recommend.”* It is therefore considered that part c of LLP2 policy 3.2 have been met.

Noise

88. East Leake Neighbourhood Plan Policy H4 ‘Aircraft Noise’ seeks to alleviate the impact of aircraft noise on the Parish of East Leake. A noise condition was attached to the outline application to ensure dwellings are insulated from aircraft noise from flights into the East Midlands airport. Condition 17 required the submission of a scheme to demonstrate that the internal noise levels within

the residential units will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings. In any event, it has been established following consideration of another scheme within the village that this would be a requirement to satisfy the Building Regulations.

89. A noise assessment has been submitted as part of the application, Wardell Armstrong noise assessment ref GM11446 dated October 2020. One local resident has questioned the content of the supplied noise assessment. However, the Environmental Health Officer has reviewed the submitted document and confirms the mitigation measures proposed are suitable. A condition has been suggested to ensure the sound attenuations measures are fully implemented.

Public Right of Way

90. Policy 3.2 of LPP2 and by the grant of outline planning permission requires; “*b) the right of way which crosses the site from Lantern Lane should be preserved, forming a pedestrian corridor to the open countryside*”. The scheme includes the retention of the public right of way East Leake footpath 27 which passes through the site. Amendments have been made to the scheme to ensure the footpath is correctly aligned to their recorded lines and the surface treatments have been amended to include Breedon gravel to a minimum of 1.5m width, and the central section to be surfaced in a sealed surface material such as tarmac due to the higher level of use and maintenance expected. A condition has been suggested for inclusion to ensure this. A pedestrian corridor to the open countryside would therefore be provided in accordance with part b of LLP2 policy 3.2.
91. Two sections of footpath no. 27 would be Stopped Up in places where the footpath is no longer viable or incorporated within adopted footways. A separate application under Section 257 of the Town and Country Planning Act is required to legally stop up the rights of way affected. It is necessary for the Applicant to apply for the temporary closures to the highways affected. The Rights of Way Officer urges them to make every effort to provide alternative public access along Lantern Lane during the construction phase, due to high public demand for this recreational facility.
92. In addition to East Leake footpath 27, East Leake no.11 byway open to all traffic (BOAT), Lantern Lane adjoins the site’s southern boundary, and East Leake no.12 byway adjoins the southside of this. The ROW Officer is satisfied that consideration of how the new adopted access provision will offer surface transitions between byways 11 and 12 can be agreed during S278 technical approval.

Flood Risk

93. The site is located within the Environment Agency’s Flood Zone 1, an area at lowest risk of flooding from fluvial processes. In addition, the surface water flood maps indicate that there is some risk of flooding from surface water, although this is relatively limited, including in the vicinity of the watercourse which runs through the site. At the outline stage neither the Environment Agency or the Local Lead Flood Authority raised objections to the principal of residential development within the site. A sustainable drainage strategy has

been submitted to manage surface water run-off within the site and avoid increasing flood risk to the surrounding area as a result of surface water run-off. It is noted that concerns have been raised by the by local residents relating to the potential flood risk resulting from development.

94. An Adoptable Drainage Strategy has been submitted as part of the application which demonstrates how surface water run-off would be dealt with within the site. The Lead Local Flood Authority is supportive of the proposal and it is considered there would be no significant increased risk of flooding on neighbouring sites as a result of surface water run-off.
95. Condition 11 attached to the outline application requires the submission of a detailed surface water design and management plan and it is noted that the LLFA highlighted the need for this to be formally discharged.
96. Condition 11 also requires an eight metre easement to be retained to allow for suture access and maintenance to the watercourses that cross the site. In accordance with LLP2 policy 19 'development affecting watercourses', a ten metre buffer, which is free of built development, has been provided either side of the watercourse.

Highway matters

97. 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 the Highway Authority. Revised plans have been submitted to overcome an initial concern relating to an internal visibility splay. 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 vehicles, including refuse vehicles within the site. The proposal is therefore considered to comply with Policy 1 of the LPP2 in terms of highway safety.
98. Concerns raised relating to the safety of the access and the increase in traffic along Lantern Lane were dealt with as part of the outline application and do not warrant further consideration under the current application.
99. With regard to the safety of school children a 'School Crossing Contribution' was secured at the outline stage, meaning *"the sum of £30,000 towards the cost of walk trips to school and a new school crossing patrol in the vicinity of the traffic calmed section of Lantern Lane."* This shall be paid to the County Council prior to the occupation of any part of the development. The traffic calming and other Highway Improvements to Lantern Lane are shown on drawing no. 1499/18/B and secured by condition 6 attached to the outline application. These measures include two speed reduction plateaux/tables on Lantern Lane and Falcon Way and an extension of the school keep clear markings (no stopping Mon-Fri 8am – 4.30pm).
100. Concerns are raised by Cllr Way regarding the seemingly vague nature of the proposed bus route and footpath improvements. The bus service contribution as defined in the Unilateral Undertaking attached to the outline permission means *"the sum of £100,000 (one hundred thousand pounds) payable towards the cost of bus service improvements to provide additional capacity and/or re-routing to cater for the additional demand arising from the Development for the local Navyline (1) Bus Service and/or the Nottsbus Connect 863 Service"*

(including any equivalent replacement service).” The bus service contribution shall be paid to the County Council in instalments, 50% prior to the occupation of the 50th dwelling, and the remaining 50% balance prior to the first occupation of the 100th dwelling. The developers and the Borough Council have no control over the routing and delivery of this service, the contribution was requested by the County Council and they will ultimately determine the service delivered.

101. The footway contribution is defined as *“the sum of £20,000 (twenty thousand pounds) payable towards the cost of additional footway widening on Gotham Road to the south of Stonebridge Drive.”* This shall be paid to the County Council by the developer prior to the commencement of development. The footway improvement works, to provide a 2m wide footway, on Lantern Lane are shown on drawing no. 1499/20; and the provision of a new combined cycle/footway between Lantern Lane and East Leake Village Centre, as a result of widening the footway to 2.5m as well as the introduction of tactile paving at existing dropped kerb locations, is shown on drawing no. 1499/22 both are secured by condition 6 attached to the outline application.

Ecology

102. 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 condition 14 was attached to the outline planning permission requiring the completion of a further protected species survey, if development had not commenced within 2 years of the date of the outline permission. Therefore, an updated ecology survey has been provided which demonstrates that there have been no significant changes to the site's ecology.
103. As requested by the Environmental Sustainability (ES) Officer a condition has been suggested requiring the submission of a Landscape and Ecological Management Plan prior to the commencement of development, which should include the recommendations of the preliminary ecological appraisal, details of the proposed ecological enhancements and long term management of retained and created habitats. Although the Applicant has chosen to provide this document prior to determination it is yet to be fully assessed by the ES Officer, and would form part of a separate process to discharge the condition.
104. Also, as recommended by the updated ecology survey, a pre-commencement condition has been suggested requiring the submission of a sensitive lighting scheme and the requirement for a further updated ecological survey to be carried out if works do not commence within the next 2 years.
105. Concerns are raised in the comments received from Ward Members relating to the loss of the hedgerow along the site frontage with Lantern Lane and within the site. The works to remove hedgerow were completed outside of bird nesting season, as required by condition 15 attached to the outline application, and evidence has been submitted under application ref: 21/00435/DISCON that a suitably qualified ecologist carried out a visual inspection of the hedgerows prior to their removal and found no evidence nesting birds. Although the hedgerow removal was approved at the outline stage, for reasons including the widening of Lantern Lane across the site frontage, the Applicant should have waited for condition 15 to be formally discharged prior to carrying

out the work, nevertheless the necessary information has been provided to the Borough Council.

Other Matters

106. Concerns relating to the financial implications on future residents of the site with regard to transport costs have been raised by one resident. The principal of providing affordable housing within the application site was established at the outline stage, and it was determined to be a sustainable location for future housing growth. To improve connectivity between the site and the surrounding area, improved pedestrian and cycle routes between the site and the centre of the Village, as well as additional public transport provision were secured. It is therefore considered that future residents of the site, who may not have access to a private car, should not be left isolated from services and jobs. This matter could be further addressed as part of the Travel Plan, secured by condition 13 attached to the outline application, which will include a package of measures aimed at reducing car use, and promoting/facilitating walking cycling and the use of public transport.
107. Concerns raised that as a 100% affordable housing scheme, the proposal is likely to increase the number of children applying for local schools over and above market housing is unfounded. The housing mix in terms of size of properties proposed accords with Neighbourhood Plan Policy H3, as required by condition 16 attached to the outline application.

Requirements of previous permission

108. The requirements and conditions of the relevant outline planning permission granted on the 18 July 2018 and the associated Unilateral Undertaking remain enforceable against this development
109. 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 3 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.
110. 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 and documents:
 - Site Sections EL-SITE SECTIONS

- Affordable Housing Plan EL-AH-01
- Finished Floor Levels (1 of 3) 20055-100C
- Finished Floor Levels (2 of 3) 20055-101C
- Finished Floor Levels (3 of 3) 20055-102C
- Adoptable Drainage Strategy (1 of 4) 20055-103C
- Adoptable Drainage Strategy (2 of 4) 20055-104C
- Adoptable Drainage Strategy (3 of 4) 20055-105C
- Adoptable Drainage Strategy (4 of 4) 20055-106C
- External Surfaces 20055-108
- Vehicle Tracking and Visibility Splay Plan 20055-150B
- Materials Layout EL-MAT-01
- Boundary Treatments Plan EL-BTP-01
- Refuse Plan EL-RCL-01
- House Type Pack, January 2021
- On-Plot Landscaping 9707-L-04-09B
- POS Landscape Proposals 9707-L-01-03E
- Detailed Planning Layout EL-DPL-01, Rev. C
- Mining Investigation Summary Report, 7th October 2020
- Updated Ecology Report, 16th October 2020
- Noise Assessment Report, October 2020

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

2. Prior to the commencement of development, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Borough Council. This plan shall include the recommendations in the protected species survey and follow up survey ref. 9707 / MPG /RAG dated 16 October 2020 including details of the proposed ecological enhancements and long term management of retained and created habitats. The agreed mitigation and enhancements shall be implemented in accordance with the agreed works and timetable for implementation set out in the approved management plan.

[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 policies 1 (Development requirements) and 38 (Non Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage].

3. Prior to the commencement of development, in accordance with the mitigation/compensatory measures referred to in the protected species survey and follow up survey ref: 9707 / MPG /RAG dated 16 October 2020, a sensitive lighting scheme shall be submitted to and approved in writing by the Borough Council to safeguard bats and other nocturnal wildlife by retaining dark corridors along retained and created habitat, especially around the boundaries of the development. The lighting scheme shall provide details of the chosen luminaires and any mitigating features such as dimmers, PIR sensors and timers. A lux contour plan should be provided to demonstrate acceptable levels

of light spill to any sensitive ecological zones/features. It shall include the following measures to ensure minimal light spill from the site:

- During the construction period, no artificial lighting should be used at night in the vicinity of the brook or field perimeter habitats.
- The lighting scheme should ensure lighting is directed to where it is needed, avoiding light spillage, particularly along the woodland habitats, hedgerows/scrub lines, wildflower grassland and waterbodies
- The lighting scheme should incorporate LED luminaires as these have a sharp cut-off, lower intensity, good colour rendition and dimming capability. All luminaires should lack UV elements when manufactured. Metal halide, fluorescent sources should not be used
- Luminaires should feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats; and
- Security lighting on properties backing on to sensitive habitats such as hedgerows, trees or waterbodies will be low wattage (<70W)9 motion censored lights on short (1min) timers. These should be provided on any properties (along the site boundaries) at construction to dissuade future homeowners from installing unsuitable lighting which could adversely impact bats.

Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

[To ensure that adequate compensatory measures are undertaken and to comply with policies 1 (Development requirements) and 38 (Non Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that ecological matters including protected species are adequately protected during all stages of the development].

4. In the event that the planning permission is not implemented within 2 years of the date of the planning permission being granted, a further protected species survey shall be carried out and submitted to the Borough Council. Any mitigation measures required shall be implemented in accordance with the approved details to the satisfaction of the Borough Council.

[To ensure the survey reflects the situation pertaining at the time and to comply with policies 1 (Development requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. Prior to the commencement of development (other than for the access to Lantern Lane approved under the outline planning permission) details of the new road shall be submitted to and approved in writing by the Borough Council including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details.

[To ensure the development is constructed to adoptable standards and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to

avoid abortive works at a later date].

6. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.

[In the interests of highway safety, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

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

8. The boundary treatment/means of enclosure as detailed on drawing no. EL-BTP-01 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 southern boundary of the site, shared with Lantern Lane, 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].

9. 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].

10. Prior to the construction of any dwelling on the site proceeding above damp proof course level, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be 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. If any plots not to be served by an EVCP then it must be demonstrated why the provision of an EVCP would not be technically feasible. None of the dwellings on the site shall be first occupied until an EVCP serving it has been installed in accordance with the approved

scheme. Thereafter an EVCP must be retained on each dwelling in accordance with the approved scheme in perpetuity.

[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].

11. The sound attenuation measures detailed in the noise assessment supplied [Wardell Armstrong noise assessment ref GM11446 dated October 2020] shall be fully implemented prior to the first occupation of the development hereby approved and retained in perpetuity for the lifetime of the development.

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

12. East Leake footpath 27 shall be retained within the open spaces and upon their recorded lines shall be surfaced with Breedon gravel to a minimum of 1.5m width. The central section shall be a sealed surface material such as tarmac.

[To ensure the footpath is suitably finished in a material appropriate to the level of usage expected and in accordance with policy 34 (Green Infrastructure and Open Space Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to applicant

This permission relates to matters reserved by Condition 3 and 4 of planning permission 17/02292/OUT, dated 18 July 2018 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.

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. 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 22 June 2018 requires the submission of an Open Space Works Specification and the Management Plan, the SUDs Scheme, Affordable Housing Scheme, and Affordable Housing Scheme prior to the development commencing.

A Good practise construction methods should be adopted including:

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

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

The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

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

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

All correspondence with the Highway Authority should be addressed to:-

NCC Highways Development Control (Floor 3)
Nottinghamshire County Council
County Hall
Loughborough Road
West Bridgford
Nottingham, NG2 7QP

OFFICIAL

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.

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Application Number: 20/03153/FUL
12 Abbey Road, West Bridgford



scale 1:1000

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20/03153/FUL

Applicant Dr Sharon Ding

Location 12 Abbey Road West Bridgford Nottinghamshire NG2 5HB

Proposal Proposed Two Storey Rear Elevation extension and Single Storey Side Elevation Extensions

Ward Trent Bridge

THE SITE AND SURROUNDINGS

1. The application relates to a two storey detached dwelling standing on a corner plot, the main garden area of which is to the south side adjacent Florence Road. It has a detached garage to the rear accessed from a driveway off Florence Road. It is of traditional construction being red brick with a clay tile roof and black and white timber detailing to a front gable. The site is located within an established residential area of West Bridgford.

DETAILS OF THE PROPOSAL

2. The current application seeks planning permission for a two storey rear extension and a single storey side extension. There is an existing lean-to kitchen extension on the rear of the dwelling with a projection of circa 1.2m off the main rear elevation. This would be demolished, as would an existing lean-to side extension.
3. The proposed single storey side extension would have a floor area of approximately 5.3 sqm, with a width of 1.5m and a length of 3.5m. It would have an eaves height of 2.7m and a mono-pitch ridge height of 3.9m. It would be within 135mm of the boundary with 10 Abbey Road to the north.
4. The proposed two storey rear extension would have a projection of 2.25m with a width of 7.065m across the rear elevation. It would have eaves to the same height as the host dwelling and a hipped roof aligning with the roof of the host dwelling. It would be a minimum of 1.19m off the shared boundary with 10 Abbey Road and 4.298m off the rear boundary, which is the side boundary of 39 Florence Road.

SITE HISTORY

5. There is no planning history for the application site.

REPRESENTATIONS

Ward Councillor(s)

6. One Ward Councillor (Cllr Bansal) objects to the proposal on grounds that:

- a. it would block natural sunlight to the neighbours for the majority of the day; and
- b. the overlooking/privacy impact on the neighbours (from windows of number 12's proposed extension).

Local Residents and the General Public

7. The resident at 6 Abbey Road (3 properties to the north of the application site) objects for reasons which are summarised as follows:
 - a. Impact on surrounding properties reducing sunlight by a significant amount.
 - b. Wildlife would not survive in a shaded environment.
 - c. Height and size of the extension will have a detrimental impact on local wildlife conservation and sunlight hours to the surrounding properties.
8. The resident at 8 Abbey Road (two properties to the north of the application site) objects on grounds that the proposal would reduce light to the rear of the property and rear garden.
9. The residents at 10 Abbey Road (immediate neighbour to the north) object to the proposal for reasons that are summarised as follows:
 - a. The height and size of the proposed 2 storey extension will block out 100% of our sunlight from 11.30 am until 4.30 pm/5.00pm.
 - b. Building this very tall extension will eliminate any pleasure gained from one of favourite past times, which is gardening.
 - c. If this tall extension were built right up to the boundary wall, it would create huge problems with excessive water in the garden due to the soak away area not drying out.
 - d. The glass conservatory to rear of the property will get no natural sunlight or light whatsoever from 11.30 am until 4.30pm/5.00pm.
 - e. The extension will also affect the natural light and natural heat coming into the main back bedroom, sitting room, kitchen/dining room.
 - f. This overbearing extension would mean from the garden the proposal would result in a very tall, intrusive and unattractive wall, giving a sense of being hemmed in whilst in the garden.
 - g. If all the sunlight was eliminated, the resident would have to use their tumble drier even through the sunnier months.
 - h. Concerns over access to main drains.
 - i. Scale of the development is out of proportion with the size of the plot.
10. The resident at 13 Abbey Road (dwelling on the opposite side of Abbey Road to the east) objects for reasons which are summarised as follows:

- a. A loss of privacy and light suffered by the neighbouring property and garden at Number 10, Abbey Road to the NE of Number 12.
 - b. Overdevelopment and not in keeping with the character of the neighbourhood.
 - c. Impact on highway safety particularly during construction.
11. A resident at 39 Florence Road (property to the rear of the application site) objects for reasons which are summarised as follows:
- a. Extension will have a detrimental effect upon the property next door on Abbey Road, impacting upon the amount of light levels and privacy of number 39, Florence Road.
 - b. Detrimental effect from extension, being overlooked and losing natural light is being ignored.
 - c. Single storey extensions should be the model that a forward thinking council is advocating.

PLANNING POLICY

12. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 (LPP1) and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 (LPP2). The overarching policies in the National Planning Policy Framework (the NPPF) are also relevant. Additionally, the Rushcliffe Residential Design Guide 2009 as a Supplementary Planning Document is a material consideration.

Relevant National Planning Policies and Guidance

13. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means *“approving development proposals that accord with the development plan without delay”*. Importantly, the NPPF requires that planning permission be granted *“where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date”* unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
14. Chapter 12 of the NPPF concerns achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place. Importantly, 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. However, where the design of a proposed development accords with clear expectations of plan policies, design should

not be used by decision makers as a valid reason to object to the development.

Relevant Local Planning Policies and Guidance

15. Policy 1 of the LPP1 reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy 10 of the Core Strategy states, *inter alia*, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Of particular relevance to this application are 2(b) whereby the proposal should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing
16. In setting out the development requirements for the Borough, policy 1 of the LPP2 broadly echoes policy 10 of the Core Strategy. Specifically, it states that planning permission will be granted for extensions provided that there is no significant adverse effect upon the amenity of adjoining properties or the surrounding area; and the scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. Extensions 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.
17. Consideration should also be given to the supplementary guidance provided in the Rushcliffe Residential Development Guide which suggests that the style and design of any extension should respect that of the original dwelling and should not dominate over it. The Guide also requires that extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and therefore scale, proportion, and roof form are very important.

APPRAISAL

18. The main factors in the consideration of this application are the scale, design and appearance of the extension and the impact on the amenities of the area and neighbouring properties in particular.
19. The rear elevation of 10 Abbey Road to the north is formed by a single storey rear extension and a small lean-to conservatory extension. There are no windows in the main side elevation of no.10, although the conservatory does have a glazed side wall. There is an existing brick wall and horizontal timber fence to height of circa 2m forming the boundary between the two properties.
20. It is not considered that the proposed single storey side extension would have any undue detrimental impact on the neighbouring dwelling at no.10, or any other nearby dwelling. Only the single storey side extension would be visible from the public realm on Abbey Road. It is not considered that this would have a detrimental impact on the street scene or the area in general.
21. It is the proposed two storey extension that has generated objections from nearby neighbours. Once the small kitchen projection has been removed, the main two storey rear elevation of 12 Abbey Road, the host dwelling, is set back

from the rearmost part of no.10, i.e. the single storey extensions to the rear of the neighbouring property project around 2.50m beyond the main rear wall of the application property. The proposed two storey rear extension would have a projection off the original rear elevation of around 2.2m, still not projecting beyond the rear wall of the single storey extensions to the rear of no.10. The proposed two storey extension would be circa 1.19m off the shared boundary with no.10.

22. The dwellings at nos.12 and 10 are on a north-south orientation and as such over-shadowing is currently fairly minimal, depending on the time of day and year. The concerns of the neighbours at no.10 have been noted and considered, however given the site orientation, the relatively minor projection of the proposed two storey extension (circa 2.2m) and the hipped roof design, and the projection of the single storey extension at no.10 beyond the rear of the proposed extension, it is concluded that the proposed two storey extension would have little undue impact on the residential amenities of 10 Abbey Road in terms of over-shadowing or over-bearing. In the afternoon, as the sun drops westwards, there would be minimal additional over-shadowing as both the rear elevations of no.10 and no.12 face west.
23. The applicant's agent has submitted a sun path study comparing the impacts of overshadowing on the neighbouring property at various times on the day on 31 March, 31 July and 31 December, both without and with the extension. The greatest overshadowing occurs on 31 December when the sun would be lowest in the sky. The study indicates that the existing dwelling, without the extension in place, already casts a shadow across the whole garden of the neighbouring property, with the overshadowing reducing as the sun tracks from east to west, totally clearing the back garden of no.10 by around 2pm. The study appears to indicate that the proposed extension would have little discernible impact at this time of year. Similarly, the study for 31 July indicates that the extension would cause a minimal increase in the overshadowing, when compared with the shadow cast by the existing dwelling.
24. There would be no additional direct over-looking towards 10 Abbey Road, any new first floor windows having a similar impact to those already existing. The windows at first floor level would serve non-habitable rooms, i.e. a bathroom, an ensuite and a dressing room. The bathroom and ensuite would likely be obscurely glazed, a condition is recommended to ensure that this is the case. The dressing room window is located toward the southern end of the rear elevation and it is not considered that this window, given its position in the rear elevation and distance to the boundary with no.10, would result in unacceptable overlooking.
25. The dwelling has a hipped roof to the rear and the proposed extension would continue this roof form helping reduce any perceived over-bearing impact and also maintaining the character of the dwelling. The minimal projection of the rear extension would mean the extension roof would not create a bulky roof form. The rear extension is such that it is considered not be over-bearing or out of character for the area.
26. The host dwelling is on a corner plot and benefits from this by having a detached garage within its curtilage accessed via a driveway off Florence Road. The driveway to the garage is fenced on both sides, the west side being the boundary with no. 39 Florence Road. The concerns of the rear neighbour

at 39 Florence Road have been taken into account. The centre of the rear garden of this property is around 21m away from the proposed two storey extension and the end of the garden at no.39 (the site of a proposed patio, as indicated by the neighbour) would be around 27m away. The rear garden of no.39 would not be directly over-looked by the proposal and there is established and substantial planting forming adequate screening between the two dwellings.

27. The side elevation of 39 Florence Road, facing the rear of 12 Abbey Road, is a blank elevation and no over-looking would occur, nevertheless it is screened by the existing garage at no.12 and it is not considered that the residential amenities of the dwelling at no. 39 Florence Road, or its garden would be unduly impacted by the proposals.
28. There have also been objections from nos. 6 and 8 Abbey Road who do not adjoin the site in any way. It is not considered that these dwellings or their gardens would be impacted by the proposal being a significant distance away.
29. The neighbour opposite at 13 Abbey Road objects to the proposal on similar grounds to the dwellings that actually adjoin the application site but also mentions the plot size and over-development. As a corner plot, the site has a paved area at the rear and a larger lawned area to the side, creating ample garden space. The proposed two storey rear extension would bring the dwelling 2.2m closer at the rear to the existing detached garage leaving the main lawned area to the side unaffected, whilst maintaining a rear paved area that would still provide a perfectly useable recreation/patio space. It is not considered that the proposal constitutes over-development.
30. The comments regarding highway impacts during construction and access to drains are noted but these are not a planning issues and cannot hold any weight in the assessment of the planning application.
31. The applicant's property is situated within a recognised Environment Agency Floodzone 2 or 3 and so it must adhere to the Governments standing advice on householder development within a flood risk area. The advice states that all new development must be situated on the same level as the existing dwelling or 300mm above existing flood levels. It is considered that the proposal adheres to these policies with the floor level in the extension matching the floor level in the existing property.
32. There were no perceived problems with the application and therefore no requirement for negotiation with the applicant/agent or the need to request any amendments. Consequently, there was no undue delay in the decision of the application

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s): 12ABRD/PP/2 received on 15 December 2020.

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

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

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

4. The first floor windows in the west elevation of the proposed two storey rear extension, serving the bathroom and ensuite as shown on drawing number 12ABRD/PP/2, shall be fitted with glass that has been rendered permanently obscured to Group 5 level of privacy, or equivalent, and will be non-opening to a height of 1.7m from internal floor level. The windows shall be retained to this specification for the lifetime of the development.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

Notes to 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.

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