

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8481
Email democraticservices@rushcliffe.gov.uk

Our reference:
Your reference:
Date: Wednesday, 31 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 11 March 2021 (Pages 1 - 10)
4. Planning Applications (Pages 11 - 174)

The report of the Executive Manager - Communities.

Membership

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Council Customer
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8.30am - 4.30pm

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



Chairman: Councillor R Butler

Vice-Chairman: Councillor Mrs M Stockwood

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

Meeting Room Guidance

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MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 11 MARCH 2021
 Held at 6.30 pm via Zoom

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 B Bansal, R Upton

OFFICERS IN ATTENDANCE:

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

APOLOGIES:

There were no apologies.

7 Declarations of Interest

There were no declarations of interest.

8 Minutes of the Meeting held on

The minutes of the meeting held on 11 February 2021 were voted as a true record of the meeting.

9 Planning Applications

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

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

Updates

An additional representation from the applicants agent and two objectors were 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, Andrew Dennison (Applicant's Agent), Cllr Kevin Jackson (Objector – Sutton Bonington Parish Council) and Councillor R Upton (acting as Ward Councillor) addressed the Committee.

DECISION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

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.
2. 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;"

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

20/02632/REM – 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. – OS Field 8500 Partial, Lantern Lane, East Leake

Updates

An additional representation from the applicant/agent and two objectors were 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, Helen Dawkins (Applicant), Lloyd King and Cllr L Taylor (Objectors who split their allocated 5 minutes), and Councillor C Thomas (Ward Councillor) addressed the Committee.

DECISION

APPROVAL OF RESERVED MATTERS BE GRANTED FOR THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF THE DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS

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) 20055-100 Rev. C
- Finished Floor Levels (2 of 3) 20055-101 Rev. C
- Finished Floor Levels (3 of 3) 20055-102 Rev. C
- Adoptable Drainage Strategy (1 of 4) 20055-103 Rev. C
- Adoptable Drainage Strategy (2 of 4) 20055-104 Rev. C
- Adoptable Drainage Strategy (3 of 4) 20055-105 Rev. C
- Adoptable Drainage Strategy (4 of 4) 20055-106 Rev. C
- External Surfaces 20055-108
- Vehicle Tracking and Visibility Splay Plan 20055-150 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 to 09 Rev. C
- POS Landscape Proposals 9707-L-01 Rev. F
- POS Landscape Proposals 9707-L-02 Rev. F
- POS Landscape Proposals 9707-L-03 Rev. F
- Detailed Planning Layout EL-DPL-01, Rev. D
- Post and rail fence detail SDF/80
- 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, together with a timetable for the implementation and completion of the approved landscaping within the site. 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

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.

Attention is drawn to condition 2 of the outline planning permission ref: 17/02292/OUT (appeal ref: APP/P3040/W/18/3196537) which specifies that built development shall not extend beyond the 60 metre contour line and condition 18 which requires the provision of a buffer zone to the former mine workings. The provision of the green-infrastructure buffer zone is also required

by Policy 3.2 of the Rushcliffe Local Plan Part 2: Land and Planning Policies in order to reduce the visual impact on the elevated parts of the site. The approved plans include a landscaped open space area/buffer zone to the north and east of the proposed built development, as shown on the Detailed Planning Layout, drawing no. EL-DPL-01. This area should be retained as open space for the life of the development.

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.

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

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

20/03153/FUL – Proposed Two Storey Rear Elevation extension and Single Storey Side Elevation Extensions – 12 Abbey Road West Bridgford Nottinghamshire NG2 5HB

Updates

Additional representations were received from further objectors and were circulated to the committee before the meeting.

In accordance with the Council's public speaking protocol for planning committee, Sharon Ding (Applicant), and Councillor B Bansal (Ward Councillor) addressed the Committee.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

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

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

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

The meeting closed at 9.05 pm.

CHAIRMAN

**Planning Committee****8 April 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.

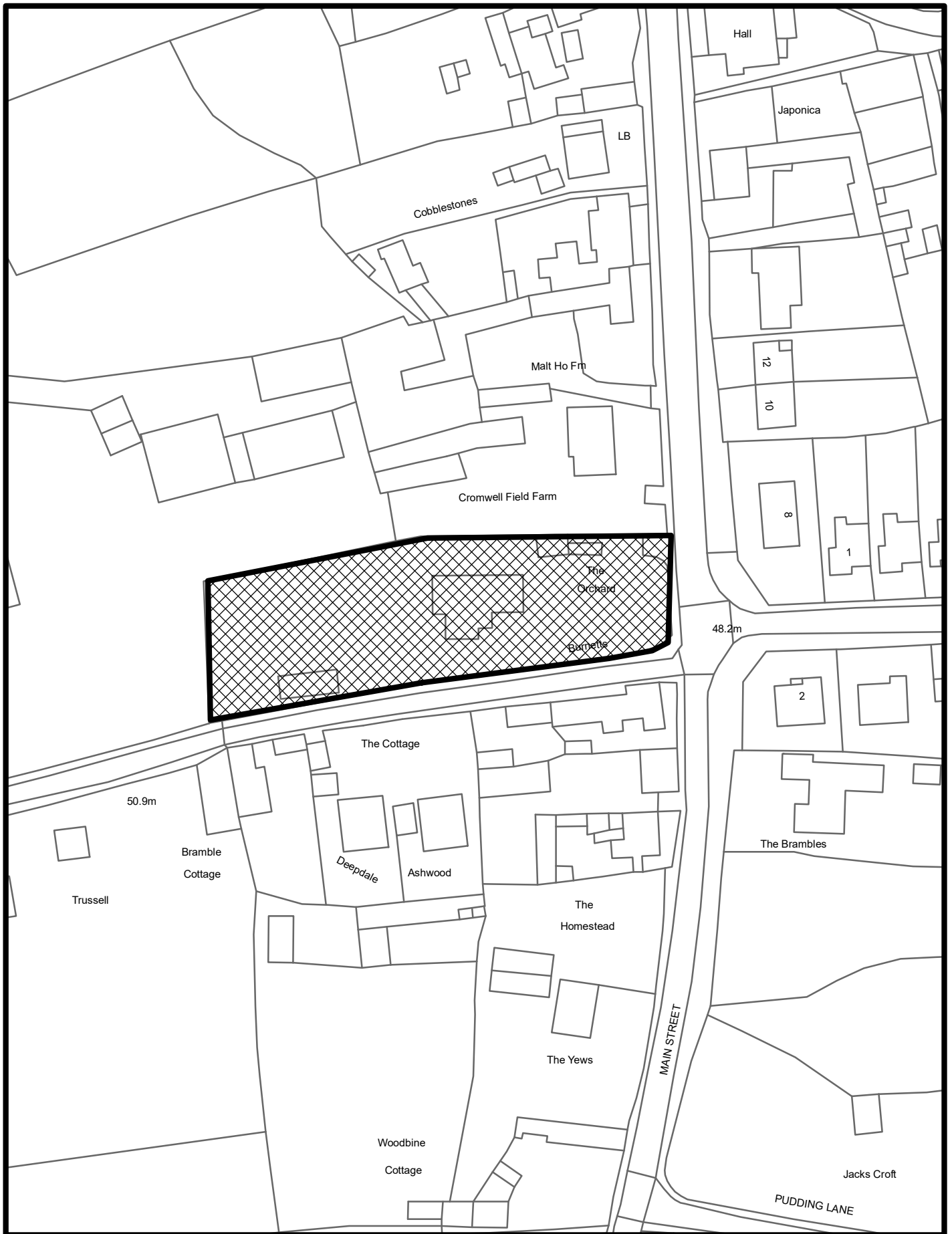
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
20/00619/FUL and 20/00620/RELDEM	The Orchard, Long Lane, Hickling, Nottinghamshire (i) 20/00619/FUL - Demolition of a bungalow and erection of four 2 storey dwellings with access. (ii) 20/00620/RELDEM - Demolition of The Orchard and associated outbuildings (retention of a single brick building).	15 – 66
Ward	Neville and Langar	
Recommendation	(i) 20/00619/FUL – Planning permission be granted subject to conditions (ii) 20/00620/FUL – Planning permission for relevant demolition in a conservation area be granted subject to the conditions	
 20/03285/FUL	 21 Kendal Court, West Bridgford, Nottinghamshire Demolition of Bungalow and Erection of 7 dwellings with associated parking (Resubmission of 19/00791/FUL)	 67 – 93
Ward	Abbey	
Recommendation	Planning permission be granted subject to conditions.	

Application	Address	Page
20/02665/FUL	Allen Vending Supplies Ltd, 27 High Street, Ruddington, Nottinghamshire	95 – 114
	Change of use of buildings to five flats and alterations including partial demolition of existing modern extensions and erection of two storey and single extensions. (Resubmission)	
Ward	Ruddington	
Recommendation	Planning permission be granted subject to conditions	
20/03030/FUL	Land North Of 18 Gladstone Avenue, Gotham, Nottinghamshire	115 – 130
	Proposed residential development for 3 dwellings with associated garages and off road parking.	
Ward	Gotham	
Recommendation	Planning permission be granted subject to conditions	
20/00719/FUL	Land at Manor Park Ruddington Nottinghamshire	155 - 174
	Erection of 43 no retirement apartments for older people, guest apartment, communal facilities, access, car parking and landscaping (resubmission)	
Ward	Ruddington	
Recommendation	The Executive Manager – Transformation be authorised to grant planning permission subject to the prior signing of a Section 106 agreement and conditions	

Application	Address	Page
20/01974/FUL and 20/01988/RELDEM	48 Main Street East Leake Nottinghamshire LE12 6PG	
	<ul style="list-style-type: none"> (i) Demolition of existing rear garage outbuilding and erection of new dwelling (ii) Demolition of existing rear garage outbuilding 	
Ward	Leake	
Recommendation	<ul style="list-style-type: none"> (i) 20/01974/FUL – Planning Permission be granted subject to conditions (ii) 20/01988/RELDEM - Planning Permission for relevant demolition in a conservation area be granted subject to the following conditions 	



Application Number: 20/00619/FUL & 20/00620/RELD
The Orchard, Main Street, Hickling



scale 1:1000

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20/00619/FUL & 20/00620/RELDDEM**Applicant** Mrs Sarah Haynes**Location** The Orchard, Long Lane, Hickling, Nottinghamshire, LE14 3AG**Proposal**

- (i) 20/00619/FUL - Demolition of a bungalow and erection of Four 2 storey dwellings with access.
- (ii) 20/00620/RELDDEM - Demolition of The Orchard and associated outbuildings (retention of a single brick building).

Ward Nevile And Langar**THE SITE AND SURROUNDINGS**

1. The Orchard is a detached three bedroom dormer bungalow property set on an established plot within the rural settlement of Hickling. The property has historically been extended and includes materials of red brick, render and concrete tiles. The building is located to the centre of its plot with vehicular access from Main Street to the east, with ancillary accesses from Long Lane to the south. The western section of the site is an area of paddock which appears to have been used in association with the dwelling with clear pathways from the established patio and gardens of the residential site into the paddock area. The residential land and the paddock will collectively be referred to as 'the site'. Whilst 'the site' has been identified by the agent addressed to Long Lane, the primary dwelling known as 'The Orchard' is addressed to Main Street.
2. The site is bounded to the east by Main Street with the junction with Harles Acres broadly opposite. To the north of the existing residential site is a residential property and associated land known as Cromwell Field Farm, with land part of the Farmyard of Malt House Farm to the northern boundary of the associated paddock section of the site. To the west is further agricultural land whilst to the south runs a historic and unadopted road, Long Lane, which also acts as a public right of way (PROW) (Hickling Footpath 16). A number of properties lie to the south side of Long Lane, some of which are built up to the edge of the road as more historic properties such as Bramble Cottage, The Cottage and Burnetts, and some of which are set back from the road, built as 20th century infill development (Deepdale and Ashwood).
3. The site boundaries are largely marked by hedgerows which include lower managed features to the north, east and south of the existing residential site, with taller hedgerows to the paddock section of the site along the associated southern, western and northern boundaries.
4. As well as the existing dwelling, the site includes a number of other notable structures including a more historic brick and tile outbuilding to the north east of the site identified as a positive building in the conservation area appraisal. A dilapidated storage shed is located to the southern boundary of the paddock land which has fallen into a state of disrepair.

DETAILS OF THE PROPOSAL

5. This is a joint report for applications 20/00619/FUL, which seeks full planning permission for the demolition of the existing bungalow and erection of 4 two storey dwellings with access, and 20/00620/RELDEM, which seeks consent for relevant demolition of an unlisted building within a conservation area for the demolition of The Orchard (dwelling) and associated outbuildings (retention of a single brick building).
6. The proposal under consideration is revised from the initial submission. The scheme was revised on a number of occasions, resulting in the reduction from 5 to 4 proposed dwellings, changes to layout, access, appearance and scale, resulting in the submission of a suite of additional supporting information.
 - a) March 2020 – Original Submission
 - b) July 2020 (revised consultation) – full suite of new technical supporting information, changes to plot sizes, scale, layout and access design, any access from Long Lane removed.
 - c) September 2020 (revised consultation) – reduction from 5 to 4 dwellings, amended site layout and minor plot design changes.
7. It is proposed that the existing house and all other structures save the brick and tile outbuilding to the northern boundary of the site, east of the main dwelling, are demolished and removed from site.
8. It is proposed to erect 4 two storey three bedroom dwellings on the site, all accessed from a new private drive access onto Main Street to the east. The private drive would run parallel with the site's northern boundary and would provide access for residents and servicing to all proposed plots, with each unit provided with two off street parking spaces, and access to two shared visitor parking layby facilities on the private drive. Plots 1 and 4 would also have a detached garage as well as two parking spaces.
9. Plot 1 would be located towards the eastern site frontage and would face east towards Main Street, the remaining three plots would all be orientated to front and face towards the historic lane and public right of way to the south known as Long Lane. No access is proposed to or from Long Lane and the two existing access gates onto the lane are proposed to be closed off, with new hedgerow planting along the boundary to infill the gaps.
10. The proposed dwellings would be of cottage type design, with lower gabled roofs, chimney stacks, arched brick window headers, dentil courses, corbelling, storm porches of gabled or lean to type design and traditional material finishes of pantiles and red/orange brickwork to closely match those seen in the locality.
11. The scheme would include hedgerow boundaries within the site, and acoustic fences to the west and north where adjacent the farm, with the site plan identifying indicative landscaping proposals which include new hedgerows and tree planting across the site. As part of the scheme the existing unmanaged section of southern hedgerow would be reduced in height to no less than 1.8m. Biodiversity enhancements are also proposed.

12. The scheme is supported by the following technical documents:

- Air Quality Assessment
- Noise Assessment
- Agricultural Impact Assessment
- Historic Environment Desk Based Assessment
- Highways Report
- Flood Risk and Drainage Report
- Preliminary Ecological Appraisal
- Bat Emergence and Activity Survey
- Biodiversity Enhancement strategy
- Long Lane Hedge Management Note
- Design and Access Statement
- Planning Statement Response to initial concerns

SITE HISTORY

13. 82/00245/EAST – Rear Extension to Bungalow/Demolish and Re-build Garage – approved.

14. 74/00167/EAST – Three Bedroomed House with Double Garage – approved.

REPRESENTATIONS

15. This application was the subject of a significant number of comments and representations. The below details represent summaries only of the key issues and comments made, and the full comments of all consultees and members of the public are available to view on the public record on the Council's website.

Ward Councillor(s)

16. The Ward Councillor (Cllr Combellack) initially commented that she did not object with the information to hand. Cllr Combellack later commented further clarifying that she was watching and reviewing the public comments and would provide a further full comment having reviewed all matters in due course.

17. Cllr Combellack later provided more detailed comments, raising concerns that Long Lane drops sharply down from the Hickling Standard, and as such surface water flows along and down Long Lane in rainfall events, damaging the surface of Long Lane and causing flooding issues on Main Street. The Councillor also raised concerns that the development of the paddock area to the western end of the site would result in the loss of a natural soakaway, and as such requested full consultations with relevant flood agencies and also referenced issues with sewer capacity.

18. Cllr Combellack later requested clarification on site levels due to concerns about the site being raised from Long Lane, and the scheme therefore towering over properties on the south side of the lane.

19. Cllr Combellack noted that the emerging neighbourhood plan must only be given minimal weight in the decision making process, and provided final comments on the initial consultation identifying the following concerns:

- a) No consultation with flood authorities, as such no informed assessment can be made and application must be refused.
 - b) Reiterated concerns of Para.18 of this report.
 - c) Long Lane is a narrow gravel way of width for barely one car, new dwellings would cause severe overlooking to properties on the south side of the lane and also loss of light.
 - d) Heights of new properties would be greater than existing due to modern building standards and land levels, and as such development would be overbearing to neighbours.
 - e) Relationship of Plot 1 and Burnetts - the gable of plot 1 would block light and create an oppressive relationship with windows at Burnetts. Plot 1 should be developed as a bungalow.
 - f) The front doors and postal addresses of plots 2 through 5 would be onto Long Lane, and as such the properties would be addressed to the lane, causing issues with deliveries using the lane and access suitability, and highway safety as there is no turning provision on this track.
 - g) Impact of traffic noise from the shared drive to neighbours at Cromwell Field Farm to the north.
 - h) The scheme would develop housing in close proximity to Malt House Farm where local residents report noise and odour issues. Introducing new residents even closer to the established farm could put pressure on the future operation and viability of the farm from complaints.
 - i) The design of the dwellings does not reflect local design or adhere to the design guide in the draft neighbourhood plan.
 - j) The destruction of the hedgerow along Long Lane would be harmful and contrary to conservation policies.
 - k) Development would considerably alter the appearance of this green, tranquil and rural footpath along Long Lane.
 - l) Light spillage from new windows will impact the amenities of the area.
 - m) The increased density of development gives an urban feel, and the level of developments (4 new dwellings) is significant for a parish of circa 200 dwellings. The scheme should be given the same attention as larger urban developments.
20. Following revisions to the scheme (July 2020), the Ward Councillor initially commented that the amendments were welcomed, however that further reductions in the ridge height of plot 1 were required to better respect the settings of heritage assets such as Burnetts and the cottages along Long Lane, aiding to maintain an open and rural character to the Long Lane entrance.
21. The Ward Councillor then confirmed whilst she understood the premise for a two storey house to plot 1, she felt it would darken and dominate the neighbour at Burnetts, and that overall the scheme represented overdevelopment of the site with amenity spaces at a premium. Cllr Combellack also confirmed she maintained concerns regarding flood risk and drainage.
22. Cllr Combellack also raised that she was chairman of the neighbourhood plan steering group, who had recently published a survey looking at the potential allocation of this site for residential in the development, and declared a non-pecuniary interest in the application.
23. Further comments were received from the ward councillor identifying that she endorsed the significant levels of concern raised by local residents.

24. Following further revisions to the scheme (September 2020), Cllr Combellack advised that she maintained her original objections, and fully supported the objections made by the entire village. Cllr Combellack voiced concerns that can be summarised as follows:
- a) It should be remembered that Hickling is a historic linear village characterised by green fingers of land drawing the countryside into the village.
 - b) The open aspect and well-loved view of Long Lane, leading to the Standard should not be lost.
 - c) The site is on raised ground, higher than Long Lane and the existing modest properties; it is also on an incline rising considerably above the level of Main Street and as such the properties will have significant prominence and be out of character and overbearing.
 - d) The planner's early intervention in the scheme resulted in a very urban linear design with their preference for a 2-storey house at the front of the site - a pastiche of buildings further down Main Street (poor design contrary to NPPF) to create a focal point as viewed from Harles Acres not giving consideration to the majority of views experienced as travelling along Main Street.
 - e) A bungalow to the frontage would be more in keeping, as with many bungalows seen in the area.
 - f) The proposed red brick house (plot 1), by its height and positioning opposite the Burnetts living quarters, will darken the entrance to Long Lane and be over bearing for the occupants of the Burnetts.
 - g) Existing properties at the entrance to Long Lane are historic, modest and low, set hard against the edge of the track. The proposal will therefore create a brick tunnel along the track instead of the leafy green lane as referenced by the Conservation Officer in an earlier comment. The removal of one dwelling does not reduce the tunnel effect created at the entrance to the Lane.
 - h) A golden opportunity is going to be lost here to develop low ridge height properties, bungalows or dormer houses, in a rural courtyard style in keeping with the village and its conservation area.
 - i) The scheme will not preserve the open nature of the site with a design typical of a suburban estate development. The scheme is clearly detrimental to the Conservation Area causing harm that would not be outweighed by public benefits.
 - j) The design of plots 2, 3 and 4 is poor with the building frontages addressing what will be a rear garden space to the south of the buildings. Side doors have been added from the driveways leading directly into living spaces which represents poor design, contrary design and amenity criteria.
 - k) Concerns raised about new accesses being made through the significant hedge on Long Lane, suggests a condition to prevent this.
 - l) The Conservation Officer has raised concerns regarding new outbuildings, and as such a condition removing permissive rights for outbuildings would be required.
 - m) Despite attempts to mitigate flooding, the significant areas of hardstanding would prevent the site acting as a soakaway as currently seen, and as such the scheme will result in additional surface water run-off, which could worsen existing surface water flooding issues along Main Street.

Town/Parish Council

25. Hickling Parish Council object to the proposed scheme, identifying the following concerns:
- a) Overdevelopment of the site, overcrowding and out of keeping with the area.
 - b) Overbearing and overlooking of properties to the north, east and south of the site.
 - c) Hickling is not a sustainable community for further development in terms of accessibility and facilities/amenities, and the scheme would require residents to use the private car.
 - d) The site represents an important open green space and the loss of this would have a detrimental impact on the Hickling conservation area.
 - e) The proposed dwelling ridge heights would dominate the surrounding area, causing harm to the setting of nearby buildings identified as key unlisted buildings in the conservation area appraisal including Burnetts and The Cottage. This relationship would be contrary to guidance contained in the Rushcliffe Residential Design Guide.
 - f) The site, particularly the western paddock, has high potential for protected species.
 - g) There are existing on street parking issues along this section of Main Street, it is unlikely the development will meet all of its own need, and as such the development may exacerbate existing on street parking concerns.
 - h) Deliveries would likely utilise Long Lane due to the front door accesses. This road is single lane, and has no turning facilities, and is therefore not appropriate for such use.
 - i) Pedestrian accesses onto Long Lane could cause vehicular conflicts with little safety margins.
 - j) The scheme fails to accord with emerging policy H13 of the Hickling neighbourhood plan.
 - k) The scheme would result in the loss of permeable ground on site which could increase the amount of rainwater run-off leading to an increased likelihood of flooding. The proposed development site currently allows a significant amount of rainwater soakaway which lessens the risk of flooding in this area of the village.
 - l) The walnut tree to the rear paddock should be retained and protected.
 - m) The parish do not object to the demolition of the dwelling subject to the approval of a sympathetic scheme to replace it.
26. Following revisions to the plans (July 2020) the Parish Council acknowledged the work done to try and address concerns, however they confirmed the revisions did not go far enough to address the previous objections. The issues identified can be summarised as follows:
- a) Number of houses remains too great and represents overdevelopment of the site.
 - b) A lower density scheme would be more in character with the village.
 - c) The scheme would harm the setting of the Grade II Listed Malt House Farm.
 - d) The design of the houses is unsympathetic to the street scene and rural/open character of Long Lane.

- e) Whilst heights have been reduced the dwellings would remain too high and overbearing to neighbours, resulting in loss of privacy.
 - f) The scheme would adversely affect the appearance of the conservation area through the development of this open space.
 - g) The Parish would prefer to see plot 1 as a bungalow.
 - h) The scheme would make insufficient parking provision.
 - i) Flooding from surface water is a significant issue to Hickling and the development of The Orchard would result in the loss of water storage, potentially worsening flood impacts through the village.
27. Following further revisions to the plans (September 2020) the Parish Council re-affirmed their objections, acknowledging the reduction in number of dwellings but identifying the scheme was still over intensive for the site, would still impact the street scene in a negative way, and result in loss of privacy to surrounding neighbours. The Parish Council recommend that the redevelopment of the existing house with an additional 2 bungalows may be looked upon more favourably. The Parish Council also confirmed they still had concerns over loss of permeable ground and the impact this may have on flooding.

Statutory and Other Consultees

28. The Borough Council's Conservation Officer noted that The proposals involve the construction of 5 two-storey dwellings with access and the demolition of a late-20th Century dormer bungalow, extended in a later phase, set back from the road in a large mature plot in Hickling, Nottinghamshire. The Grade II listed Malt House Farm is found a short distance north of the property and the site is located in the Hickling Conservation Area. The site belongs to the settlements historical core; therefore, the proposed development has the potential to include heritage assets with archaeological interest.
29. In relation the demolition of the existing bungalow and other ancillary structures, the officer notes that the existing bungalow is not noted as a positive building within the Hickling Conservation Area appraisal and does not make a positive contribution to the special architectural and historic character and appearance of the Hickling Conservation Area. The officer notes that the timber shed adjacent to the red-brick outbuilding is marked in error as a positive building on the Townscape Appraisal and that the timber shed does not make a positive contribution to the area. Therefore, they conclude that the demolition of this timber shed, existing dwelling and the second dilapidated timber outbuilding found to the sites west would still preserve the special architectural and historic character or appearance of the area, as is described as a 'desirable' objective in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
30. The officer identifies that the red-brick store building on site which is likely to be an agricultural building re-purposed when the dwelling was constructed, is highlighted as a positive feature and its retention would preserve the special architectural and historic character or appearance of the conservation area, as is described as a 'desirable' objective in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The officer also notes that this building is identified in the Hickling Conservation Area Appraisal and Management Plan as a Building at Risk that would benefit from sensitive repair and/or renovation. The officer suggests traditional materials should be used in any repairs or renovations to this building and any remaining features be

retained wherever possible so that its original function may continue to be understood in the future.

31. The Officer identified the importance of the site boundary hedgerows, as identified in the conservation area townscape appraisal, confirming that these features aided in creating a more rural environment with important local views looking east and west along the sites southern boundary on Long Lane. The officer also identified important positive local buildings in proximity to the site including Burnetts and The Brambles which sit on the plot roadside boundaries.
32. In reviewing the scheme the officer confirmed they did not have significant concerns with the scheme, but identified that the density of development along Long Lane (Plots 2 through 5) seemed over intensive and would fail to protect the more open and rural character of the lane, causing some limited harm to the setting of the Grade II Listed Malt House Farm. The officer also suggested that setting the building line further back from Long Lane, and carefully reviewing building height was required, with the current heights suggesting development in excess of its existing neighbours. Of particular concern in this regard was plot 1 and its relationship with Burnetts, with a proposed taller ridge and wider footprint outcompeting the neighbouring positive building and detracting from its positive input into the character and appearance of the conservation area. As such the scheme would also fail to preserve the special historic and architectural character of the Hickling Conservation Area.
33. The proposed brick and tile finishes would be appropriate in principle subject to the approval of exact materials by conditions. The suggested close boarded fencing would need careful review and should not be positioned in any publicly prominent locations.
34. Following consideration of the revised plans (July 2020), the Borough Conservation Officer noted public concern expressed about the relationship of Plot 1 to 'Burnetts', a cottage identified as a key unlisted building in the Hickling Conservation Area Appraisal and Management Plan. The officer identified that 'Burnetts' is located directly opposite the proposal site on the other side of Long Lane and has an elevation fronting Main Street, and suggested they do not consider that Plot 1 would detract from 'Burnetts' and it would not compete with it.
35. The officer retained concerns that despite reduction in building widths and heights, and the removal of two garages, the scheme would still have an urbanising influence on Long Lane, and not protect the semi-rural character of the lane as currently experienced. The officer also noted the impact of close-boarded fences, and the potential for future desire for outbuildings to alter the character of the lane. The officer suggested a lower density development may address these concerns. The officer therefore concluded the scheme would not preserve the special interests of the Hickling Conservation Area, causing less than substantial harm to the heritage asset. The officer, however considered that the scheme would no longer cause any harm to the setting of any nearby listed buildings.
36. Following consideration of the further revisions to the plans (September 2020), the Conservation Officer confirmed that the reduction in the number of proposed dwellings from 5 to 4, had improved the scheme creating a considerably less crowded site. The officer identified that the space behind plot 1 has now

increased, which given the prominent corner it stands on, is an important improvement. They also note that the remaining three plots are now sufficiently well-spaced as to avoid creating a canyon effect on Long Lane, with the slight relocation to the west of plot 2 meaning that The Cottage would now have no built development directly opposite.

37. The Officer therefore concluded that the revised development would successfully preserve the character and appearance of the Hickling Conservation Area, with the scheme not harming the setting of the Grade II Listed Malt House Farm as the closest listed building, or any other listed buildings and their associated settings.
38. The Borough Council's Environmental Sustainability Officer (ESO) commented following the July 2020 revisions that the applicant has supplied a Bat and Ecology Survey report; note with reference to Hedge to Long Lane; follow up bat emergence and activity survey report and a Biodiversity Enhancement Strategy with surveys carried out in April and May 2020. The officer considered that these reports appear to have been carried out according to good practice and the surveys are in date.
39. The site consists of buildings, amenity grassland; species-poor neutral grassland; native hedgerow with tree; ornamental planting and disturbed ground. The officer summarised that no protected or priority species were found roosting on site, however bats were recorded foraging, and the site could provide terrestrial habitat for Great Crested Newts and potentially reptiles (both recorded within 1 km of the site), and for nesting and foraging wild birds and hedgehog activity.
40. One Site of Special Scientific Interest (SSSI) and four Local Wildlife Sites (LWS) have been identified within a 2km radius of the site, however, the officer considers that they are unlikely to be impacted by the works. The officer notes that the development provides opportunities for ecological enhancement, however, the current proposal provides a loss of approximately 412sqm of neutral grassland, which has not been compensated for. The conservation status of European Protected Species is unlikely to be impacted by this development provided mitigation is provided.
41. The officer recommended conditions and informatives covering the implementation of biodiversity enhancements, an ecological construction method statement, external lighting (bat sensitive), the use of locally prominent species in planting where possible and the adherence to good practice construction methods.
42. The Borough Council's Environmental Health Officer (EHO) initially commented raising no objections but suggesting conditions would be required to cover noise, contaminated land, and construction method statements.
43. In relation to the demolition, they raised no objection and recommended conditions regarding a demolition method statement, asbestos survey, and contaminated land.
44. Following consideration of the revised plans (July 2020) and the submission of new supporting noise and odour assessments, the EHO requested additional

information regarding the survey methodology and the assumptions made before they could assess the information.

45. Following consideration of the further revisions to the scheme (September 2020), the EHO reviewed evidence in the noise and odour reports, as well as comments made by the farm owner in the public domain and concerns raised by neighbours, and expressed concerns over ambiguity and inaccuracies in the submitted surveys, suggesting that, based on the information currently provided, they could not be sure that either the amenities of future residents would be safeguarded, or the operational viability of the Malt House Farm impacted.
46. Following the submission of revised noise and odour reports, as well as an agricultural report on the operations of Malt House Farm in December 2020, the EHO confirmed that the updated reports adequately addressed the previously identified concerns, subject to securing the mitigation for noise and odour as identified in each report, by condition. Conditions requiring a contaminated land report and construction management plan were also recommended.
47. The Borough Council's Landscape and Design Officer (Landscape Officer) notes previous works on the site under conservation are tree work notifications which related to decaying apple trees and a large multi-stemmed ash tree in the southern boundary hedge, likely an old hedgerow tree, which has regularly grown into the overhead telegraph wires directly adjacent.
48. The officer does not consider any trees on site are 'ancient' and whilst a number of trees are publicly visible, they are of low individual merit and as such are not of such public amenity value to warrant protection under a tree preservation order (TPO).
49. The loss of the apple trees to the eastern side frontage along Main Street could be readily mitigated through an appropriate landscaping scheme, however further review was required regarding the proximity of plot 4 and the retained ash tree in the southern hedgerow.
50. With regard to the hedgerows the landscape officer highlights that the southern boundary hedgerow alongside Long Lane is important to the areas rural characteristics. The retention of this hedgerow is welcomed. The officer also identified that a reduction in height of the western section of southern hedgerow would not be detrimental, identifying most agricultural hedges are kept between 1.2m and 1.8m, and that any taller hedges become challenging to maintain, with trees taking over and base planting thinning out. The Officer also identified that hawthorn responds well to hard pruning.
51. The officer finalised comments identifying that a note to applicant regarding nesting birds be appropriate, and that a full landscaping scheme be secured by condition, along with tree and hedgerow protection measures. The officer also noted that an indicative scheme would be welcomed as part of the application to ensure a quantum of replacement landscaping was acknowledged.
52. Following a site visit, the Landscape Officer issued further comments. It was confirmed that the southern boundary ash tree had previously been laid which has caused the twin stemmed regeneration, and that the tree has been topped in the past. The Officer however, remained content that the tree could be

retained with careful future management, and that the tree would not be unduly impacted by the plot 4 building line.

53. The officer revisited the issue of the western portion of the southern hedgerow, advising that a management plan will be required for the first 5 years of the development to bring the hedge into a manageable and maintainable state, but that this could be achieved. The officer recommended that the hedge be maintained at around 2 metres in height for the privacy of residents and the character of the area/footpath.
54. As part of the site visit, the officer also noticed a walnut tree to the north western corner of the site which the plot 5 garage would sit close to. Garage foundation designs would need to be conditioned to ensure there would be no significant impact on the long term health of the tree. The tree would also likely require a crown lift, which would need to be detailed in a future conservation area tree notification.
55. Following consideration of the revised plans (September 2020) the officer confirmed that the plot 4 garage had been moved a sufficient distance from the retained Walnut to the north western corner of the site so as to ensure the structure and its foundations would not impact the viability of this tree.
56. The officer reviewed the indicative landscaping plan, as shown on the site layout plan and considered it demonstrated how an appropriate mix of native hedging and tree planting could be delivered on site. A detailed scheme would still require attaining by condition. The officer also reviewed the hedgerow note dated 6th July 2020 and considered whilst it was not to be laid, it was to be reduced to a height to 1.8m, which was considered appropriate for a semi-native hedge. The officer suggested that the hedge could be gapped up with native species to help rejuvenate the feature.
57. The Borough Council's Waste and Recycling Officer commented that it was advisable that bins belonging to each property are stored within each property's grounds, and that if a shared drive is to be used, a collection point closest the highway will be required.
58. Nottinghamshire County Council as Local Highway Authority (LHA) initially raised numerous concerns with the scheme and recommended the application was deferred pending consideration of these additional matters. The issues raised can be summarised as follows:
 - a) No confirmation of visibility splays from the access have been provided.
 - b) The site red line will need to include Long Lane, as the dwellings would have pedestrian access to the track.
 - c) The LHA wish to see no intensification in the use of Long Lane, and therefore recommend no accesses are provided to the lane to ensure the additional potential vehicular usage associated with the site.
 - d) Whilst 2 spaces and a single garage per dwelling would be acceptable parking provision, the space sizes are currently substandard, and manoeuvring space needs tracking.
 - e) Visitor parking on Main Street would not represent any significant highway safety concern.
 - f) The re-use of the existing brick outbuilding as a refuse store is not likely to be appropriate due to the building's distance from the Main Street

boundary. A shared bin collection point closer the highway will be required.

- g) The developer must not alter the width of the Public Right of Way (PROW) along Long Lane, or change its surfacing without prior consent.
59. Following consideration of the revised plans (July 2020) the LHA confirmed receipt and review of the revised access position and layout and closure of accesses to Long Lane. Whilst the LHA note they would prefer properties not to be orientated towards Long Lane due to potential future desires to create access points, they are content the matter could be dealt with by an appropriate planning condition to prevent any access to Long Lane being made, pedestrian or otherwise. They also note the waste collection point to the site frontage would be appropriate, although carry distances should be checked with waste services, and that parking of two spaces per dwelling is adequate, although the provision of visitor spaces could be explored to limit the potential for any overspill onto Main Street. The LHA recommended 8 conditions should permission be forthcoming.
60. Following consideration of the further revised plans (September 2020), the LHA have raised no objections to the revised layout as shown on the proposed site plan revision H. The additional visitor spaces were welcomed. The LHA have suggested that should permission be forthcoming, conditions be applied to cover the following matters:
- No occupation until access provided and surfaced in a bound materials for first 5 metres;
 - No occupation until access provided with gradient no more than 1 in 20 for the first 5 metres and no more than 1 in 12 for the driveway's length, in accordance with details submitted and agreed;
 - No occupation until driveway fronted by a suitably constructed vehicular crossing;
 - No occupation until the existing access has been permanently closed and the footway reinstated;
 - No occupation until the accesses from the existing site to Long Lane have been permanently closed, with no future accesses permitted;
 - No occupation until the visibility splays as shown on drawing GA/327/01H have been provided, and maintained in future with no obstructions;
 - No occupation until the parking/turning/servicing areas have been provided, and shall be retained thereafter; and
 - No occupation until the access drive and parking/turning/servicing area has been constructed with provision to prevent surface water discharge to the highway, in accordance with details first submitted and agreed.
61. The LHA has also recommended informative notes regarding mud on the highway, permissions for works in the highway, and any alterations to the surfacing or width of Long Lane as a public right of way.
62. Nottinghamshire County Council as Lead local Flood Authority (LLFA) initially confirmed following the July 2020 consultations that they had no objections to the scheme. The LLFA confirmed that notwithstanding the significant concerns from residents, the surface water drainage plans for the site would be appropriate and would adequately manage the risks on site.

63. The County Archaeologist commented in September 2020, and advised the proposed development sits at the junction between two significant route ways and that while most of the historic mapping shows little development on the plot, some of the earliest mapping is ambiguous and the earthworks adjacent to the west indicate that there was formerly settlement in the immediate area. They note that given that most of the historic mapping shows the area as being orchard and pasture, this may indicate that the adjacent earthworks represent much earlier phases of the settlement and therefore there is a reasonable potential for this plot to preserve remains of an early date despite the modern development of part of the site.
64. The most appropriate way of dealing with the archaeological potential of this site would be through a programme of works known as 'strip, map and sample' which can be attained by way of appropriate planning condition.
65. Historic England confirmed they did not wish to comment but advised that the views of the Borough's specialist conservation and archaeological advisors be sought.
66. The Trent Valley Internal Drainage Board (IDB) provided their standing advice on the application, noting no IDB maintained watercourses are within the vicinity of the site but advising that the IDB's consent would be required for any works that would increase the flow or volume of water to any watercourse or culvert within the IDB's district (other than a main river for which the Environment Agency are responsible).

Local Residents and the General Public

67. In response to the initial consultation, two comments neither in support nor objecting to the development were received, identifying they saw no reason for development not to go ahead so long as adequate facilities for surface water and foul drainage are made, but noting that lockdown means the site cannot be viewed objectively.
68. In response to the initial consultation 112 objections were received on behalf of 73 residents, including a letter from Roythornes acting as planning solicitors on behalf of a number of residents, with the concerns summarised as below:
 - a. Inability to have community consultation including Parish Council Meetings in the current situation with COVID19.
 - b. Objection as neighbours cannot have a site visit with the planning officials due to COVID19, which disadvantages their ability to respond meaningfully to consultation.
 - c. Continuing the planning process in the current national pandemic situation is 'a scandal' as residents are in lockdown, many without access to the internet and not going outdoors to see site notices etc.
 - d. Development overintensive for the site.
 - e. Development would intensify existing flooding issues along Main Street and Harles Acres, more hard surfacing and less land to act as a soakaway.

- f. There is a collapsed drain under Main Street to the site frontage.
- g. Highway safety concerns with the access, conflict with neighbouring junctions, additional highway parking from site and additional traffic through the village.
- h. Inappropriate parking provision levels and parking sizes.
- i. Housing mix does not provide affordable homes for younger generations and the lack of bungalows is disappointing, aimed at wealthy families seeking to move into the village.
- j. The development would detract from the open nature of Long lane and would enclose the lane creating a suburban feel and harming tranquillity.
- k. The contrast between the new properties and the historic properties such as Burnetts would harm the conservation area.
- l. Concerned properties could be addressed to Long Lane, which may mean the lane is used for deliveries.
- m. What protections would be afforded to the hedgerows during construction and after? No new gates should be allowed under this application, or after.
- n. Long Lane, the site's hedgerows and the site support local wildlife populations.
- o. Overlooking of neighbours to the south along Long Lane.
- p. Loss of light to neighbours to the south along Long Lane.
- q. Overbearing impacts and loss of view of sky to neighbours to the south along Long Lane.
- r. New internal and external lighting would detract from the character of the area.
- s. General use and maintenance of new properties and gardens would introduce noise and disturbance that would negatively impact neighbours' amenities.
- t. Exact material details should be supplied for review, timber doors and windows should be used.
- u. Scale of development too great for a rural village, Hickling not a sustainable location for development.
- v. There is no identified local need as required by policy 3 of the core strategy.
- w. Impact on the development site from the dairy farm needs to be considered, Malt House Farm is a commercial dairy farm, it runs a robotic

milking system which operates 24 hours a day, seven days a week, 365 days a year. Whilst always trying to keep disruption to neighbours to a minimum, noise from animals and machinery at unsociable hours is inevitable, concerns from the business owners over conflict of interest due to possible impact on future residents.

- x. Some neighbouring sites not plotted correctly on the site plan, and have extensions not shown.
- y. The site levels are raised, increasing the dominance of any development on Long Lane and the adjacent properties.
- z. The plot 1 property would be 2m taller than Burnetts, to the detriment of the character of the area.
- aa. Properties would be 2 feet taller than the existing bungalow.
- bb. Contrary to design and amenity guidance in the Rushcliffe Residential Design Guide and policy of the emerging neighbourhood plan.
- cc. The parking for The Cottage requires use of the existing access along Long Lane for The Orchard, the loss of this access would impact the accessibility of this neighbours parking area.
- dd. The paddock to the west of the orchard site was purchased as agricultural not residential land and there is no change of use application.
- ee. Loss of value to neighbouring property.
- ff. Damage to Long Lane from additional vehicular traffic from deliveries, and harm from noise and disturbance to neighbouring residents with windows facing the road.
- gg. Harm to the character and appearance of the Hickling Conservation Area and the tranquil setting of Burnetts, The Cottage and Bramble Cottage.
- hh. The neighbourhood plan identifies a need for 10 homes over 10 years, and 5 at once would seem contrary to this.
- ii. The positive view down Long Lane should be protected.
- jj. Waste collection would need to be considered.
- kk. Access for a fire appliance will need to be demonstrated.
- ll. Building regulations part M compliance and disabled parking requirements.
- mm. Queries over site ownership.
- nn. Queries over the accuracy of supporting documents including design and access statements.

- oo. Over reliance on neighbourhood plan policies which are only emerging and to be given minimal weight.
 - pp. Biodiversity and ecological impact has not been appropriately assessed, no tree surveys and no landscaping scheme.
69. Following the revisions in July 2020 a further 64 objections were received from 61 objectors. The new issues raised (in relation to the revisions, over and above issues already identified) can be summarised as follows:
- a. It is not understood how the hedge could be protected from future occupants making accesses etc, and it is important for wildlife.
 - b. The scheme does not offer any community benefit, like land for a tennis court etc.
 - c. Still overdevelopment of the site.
 - d. Side porches an ill-designed afterthought.
 - e. Plot 5 would be subject to considerable disturbance from the adjacent farm, and a 1.8m high hedge would not mitigate this.
 - f. The scheme does not identify the heights of existing properties along Long Lane for comparison.
 - g. Guidance suggests each unit should have between 2.75 and 3 parking spaces.
 - h. The scheme would still cause privacy issues with neighbours despite the minor set backs provided.
 - i. If the hedge along long lane is reduced to 1.8m it would not protect neighbours privacy.
 - j. A legal obligation should be made to prevent new openings being made in the southern hedge.
 - k. The realignment of the hedge along Main Street seems unnecessary.
 - l. The new timber fences for internal boundaries would exacerbate harm to the character of the area.
 - m. Caution urged over findings of noise and odour assessments give residents experience.
 - n. Plot 1 has moved closer to Burnetts, causing greater impact to this neighbour.
 - o. The drainage report should be disregarded as it only deals with the application site.
 - p. The scheme would not adequately deal with peak flow events and would cause greater flooding to Main Street.

- q. The assessment of drainage is questioned in regards to how a betterment is possible with so much hard surfacing on site, and in relation to the drainage qualities of the existing land.
- r. Why is there no climate change report.
- s. The removal of garages to improve plot spacing demonstrates the overdevelopment proposed.
- t. The lack of external development will put the sites at risk of future permissive extensions and outbuildings.
- u. Questions still remain regarding local need and affordability.
- v. The parish have sought views on the allocation of the Orchard site under the neighbourhood plan for 4 properties, and threatens the Faulks site may not be deliverable, pushing residents towards adopting the orchard site.
- w. What will stop water running down the site drive being discharged to the road where flooding issues already exist?
- x. The drainage document has not surveyed upstream of the site and is based on best practice theory and does not account for existing inadequate drains in poor repair.
- y. There is no mention of drainage maintenance or a detailed specification of the tank sizes etc.
- z. Committee members should all visit the site and discuss the scheme with local residents before reaching a decision.
- aa. The noise report contains inaccuracies. The buildings referred to as workshops are actually used to house young stock all year including weaned calves who can make considerable noise.
- bb. To take noise readings when most stock is outside shows a lack of understanding of farm operations.
- cc. Concerns over the ownership of the hedge bordering the farm, which is considered to belong to the farm, and should not be removed.
- dd. All previous objections stand unaddressed, namely heritage, amenity, design, drainage, ecology and highways.
- ee. How will the hedge be managed at 1.8m in height?
- ff. Plot 1 dominates Burnetts and the Cottage, and impacts views down Long Lane.
- gg. Properties should not front a lane if they have no direct access.
- hh. The access location is unsafe.

- ii. The loss of the garages would cause greater on street parking pressures.
 - jj. Plot 1 should be reduced to a bungalow as advocated by the Ward Councillor.
 - kk. The appeal at the tearooms was recently turned down to protect tranquillity, and this is also a tranquil area worthy of protection.
 - ll. Loss of value to neighbouring properties.
 - mm. Impact on mental well-being of neighbours experiencing a change of circumstance.
70. Following the revisions in September 2020 a further 40 objections were received from 37 objectors. The new issues raised (in relation to revisions, over and above issues already identified) can be summarised as follows:
- a. 74% of residents who voted, rejected the idea of the application site being allocated for residential development in the emerging neighbourhood plan.
 - b. Still significantly over intensive.
 - c. House design fronting on to Long Lane baffling given no access.
 - d. Still significant privacy, lighting, overbearing and disturbance impacts on neighbours to north and south.
 - e. Other similar applications have been refused in rural villages for unsustainability.
 - f. The reduction in hedge heights will increase dwelling visibility and make any tunnelling effect greater.
 - g. Plot 1 still too close to Burnetts and the street scenes are not considered accurate, noted as 'pretty pictures'.
 - h. Still does not address fundamental issues of site layout.
 - i. All issues of drainage, noise, odour and highway safety still stand.
 - j. All issues of local need, housing mix and sustainability still stand.
71. One separate comment was received to the Relevant Demolition application identifying that the retention of the brick outbuilding was welcomed as it pre-dates the house, however the position of the access and density of development raised concerns. 3 further objections were logged against the relevant demolition application, with reasons and discussions relating to consideration of the 'full' application, on matters as already identified and summarised above.

PLANNING POLICY

72. 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). Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG). Any decision should be taken in accordance with the adopted development plan documents.

73. This application also lies within the Hickling Parish where the Emerging Hickling Neighbourhood Plan represents a material consideration in the decision making process. The Neighbourhood Plan is currently subject to consultation and carries limited weight.

Relevant National Planning Policies and Guidance

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

economic, social and environmental priorities; and a platform for local people to shape their surroundings.

78. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Section 5 - Delivering a Sufficient Supply of Homes
 - Section 6 - Building a strong, competitive economy
 - Section 9 - Promoting Sustainable Transport
 - Section 12 - Achieving well-designed places
 - Section 13 - Protecting Green Belt land
 - Section 15 - Conserving and enhancing the natural environment
 - Section 16: Conserving and enhancing the historic environment
79. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
80. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
81. The Community Infrastructure Levy Regulations 2010 (as amended) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

Relevant Local Planning Policies and Guidance

82. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
- Policy 1: Presumption in Favour of Sustainable Development
 - Policy 3: Spatial Strategy
 - Policy 10: Design and Enhancing Local Identity
 - Policy 11: Historic Environment
 - Policy 17: Biodiversity
83. Under the Rushcliffe Local Plan Part 2: Land and Planning Policies, there are a number of relevant policies, pertinent to highlight in relation to the proposal.

- Policy 1 – Development Requirements
 - Policy 11 – Housing Development on Unallocated Sites within Settlements
 - Policy 12 – Housing Standards
 - Policy 18 – Surface Water Management
 - Policy 28 – Conserving and Enhancing Heritage Assets
 - Policy 29 – Development Affecting Archaeological Sites
 - Policy 38 – Non-Designated Biodiversity Assets and the Wider Ecological Network
84. The Emerging Hickling Neighbourhood Plan submission version (NP) was published in March 2021. Paragraph 48 of the NPPF identifies that Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
85. As the plan is only at submission stage, the policies of the plan can only be afforded limited weight in the decision making process. The following policies from this plan are considered relevant and should be treated as material considerations:
- Policy H3 – Tranquillity
 - Policy H5 – Ecology and Biodiversity
 - Policy H6 – Trees and Hedges
 - Policy H8 – Features of Local Heritage Interest
 - Policy H9 – Local Design
 - Policy H10 – Housing Provision
 - Policy H14 – Housing Mix

APPRAISAL

86. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
87. The main material planning considerations in the determination of this planning application are:

- The principle of development
- Housing Mix
- Design considerations
- Heritage considerations
- Archaeology
- Amenity considerations for neighbours/future occupants/general amenities
- Ecology
- Landscaping
- Flood Risk and Drainage
- Highways and Parking

The Principle of Development

88. Policy 3 (Spatial Strategy) of the LPP1 defines how sustainable growth within Rushcliffe will be achieved over the plan period, with the policy outlining a strategy of urban concentration. The policy dictates that development be directed towards the most sustainable locations in accordance with the settlement hierarchy to ensure that development reduces the need to travel, promoting sustainable communities based on the services and facilities that are available in each settlement.
89. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. The text at 3.3.17 states elsewhere in the Borough, in other settlements, development will meet local needs only, which will be met through small scale infill development or on exception sites. For the purposes of this policy, this includes Hickling. It is not an established requirement under this policy that a local need survey is required to support applications within settlements, or that a local need is required to be directly demonstrated to support applications within 'other settlements', except where these are brought forward as exception sites.
90. There is no suggestion that the development sought represents a rural exception. It must, therefore, be assessed as to whether the development represents 'small scale infilling'. Paragraph 3.10 of the LPP2 helps define small scale infilling as the development of small gaps 'within the existing built fabric of the village' or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area.
91. There have been queries over the redevelopment of the parcel of land to the rear (west) part of the site. This does not appear to have ever had planning approved for residential use, however, clearly from site visits this land has enjoyed a use associated with the Main site at The Orchard, with the land clearly separated from any wider land parcels by significant boundaries and connected to The Orchard through several access points.
92. The whole site is considered to lie within the Hickling limits to development as identified in the emerging neighbourhood plan. It is recognised that this cannot be afforded full weight, however in reviewing the site context, there is not considered to be any reason to raise any significant objection to the proposed

boundary location that would cast doubt on its longevity, and on balance the site is considered to lie within the reasonable settlement boundaries.

93. Given the considerations above that the site lies within the reasonable settlement boundaries of Hickling, it is considered that the principle of the redevelopment of the site for housing is acceptable and in accordance with the spatial aims of the development plan with the redevelopment of the existing residential land appropriate and the paddock to the western end of the site considered a small gaps within the built fabric of the village as highlighted above. The addition of 3 additional houses (redevelopment for 4 dwellings in total) would be considered as 'small scale' in the context of this village location.
94. Overarching local concerns that the settlement is not a sustainable location for development are noted, however policy 3 does allow for small scale infill development within 'other settlements' such as Hickling, and given the assessment as outlined above, the re-development of this site would not be considered to conflict with the spatial policies of the development plan which still seek to support an appropriate level of sustainable growth within these settlements.
95. It is noted that policy H13 of the emerging Hickling neighbourhood plan only allows for replacement dwellings on a 1 for one basis. This policy identifies a reason relating to the protection of the countryside, and it is unclear whether this policy applies only within the countryside or also within the settlement. If it applies within the settlement then the proposed development would not accord with this policy, however there would appear to be conflicts with both local and national policy in this regard which allows for the redevelopment of appropriate sites (in accordance with spatial strategies) subject to the schemes technical acceptability. As such, whilst the potential conflict with this policy is noted, given the limited weight afforded to the plan policies at this stage and the support offered by overriding local and national policies in terms of spatial principle, this is not considered an overriding constraint to development.

Housing Mix

96. The existing property on site is a three bedroom dormer bungalow. The scheme involves the demolition of this building.
97. Policy H14 of the Emerging Neighbourhood Plan sets out a desire for new housing schemes to demonstrate how they will meet the needs of older households and/or the need for smaller affordable homes, and to discourage larger 4+ bedroom homes. Policy 8 of the LPP1 seeks fundamentally to support the creation of mixed and balanced communities with all residential development to maintain, provide and contribute to a mix of housing tenures, types and sizes.
98. The scheme proposes the redevelopment of the site with 4 three bedroom detached homes. Local surveys as part of the neighbourhood plan identified a demand for bungalows, two bedroom and three bedroom properties, and as such the scheme would seek to meet part of the identified local demand.
99. The emerging policy (H14) of the neighbourhood plan makes a prescriptive argument that 3 bed dwellings with a floor area of more than a suggested '84sqm' threshold be carefully examined, and whilst this can be afforded

minimal weight, for the purposes of clarity the property layouts do not provide any significant opportunities to increase the number of bedrooms, and do not contain any unused spaces, simply providing modern open plan downstairs living spaces. As such, based on the scheme design and identified local market demand within the emerging neighbourhood plan, the scheme would be considered to deliver an appropriate housing mix that would not undermine the development of mixed and balanced communities, in accordance with the goals of policy 8 of the LPP1 and the aims of emerging policy H14 of the neighbourhood plan.

Design and Appearance

100. The development proposes the loss of the existing bungalow. This property has little presence within the street, and has been subject to an unsympathetic previous extension which has detracted from the character of the original property. The loss of the existing dwelling would not result in any harm to the character and appearance of the area.
101. The scheme proposes the retention and enhancement of the existing boundary hedgerows and trees to the south, west and north, with new hedgerow to the east following the removal and realignment of the existing feature to allow for access improvements for both the site and Long Lane.
102. The scheme as revised proposes the construction of 4 detached dwellings of two storey scale and appearance. The properties would have a traditional rural appearance with a main linear form and low eaves with a gabled roof, including chimneys to either end, and centre gable brick features. Brick dentil courses and corbelling to the eaves are proposed, as well as arched window headers. Simple storm porches are also proposed with front door entrance features whilst windows would be of casement type. The use of brick (stretcher bond) and pantiles would also accord with the rural characteristics of the area, and exact finishes of all external materials could be secured by appropriate condition to ensure an appropriate final finish.
103. The scheme proposes a layout which seeks to positively address the public realm. Plot 1 would seek to create a positive feature to address Main Street and sit opposite Harles Acres as a new terminal vista. The two storey form closer to the road than the original property would be more in keeping with the traditional form and layout of properties in the area, with the building scale and height set lower than the neighbour to the south along Main street at Burnetts, and set further back so as not to compete with the positive historic character and forms of this neighbouring property. As such plot 1, with its design and layout, would be considered to compliment the traditional form, layout and characteristics of the area, making a positive contribution to the public realm and sense of place as desired by policy 10 of the Core Strategy.
104. The remaining 3 plots would face south and look to positively address Long Lane as a historic track and PROW. These properties would have front and rear gardens, with access from the side/rear taken from the proposed new shared access along the northern boundary of the site. Whilst the considerable concerns made in comments regarding the layout are noted, the use of an outward facing development type, addressing the Long Lane (if not taking direct access from it) is considered to represent a sensitive design that would respect the historic linear layout and form of the village.

105. Notable references have been made to the application site as a positive open space, and that the development would result in the overdevelopment of this space and loss of outlook. Policy 11 of the LPP2 does offer protection to sites which make a significant contribution to the amenity of the surrounding area by virtue of their character or open nature. The existing site is not undeveloped and does not represent any 'green finger' of countryside extending into the village core. These 'green fingers' as referred to in comments can be best identified on the Hickling Conservation Area appraisal, where positive open spaces and key views are identified and highlight the importance of the interaction of the countryside with the village core. The site is not an open space, and key views are only identified along Long Lane, where the southern boundary hedgerow is a key feature of importance.
106. The southern boundary hedges are undoubtedly a significant feature for users of the PROW along Long Lane, however whilst many comments have highlighted the open nature of the plot, it is officers opinion that this open plot does not make a significant contribution to the amenities of the surrounding area, and that the proposed development approach would represent a more traditional approach in keeping with the historic development of the village. Notwithstanding this, the frontage plot (plot 1) would have a 10m set back from Main Street, and 2.8m minimum set in from the boundary hedge along Long Lane, and as such views across the site frontage, and opening up and down Long Lane would be maintained on site approach from the north.
107. Long Lane has a mixed semi-rural character, with development along and built up to its boundary for the length of the application site. The northern boundary of the road, the southern boundary of the application site, does currently provide a more open and green character, a result of the existing property arrangement and boundaries.
108. The proposed development scheme, as revised, would retain and enhance the existing boundary hedge with Long Lane, and also add further tree planting to the boundary. Whilst the scheme would introduce 4 houses to the site, these traditionally designed dwellings would be well spaced, and would include positive frontage elevations facing towards, if set back from, Long Lane. The set back from Long Lane for the proposed plots fronting the lane would be between 7.2m and 8.7m, with the side elevation of plot 1 closer to Long Lane, set some 2.865m inside the boundary.
109. As now considered, the set back of the dwellings from Long Lane, along with the reduced development density and enhanced suggested landscaping would all go some way to securing a scheme that would be considered to sympathetically address Long Lane, providing positive frontage facades that would not be over dominant or overbearing on the street and narrow lane given the retained and enhanced landscaping and building setbacks. Whilst the scheme would change the current site outlook, the design would be considered appropriate to ensure the semi-rural character of the lane would be preserved.
110. It is noted that the site levels lie above those of Long Lane. Basic FFL have been provided for each dwelling, with plots 1 and 4 dug in slightly and closely matching the levels of the lane, and plots 2 and 3 slightly raised, closer to existing levels rather than the lower level of the lane. Given the boundaries and separation set back from the lane, the buildings would not be directly comparable to the existing developments along the south side of the lane and

as such the levels proposed are considered in principle appropriate, and would not result in any over dominant form of development. A condition requiring the submission and agreement of final levels across the site would, however, seem prudent.

111. Overall it is considered that the proposed building appearances, scale, and site layout would all respect and be sympathetic to the defining characteristics of the area, in accordance with policy 10 of the Core Strategy, policy 1 of the LPP2 and section 12 of the NPPF, responding to defining local characteristics and contextual factors as advocated within emerging policy H9 of the Hickling Neighbourhood Plan.

Heritage

112. The concerns made in public comments regarding impacts on the Hickling Conservation Area, and local non-designated assets are acknowledged. The Borough Conservation Officer has, however, carefully reviewed the scheme and has reached the conclusion that, as revised, the scheme would preserve the special historic and architectural character of the Hickling Conservation Area, and not have a harmful impact the setting of any nearby Listed Buildings.
113. Save for the brick outbuilding on site, which is to be retained, the existing structures on site are not considered to represent any buildings of merit which add or input positively to the identified special historic and architectural character of the Hickling Conservation Area. As such, and as endorsed by the Borough Conservation Officer, the demolition of these existing buildings (save for the brick store) would not cause any harm to the character of the conservation area or the setting of any listed buildings.
114. The application site does not represent any highlighted 'positive open space' within the Conservation Area Townscape Appraisal. The site currently has green and permeable boundaries, which give Long Lane a semi-rural character, however the existing 1970's era bungalow set back in the plot is not in itself a feature or form of development which has responded to historic building forms and densities.
115. Significant local concern has been made regarding plot 1 due to its two storey form and positioning close to the junction of Long Lane and Main Street. The dwelling would be set some 10.6m back from the Main Street frontage and 2.8m in from the southern side of the site adjacent Long Lane at its minimum. The site levels and elevations have also been produced in a street scene and demonstrate that the plot 1 property would have an eaves height and ridge height marginally lower than that of Burnetts to the south. The property would have a traditional design, however, wouldn't seek to replicate the articulate Flemish bond brickwork as seen at Burnetts, instead proposing the use of a locally prominent brick to be reserved be condition in a more basic stretcher bond. Burnetts represents a positive unlisted building in the conservation area, however, following scheme revisions it is considered that the plot 1 property would not detract from or compete with the historic character of Burnetts.
116. Moving to Long Lane, the principle of buildings addressing the historic way is considered appropriate, and whilst the scheme would have a separate access, the development of the scheme with an apparent and public linear form, seeking to address existing and historic rights of way rather than creating suburban cul-

de-sacs is considered an appropriate response to the site context.

117. Following revisions, the development density has been reduced, with a lower density than seen on the southern side of Long Lane. The reduction in number of dwellings, and reduced, heights, widths and removal of garages has all reduced the amount of built form facing the Lane, retaining more simple forms and elevations rather than extended features, and improving the sense of open space between the proposed plots. Similarly, the plots have been moved back further from the Long Lane boundary. The Conservation Officer has concluded that the scheme has been amended to an extent where the scheme would not create any sense of overdevelopment or undue enclosure to the lane, successfully preserving the semi-rural character of the lane.
118. In this regard, the enhancement, gapping up and management of the boundary hedgerow along Long Lane will be significant. The scheme proposed for this hedgerow would allow for its retention and enhancement, with a number of new trees also suggested along the boundary, and overall, this feature would continue to represent a significant feature in the locality, with its value enhanced.
119. The concerns that future occupants could seek to remove the hedgerow (as existing occupants could), or create new accesses are noted. This is partly addressed in the highways section of this report, however, from a heritage perspective the subdivision of the plot adds greater risks to the hedgerow due to split ownerships, and the removal of the feature would cause significant harm to the character of the area. As such, a condition preventing the hedgerow from being removed is recommended.
120. The Main Street hedgerow would require realignment to improve visibility for both the proposed access and the existing access from Long Lane. The existing low managed hedgerow contains a mix of native and restocked ornamentals and would be directly replaced with a traditional native feature set marginally further back into the plot, and as such the development would secure an appropriate green frontage, protecting the important characteristics of the area. A condition preventing the erection of any gates to the access without the prior approval of the Borough Council would also seem necessary given the prominence of the location.
121. Concerns over permissive rights and the potential for outbuildings is noted, and the possible erection of further outbuildings and or fences across the site could impact the character and appearance of Long Lane and the wider conservation area. As such a condition confirming the dwellings 'principal elevation' is considered as elevations facing south and east, and removing permissive rights for any boundary treatments, is recommended. The dwelling roof designs do not allow great scope for roof extensions, whilst the sites conservation area location protects the scheme from permissive side extensions and larger rear extensions. Subject to this condition it is considered that future development could be adequately controlled to protect the character and appearance of conservation area.
122. The retained brick outbuilding is proposed to be retained for use as a bike store. The retention of this building would ensure it remains a positive feature in the conservation area, pre-dating the existing dwelling on site. It is considered necessary to condition the submission and agreement of a scheme of works for the appropriate repair and conversion of this building for use as a bike store for

the site.

123. Subject to the above, and following careful assessment, it is considered that, in line with the recommendations of the Borough Conservation Officer, the scheme proposed would successfully preserve the special architectural and historic character of the Hickling Conservation Area, and the setting of nearby Listed Buildings including the grade II Listed Malt House Farm. As such the scheme would be considered to meet the desirable criteria of both Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The scheme would also accord with policy 28 of the LPP2 and section 16 of the NPPF.

Archaeology

124. The County Archaeologist has provided detailed comments on the application. They consider that given the proposed development sits at the junction between two significant route ways, and that the earliest mapping is ambiguous, with identified earthworks adjacent to the west indicating that there was formerly settlement in the immediate area, the site retains a reasonable potential of preserved remains of an early date, despite the modern development of part of the site. The Desk Based Historic Environment Assessment by Trent and Peake Archaeology agrees that the site may contain archaeological remains of interest and suggests it may be appropriate to secure review by condition.
125. As such the County Archaeologist has recommended a pre-commencement condition requiring a 'strip, map and sample' programme of works. Subject to such a condition it is considered that the scheme would comply with policies 28 and 29 of the LPP2, with the archaeological interest and potential of the site of a level where a site strip, map and sample would be most appropriate, with any remains unlikely to be of any such importance that retention in situ be required.

Amenities of Future Occupants

126. In terms of amenities of future occupiers, all plots would be serviced with appropriate gardens sizes and parking. Plot 1 would have two parking spaces, a garage, and a rear garden of some 200sqm. Plot 2 would have a northern rear garden of 145 sqm as well as a large southern front garden also of 145sqm, with access to two dedicated parking spaces. Plot 3 would have a northern rear garden of 75sqm as well as a private front garden of some 110sqm, also with access to two private parking spaces, whilst plot 4 would have two parking spaces and a single garage, as well as a northern rear garden of some 130 sqm, and a 110 sqm front garden to the south. Whilst the gardens of plots 2 and 3 would not achieve the recommended minimum 10m garden depth, as advocated in the Rushcliffe Residential Design Guide, the garden sizes and orientations, with north and south spaces for each plot, are considered appropriate to ensure that each property would benefit from appropriate private amenity spaces to serve the requirements of future occupants.
127. The garden spaces would also achieve appropriate levels of privacy. The first floor side window at The Brambles lie some 9.6m (measured off plan) from the site boundary of plot 4, ensuring the window would not cause any overlooking. Plots 2 and 3 would largely sit opposite the existing bungalows of Ashwood and Deepdale which are set further back in their plots to the south side of the road.

128. The Cottage and Burnetts lie to the south side of Long Lane along the road boundaries close to plot 1, and part of plot 2 and whilst separation distances from first floor windows would be between 7.5m and 5.5m, given the boundary features, suggested new tree planting to the south, and the size of the garden areas, the neighbouring windows would not be considered to be any significant constraint that would significantly prejudice the amenities of future occupiers.
129. Matters of noise and odours from the neighbouring farming operation to the north west have also been raised and have been subject to significant and lengthy investigation. The latest noise and odour reports, as well as a report on the agricultural operations of Malt House Farm were received in December 2020. These matters are discussed further below.

Air Quality/Odour

130. The Odour assessment identifies that the Application Site is adjacent to Malt House Farm, a working dairy farm with 240 dairy cows and a limited number of dry cows, heifers and young stock, with which it shares a common boundary. The rearing of intensive livestock is classified as a 'moderately offensive' odour in the Environmental Agency's guidance. The report recognises in its introduction that, given the proximity of Malt House Farm to the Application Site, farm odours may have an effect on the Proposed Development, in particular plot 4 which is closest to the western end of the site boundary.
131. The Odour assessment has reviewed the planning history for the farm as well as information submitted by a member of the partnership of the farm. The closest potential odour source to the Application Site is the covered livestock shed (approximately 2,250m² in area) to the north-west, approximately 35m from the shared boundary. The report understands that the majority of the main herd at Malt House Farm are kept indoors throughout the year which represents approximately 85% of the herd and represents the milking cows. The remaining 15% are kept in the fields.
132. Details of farmyard manure generation are considered within the report, including manure types and storage locations. The farm has received no odour complaints in the last 5 years that have been logged with the Borough Environmental Health Team.
133. The report draws to conclude that the 'normal' and 'worst-case' assessments predict a negligible and slight adverse effect from odour respectively. The report confirms that The Institute of Air Quality Management guidance states; *"Where the overall effect is greater than "slight adverse", the effect is likely to be considered significant. This is a binary judgement: either it is "significant" or "not significant."*
134. The report therefore finds that the overall impact of potential odour from Malt House Farm on the proposed development is considered to be not significant in both the 'normal' and 'worst-case' assessments and the application site is therefore considered suitable for the proposed end use.
135. The Borough EHO has raised no objections to this latest report and its conclusions. As such, whilst the concerns of the local population are noted, following significant technical evaluation, there is no technical evidence to support a conclusion that the new dwellings would be placed into an area that

is likely to result in unacceptable exposure to sources of pollution or risks to safety, as required under policy 40 of the LPP2 and under section 15 of the NPPF. Pollution and odour issues would therefore not be considered to cause any notable amenity issues for future occupants. In this regard the scheme would be considered compliant

Noise

136. With regard to acoustics and potential noise impacts, the acoustic assessment identifies that main noise constraints for the site arise from traffic along Main Street, and the use and operation of Malt House Farm to the north and west. Road noise is identified as intermittent with on street parking often limiting speeds to lower than the 30mph limit.
137. The report finds the main centre of activity for the farm appears to be in the large central building from which machinery and livestock can be heard. It is understood that the building to the north are used to house young stock and that although these buildings are used all year round, they are at full capacity during the winter months.
138. Noise surveys were undertaken on site from Tuesday 12 to Tuesday 19 May 2020 and Wednesday 16 to Friday 18 December 2020 to determine the weekday and weekend diurnal (day to day) noise climate over a normal working week. Survey equipment was located close to the sites north western boundary which was considered the most at risk area of the site in terms of noise disruption from the farming operations. Further attended monitoring was also made from a position 5m back from the Main Street kerbside.
139. The report finds no significant constraints to development, and that whilst farming operations may vary across the year, the baseline from the May and December assessments leaves the predominant site noise as road noise and birdsong. Standard double glazing would achieve appropriate internal noise levels to all plots, and whilst internal levels would still be readily achievable with windows 100mm open and venting based on the survey findings, trickle vents are also proposed to allow venting with windows closed if required.
140. In terms of external areas, the erection of a 2m tall timber fence with gravel board is recommended to the west of plot 4, and north of plots 3 and 4, inside the existing hedgerows. Such features are identified to provide a significant betterment and would ensure the intermittent noise from the farm would not have any significant impacts on gardens.
141. The Borough EHO has again raised no objections with this latest assessment, and has recommended that the mitigation (fencing, glazing specification and vents) be conditionally controlled in the interests of amenity. Again, whilst the significant concerns of neighbours are noted with regard to proximity and operation of the farm, following investigations there appears no significant constraints in terms of acoustic disturbance that would cause any significant constraint to the amenities of future occupants, either internally or externally.
142. In this regard the scheme would be considered compliant with policy 40 of the LPP2 and section 15 of the NPPF.

Amenities of Neighbouring Residents

143. Significant concerns have been raised by neighbours relating to privacy, overbearing and overshadowing concerns, as well as noise and nuisance related to use of gardens, houses and deliveries.
144. Long Lane is an un-adopted road/track, with a well-established public right of way along its length running from Main Street up to the Hickling Standards. The building frontages along Long Lane are therefore considered as active frontages to this important and historic route, where public activity and access is expected and established.
145. Ground floor windows to plots are unlikely to generate concerns with established vegetation and the active road between sites, and whilst first floor windows generate potential for overlooking, the window arrangement includes a predominant use of bathrooms to first floor south elevations, with any such windows to be obscure glazed.
146. In carefully assessing these relationships, it is noted plot 1 includes no first floor side windows to the southern elevation, only one to the north which would be obscure glazed. Whilst concerns have been raised about the ground floor south facing bi-folding doors serving the dining room in plot 1, these features would be more than 15m from the closest first floor windows on Long Lane properties, with intervening hedgerows and proposed tree planting. As such these ground floor features would not be considered to raise any undue privacy concerns.
147. Plot 2 would have 2 south facing first floor windows in its front elevation, one serving a bathroom, and therefore obscure glazed, (western side) and one serving a bedroom (eastern side). The eastern window would be some 15m from the closest first floor bedroom window at The Cottage to the south, with an existing and to be retained hedgerow tree in the direct line of visibility. As such, this relationship would not be considered to raise undue concerns. This window would also be some 15m from the front boundary hedge of Ashwood. Whilst the neighbour comments about the use of this garden are considered, it must be assessed that this garden space for Ashwood represents a front garden area, with a private rear garden to the south of the property. Whilst undoubtedly the scheme would result in a change of outlook for the residents, along Long Lane in general, in assessing the impact of plot 2 and Ashwood, the separation distance is considered sufficient, and nature of the relationship across an active public access appropriate so that the scheme would not result in any significant or unacceptable loss of privacy.
148. Plot 3 proposes first floor windows either serving bathrooms or stairs and would sit behind the existing hedgerow Ash tree and would, as such, raise no overlooking concerns to properties to the south. Plot 4 would have two first floor windows in the south elevation, one to the eastern side serving a bathroom, and one to the western side serving a bedroom. The bedroom window would be some 19m from the secondary bedroom window in the side gable of The Brambles to the south, and as such given this separation, the scheme would not be considered to create any undue overlooking issues. The separation distances would also prevent any significant loss of privacy to the private garden of the Brambles, to which some limited snap views would be available down a corridor between the garage outbuilding to the east and the main dwelling.

149. In terms of the privacy of Cromwell Field Farm, only plot 2 would have a rear elevation directly looking towards this neighbouring property. The first floor rear elevation windows of this plot would be some 15m from the shared boundary, with additional boundary tree planting also proposed as well as in plot tree planting for plot 2. As such given the separation distances involved, and the size and layout of the neighbouring plot, the plot 2 dwelling would not be considered to cause any significant or unacceptable loss of privacy to Cromwell Field Farm.
150. In terms of overshadowing, the nature of the site due north of the neighbours on Long Lane, is such that the development would not result in any significant direct overshadowing impact to these properties. The dwelling to the north would also not receive any direct impact, by virtue of the 12m to 15m separation distances of any built development to the shared boundary of the plot.
151. In terms of possible overbearing impacts, the 6m deep 2 storey side gable of plot 1 would be closest to the north elevation of the rear wing alongside Long Lane serving Burnetts. This rear wing contains ground floor and first floor windows serving habitable spaces. The side gable of plot 1 would be some 9.8m at its closest from these windows, set behind a boundary hedgerow and set at a level matching and lower than the level of Long Lane. The gabled elevation would be notable in scale but would also contain detail such as ground floor windows with arched headers, a brick gable detail, eaves dentil coursing and corbelling. The elevation as such would have features of interest. Given the elevations depth (6m), the separation distances (9.8m min), and elevation design and roof form, it is not considered that this elevation would cause any significant overbearing impact on neighbouring windows. It is acknowledged the feature would produce a distinct change in outlook, however this change is not assessed to bring about significant overbearing concerns, with open spaces retained east and west of the side elevation.
152. The proximity of Plot 2 and The Cottage must also be carefully assessed. When utilising the suggested levels, building heights, site layout and separation, and incorporating a best assessed gauge of the internal levels at the cottage being some 450mm below adjacent ground level, the scheme would still pass the 25 degree guideline for site of sky. Given further intervening hedges and trees, it is not considered that the scheme would be overbearing towards existing residents at The Cottage.
153. The 29m separation distances between Plot 2 and Ashwood and the 26m separation between plot 3 and Deepdale opposite would be significant enough to prevent any potential overbearing concerns, with the 10m wide proposed dwellings separated by a 13m wide gap, softening previous concerns over a permanent run of built form having a significant combined impact. Whilst the proposed outlook from these neighbouring bungalows would represent a change to the existing view of the single dwelling within the plot, that view is not something which can be afforded any great weight in the decision making process.
154. Bramble Cottage sits side onto Long Lane and a secondary bedroom window is the main habitable room feature to this elevation. Given this is at first floor level, and a secondary feature set some 19m from the front elevation of the plot 4 property, this relationship would unlikely raise any undue concerns over overbearing impacts to this property. A kitchen window also exists in the north elevation of the single storey element of Bramble Cottage alongside Long Lane.

Given the retained hedgerow along the south of the application site, even following a management regime to maintain a 1.8m height, this feature would provide screening between the plots and prevent any undue overbearing relationship.

155. In terms of noise and disturbance the development would not result in any increase in the vehicular use of Long Lane which runs close to windows on a number of properties to the south. The site access road be located to the opposite side of the new dwellings and would run closer to the northern site boundary. The access location has been revised to a more central location within the site, running to the south side of the retained outbuilding before reaching a turning head towards the west of the site. This turning head would largely be located beyond the rear boundary of Cromwell Field Farm, south of land associated with Malt House Farm, with the small section adjacent the south western corner of the Cromwell Field Farm property site subject to a new 2m tall close boarded fence boundary. As such, the use of the access is not considered likely to raise any undue concerns of noise and disturbance impacts to neighbouring residents to the north.
156. Neighbour concerns of noise disturbance from the use and maintenance of gardens by future occupants would not be considered to raise any significant concerns, particularly given a long established access runs between the sites which is publicly accessible as a PROW.
157. Neighbours have also referenced disturbance from light pollution. The scheme proposes traditional style units with openings of traditional scale, not including any large areas of glazing. As such the scheme would not be considered to give rise to any significant light pollution impacts. External lighting could be adequately controlled by condition.

Ecology

158. In terms of ecology, the scheme has been supported by an ecology survey, a bat survey, a biodiversity net gain assessment and a hedge management note. These surveys and reports have all been found valid and in accordance with best practice by the Borough ESO.
159. The ecology survey found the main dwelling to be of low to negligible potential for roosting bats, therefore requiring the production of a bat survey to determine whether or not the building was being used by bats. The other buildings were all identified as being of negligible roosting potential. The bat survey found no bats emerging from or associating with the building fabric, although bats were active in the area particularly along the southern hedgerow and western section of the site. As such the building demolition would not require to be covered by a European Protected Species Derogation Licence.
160. A bat dropping was located underneath a potential roost feature on the dwelling and as such a precautionary approach has been advised during demolition, with the southern soffits to be removed by hand and in the presence of a qualified and licensed bat ecologist. The ecology report also clarified that any exterior lighting should be bat sensitive, which could be appropriately controlled by planning condition.

161. The ecology report found the site to consist of habitats including amenity grassland; species-poor neutral grassland; native hedgerow; ornamental planting; allotment areas and bare ground. The site is also located within 100m of a pond which could support Great Crested Newts, whilst the site provides potential habitat suitable for nesting birds, grass snakes and hedgehogs.
162. The report advises that any building demolition and shrub removal takes place outside the bird nesting season. If this is not possible then an advanced check of vegetation shall be carried out by a suitably qualified individual. This could be appropriately controlled by planning condition. Amphibian and reptile precautions were also recommended which could be controlled through the submission of a construction environmental management plan. This could also cover the removal of the Cotoneaster and Cherry laurel plants, both of which are recorded as invasive species.
163. In terms of biodiversity enhancement, the scheme proposes the installation of bat tubes (one per property), the use of hedgehog gaps in fence lines, and the installation of a range of bird boxes including sparrow terraces (x4), and wooden bird boxes (x12) to suit a number of species. The implementation of these enhancements could be secured by condition, whilst the loss of neutral grassland habitat could be covered under the landscaping submission which is to be required by condition.
164. Policy 38 – ‘Non-Designated Biodiversity Assets and the Wider Ecological Network’ states that where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity. It is considered that the scheme can demonstrate it will appropriately preserve priority habitats and commit to generate a net gain for biodiversity, according also with the aims of policy H5 of the emerging neighbourhood plan.

Landscape

165. In terms of landscaping, the Borough Landscape Officer does not object to the removal of the existing old apple trees and internal site planting, with the site external hedgerows to be largely retained, save for the Main Street frontage which will require realignment to increase visibility for both the new access and the Long Lane junction.
166. Following revisions to the site layout, the proposed developments would be sited a sufficient distance from any boundary trees to ensure the scheme would not impact upon the viability of these retained features. Tree and hedge protection measures will be required for retained features and could be secured by appropriate condition.
167. An indicative landscaping scheme has been submitted which suggests new native hedgerows across the internal site boundaries, to the Main Street frontage and for infilling the gaps to the Long Lane frontage. New tree planting is also indicated with suggested locations along Long Lane, Main Street, the northern site boundary and within the site. The landscape officer has agreed that this represents a quantum of landscaping that would be appropriate, and that a detailed scheme should be secured by appropriate condition.

168. The 'hedge note' identifies the southern hedgerow along Long Lane would appear to be a defunct native Hawthorn hedgerow which has been gradually infilled with various ornamental and other hedging species and now comprises an extent of mature ornamental shrub planting, formed of a mixture of native and non-native shrubs. The note suggests that the hedgerow be reduced to 1.8m in height (save for any trees to be retained), and suggests the hedge be stocked up with native species including blackthorn and Field Maple. The landscape officer does not object to this proposal, however in line with their original comments, a 5 year hedge management plan and detailed scheme to aid the hedges rejuvenation would be considered prudent and could be secured by condition.

Highways and Parking

169. In terms of highways and parking, the revised scheme has been supported by a highways report with a re-positioned access demonstrating appropriate visibility splays of 2.4m by 43m and of appropriate width to allow two cars to pass at the entrance to the site. Whilst local comments have raised concerns regarding highway safety at the access point due to the proximity to Long Lane, Harles Acres and parked cars, the LHA have confirmed that the new access position and re-aligned hedgerow for visibility would ensure an appropriate site access that would not raise any significant highway safety concerns.
170. The three bedroom dwellings would all be provided with two off street parking spaces, whilst two properties would also benefit from separate detached single garages. This provision would be in accordance with the highway design guide in terms of residential parking provision. Over and above this, the site would also provide two visitor spaces in laybys to the northern side of the shared access road. As such the scheme would be considered to offer appropriate site parking provisions.
171. Local concerns regarding access to and from Long Lane are noted. The revised scheme has proposed all existing access points to Long Lane are closed off, and that the scheme does not provide even pedestrian gates to this boundary. An appropriate planning condition could seek to adequately protect the boundary hedgerow and prevent residents creating access through to Long Lane.
172. In light of the site not having access to Long Lane, the Borough Street Naming and Numbering Officer has confirmed that any new dwellings could not have an address on Long Lane. As such there should be no change to the existing use of Long Lane in terms of vehicular usage.
173. In terms of site servicing, a new bin collection point is proposed, set behind the boundary hedge to the Main Street site boundary, allowing refuse collections from Main Street. The site includes turning facilities for vehicles including home delivery vans and a fire appliance as demonstrated on the site tracking drawings.
174. The LHA have recommended a number of planning conditions which would seem pertinent, however it is proposed these conditions are re-phrased into a highways scheme for submission and approval rather than individual elements relating to gradient, surfacing and drainage etc.

175. The site access has not been tracked for the Borough refuse vehicle, with a waste collection point to the site access. The recommended carry distance for waste collections is 30m, however plots 2, 3 and 4 would all have a maximum circa 60m carry distance to the site access. Whilst this would be greater than the recommended carry distances, this would not be considered any significant amenity or servicing issue that would be reason for refusal, with residents still having access to appropriate collection points servicing the site.
176. Notwithstanding the above, in order to allow for some element of flexibility, a condition covering exact design and final location of the bin store is considered prudent, with the collection point, if designated, having the potential to be set back 25m from the highway into the site. This would allow the potential to minimise resident drag distances, within the tolerance of collection crew travel distances should it be deemed necessary.

Flood Risk and Drainage

177. Significant flooding concerns have been raised during the course of the application. The site lies within flood zone 1, at the lowest risk of flooding from fluvial sources. In terms of surface water, the surface water flood maps indicate pooling can occur along Main Street and that flows can emerge down Long Lane. The application site is not identified as having a surface water flooding issue in itself. Notwithstanding this, the significance of local concern is understood, and the applicant has submitted a drainage strategy as part of the application in order to demonstrate how the site would be suitably drained.
178. The drainage strategy has been based on the original submission for five dwellings. As such the impermeable areas on site will be reduced from the figures quoted. The drainage strategy was based upon impermeable areas making up 40% of the site, with the remaining 60% landscaped (12% and 88% as existing).
179. It is identified that the site geology is predominantly low permeability clays and mudstones and, therefore, that a soakaway based discharge would not be feasible. The nearest watercourse is also some 230m away, beyond land outside the site's ownership and therefore unfeasible to access. As such the scheme proposes the use of an on-site attenuation tank that would store surface water run-off before releasing this to the public sewer under Main Street at a controlled rate of flow, limited to 5 litres per second. The scheme proposes elements of permeable paving to slow run off rates and increase water treatment before it reaches the attenuation tank, whilst identifying all houses should be served by a water butt.
180. The drainage report showcases that in terms of run off rates, in storm events greater than a 1 year event the scheme will provide a betterment in terms of run-off delivery rates to the drainage systems with a maximum flow to the combined sewer of 5 litres a second.
181. The Lead Local Flood Authority have endorsed the findings of the report and the proposed methodology, and notwithstanding the significant local concerns, have confirmed they have no objection to the details submitted.
182. The drainage scheme has sought to follow the drainage hierarchy, and has identified that existing soils are largely of low permeability unsuitable to act as

soakaways. The scheme has been demonstrated to show a betterment in terms of surface water capture and treatment and would limit run-off flows into Main Street to a greater extent than the existing site layout in significant storm events such as those which have historically caused local flood events.

183. A revised and final drainage plan could be required by condition given the further site layout revisions, however subject to this, the scheme would be considered compliant with policy 18 'Surface Water Management' of the LPP2 which identifies surface water drainage should be delivered in accordance with the drainage hierarchy, with solutions seeking to enhance biodiversity and existing green infrastructure/drainage features at a level proportionate with the scale of the site.
184. Issues over the ongoing management and maintenance of the local sewerage systems within Main Street is a matter for Severn Trent to be engaged over, outside of the planning process. Any new dwelling/development has a legal right to connect to the existing sewerage system for which there is a separate approval process which must be undertaken between the developer and Severn Trent Water.

Other

185. Following the noise and odour assessments which have been accepted by the Borough EHO and demonstrate acceptable working relationships between the proposed dwellings and the Malt House Farm can be expected, it is not considered that the scheme would risk the operational viability of the existing and longstanding farming operation at Malt House Farm.
186. The Borough Environmental Health Officer has requested that a condition be applied requiring a construction method statement to be submitted. Given the sites close proximity to neighbours this would seem reasonable and necessary in the interests of the amenities of the area.
187. The Borough Environmental Health Officer has also recommended that no works commence until such time as a minimum of a desk based contaminated land survey has been submitted to and approved by the local authority. Again, this would seem reasonable in order to protect the residential amenities of future occupants. With regard to the potential for asbestos, an informative note to applicant regarding the potential for asbestos and the requirements for specialist removal would seem most reasonable and proportionate, given the removal of this material is covered by separate legislation.
188. The LPP2 sets out in policy 12 that all new dwellings should meet the higher 'Optional Technical Housing Standard' for water consumption as Rushcliffe being an area that has been identified as having moderate 'water stress' (i.e. scarcity). It would therefore seem reasonable to condition the dwellings meet this standard, which will require any developers to notify building control who will in turn ensure the building meets the higher standards as part of their process. A note to applicant regarding this process would also seem reasonable.
189. In order to support air quality aims and the move to more sustainable modes of transport, a condition requiring the submission of a scheme to providing an electric vehicle charging point to each property is considered appropriate.

Conclusions

190. Policy 11 - Housing Development on Unallocated Sites within Settlements - this policy recognises that Planning permission will be granted for development on unallocated sites within the built-up area of settlements provided:
- a) the proposal in terms of scale and location is in accordance with Local Plan Part 1: Core Strategy Policy 3 (Spatial Strategy);
 - b) the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials;
 - c) the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;
 - d) the proposal would not result in the loss of any existing buildings considered to be heritage assets unless the harm is, in the case of designated heritage assets, outweighed by substantial public benefits or, in the case of non-designated heritage assets, the loss of significance to the asset is justified;
 - e) the proposal would not have an adverse visual impact or be unduly prominent from locations outside the settlement;
 - f) the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
 - g) appropriate provision for access and parking is made.
191. Given all the matters as considered through this report, and having assessed the development proposal against the policies set out in the development plan for Rushcliffe, including the overarching policy 11 for development of unallocated sites within settlements, the scheme is considered to be acceptable. Therefore, it is recommended that planning permission is granted, and that permission for relevant demolition of an unlisted building in a conservation area is also granted.
192. This application has been subject to pre-application advice. Further discussions have taken place during the consideration of the application in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. This has ultimately resulted in a favourable recommendation to the Planning Committee.

RECOMMENDATION

- (i) 20/00619/FUL - It is **RECOMMENDED** that planning permission be granted subject to the following condition(s)
1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
 2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Site Layout – ‘GA327-01H’ – Received 14/09/2020;
 - Proposed Plot 1 Plans– ‘GA327-03A’ - Received 06/07/2020;

- Proposed Plot 1 Elevations – ‘GA327-04B’ – Received 06/07/2020;
- Proposed Plot 2 Plans– ‘GA327-05B’ - Received 14/09/2020;
- Proposed Plot 2 Elevations – ‘GA327-06C’ – Received 14/09/2020;
- Proposed Plot 3 Plans– ‘GA327-09B’ - Received 14/09/2020;
- Proposed Plot 3 Elevations – ‘GA327-10D’ – Received 14/09/2020;
- Proposed Plot 4 Plans– ‘GA327-11B’ - Received 14/09/2020;
- Proposed Plot 4 Elevations – ‘GA327-12C’ – Received 14/09/2020;
- Proposed Garage Plans and Elevations – ‘GA327-13C’ - Received 14/09/2020; and
- Proposed Street Scene Elevations – ‘GA327-14D’ – Received 14/09/2020;

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

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

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

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

5. No operations shall commence on site (including demolition) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP will build upon the recommendations of the submitted Ecological Appraisal, bat survey and recommendations of the Borough Environmental Sustainability Officer. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage and to ensure that the proposed

development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy, and policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. Notwithstanding the Historic Environment Desk-Based Assessment by Trent and Peake Archaeology submitted with the application the development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a Written Programme of Archaeological Investigation (WPAI) has been submitted to and approved in writing by the Local Planning Authority. The WPAI must include the following:

- a methodology for site investigation and recording of archaeological items and features;
- a timetable for carrying out such investigations on the site;
- a programme for post investigation assessment;
- provision for the analysis of the site investigations and recordings;
- provision for the publication and dissemination of the analysis and records of the site investigations;
- provision for the archive deposition of the analysis and records of the site investigation;
- nominate the qualified archaeologist or archaeological group who will undertake the works set out in the WPAI.

The development hereby permitted must be carried out and completed in accordance with the approved WPAI.

The development hereby permitted must not be occupied or brought into use until a written report detailing the results and post investigation assessments of any archaeological works that have been undertaken on the site has been submitted to and approved in writing by the Local Planning Authority.

[This is a pre-commencement condition to ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (February 2019)].

7. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a written report of the findings of a Preliminary Risk Assessment (PRA) of the nature and extent of any contamination affecting the site, whether or not it originates from the site, has

been submitted to and approved in writing by the Local Planning Authority. The PRA must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM). As a minimum the PRA must include the following:

- i. a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses;
- ii. the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface;
- iii. the development of an initial 'conceptual site model' (CSM) which identifies and qualitatively assesses any potential source – pathway – receptor (contaminant) linkages;
- iv. basic hazard assessment identifying the potential risks from any contaminants on:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Ground and surface waters;
 - Ecological systems;
 - Archaeological sites and ancient monuments.
- v. Recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.

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

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

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

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

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

any necessary waste management documentation.

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

8. No operations shall commence on site until a detailed foul and surface water drainage scheme building upon the drainage strategies identified within the 'Flood Risk and Drainage strategies Report - Soakaway Solutions - HIC/REP/001 – Rev A' has been submitted to and approved in writing by the Borough Council. The development shall only be carried out in accordance with the approved schemes, which shall thereafter be maintained throughout the life of the development.

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

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

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

10. The development hereby permitted shall not proceed beyond foundation level until details (including samples where appropriate) of all materials to be used on all elevations of the buildings, including details of fenestration and any architectural details, have been submitted to and approved in writing by the Borough Council. The development shall only be undertaken in accordance with the materials and details so approved.

[To ensure the appearance of the development is satisfactory and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. The development hereby permitted shall not proceed beyond foundation level until a detailed hard and soft landscaping scheme for the site has been

submitted to and approved in writing by the Borough Council. The submitted scheme shall be in general accordance with the indicative landscaping layout as shown on the approved site layout plan, shall have regard to the requirements of the biodiversity enhancement strategy required by condition 11 and also the requirement to gap up and rejuvenate the southern hedgerow, including the following minimum details:

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

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

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and 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].

12. The development hereby permitted shall not proceed beyond foundation level until an updated Biodiversity Enhancement Strategy has been submitted to and approved by the Borough Council. The updated assessment shall build upon the commitments made within strategy report by 'BJ Colins Protected Species Surveyors' dated June 2020, taking account of the revised site layout, and making provision for the mitigation of the loss of neutral grassland.

The approved scheme of hard fittings such as bat and bird boxes shall be implemented prior to the occupation of any dwelling, with any landscaping based enhancements included as part of the detailed landscaping scheme required under condition 10.

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and 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].

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

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

14. The development hereby permitted shall not proceed beyond foundation level until a scheme for the restoration, repair and conversion of the retained brick outbuilding to a communal bike store has been submitted to and approved by the Local Planning Authority. The scheme must include the following details:

- Floor Plans and Elevations for the building as existing and as proposed;
- A structural report identifying any necessary repairs required to the building;
- A scheme of works for the conversion of the building and any necessary repairs; and
- Details of long term building management/ownership;

No dwelling shall be occupied until such time as the approved scheme of works for the outbuilding has been completed and the structure made available for use. The structure shall thereafter be managed, maintained and retained available for the use of residents for the lifetime of the development.

[To ensure the appearance of the development is satisfactory and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. The development hereby permitted shall not proceed beyond foundation level until a scheme for access works and stopping up has been submitted to and agreed by the local planning authority. The scheme of works shall include the following details and information:

- The use of a hard surfaced and bound material for the first 5m behind the highway boundary;
- Access road gradients showing provision of a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, and never exceeding 1:12 thereafter;
- A scheme for the appropriate drainage of the access driveway/parking/turning areas to prevent the unregulated discharge of surface water from these areas to the public highway;
- Specification for the new dropped kerb vehicular crossing;
- A scheme for the stopping up of the existing site access to Main Street including the reinstatement of the footway; and
- A scheme for the stopping up and permanent closure of the existing accesses onto Long Lane.

The development shall be constructed in accordance with the approved scheme of works and these provisions shall then be maintained in such condition for the life of the development, with the parking/turning/servicing areas not to be used for any purpose other than parking/turning/loading and the unloading of vehicles.

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

16. Prior to occupation of any of the dwellings hereby approved, a hedgerow management scheme in relation to the hedgerow running along the southern boundary of the site shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall detail any new planting required within the hedgerow for gapping up and rejuvenating the hedgerow, the height at the western end of the hedgerow shall be reduced to and maintained at between 1.8m and 2.2m following completion of the development and details of how the ongoing maintenance of the full hedgerow at the agreed height is to be managed. The southern boundary hedgerow shall thereafter be maintained and managed in accordance with the approved details for the first 5 years following first occupation of the development.

[To ensure the hedgerow is preserved for the lifetime of the development in the interests of the visual amenity of the area and the character and appearance of the landscape and adjacent Conservation Area, in accordance with policies 1 (Development Requirements), 22 (Development within the Countryside) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Borough Local Plan Part 2 : Land and Planning Policies].

17. Prior to the use commencing, final details of the siting, external finish and design of the proposed bin store shall be submitted to and approved in writing by the Borough Council. The bin store shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

[To protect the amenities of the area and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

18. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. GA327/01H are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m metres in height.

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

19. The development shall not be brought into use until the existing site access on Main Street that has been made redundant as a consequence of this consent has been permanently closed and the access crossing reinstated as footway in accordance with details first submitted to and approved in writing by the Local Planning Authority.

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

20. The development shall not be brought into use until such time as the acoustic mitigation measures as detailed under section 8 of the submitted acoustic report produced by 'Hoare Lea', revision 4, dated 20th December 2020 have been fully implemented.

[To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from *the adjacent agricultural use* having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

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

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

22. 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].

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

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

24. For the purposes of Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) and for the avoidance of doubt, the south elevations of plots 2, 3 and 4 shall be considered as the buildings 'principal elevation'.

[The development is of a nature whereby future development of this type should be closely controlled, for the avoidance of doubt 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].

25. The following windows shall be permanently obscure glazed to level 5 of obscurity and fitted with restrictors so as to limit opening to no more than 100mm, save for emergency access and egress:

- Plot 1 – First Floor North Elevation – En-suite;
- Plot 2 – First Floor South Elevation – Bathroom;
- Plot 3 – First Floor South Elevation – Bathroom & En-suite;
- Plot 4 – First Floor South Elevation – Bathroom;

These windows shall be retained to this specification for the lifetime of the development.

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

26. 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 alterations to or creation of new windows to the south elevations of plots 2, 3 and 4 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 Rushcliffe Local Plan Part 2: Land and Planning Policies].

27. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, or other built form seen as a means of enclosure including any gates to the site access, other than those shown on the approved plans and approved under condition 10 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 Rushcliffe Local Plan Part 2: land and Planning Policies].

28. The southern boundary hedgerow alongside Long Lane shall be managed and maintained at a height of no less than 1.8m (once established at this height for sections to be planted) for the lifetime of the development, and there shall be no removal of any section of this hedgerow or new access (pedestrian or vehicular) created from any plot directly onto Long Lane at any time.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area, to protect the amenity of neighbours and in the interests of highway safety in accordance with

Policies 10 (design and amenity Criteria), 11 (Historic Environment) and 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements), 11 (Development on Unallocated Sites within Settlements), 28 (Conserving and Enhancing Heritage Assets) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) 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/>

Good practice construction methods should be adopted including:

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

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

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel:

0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

Condition 20 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.

The development makes it necessary to construct a vehicular crossing over a footway of the public highway, together with reinstatement of redundant access. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at licenses@viaem.co.uk to arrange for these works to take place.

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.

A Public Footpath is situated upon Long Lane. The developer must retain the existing width of Long Lane and not impact or change the surface of it without prior authorisation from the rights of way team. The public footpath must be kept available at all times.

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.

(ii) 20/00620/RELDEM - It is RECOMMENDED that planning permission for relevant demolition in a conservation area 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. This permission solely relates to the demolition as shown as required on the following approved plans:

- Existing Plans – 'MSH-BWB-00-ZZ-M2-G-0001' - Received 13/03/2020

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

3. Prior to the commencement of demolition, a method statement detailing techniques for the control of noise, dust and vibration during demolition shall be submitted to and approved by the Borough Council. The demolition works shall

only be carried out in accordance with the approved method statement.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing. To protect the amenities of surrounding residents and to comply with Policy 1 (Development Requirements) and Policy 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Prior to the commencement of demolition, a method statement detailing the methods by which existing trees on the site will be protected, shall be submitted to and approved by the Borough Council. The demolition works shall only be carried out in accordance with the approved method statement.

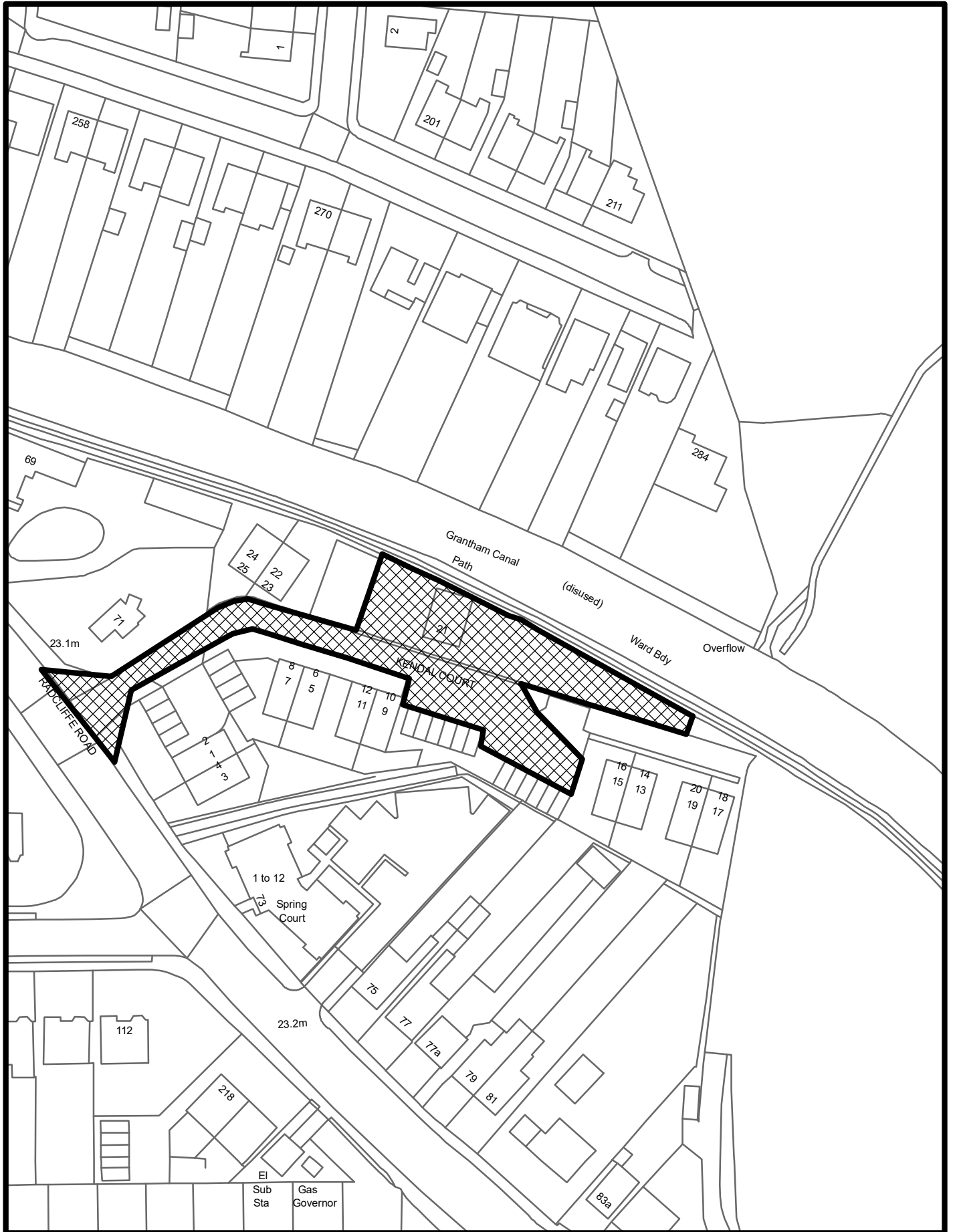
[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing. To protect the health of existing trees and to comply with Policy 37 (Trees and Woodland) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. If the demolition of the bungalow does not take place within 12 months of the date of this decision, an additional survey to determine if bats are roosting within the building shall be carried out, and the results and recommendations of which shall be submitted to the Borough Council for approval. The demolition of the bungalow shall thereafter be carried out in accordance with the recommendations as set out in the approved additional bat survey.

[To ensure that protected species and their habitats are not harmed as a result of the development, 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].

Notes to Applicant

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council on 0300 500 80 80 or at <https://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/asbestos-disposal-booking>



Application Number: 20/03285/FUL
21 Kendal Court, West Bridgford



scale 1:1000

page 67

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20/03285/FUL

Applicant Mr Kevin Hard

Location 21 Kendal Court West Bridgford Nottinghamshire NG2 5HE

Proposal Demolition of Bungalow and Erection of 7 dwellings with associated Parking (Resubmission of 19/00791/FUL)

Ward Abbey

THE SITE AND SURROUNDINGS

1. This application relates to a mid to late 20th century suburban bungalow with a detached garage and private garden served by a private vehicular access from Radcliffe Road shared with a detached house and 6 blocks of maisonettes with garage blocks and communal parking & amenity space. The site also includes within the area edged red on the site and location plan the access from Radcliffe Road.
2. The Grantham Canal and towpath (which is a Local Wildlife Site) is adjacent to the northern boundary, with the rear gardens of properties on Rutland Road on the opposite side of the canal, and there is a three storey block of flats (Spring Court) close by to the south on Radcliffe Road. The wider area is characterised by predominantly Victorian and interwar suburban residential properties.
3. The site is located within and on the edge of the built up part of West Bridgford with open Green Belt countryside adjacent to the eastern boundary.
4. The site is within Flood Zones 2 and 3 on the Environment Agency's Flood Zone maps, although it is within an area which benefits from protection from flood defences along the River Trent.

DETAILS OF THE PROPOSAL

5. The application seeks full planning permission for the demolition of the bungalow and the erection of 7 terraced dwellings within two blocks. The western block (Block 1) would accommodate 4 two bedroom properties with nine parking spaces to the front and a bin store to the side. The eastern block (Block 2) would accommodate 3 two bedroom properties, and the easternmost property would have a private garden. Except for the easternmost dwelling, bedrooms and bathrooms would be on the ground floor with living/dining rooms and kitchens on the first floor.
6. The siting of the dwellings would be slightly staggered, and the design and appearance would be a combination of traditional and contemporary with pitched roofs and large contemporary openings. The rear (north) elevations facing the canal would incorporate ground and first floor 'Juliet' balconies, and there would be flat roofed canopies above the front entrances. Each dwelling would have an individual dual pitched roof with gables facing the front and rear

elevations, and the rear elevation gables would incorporate bat boxes. Block 2 would incorporate a lower side projection to provide additional ground floor living accommodation to the easternmost dwelling, with an almost fully glazed eastern elevation and steps down to the private garden.

7. In order to minimise flood risk to future occupants, the ground floor levels would be 1220mm above ground level, with steps to the front entrances.
8. The materials would be facing (red & brown) brickwork and black aluminium cladding panels for the walls, grey aluminium for the canopies, and dark grey standing seam zinc for the roofs. Tarmac and block paving would be used for hard surfaced areas.
9. The plans also indicate landscaping including a native hedgerow along the northern boundary with the canal. A Flood Risk Assessment & Drainage Strategy has also been submitted.
10. As a result of comments from the Design & Landscape Officer and Waste & Recycling Officer, revised details have subsequently been submitted showing additional species to the proposed hedgerow, and amendments to the proposed bin store.

SITE HISTORY

11. Permission was refused for demolition of the bungalow and erection of 10 apartments with associated parking and an appeal was subsequently dismissed in 2018 (ref. 17/02658/FUL).
12. Permission was refused for demolition of the bungalow and erection of 10 dwellings with associated parking (revised scheme) in 2020 (ref. 19/00791/FUL).

REPRESENTATIONS

Ward Councillor(s)

13. One Ward Councillor (Cllr Buschman) objects on grounds that there is no serious change to the application.
14. One Ward Councillor (Cllr Gowland) objects on grounds summarised as follows:
 - a. Cllr Gowland is actively in favour of building on brown field sites and comments that it is a pity that this application keeps coming back in an unacceptable form, and it would be good for everyone if a sensible plan could be brought forward which was acceptable to all. She hasn't met anyone she thinks who is against the principle building on this site.
 - b. The site is regularly flooded and the proposed development has been lifted presumably to stop it from flooding, but it is covering much existing green soakaway which will increase the risk of flooding to neighbours. The Ward Councillor wonders if the drains are adequate and who manages the drains running across the cul-de-sac. The previous plan noted emergency procedures comments about the difficulty of

evacuating and large number of residents in case of flood. The Ward Councillor can't see that this has materially changed (the numbers of residents will not be that much lower). The County Council have declined to comment on the flood risk but the Ward Councillor notes the map that suggests that the risk of flooding on Regatta Way by the football ground is a 1:100 year event for 20-50% increase in risk due to climate change, and it was flooded on 8 February.

- c. Crossing this part of Radcliffe Road is particularly dangerous due to the curve in the road, and it is impossible to believe that there would not be an increased risk of accidents with more people turning out of Kendal Court on to this major artery. Parking is also an issue and people currently park along the side of the estate which is within the rights of the residents as this is a private road. If this parking is lost there is a chance of grid lock on the cul-de-sac in the mornings as people try to turn around to go to work. Although the parking provision has improved compared to the previous plan, it is still inadequate. Where will residents of the new houses and visitors park given that, as the Ward Councillor, understands, they are not allowed to park on the private road.
- d. The proposed buildings go too close to the canal bank and will upset the rewilding that is occurring along there. This is a heavily used recreational space linking a number of other recreational areas. Clarification is required on the loss of habitat for bats. It is very unfortunate that a very large tree has already gone from the cul-de-sac which would have been home to a whole ecosystem. The Ward Councillor realises this is unrelated but comments that we need to retain green corridors through built up areas for ecology and humans.
- e. The houses are now taller than the previous flats, and the Ward Councillor assumes that this is to avoid flooding. The buildings are too tall and they will still be overbearing on the neighbouring properties, and residents standing at their front doors will be looking down on their neighbours. The new design will still lead to loss of light and cause loss of amenity. The end property is a chaotic design, with a very large window overlooking neighbouring gardens, and an ugly blank wall facing properties opposite the new block on Kendall Court and the canal. There is a ridiculously small space between the building and the hedge which clearly does not amount to a garden, and it seems highly likely that this space will become neglected leading to rubbish build up next to this public space and increased risk of vermin. There is no amenity space and residents would have to walk about 120m via the very busy and noisy Radcliffe Road to reach the canal bank.
- f. Why are the houses inverted? It is assumed this isn't a planning issue but suspect the designer thinks the downstairs will be too dark.
- g. The Ward Councillor comments that the applicant has delivered a leaflet which seems to suggest that the proposal will be more attractive from the canal than the existing maisonettes. The Ward Councillor considers that this is a bit harsh on the residents of Kendal Court but, from ground level, the view will be of a brick wall with these new properties which the Ward Councillor imagines most people will not feel is preferable to the maisonettes. The leaflet also says that these will be ECO homes and

the Ward Councillor comments that she may have missed it but cannot see anything about that on the plans and asks if there is space for sufficient proper insulation.

15. Two adjacent Ward Councillors (Cllr S Mallender and Cllr R Mallender) object on grounds summarised as follows.
 - a. The proposal is not substantially different in massing or number of dwellings to the previous applications, the first of which was rejected by the planning committee and by the Planning Inspector at an appeal.
 - b. The buildings are out of scale and character with the appearance of the quiet rural aspect of the canal and its surroundings which would detrimentally affect the amenity of many residents of Lady Bay and elsewhere who come to enjoy a quiet green space.
 - c. Loss of amenity to residents of Kendal Court and Rutland Road whose houses back on to that part of the canal, and the proposal is overbearing and would result in overlooking/loss of privacy and loss of light.
 - d. The canal is long-disused and has become a haven for wildlife that would suffer disruption and disturbance during construction. The hedge forming the boundary of the site removed prior to the previous application has been replanted by the Canals & Rivers Trust with the help of local volunteers from the Friends of Lady Bay Canal, and this newly planted hedgerow may be damaged or removed. The proposed development is designed to be right on the edge of the tow path, leaving no room for wildlife.
 - e. The proposal is likely to generate a greater parking requirement than the parking spaces provided and, unless a condition is added to limit vehicle ownership, this will result in considerable additional vehicle movements within a very small area, especially taking into account that the site is currently a single bungalow. Radcliffe Road is congested at peak times and a dangerous manoeuvre leaving or entering Kendal Court and causes a road safety concern for pedestrians and cyclists.

Statutory and Other Consultees

16. The Borough Council's Environmental Sustainability Officer comments that ecological assessments provided to support application ref. 19/00791/FUL identified the presence of features suitable to support roosting and foraging bats (although no bats were using the features at that time), and has potential impacts on the adjacent Grantham Canal Local Wildlife Site (LWS). He notes that the survey is in date until May 2022. The site also has potential to support nesting birds, reptiles, hedgehogs and badgers. The favourable conservation status of protected species is unlikely to be impacted by the development, and the development provides opportunities for ecological enhancement including strengthening of the boundary with the LWS with a native vegetation buffer.
17. The Borough Council's Design & Landscape Officer comments that the application proposes a minimum distance between the alignment of the hedge and the building of 1m. For a hedge to form a reasonable screen it needs to be around 1m wide (0.5m either side of the centreline) which would give just

enough space between the hedge and the building to allow for maintenance. It might be preferable for the hedge to be managed as a whole and, given that hedges within or adjacent to residential properties cannot be protected, it would be prudent to use a condition to ensure retention and maintenance.

18. The application appears to propose an 'instant' hedge with 2m tall specimens at seven per metre which would create a reasonable screen that would thicken up with time. He thinks the hedge which was removed was predominantly Hawthorn, but this would be a good opportunity to introduce some additional species in the hedge to enhance biodiversity, such as 70-80% Hawthorn, with 20-30% made up of Hazel, Holly and native Dogwood/Privet etc. Some planting is shown to the front of the site so a landscaping condition would be required which should include replacing any plants that die within 5 years of completion.
19. The Borough Council's Environmental Health Officer has no objection. However, conditions are recommended to ensure the submission and approval of a contaminated land report and, where contamination exists, a remediation report and validation statement; the submission and approval of details to require existing soils and any soil or forming materials to be brought on to site for use in garden areas, soft landscaping, filling and level raising are tested for contamination and suitability for use on site; and the submission and approval of a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction. Notes to applicant are also recommended relating to construction times and, if required, the location of a crusher as far as possible from nearby properties.
20. The Borough Council's Waste & Recycling Officer comments that the development would require two residual waste and three recycling containers. He has concerns that the back wall of the bin storage area is the wall of a dwelling and on collection days this would be an annoyance to occupants from movement and banging of containers against the wall. He considers that there needs to be a physical barrier on the edge of the adjacent path to prevent damage to property, and can foresee the doors to the bin store being a hindrance when removing and returning containers, and considers that the configuration of doors is not acceptable. He has subsequently commented that the revised details address these comments.
21. The Nottinghamshire County Council as Lead Local Flood Authority comment that, as a statutory consultee, they should only be consulted on major developments with regard to surface water drainage. Having considered the scale of this application they believe that they are not required to respond to the application and, as such, they will not be making any bespoke comments. However, with respect to application ref. 19/00791/FUL, they raised no objection subject to a condition requiring the submission and approval of a Surface Water Strategy based on the principals of the submitted Flood Risk Assessment.
22. The Nottinghamshire County Council as Highway Authority comment that the proposed development would be served off of a private road and requires no works within the public highway to facilitate access. The distance of the plot from the highway coupled with controlled parking in the area means that any overspill parking is unlikely to affect the safe operation of the highway. In terms of traffic generation, the additional traffic generated on the local network is

anticipated to be negligible when compared to the existing flows on Radcliffe Road. In view of the above, there is no highway safety objection.

23. The Nottinghamshire County Council as Strategic Planning Authority comment that, as the proposed scheme is now only for 7 dwellings, it would fall below the threshold for which the County Council can request planning obligations, and therefore, they do not have any strategic policy comments to make.
24. The Environment Agency comment that the proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the Flood Risk Assessment relating to finished floor levels, flood warnings for occupants and an evacuation plan are implemented and secured by way of a condition on any planning permission.
25. They also comment that, in accordance with the National Planning Policy Framework (NPPF), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and that it is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. The proposed development is appropriate provided that the site meets the requirements of the exception test. Their comments relate to the part of the exception test that demonstrates the development is safe, and the LPA must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.
26. Severn Trent Water (STW) comment that it is proposed to connect foul and surface water drainage to the public sewer which will be subject to a formal section 106 sewer connection approval, and they advise that surface water proposals should be discussed with the Lead Local Flood Authority for their requirements or recommendations regarding acceptable disposal methods or flow rates.
27. They also advise that there is a public sewer located within the application Site which has statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003, and that consent is required to build close to, directly over or divert a public sewer. The applicant is advised to contact STW to discuss the proposals and STW will seek to provide assistance in obtaining a solution which protects both the public sewer and the proposed development.
28. The Canals and Rivers Trust note that a significant factor in the refusal of the previous schemes and appeal decision was the harmful impact that the development would have on the character and appearance of the Grantham Canal, and particularly the dominating and urbanising effect it would have as a consequence of the massing created by the width and height of the development.
29. They comment that this revised development would also be a prominent feature along this stretch of the canal which has a semi-rural character as it approaches the edge of the built-up part of West Bridgford, although the site still adjoins existing housing to the south and west and faces the rear gardens of houses on Rutland Road. They acknowledge that, whilst the houses to the north of the canal are generally set well back from it, on the towpath side at this point, the houses and bungalow on the application site tend to be closer.

30. They also comment that the current scheme sits on a very similar footprint to those previously refused, and the two buildings are set a similar overall distance from the canal towpath. The design now proposed appears to be at least partly inspired by traditional canal side storage buildings, with the roofs orientated with ridges at right angles to the canal and gables facing the canal. This approach does help to break up some of the massing of the buildings, but their footprint remains very close to the boundary adjoining the canal towpath and this significantly reduces any gains achieved by reducing the massing of the buildings through making changes to the roof scape. Whilst the design of the current scheme represents an improvement, they remain unconvinced that the changes from previous iterations adequately address the impact on the canal arising from the construction of two relatively substantial buildings in such close proximity to the canal-facing boundary.
31. They refer to a former mature hedge along the northern site boundary with the towpath which was removed in late 2017. There remains some doubt over the ownership of the former hedge along the boundary with the canal and they acknowledge that the exact location of the boundary is a matter to be agreed between the Trust and the Applicant. Whilst they appreciate that this is not a material planning consideration, they are concerned that there is a lack of clarity as to the location of the newly planted hedge in relation to the application site red line boundary on the submitted plans. They consider that the treatment of the canal-facing boundary is a matter of some importance, as it will have a bearing on the impact of the development on the character and appearance of the canal corridor as well as potentially affecting the biodiversity value of the Grantham Canal Local Wildlife Site (LWS). Whilst there may be scope to retain the existing planting and even reinforce it with additional hedge planting within the application site, the proximity of the proposed buildings presents a risk that the existing planting will be adversely affected and that it, together with any additional planting, will not thrive in such an overshadowed location which could harm the biodiversity value of the Grantham Canal LWS.
32. They comment that there is a risk that construction operations close to the canal, particularly excavations associated with foundation construction, could create land instability which might adversely affect the structural integrity of the canal. Land stability is a material planning consideration, and they consider, therefore, that the detailed design and means of construction of the foundations for the proposed development are secured via a planning condition.
33. Cental West Bridgford Community Association object and comment that, although there are some discernible changes in this application compared with previous ones, particularly the reduction in height of the western block, in many respects it is significantly similar and still fails to address most reasons the Inspector gave for dismissing the appeal in 2018 (in relation to siting, scale and design/appearance). They do not, therefore, see that granting permission for this application could be justified.
34. They comment that, both the appeal inspector and The Canal & River Trust in responding to the current application, cite its detrimental effect on the semi-rural character of this canal as a major reason why the proposed development is unacceptable. The location of the site at the edge of the built-up area is a reason why its semi-rural character should be strongly protected. The site is a Local Wildlife Site, much treasured by the community as a green line and oasis

providing relief from the largely urban character of the business area and river crossings nearby.

Local Residents and the General Public

35. 192 written representations raising objections and 32 supporting the application have been received predominantly from West Bridgford, with 1 objection letter on behalf of leaseholders of Kendal Court. A number have also been received from other parts of Rushcliffe including Radcliffe on Trent, and from outside Rushcliffe including Nottingham, Southwell, Matlock and as far as West Yorkshire and North Devon. A further 80 written representations raising objections have no specific address but claim to be from Kendal Court/Lady Bay/West Bridgford (the full comments are available on the website).
36. The objections can be summarised as follows:
- a. The development is too large and close to the canal and the three storey building is too high and intrusive and would be overbearing, and would have an adverse impact on the character of the area.
 - b. The dwellings have no particular merit in terms of design or amenity.
 - c. Loss of green space and negative impact on the enjoyment of the canal and tow path as a green corridor which is a valuable leisure facility and place of beauty.
 - d. Overshadowing and loss of light & privacy, and an oppressive outlook and loss of views for existing residents of Kendal Court and on the opposite side of the canal.
 - e. Would result in more traffic, accidents and congestion where there are already parking problems, and there would be no parking for visitors which would impact on residents of Kendal Court and surrounding streets. Residents/visitors would no longer be able to park along the site boundary, and there would also be restricted access for emergency vehicles and bin lorries.
 - f. Negative impact on a wide variety of wildlife around the canal during construction and from light & noise pollution once occupied, and it cannot be expected that the proposal would sufficiently provide the appropriate mitigation to deliver a net gain to biodiversity, and would certainly not compensate for the harm caused to the Grantham Canal.
 - g. The foundations required for the buildings would affect the integrity of the canal banks and tow path.
 - h. Potential increase in flooding and pressure on existing drainage/sewage facilities where there are already issues with blockages and excess surface water.
 - i. Nothing to support the claim that the proposed housing is 'eco'.
 - j. Doesn't meet the local housing need for bungalows.

- k. Over intensive development of the site and too high density for the area.
- l. In these times under COVID it is important that people have private outside space; however, there would be very limited external usable space and it would be much more suited for a city centre rather a semi-rural location.
- m. Not a brownfield site as there has never been an industrial building on it.
- n. An improvement on previous proposals, but isn't substantially different and doesn't address previous refused applications.
- o. Would ruin the feel of community.
- p. The granting of this application could lead to others being approved on the same basis.
- q. Noise and disturbance during construction and potential danger for users of the tow path.
- r. Decrease in the current value of properties on Kendal Court.

37. The comments in support can be summarised as follows:

- a. The current bungalow and views of the houses behind the proposed development aren't very attractive, and the design of the development is visually more appealing and well considered and should enhance the area.
- b. Would not be overbearing, intrusive or detrimental to the canal and tow path.
- c. No intrusion of privacy to the canal tow path.
- d. Residents who live in Lady Bay should expect to have building around them. It's not a rural area.
- e. Need for more small properties, starter homes and homes for single people and young families, and additional residents would be helpful to local shops and pubs.
- f. The fact that these are eco-houses sets a good example for how we as a society should be trying to deal with widespread lack of housing.
- g. Other than temporary noise disturbance during development, wildlife shouldn't be significantly impacted.
- h. The area is not one of outstanding natural beauty, it is already developed.
- i. Modest developments like this are positive steps for continued evolution of Lady Bay.

PLANNING POLICY

38. 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).
39. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide (PPG).
40. The Borough Council's Residential Design Guide (RRDG) is also relevant.

Relevant National Planning Policies and Guidance

41. The National Planning Policy Framework 2019 (NPPF) includes 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.
42. There are three overarching objectives to sustainable development: economic, social and environmental.
43. Chapters 12 (Achieving well designed places), 9 (Promoting Sustainable Transport), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) and 17 (Biodiversity) are relevant to the consideration of the proposal.
44. The National Planning Practice Guidance (NPPG) on flood risk and coastal change is also relevant.

Relevant Local Planning Policies and Guidance

45. The following policies in LPP1 are considered to be relevant to this proposal:
 - Policy 2 - Climate Change
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size, Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 16 - Green Infrastructure, landscape, parks and open space
46. The following policies in LPP2 are considered to be relevant to this proposal:
 - Policy 1 - Development Requirements
 - Policy 11 - Housing Development on unallocated sites within settlements
 - Policy 17 - Managing flood risk
 - Policy 18 - Surface Water Management
 - Policy 34 - Green Infrastructure and Open Space Assets
 - Policy 38 - Non-designated biodiversity assets and the wider ecological network

APPRAISAL

Principle of development

47. The site is located within the built-up area within a highly sustainable location, close to services/facilities and public transport links. In terms of the strategy for delivery of housing within the Borough in policy 3 of the Core Strategy, the site is at the highest level of the locational hierarchy. In addition, policy 11 of Local Plan Part 2 states that permission will be granted for development on unallocated sites within the built-up area of settlements subject to compliance with a number of criteria.
48. The site has a long established residential use, although it is considered that the existing bungalow does not have any particular architectural or historic merit. Whilst the comments in the written representations relating to a shortage of bungalows are noted, a refusal on grounds of the loss of one bungalow could not be justified.
49. In view of the above, it is considered that redevelopment of the site for residential purposes is acceptable in principle.

Siting, scale & design/appearance and impact on the character of the surroundings

50. The social and environmental objectives of the NPPF refer to creating a high quality built environment, and protecting and enhancing our natural, built and historic environment.
51. Chapter 12 (Achieving well designed places) of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
52. Policy 10 (Design and Enhancing Local Identity) of the LPP1 states that all new development should be designed to make a positive contribution to the public realm and sense of place, create an attractive, safe, inclusive and healthy environment and reinforce valued local characteristics.
53. Policy 1 (Development Requirements) of LPP2 states permission for new development will be granted provided that 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, and would not lead to an over intensive form of development.
54. The Rushcliffe Residential Design Guide states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged.

55. Kendal Court comprises 6 blocks of late 20th century two storey maisonettes with garage blocks, communal parking areas and amenity space served by a private vehicular access road. The built environment is "of its time" and has little architectural or urban design merit. The application site comprising a bungalow with private parking, garage and garden is somewhat of an anomaly within this setting. Adjacent to the west of Kendal Court are 69 Radcliffe Road, an early 20th century villa type house, and The Canal House, an early 21st century dwelling of traditional design within the original garden of no. 69. Both dwellings are immediately adjacent to the canal tow path.
56. Application ref: 17/02658/FUL which proposed two blocks of apartments with 3 storey accommodation and a maximum of 11.7m, was refused partly on grounds that the scale, height and massing of the buildings would be excessively dominant and would result in over intensive development of the site, and would be out of character with the area.
57. The Inspector who determined the subsequent appeal considered that the "*3 storey development would fill much of the plot that would create a massing of development that would be at odds with the 2 storey residential properties which stand within more spacious grounds which dominate the character of the area*", and would represent "*over development in the context of its immediate surroundings within Kendal Court.*"
58. The Inspector commented that the development would be located very close to the towpath and, "*...as a consequence of the massing created by its width and height would create a dominating urbanising effect in contrast to, and exacerbated by its edge of countryside location.*" The Inspector considered that landscaping in the form of a hedge would "*...only go some way in softening the impact of the development given the striking height of the building when viewed in close proximity from the towpath.*"
59. The Inspector also noted that, whilst there are other buildings located close to the towpath in the vicinity of the site, they benefit from being orientated differently or located on a bend in the canal, and are set further back from the canal than the proposal and are in many cases screened by vegetation.
60. Application ref: 19/00791/FUL, which proposed two and three storey accommodation with a maximum height of 10.3m, was refused on grounds that the siting and scale of the buildings would have a significant oppressive and overbearing impact upon both the Kendal Court street scene and environment experienced along the Grantham Canal tow path.
61. The siting/footprint of the two buildings now proposed would be very similar to the previous proposals, although the number of units has been reduced and seven dwellings are now proposed. The majority of both buildings would be the same height at 8.7m, although the eastern block would have a lower section which would be 6.9m in height. At the highest point the buildings would be 1.6m lower than the highest building proposed under application ref: 19/00791/FUL, and 3m lower than under the application refused and dismissed at appeal, ref: 17/02658/FUL, and would be of a comparable height to the maisonettes on Kendal Court (8.4m), 69 Radcliffe Road & The Canal House, and other two storey dwellings which predominantly characterise the wider area.

62. The design/appearance and massing has also been significantly changed. The buildings proposed under application ref: 17/02658/FUL and the eastern block under application ref: 19/00791/FUL were contemporary three storey apartment buildings, although the western block under the latter application was a terrace of dwellings of a similar form as proposed in the current application. Two blocks of terraced houses are now proposed, each with an individual dual pitched roof, with gables facing the front and rear elevations, and large contemporary openings. As the Canal and Rivers Trust notes, it appears that the roof design and form is inspired by traditional canal side storage buildings. The roof form, with individual gables to the front and rear elevations, together with the staggered footprint, would also help to address the concerns regarding massing relating to the previous proposals when viewed from Kendal Court and the canal tow path.
63. The two buildings would extend for around 55m along the canal frontage (including a gap of 4.5m between the buildings) and the development would be visible for some distance from along the canal either side of the site, changing the character of this section of the canal. However, there is not an absence of built development adjacent to the canal in the vicinity, with 69 Radcliffe Road & The Canal House nearby to the west and, at 9.8m and 9.3m in height, these building are higher than the proposed development. Having regard to the above, it is considered that the siting, scale, massing and design/appearance of the proposed buildings would not result in an unacceptable urbanising or dominating impact on the canal environment in this location, and the proposed hedgerow along the tow path frontage would help to soften the visual impact.
64. In view of the above, it is considered that the siting, scale, form, massing and design and appearance would be sympathetic to the character of the surroundings, and that the development would add to the quality of the area. Further details of external materials can be required by condition.

Amenity considerations

65. Chapter 12 (Achieving well designed places) of the NPPF states that planning policies and decisions should ensure a high standard of amenity for existing and future users.
66. Policy 8 (Housing Size, Mix and Choice) of the LPP1 states that all residential developments should contain adequate internal living space, and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants.
67. Policy 10 (Design and Enhancing Local Identity) of the LPP1 states development will be assessed in terms of its treatment of the impact on the amenity of occupiers or nearby residents.
68. Policy 1 (Development Requirements) of LPP2 states permission for new development will be granted provided that there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated; is not overbearing in relation to neighbouring properties, and would not lead to undue overshadowing or loss of privacy.

69. The Rushcliffe Residential Design Guide (RRDG) includes guidance on separation distances and garden sizes, and sets out circumstances where exceptions to the guidelines may be acceptable, such as a site being in close proximity to public open space or open countryside.
70. Applications ref: 17/02658/FUL and 19/00791/FUL were refused partly on grounds that, by reason of its excessive height, scale and massing, the development would have an undue overbearing impact on neighbouring properties, particularly 9-12 and 13-16 Kendal Court, causing loss of outlook and light to habitable rooms.
71. The Inspector who determined the appeal into application 17/02658/FUL considered that the western block would "...create a restrictive and oppressive outlook" for the occupiers of 9-12 Kendal Court which include large living room windows to the front elevations facing the application site. However, the inspector did not consider that there would be any undue loss of light to these habitable rooms.
72. During consideration of the subsequent application (19/00791/FUL), it was concluded that, due to the reduction in height of the western block from 11.7m to 8.5m and separation distance of 16m, there would be no significant overbearing impact or detrimental impact on the outlook of the occupiers of 9-12 Kendal Court. It was, however, concluded that, with a height of 9.7m and a separation distance of 10m, the eastern block would significantly harm the outlook of occupiers of 13-16 Kendal Court.
73. The part of the western block now proposed which would directly face 9-12 Kendal Court would have a ridge height of 8.7m. There would be a separation distance of 16m to the closest part of the proposed building and, due to the staggered footprint, 16.8m to the westernmost proposed dwelling. Whilst the ridge would be 0.2m higher, with a change in the roof form from a continuous roof slope along the front elevation to individual gables now proposed, the massing would be lessened.
74. With respect to the impact on 13-16 Kendal Court, the height of the lower section of the eastern block would be 6.9m (2.8m lower than previously), and the eastern end of the building has been re-positioned 3.4m to the west. 13-16 Kendall Court would also not directly face the proposed building.
75. In view of the above, it is considered that there would be no significant overbearing impact or detrimental impact on the outlook of the occupiers of 9-12 and 13-16 Kendal Court.
76. Due to the siting, scale, massing and design of the proposed buildings and distance from 22-25 Kendal Court to the west of the site, and properties on Rutland Road on the opposite side of the canal, it is considered that there would be no significant adverse impact on the amenities of any other adjacent or nearby properties.
77. With respect to the amenity of future occupiers, it is considered that the proposed dwellings contain adequate internal living space. It is acknowledged that only one dwelling would have a private garden. The RRDG includes guidance on garden sizes, depending on the type of dwelling (terraced, semi-detached, detached) and the number of bedrooms, and sets out circumstances

where exceptions to the guidelines in terms of the size of gardens may be acceptable. In this case, the site is in a context of maisonettes which have independent entrances and communal amenity spaces, and the six proposed dwellings without gardens would benefit from an extensive outlook over and along the canal from first floor living rooms. Occupants would also have easy access to public open space and open countryside. In view of this, it is considered that a refusal on grounds of lack of private gardens could not be justified.

78. The boundary of the private garden of the easternmost dwelling would be 9m from the front elevation of 13-16 Kendal Court. Whilst this is less than the 10m indicated in the RRDG, it is considered that it would be adequate in this instance to prevent any undue overlooking/loss of privacy.

Flood risk and drainage

79. Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. Applications for some minor development and changes of use should not be subject to the sequential or exception tests. However, a site-specific flood risk assessment should be provided for all development within Flood Zones 2 and 3.
80. The submitted Flood Risk Assessment provides evidence of the Sequential Test being applied. It explains that, as part of the sequential test a pragmatic approach to viability, sustainability and availability of alternatives, whilst also considering that an alternative location would have to provide an equivalent or better level of flood protection. The Sequential Test focuses on the Strategic Housing Land Availability Assessment (SHLAA) results published on the Council's website. A potential thirty-four sites were identified within the SHLAA for West Bridgford. This figure was reduced once sites which were to be delivered beyond five years were removed and reduced further once sites which had already commenced under other permissions were removed. Eighteen sites remained. From this list, sites which could accommodate far more dwellings than proposed and sites which were for single plots only, were removed. This left eight sites available. Of these eight sites, six offered no betterment in terms of their flood risk vulnerability and the remaining two were in locations where land values would not deem a scheme such as the current proposal to be viable. Officers are not aware of any obvious reason to discount this approach, and accept that the Sequential Test is passed.
81. The NPPF states that for the Exception Test to be passed it should be demonstrated that: a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce the overall flood risk. It also states that both elements should be satisfied for the

development to be permitted.

82. In relation to a), the Government's supporting advice states that Local Planning Authorities should have regard to the objectives of their Local Plan's Sustainability Appraisal framework and the sustainability objectives of the Local Plan. The Sustainability Appraisal identified that the key objective in relation to housing was to ensure that the housing stock meets the housing needs of Rushcliffe. One of the spatial objectives identified within the Rushcliffe Local Plan Core Strategy is to manage an increase in the supply of housing to ensure local housing needs are met, brownfield opportunities are maximised, regeneration aims are delivered, and to provide access to affordable and decent new homes.
83. The development would provide seven new dwellings and a net gain of six dwellings, which could be argued to bring about economic and social benefits for the local community. It is an urban site in a highly sustainable location and an area prioritised under the Local Plan for new housing development. The proposal could therefore provide wider sustainability benefits to the community.
84. In terms of preventing flood risk elsewhere, it is noted that the building footprint would increase through the loss of a modest bungalow and garage and the erection of these two larger blocks. However, as the flood risk assessment points out, the increase is not substantial given the totality of the River Trent catchment which effects this area. The impact through this development in this regard would be considered to be negligible.
85. In relation to b), the proposed finished floor levels would ensure that the development would be safe for its lifetime taking account of the vulnerability of its users.
86. In view of the above, it is considered that the Sequential Test and Exception Tests have been passed.
87. The NPPF explains that developments should be brought forward in accordance with the SUDS hierarchy as follows and this is how surface water is ideally dealt with: a) infiltration drainage such as swales and soakaways; b) an open Watercourse, river or ditch; c) a surface water sewer; and d) a combined sewer.
88. Policy 2 (Climate Change) of the LPP1 requires all new development to incorporate measures to reduce surface water run-off, and the implementation of Sustainable Drainage Systems into all new development will be sought, unless it can be demonstrated that such measures are not viable or technically feasible.
89. Policy 17 (Managing flood risk) of LPP2 states that planning permission will be granted in areas where a risk of flooding or problems of surface water exist provided that it does not increase the risk of flooding on the site or elsewhere.
90. Policy 18 (Surface Water Management) of the LPP2 states that permission will be granted for development which is appropriately located, taking account of the level of flood risk and which promotes the incorporation of appropriate

mitigation measures into new development, such as sustainable drainage systems.

91. The Flood Risk Assessment and Drainage Strategy provided with the application seeks to demonstrate that the hierarchal approach referred to in the NPPF has been applied in this instance and the most appropriate method selected. In this instance, infiltration is not considered to be suitable due to the ground conditions and high water table in the area and the absence of a watercourse on the site or at its boundaries suitable to take surface water would rule out this option. Therefore, it is intended to discharge flows at an attenuated route to the surface water sewer. The County Council as Lead Local Flood Authority had no objection to the previous application subject to a condition requiring the submission and approval of a surface water strategy based on the principals of the submitted Flood Risk Assessment, and it is considered that such a condition is necessary with respect to the current application.

Highway safety and parking

92. Chapter 9 (Promoting Sustainable Transport) of the NPPF states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
93. It goes on to state 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.
94. Policy 1 (Development Requirements) of LPP2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with the advice provided by the Highway Authority.
95. The proposed development would be accessed from Radcliffe Road via the existing private access drive which serves the properties on Kendal Court. Parking on Radcliffe Road, immediately outside the entrance to Kendal Court, is restricted by double yellow lines and provides no on street parking. The proposed development would provide 9 parking spaces to serve the entire development. The dwellings would have two bedrooms each and, given the sustainable location close to local services/facilities and public transport links, the proposed level of parking is considered to be acceptable to serve the development.
96. Officers have noted that cars are often parked in Kendal Court along boundary with the application site. If the development was constructed, vehicles would no longer be able to park in this location as they would block access to the parking spaces to be provided in connection with the development. However, it must be noted that these aren't currently designated spaces and the land is

privately owned. Whilst this may cause an inconvenience to the residents who currently park in this location, it would not cause any detriment to highway safety as overspill parking would not take place due to the presence of the yellow lines at the entrance to the site.

97. There appears to be adequate visibility at the entrance to the site with Radcliffe Road, and it is not considered that the relatively low level of traffic likely to be generated by the development proposed would cause any significant congestion locally.
98. In view of the above, and the comments of County Council as Highway Authority, it is considered that the proposed development would not result in any significant adverse impact on highway safety. Furthermore, in the absence of an objection from the Highway Authority, a refusal on highway safety grounds could not be justified.

Ecology

99. Policy 17 (Biodiversity) of the LPP1 states that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.
100. Policy 38 (Non-designated biodiversity assets and the wider ecological network) of LPP2 states that, where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains. Outside of the Biodiversity Opportunity Areas, developments should, where appropriate, seek to achieve net gains in biodiversity and improvement to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
101. The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc) Regulations 1994, contain three tests which Natural England must apply when determining a licence application. This licence is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations. The three tests are:
 - a. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
 - b. there must be no satisfactory alternative; and
 - c. favourable conservation status of the species must be maintained.
102. In this case the Environmental Sustainability Officer noted that the site has features suitable to support roosting and foraging bats (although no bats were using the features at that time), and has potential impacts on the adjacent Grantham Canal Local Wildlife Site (LWS). The site also has potential to support nesting birds, reptiles, hedgehogs and badgers. He considers that the favourable conservation status of protected species is unlikely to be impacted

by the development, and the development provides opportunities for ecological enhancement including strengthening of the boundary with the LWS with a native vegetation buffer. It is, therefore, considered that it is not necessary to apply the tests in this instance. However, it is considered that a condition is necessary to require bat roosting and bird nesting boxes to be incorporated into the development, and for the proposed hedgerow along the boundary with the canal to be provided and retained.

Impact on the Grantham Canal

103. Policy 16 (Green Infrastructure, landscape, parks and open space) of the LPP1 seeks to deliver, protect and enhance green infrastructure including the Grantham canal corridor.
104. Policy 31 (Sustainable Tourism and Leisure) of LPP2 states that the Council will resist planning applications which will have a significant adverse impact on tourist and leisure facilities, with particular protection applied to valued attractions such as the Grantham Canal.
105. Policy 34 (Green Infrastructure and Open Space Assets) of LPP2 states, Green Infrastructure assets, including Grantham Canal, will be protected from development which adversely affects their green infrastructure function (or their contribution to a wider network) unless the need for the asset is proven to no longer exist and the benefits of development, in that location, outweigh the adverse effects on the asset.
106. As acknowledged at paragraph 63 above, the development would be visible for some distance from along the canal either side of the site, changing the character of this section of the canal. However, there is not an absence of built development adjacent to the canal in the vicinity, with 69 Radcliffe Road & The Canal House nearby to the west and, at 9.8m and 9.3m in height, these buildings are higher than the proposed development. The site boundary with the canal represents a very small section of the canal, and immediately adjacent to the east of the site, the canal is within open countryside with very little built development in close proximity for many miles. The proposed boundary hedgerow would soften the impact of the development, and should compensate for the loss of the former hedgerow.
107. In view of the above, it is considered that there would be no significant adverse impact on the Grantham canal and its amenity value as a tourist/leisure facility and Green Infrastructure Asset. However, in view of the comments from the Canal and Rivers Trust relating to a potential impact on structural integrity of the canal, it is considered that the detailed design and means of construction of the foundations for the proposed development needs to be subject to a condition.

Other matters

108. Unlike the previous application where ten residential units were proposed, which is the threshold for seeking developer contributions, as only seven dwellings are now proposed, no developer contributions are sought. However, the development would be liable for payments under the CIL.

109. In view of the scale of the development and proximity to properties on Kendal Court, it is considered that a condition is necessary to ensure the submission, approval and implementation of a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction.
110. The fear of a development setting a precedent for future similar developments cannot be used to resist development, and every case has to be considered on its own merits. The impact of development on property values is not a material planning consideration.
111. The application was not subject to pre-application discussions, however, revised/additional information was submitted during processing of the application resulting in an acceptable scheme and a recommendation to grant planning permission.

RECOMMENDATION

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

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

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

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

- 740 001 Revision G
- 740 002 Revision N
- 740 003 Revision N
- 740 004 Revision J
- 740 005 Revision B

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

3. The development shall not commence until a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction works has been submitted to and approved by the Borough Council, and the construction of the development shall be undertaken in accordance with the approved details.

[The condition needs to be discharged before work commences on site to ensure that appropriate measures are in place during the construction phase and it is important to agree these details in order to minimise the impact on adjacent and nearby residents during demolition and construction of the development, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Before development is commenced, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. As a minimum, this report will need to include a Desktop Study documenting historical uses of the site and its immediate environs, site specific interpretation and a conceptual site model explaining results. Where the Desktop Study identifies potential contamination a Detailed Investigation Report will also be required, including a site investigation documenting the characteristics of the ground, an evaluation of all potential sources of contamination and a risk assessment, together with an updated conceptual model. In those cases where a Detailed Investigation Report confirms that contamination exists, a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required. All of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council, prior to development commencing, and the development shall be carried out in accordance with the approved details.

[To ensure sure that the site when developed is free from contamination in the interests of public health and safety, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that any contamination is identified and dealt with during the construction phase].

5. No development shall take place until a Method Statement detailing the means of construction of the buildings hereby permitted, including the design and means of constructing foundations and any other proposed earthmoving and excavation works required in connection with its construction, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify whether any stand-off distances for operation of construction plant and machinery need to be established to protect the adjacent Grantham Canal and towpath. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

[In the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which would adversely affect the structural integrity of the adjacent Grantham Canal and towpath, in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the National Planning Policy Framework and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development commences as it is required to ensure that all development and construction operations take full account of these matters from the outset].

6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment & Drainage Strategy, ref. 17-0533/FRA/Rev B, January 2021 by BSP Consulting has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

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

[This information was not submitted with the application and the condition needs to be discharged before work commences on site in order to ensure that adequate surface water management is incorporated into construction of the development and flood risk is not increased, and to comply with policy 18 (Surface water management) of the Rushcliffe Local Plan Part 1: Core Strategy].

7. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 17-0533/FRA/Revision B by BSP consulting dated January 2021 and the following mitigation measures:

- Finished floor levels (FFL) are set at 24.27 mAOD in line with the FRA section.
- Occupants of the site sign-up to flood warnings.
- Identification and provision of safe route(s) into and out of the site to an appropriate safe haven must be provided and maintained in perpetuity.
- A flood evacuation plan is produced and followed by occupants of the site in line with FRA section 4.4 and Appendix G.

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

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

8. Construction of the development hereby permitted shall not proceed beyond damp proof course until details of facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 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. None of the dwellings hereby permitted shall be occupied until the parking areas have been provided which shall be retained available for parking at all times for the lifetime of the development.

[To ensure that sufficient off street parking is provided and retained in the interests of highway safety, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. The proposed hedgerow along the boundary with the Grantham canal shall be planted in the first tree planting season following the substantial completion of the development in accordance with the specification shown on the application plans, and shall be retained at a high no less than 2m. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and 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].

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

[In the interests of amenity and 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].

12. The development shall not proceed above foundation level until a scheme for the provision of bat roosting and bird nesting boxes within the construction of the development has been submitted to and approved by the Borough Council.

Thereafter the development shall be carried out in accordance with the approved details and the bat roosting and bird nesting boxes shall be retained for the lifetime of the development.

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

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

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

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

15. The dwellings hereby approved shall not be constructed above damp proof course level until a scheme for the provision of an electric vehicle charging point for each dwelling has been submitted to and approved by the Borough Council. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, each dwelling shall not be occupied until it has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the approved scheme. The electric vehicle charging infrastructure shall thereafter be retained and maintained for the lifetime of the development.

[To ensure that the development is capable of promoting sustainable modes of transport and to comply with Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

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

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

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

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.

Your attention is drawn to the advice and requirements of Severn Trent Water which can be viewed on the Borough Council's website.

Condition 14 requires the new dwelling to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

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Application Number: 20/02655/FUL
27 High Street, Ruddington



scale 1:1000

page 95

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20/02655/FUL**Applicant** Mr Robert Allen**Location** Allen Vending Supplies Ltd, 27 High Street, Ruddington, Nottinghamshire, NG11 6DW**Proposal** Change of use of buildings to five flats and alterations including partial demolition of existing modern extensions and erection of two storey and single extensions. (Resubmission)**Ward** Ruddington

THE SITE AND SURROUNDINGS

1. The application relates to a group of buildings located on the corner of High Street and Kirk Lane in the centre of the village of Ruddington. Collectively the buildings are known as 27 High Street and most of the site provided the former premises of the company 'Allen Vending Supplies'. Most of the buildings are now vacant, although a remaining estate agent's business, J P Lettings, still occupies part of the building on the corner of the site.
2. The original, two storey buildings fronting High Street and Kirk Lane date from the late C19th/early C20th century and were physically separate buildings. Later extensions were added to join them together. A small parking area has been left in the middle of the site, accessed from Kirk Lane. To the rear the building adjoins the site of another two storey building occupied by the Ruddington Conservative Club. To the east lies a terrace of residential properties.
3. The site lies within the designated Ruddington Conservation Area. Ruddington is also defined under the Local Plan as an inset settlement within the Green Belt.

DETAILS OF THE PROPOSAL

4. Planning permission is sought to change the use of the site and buildings to a residential development.
5. 5 residential units would be provided. The building fronting High Street would be converted to two 1 bed roomed flats, one on each floor. The building fronting Kirk Lane would be converted to two 2 storey units, each with two bedrooms. The single storey rear extensions to this building would be removed and replaced with a two storey flat roofed rear extension and two further small lean-to extensions either side of two central courtyard areas.
6. A further first floor, two bedroom flat would be established in the centre of the site which would involve a new flat roofed, two storey extension. This would replace the existing extensions in the centre of the site. A covered stairway

would also be added to the rear of the building fronting High Street to provide access to this flat.

7. The courtyard would be retained in the centre of the site to provide parking spaces, accessed from Kirk Lane and a cycle storage and refuse storage area. The ground floor of the western side elevation of the building fronting Kirk Lane would be opened-up to provide additional space to this area. The new extension in the centre of the site would also have an open undercroft. Four of the units would have small outdoor courtyard areas.
8. The existing estate agent's business is to remain and both the ground and first floors of this section of the building would not be altered by the proposals.

SITE HISTORY

9. 19/02024/FUL - Change of use of buildings to five flats and alterations including partial demolition of existing extension and erection of two storey and single extensions. Withdrawn 3 January 2020 by the applicant to allow submission of additional information to demonstrate that there is no demand for the site/premises in its existing specified employment use.
10. 13/01176/FUL - Change of use from police station to a Class A2 (office for financial and professional services). Approved 20 August 2013
11. 95/00196/FUL - First floor extension over car port to form additional office accommodation. Approved 26 April 1995
12. 83/01040/CENTRA - (a) Change of use from residential to shop and offices; (b) Alteration to building; (c) Demolition of outbuilding to form additional parking facilities. Approved 31 August 1983

REPRESENTATIONS

Ward Councillors

13. One Ward Councillor (Cllr J Walker) objects to the proposal due to the intensity of the plan in the village Conservation Area. It is considered that the village centre cannot support 5 flats with only 4 proposed parking spaces.

Ruddington Parish Council

14. The Parish Council object to this application as it is too intensive for this site. Sufficient parking space has also not been provided, there is no nearby parking available either.

Statutory and Other Consultees

15. Nottinghamshire County Council as Highways Authority has no objections to the proposal.
16. The application site occupies a corner plot at the junction of the B680 Kirk Lane/ High Street in the shopping centre area of Ruddington Village. The commercial nature of the area generates a high demand for on-street parking which is

controlled by the presence of formalised parking bays, and “No Waiting At Any Time” restrictions. Therefore, any on-street parking demand generated by this proposal would be controlled by the existing on-street parking restrictions.

17. The proposal is for a change of use from business premises to 5no. residential units (flats) and 2 no. commercial units (existing), i.e. the office use of the ground floor unit (presently occupied by the estate agents office) and the first floor “Business Room” are to remain unchanged. Whilst the proposal will generate some demand for on-street parking, it is not envisaged that this will compromise the highway safety as the applicant proposes to accommodate some off-street parking within the site’s curtilage.
18. The application was subject to a pre-application enquiry and the applicant has addressed the previous highway comments in the documents submitted with this full application.
19. The submitted plan ref. Proposed Ground Floor Plan, drawing no. 03 rev. B, dated 12/2018 shows 4 no. off-street parking bays accommodated within the site. All these parking bays are in accordance with current Nottinghamshire Highway Design Guide.
20. The applicant has shown a location of a communal bin storage area on the submitted plan, which is accommodated within the site. A designated bin collection point near the highway within the site’s curtilage should also be provided to avoid residents’ bins being stored on the footway on collection days. Although not shown on the plan, there seems to be enough space to accommodate this near the highway and off the footway.
21. The applicant has shown a large unobstructed area of the courtyard where the vehicles would manoeuvre within the curtilage of the site to allow them to enter and leave the site in forward gear. This would enable the vehicles to avoid reversing into or out of the site onto a busy B-class road near the junction.
22. There are few issues that have not been raised at the pre-application stage. However, they should be addressed:
 - (a) The existing vehicular access outside the shutter door on the northern elevation of the building along Kirk Lane is required to be removed and reinstated into a footway. This is not shown on the submitted plan, but is required to be provided by the applicant and their expense.
 - (b) The proposed cycle rack should be proposed as lockable to improve security of the cycles stored in it.
 - (c) Any windows and doors off the public footway should open inwards only to prevent highway obstruction.
23. Although there may be some concerns regarding the location of the proposal near a busy junction, it is not envisaged that this proposal will severely compromise highway safety and its existing use has been established historically. The Highway Authority therefore do not wish to raise an objection, subject to conditions being attached to any grant of consent in relation to the

provision of the parking and turning areas and the cycle storage facilities prior to the development being brought into use, closure of the existing site access off Kirk Lane and a condition to state the windows and doors on street frontage should open inwards.

24. The Borough Council's Conservation Officer objects to the proposal.
25. The proposal site is located within the Ruddington Conservation Area and relates to a group of buildings at the corner of High Street and Kirk Lane and a carpark area. Several Grade II listed buildings are located within 100 metres of the proposal site. The proposal site contains identified positive buildings of special architectural or historic character on the Townscape Appraisal.
26. Several properties in close proximity are also identified on the same plan as positive buildings. Therefore, the impact of the proposal on the special interest of the Listed Buildings and Conservation Area must be given consideration. The proposal would not harm the special interest of the Listed Buildings by virtue of distance and the lack of indivisibility between the properties. The focus of the response from the Conservation Officer response, therefore, is the impact of the proposal on the Conservation Area.
27. A change of use is proposed, about which there are no heritage-related concerns in principle. The proposed development to the side and rear of the buildings comprises alterations, extensions and demolition to the existing buildings and their conversion to 5 flats. The proposed alterations are front, rear and side elevations of the buildings on the proposal site and would be visible from the public realm. There would be no change to the High Street elevation, but the proposed development to the south elevation on Kempson Street would be visible from the public realm.
28. The proposed alterations would be highly visible and prominent when viewed from the public realm on Kirk Lane.
29. Three modern extensions (1 pitched and 2 flat-roofed) are proposed for demolition and there are no heritage-related concerns about their removal as they are not of any special architectural or historic interest.
30. The High Street buildings (27 High St, Ruddington) - There are no proposed changes to the external appearance that would be visible from the public realm within the Conservation Area and therefore, the special interest of the Conservation Area would be preserved on this elevation.
31. Kirk Lane - Alterations to the façade of this building would be undertaken. There are no concerns where these are related to the domestic conversion and extension of the traditional building identified as a positive building in the Conservation Area. It is suggested the window to be blocked at the first floor LHS be removed from the plans for clarity. It is recommended that where windows are proposed for conversion to doorways with lights above, that these lights be sympathetic in design to the existing window design and it is recommended conditioning this. As for the doorways to be converted to windows, it is suggested any timber infill be set back slightly to understand the

evolution of the building. The use of timber for replacement windows will be appropriate.

32. However, there are strong concerns about the partial demolition of the traditional building for parking. The building is capable of reuse and conversion and therefore, the demolition of part of the building for parking would cause harm to the identified positive building of special architectural or historic character and, therefore, the Conservation Areas special interest. If the demolition of this end of the building were to go ahead it would result in localised facadism which should be resisted.
33. Kirk Lane and Kempson Street - There are concerns about the flat roofs proposed across the site and the officer suggests that these be reconsidered as pitched roofs stepped down from the existing roof heights. Flat roofs are not a common design feature of the Conservation Area.
34. For the reasons given above, the proposals would harm the character and appearance of the Conservation Area.
35. The Borough Council's Environmental Sustainability Officer comments that the applicant has stated no protected or priority species, habitats or sites are found on or adjacent to the development site, no records are held for protected or priority species by the Nottinghamshire Biological and Geological Record Centre for this site. As the demolition work appears to be on new extensions which are unlikely to support protected or priority species, it therefore appears proportionate that no ecological surveys are required at this time. Several recommendations are made in respect of achieving a demonstrated biodiversity net gain.
36. The Borough Council's Environmental Health Officer raises no objection to the proposal on environmental health grounds. The application is to convert a commercial use building to residential. Whilst there are residential properties close by there are also commercial properties in the locality with plant/machinery along with a public house with external seating area. With this in mind, conditions are recommended to minimise any potential nuisance, including the provision of a sound insulation scheme for approval and the provision of a construction method statement detailing techniques for the control of noise, dust and vibration during demolition and construction.

Local Residents and the General Public

37. 14 neighbouring properties have been individually notified and the application has been publicised by notice at the site. 4 public representations have been received. In summary the following points are made:
 - a. The development is too intensive for its location and the Conservation Area. Buildings within the Conservation Area should not be allowed to be drastically altered to make way for housing.
 - b. There is insufficient parking on site which will put further pressure on the already crowded village centre streets. The site is also near to a busy junction. The construction phase would be extremely disruptive.

- c. The proposal is putting more pressure on the limited resources and infrastructure of the village.
- d. Two representations have been received from the owners of the neighbouring property to the east on Kirk Lane which raise concerns in relation to privacy and loss of light. The extension and full height windows on the rear elevation would fully overlook their property and rear garden.

PLANNING POLICY

38. 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). Other material considerations include the National Planning Policy Framework (2019), the National Planning Practice Guidance and Supplementary Planning Documents (SPD's). The Ruddington Neighbourhood Plan has been submitted to the Borough Council and has been subject to a consultation exercise and the Examiners final report is expected imminently.

Relevant National Planning Policies and Guidance

39. The relevant national policy considerations for this proposal are those contained within the 2019 National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The following sections of the NPPF are relevant to this application:
- Section 5 - Delivering a sufficient supply of homes.
 - Section 9 - Promoting Sustainable Transport.
 - Section 11 - Making Effective Use of Land
 - Section 12 - Achieving well-designed places.
 - Section 15 - Conserving and Enhancing the Natural Environment.
 - Section 16 - Conserving and Enhancing the Historic Environment.
40. The Council also has a statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability to preserve listed buildings and their settings and a statutory duty under section 72 to give special regard to the desirability of preserving or enhancing the special character and appearance of the surrounding Conservation Area.

Relevant Local Planning Policies and Guidance

41. The following policies of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (LPP1) are considered relevant to this application:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 – Climate Change
 - Policy 3 – Spatial Strategy
 - Policy 5 – Employment Provision and Economic Development
 - Policy 8 - Housing Size, Mix and Choice

- Policy 10 - Design and Enhancing Local Identity
 - Policy 11 - Historic Environment
 - Policy 17 - Biodiversity
42. The following policies of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP2) are considered relevant to this application:
- Policy 1 - Development Requirements.
 - Policy 11 – Housing Development on Unallocated Sites within Settlements
 - Policy 12 - Housing Standards
 - Policy 15 - Employment Development
 - Policy 18 - Surface Water Management
 - Policy 28 - Conserving and Enhancing Heritage Assets
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 – Air Quality
43. The 2009 Rushcliffe Residential Design Guide SPD provides guidance on infill development, highlighting the importance of paying careful attention to the design and layout of infill development to ensure it relates to the existing settlement context and character. This includes respecting the existing massing, building form and heights of buildings within their immediate locality.
44. The draft Ruddington Neighbourhood Plan is not yet adopted. Therefore, whilst it is a material consideration it has limited weight. The following policies would be relevant to this application:
- Policy 1 – Sustainable Access
 - Policy 3 - Acceptable uses in the village centre
 - Policy 6 – Housing mix
 - Policy 11 – Traffic and new development
 - Policy 12 – Parking and Servicing
 - Policy 13 - Conservation Area.
 - Policy 19 – Ruddington Design Guide
 - Policy 20 – Sustainable design
 - Policy 22 – Biodiversity in new developments
45. Part 2 of the neighbourhood plan is a Design Guide. This includes a Design Code for minor development, which includes extensions to buildings.

APPRAISAL

Principle of Development

46. The application site is located within the centre of Ruddington, a 'key settlement' identified for growth under the spatial strategy set out in LPP1 policy 3. It has good access to the settlement's full range of services and public

transport and is considered to be a sustainable location for new residential development.

47. In addition, paragraph 68 of the NPPF states that Local Planning Authorities should “...*support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes...*”
48. Notwithstanding this, the site also represents an existing employment site. Policy 15 of the Local Plan Part 2 concerns the re-development of existing employment sites and states that planning permission should not be granted unless it can be demonstrated that there is no demand for the site or premises for its specified employment use, and that the site is not viable for re-occupation by an alternative business.
49. Paragraph 4.7 of the explanatory text to policy 15 states that the Council will consider releasing existing employment sites for non-employment uses only where they are no longer in demand. This will require evidence that they have been marketed for their intended employment purpose, without success, for a sufficient period of at least 12 months (although this may be varied on a case by case basis) and a financial appraisal to provide evidence that the premises are not economically viable for reoccupation or refurbishment for employment uses.
50. In response to this policy, a report by Corder Commercial, a property surveying company, has been provided with the application. It advises that in terms of a future, viable commercial site there would be the following concerns:
 - The uncertain state of the market, exacerbated by Covid crisis. There is a limited demand for sites in poorer tertiary locations.
 - The street front location, adjoining a busy crossroads junction in the centre of Ruddington village, is not suitable for business use. There is difficult commercial access/loading, limited parking and the site has an awkward layout.
51. It is advised that the premises have been advertised to let as a commercial business since February 2020. Although there have been some enquiries, there have been no viewings, although it is acknowledged that the COVID pandemic has contributed to this. Due to the above factors it is considered unlikely that the vacant premises would be successfully let for commercial use. No financial appraisal has specifically been provided but it is acknowledged that the site layout and age of the buildings are not conducive to modern working requirements. It is therefore concluded, on balance, that the requirements of policy 15 have been satisfied to an acceptable extent.
52. Therefore, new residential development on the site would be acceptable in principle, subject to the design principles meeting the general development requirements of sustainable development, as set out in policy 10 of the LPP1 and policies 1 and 11 of the LPP2, and being acceptable in terms of the impact on the character and appearance of the Conservation Area, in accordance with policy 28 of the LPP2. These matters are discussed in more detail below.

Design principles of the scheme and the impact on the character and appearance of the site and the Ruddington Conservation Area.

53. LPP1 policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. This is reinforced under policy 1 of the LPP2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.
54. Policy 28 of the Local Plan part 2, Conserving and Enhancing Heritage Assets, states that proposals should also preserve and enhance the character and appearance of the heritage asset (in this case the Conservation Area).
55. The building lies on a prominent road junction within the centre of the village and Conservation Area. As noted by the Conservation Officer, the existing, original buildings on the site are identified as positive buildings of special architectural or historic character within the Conservation Area Townscape Appraisal.
56. The application proposes to convert the existing buildings into five residential units. The building fronting High Street would provide two apartments, one on the ground floor and one on the first floor. The plans indicate that there would be no external alterations to the original building, aside from possibly the installation of new windows and doors. The attractive corner frontage of this building would therefore remain.
57. The buildings within the central part of the site and the extensions to the rear of the building fronting Kirk Street are to be removed. These are later additions, constructed with a mixture of flat and pitched roofs and different brick types. They are quite disjointed in appearance and do not complement the existing buildings or make any positive contribution to the character and appearance of the area. There are, therefore, no objections in principle to the removal of these elements.
58. In their place, a new flat roofed two storey extension would be constructed to connect the original buildings on High Street and Kirk Lane. This would have an open undercroft at ground floor level to provide an amenity courtyard for the ground floor flat fronting High Street, as well as a parking space and area for cycle storage and refuse storage. The first floor would provide a further two bedroom apartment. Part of the first floor of the original building fronting Kirk Lane would also form part of this unit. A small flat roofed extension would be added to the eastern side of the building fronting High Street to provide a new staircase up to the first floor, providing access to both this unit and the first floor flat fronting High Street.
59. The flat roofed extension would have two open voids within it where courtyards are to be provided for 2 of the flats. The walls are to be either timber clad or constructed from matching brick, precise details of the materials would be requested for prior approval through a recommended condition. A condition is also recommended requiring submission of details of the new windows and

doors for prior approval, in line with the recommendation of the Conservation Officer.

60. The building fronting Kirk Lane would be converted to provide a further 2 two bedroom, two storey units. Some fairly significant alterations would be made to this building. The ground floor western side elevation wall would be removed to again allow parking spaces under the first floor. The existing flat roofed rear extensions are also to be removed. The new two storey flat roofed extension in the centre of the site would be continued along the rear of the Kirk Lane building, extending this building back by around 1.5 metres. To the rear of this would be two further, small lean-to extensions either side of two courtyards. A new 1.8 metre high brick boundary wall would be built to separate the courtyards from the neighbouring Conservative Club site.
61. It is acknowledged that the Conservation Officer has raised concerns in relation to the design of the scheme, in particular the flat roof design of the extensions and the removal of the side wall of the building fronting Kirk Lane. However, it is also considered that the existing modern extensions in the middle of the site currently detract from the character and appearance of the site and the Conservation Area to a significant extent. The contemporary style of the new extensions would clearly distinguish them as later additions to the original buildings, which could otherwise be difficult to replicate to a satisfactory extent. The proposed scheme should ensure a more coherent appearance to the overall site. When viewed from Kempson Street, the two storey extension would be largely screened by the Conservative Club buildings with limited visibility through a gap between the buildings fronting the street, which is a private road.
62. The loss of part of the side wall of the original building fronting Kirk Lane is regrettable but it is required to provide some parking provision for the development and turning space to allow vehicles to exit the site in a forward gear close to the busy junction. The main elevation of this building fronting Kirk Lane would be retained with minimal alterations to the fenestration of the building.
63. The loss of part of this side wall of the original building fronting Kirk Lane would result in a degree of harm to the character and appearance of the building and the wider Conservation Area, however, this would be deemed to be less than substantial. Paragraph 196 of the NPPF states that, where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
64. As advised above, it is unlikely that the original buildings would be suitable for modern working practices and therefore a residential use is considered to be the most optimal viable use to preserve the buildings for the future. The proposal would also provide 5, smaller and more affordable dwellings within a highly sustainable location. Therefore, there would be significant public benefits of the proposal. In this case, these benefits are considered to outweigh any harm to the character and appearance of the buildings and the Conservation Area. It is not considered that the development would cause any harm to the setting of nearby Listed Buildings.

65. The proposal is therefore deemed to accord with LPP1 policies 10 and 11 and policies 1 and 18 of the LPP2. The Council also has a statutory duty under section 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the setting of listed buildings and to the preservation or enhancement of the surrounding Conservation Area respectively. As discussed above, it is considered that the assessment undertaken is compliant with these duties and the proposal is, therefore, considered positively in relation to the duty under the 1990 Act.

The impact of the proposal on the residential amenity of neighbouring properties

66. 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.
67. Due to the siting of the new extensions and the fact that these largely replace existing sections of the buildings, the proposal should generally have little additional impact on the amenity of occupiers of neighbouring properties, however, concerns have been raised by the owners of the neighbouring residential property to the site on Kirk Lane. The concerns relate to additional overlooking and overshadowing.
68. The conversion of the building fronting Kirk Lane into 2 two bedroom dwellings would specifically affect this property. The single storey flat roofed section at the rear of the main building would be replaced with a new two storey flat roofed extension, around 1.5 metres deep. The new rear elevation wall would contain new openings at ground and first floor level. At first floor there would be doors and Juliet balconies.
69. The rear elevation wall of the two storey building currently has no openings and, therefore, it is appreciated that the proposal could result in a degree of additional overlooking above that which currently exists. However, overlooking onto rear garden areas between properties is generally considered to be reasonable within a built-up urban area. As such it is considered that there would be insufficient grounds upon which to refuse this element of the application.
70. The plans indicate that the new rear extension on the building would project back for around a metre beyond the rear elevation of the neighbouring dwelling. However, this limited projection and the separation distance between the buildings ensures compliance with the 45 degree principle, as set out within the Residential Design SPD and used as a guide to assess the potential impact of an extension on the light and outlook of a neighbouring building. Therefore, whilst the concerns of the owners of the neighbouring property are acknowledged, in practice the extension should not result in significant adverse harm to this property.
71. There are windows within the rear elevation of the Conservative Club building which face the application site at very close proximity, in particular the first floor apartment in the new extension in the central part of the site. The higher roof

height of the extension may impact on the outlook and light to these windows, however, this building does not appear to be in any residential use and these windows are already fairly compromised by the location of the building. The plans indicate that the boundary wall would be raised in height to prevent overlooking between these windows and the bedroom and courtyard amenity space to be created for this dwelling.

72. The proposal is, therefore, deemed to accord with LPP1 policy 10 and policy 1 of the LPP1 in terms of its impact on the residential amenity of neighbouring occupiers.

Parking and Highway Matters

73. Concerns have been raised by the Ward Councillor, Parish Council and local residents in relation to a lack of parking provision for the proposed scheme. Four spaces in total would be provided, in addition to a cycle storage area. It is acknowledged that this would be likely to represent an under provision, compared with the number of dwellings being provided, however, the County Council Highway Officer has advised that there would be no objection to this, given that street parking around the area surrounding the site is already restricted. It is also noted that the site is located in a highly sustainable location and close to public transport provision. Consideration should also be given to the likely traffic generation when this site was used for commercial purposes.
74. The site is located close to a busy road junction, but the design of the scheme allows vehicles to leave the site in a forward gear. The Highway Officer is satisfied that the proposal would not compromise highway safety. The recommended conditions would be added to the permission and, with these provisions, it is concluded that the proposal would accord with policy 1 of the LPP1.
75. A condition is also recommended to request details for approval of electric vehicle charging points within the development, in order to reduce carbon emissions and improve air quality in accordance with the aims of LPP1 policy 2 and policies 1 and 41 of the LPP2.

Ecology Matters

76. No ecological survey was submitted with the application, although the Council's Environmental Sustainability Officer has confirmed that the site is unlikely to support protected or priority species. No additional surveys are therefore deemed to be necessary.
77. In accordance with policy 38 of the Local Plan Part 2, all new development is expected to achieve net gains in biodiversity. A condition is therefore recommended for proposals to be submitted for approval.
78. The proposed development is, therefore, deemed to comply with policy 38. It is reasonably considered that the proposal would not result in any harm to protected species or habitats and has the potential to achieve net gains in biodiversity.

Environmental Health Matters

79. A pre-commencement condition has been recommended by Environmental Health in relation to the provision of a construction method statement. This has been agreed by the Agent and added to the permission due to the location of the site close to a busy road junction, the proximity of neighbouring residential properties and the limited space within the site.
80. A condition is also recommended for the provision of a sound insulation scheme for prior approval in line with the recommendations of Environmental Health.

Conclusion

81. The application site is located within a sustainable settlement, identified for new residential development under the Local Plan and the proposal would provide 5 new residential units and a long term viable use for existing buildings which are identified as positive buildings within the Conservation Area. These factors are considered to outweigh the limited harm to the form and appearance of the original buildings. The proposal therefore complies with the relevant planning policies and is recommended for approval
82. The application was the subject of pre-application discussions and the submitted scheme is in line with these discussions, resulting in a recommendation to grant planning permission.

RECOMMENDATION

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

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

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

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

Site Plan, drawing number SP01
Site Plan, drawing number SP02
Proposed Ground Floor Plan, drawing number 03, revision B
Proposed First Floor Plan, drawing number 04, revision B
Proposed Elevations, drawing number 06, revision B
Proposed Rear Elevations, drawing number 07, revision C
Roof Plan, existing and proposal, drawing number 08
Courtyard Sectional Elevation, drawing number 09
Sectional Elevations (proposed), drawing number 10, revision A
Sectional Elevations (proposed), drawing number 11, revision A
Block Plan, drawing number 12
Sectional Elevations (proposed), drawing number 14
Schematic Explanation of proposal, drawing number 15, revision A

Proposed Rear Elevations, drawing number 15, revision C

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

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to the Local Planning Authority for approval. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. measures to control noise, dust and vibration during construction.

[To prevent any adverse impact on the highway network and protect the amenities of neighbouring residential properties, in accordance with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition to ensure that adequate measures are in place prior to work commencing on site].

4. No construction of the external walls of any new extensions to the existing buildings shall commence or roof covering added until specific details of the facing and roofing materials to be used on all external elevations are submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

5. Prior to their installation, detailed plans of any new doors, windows and any other openings to be installed within the buildings, together with details of proposed finishes, shall be submitted to and approved in writing by the Local Planning Authority. All new windows and doors on the Kirk Lane and High Street frontages of the building shall be installed to open inwards only. The development shall be carried out in accordance with the approved details.

[In the interest of pedestrian safety and to ensure the appearance of the development is satisfactory and to, to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

6. Prior to occupation of any of the dwellings hereby approved, a sound insulation scheme to effectively reduce the transmission of noise from external sources shall be submitted to and approved by the Local Planning Authority. It shall

have regard to both BS 8233:2014 Sound Insulation and Noise Reduction for Buildings stating all assumptions made.

If required a complementary ventilation scheme shall also be submitted to and approved by the Local Planning Authority. 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.

The agreed details shall be fully implemented prior to occupation of any of the dwellings.

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

7. Prior to occupation of any of the dwellings hereby approved details of a scheme to achieve a net gain in biodiversity, for example the provision of bird and/or bat boxes, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to any part of the development being brought into use and shall be retained for the lifetime of the development.

[To achieve a net gain in biodiversity, in accordance with Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Prior to occupation of any of the dwellings hereby approved details of a refuse collection point shall be submitted to and approved in writing by the Local Planning Authority. The development shall then take place in accordance with the approved details and the refuse collection point shall be provided prior to occupation of any of the flats and thereafter retained for the lifetime of the development.

[To prevent bins from being stored on the highway on collection days, to comply with policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies.]

9. No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant and as shown on plan reference Proposed Ground Floor Plan, drawing number 03, revision B, dated 12/2018 is permanently closed and the access crossing reinstated as footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority

[To protect the structural integrity of the highway and to allow for future maintenance, to comply with policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

10. No part of the development hereby permitted shall be brought into use until the details of the provision of Electric Vehicle Charging Points has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to occupation of any of the dwellings hereby approved and the charging points shall be retained thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1 : Core Strategy and policy 41 (Air Quality) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies]

11. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the submitted plan reference Proposed Ground Floor Plan, drawing number 03, revision B, dated 12/2018. The parking/turning areas shall be maintained in a bound material for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

[To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area, to comply with policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

12. No part of the development hereby permitted shall be brought into use until the cycle parking provision, as indicated on drawing reference Proposed Ground Floor Plan, drawing number 03, revision B, dated 12/2018 has been provided. The cycle stands shall be covered and lockable for security and that area shall not be used thereafter for any purpose other than the parking of cycles.

[To promote sustainable travel, in accordance with policy 2 (Climate Change) of the Rushcliffe Borough Local Plan Part 1: Core Strategy and policy 1 of the (Development Requirements) of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies].

13. The approved flats shall be constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

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

Notes to Applicant

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

The development makes it necessary reinstate the existing vehicular crossing over a footway of the public highway to a footway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact the County Council's Highway Management Team on 0300 500 8080 to arrange for these works to be carried out.

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

Condition 13 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

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 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.

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.



Application Number: 20/03030/FUL
Land north of 18 Gladstone Avenue, Gotham



scale 1:1000

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20/03030/FUL**Applicant** Mr D Skillington**Location** Land North Of 18 Gladstone Avenue Gotham Nottinghamshire**Proposal** Proposed residential development for 3 dwellings with associated garages and off road parking**Ward** Gotham**APPLICATION SITE**

1. The application site comprises of a vacant rectangular parcel of land located on the west side of Gladstone Avenue in the village of Gotham. The site currently comprises of overgrown vegetation. The site is bounded by residential properties to the north and south, opposite the site to the east are two storey terraced properties, beyond the eastern boundary are the rear garden areas of detached bungalows located on Meadow End.
2. Access to the site is off Gladstone Avenue via East Street to the north. Gladstone Avenue has no through access or turning facility.
3. The village of Gotham is now inset from the Green Belt.

DETAILS OF THE PROPOSAL

4. The application seeks full planning permission for the erection of 3 dwellings. The proposed development originally comprised of 2 ½ storey three bedroom town houses with dormer windows to the front and rear, and a single storey flat roof element to the rear.
5. Amended plans were submitted during the course of the application, removing the second floor accommodation within the roof space and lowering the ridge height from 9.5m to 8.8m in height, thereby reducing the proposed dwellings from 2 ½ to 2 storey. In addition, all the dormers within the front facing roof slopes, and all but one dormer within the rear facing roof slopes, have been omitted. This has resulted in plots 1 and 2 being reduced from three to two bedroom dwellings. Plot 3 remains a three bedroom property. The first floor windows to the front of the plots 1 and 2 would now serve bedrooms as opposed to landings and kitchens.
6. The plans were also revised to alter the off-street car parking arrangements. The integral carports to plots 1 and 2 have been increased in size, the car port to plot 3 has been omitted, and two parking spaces provided to the front of that property. The agent has also provided a swept path analysis showing how cars would enter and exit the proposed driveways.

SITE HISTORY

7. There is a long planning history of applications for residential development on the site, many of which have been approved, as follows:
- 89/01292 – Construct one bungalow. Refused.
 - 90/00296 – Erect one dormer bungalow. Approved.
 - 94/00350/OUT – Construct 2 detached two storey houses. Approved.
 - 98/00551/OUT - Construct 2 detached two storey houses. Approved.
 - 99/01094/FUL – Construct 3 detached two storey houses with integral garages. Withdrawn.
 - 01/00740/OUT – Construct 2 detached two storey houses (renewal of 98/00551). Approved.
 - 03/00788/REM – Construct 2 detached houses. Approved.
 - 08/00514/FUL – Construct 3 two storey houses (with accommodation in roof space). Approved. Whilst some representations received from local residents in respect of the current application suggest that development commenced before being abandoned, the agent has not submitted any evidence with the current application that this previous permission was implemented.

REPRESENTATIONS**Ward Councillor**

8. The Ward Councillor (Cllr R Walker) originally objected to the application on the following grounds:
- i. The height and layout of the proposed dwellings is not in keeping with the surrounding area owing to the 2.5/3 storey design amongst traditional Edwardian terraces.
 - ii. There is insufficient amenity or garden space for properties of this size.
 - iii. The massing would have an unacceptably detrimental impact on the properties on Meadow End at the rear of the site.
 - iv. The parking arrangements are inadequate in that the road is not wide enough to allow safe access to the proposed drives/car ports as cars park on the road already.
9. Following the submission of the revised site layout, the Ward Councillor confirmed that whilst he appreciated the work the applicant had undertaken to improve the scheme, he still considered the access to be unacceptable, particularly in relation to the plot nearest 8 Gladstone Avenue. He maintains his objection regarding height and massing. Following the submission of the

revised elevation plans, the Ward Councillor confirmed that whilst the height and massing has been addressed, he remains unconvinced that the parking and access arrangements are adequate considering the size, layout and useage of Gladstone Avenue.

Town/Parish Council

10. Gotham Parish Council object to the application on the following grounds:
 - a. Over intensive development/inappropriate design, proposed three storey properties not in keeping with surrounding two storey terraces, contrary to the Gotham Neighbourhood Plan.
 - b. The proportion of garden areas appears to be non-compliment with building regulations.
 - c. Impractical car access design. Existing residents park all down the opposite side of the road. When cars are parked it would be impossible to access or egress the proposed driveways.
 - d. Strongly urged that no decision should be taken without a detailed site visit being made.

11. Following the submission of revised plans, the Parish Council commented as follows:- *'we acknowledge and approve of the revised Layout and Elevations. However, we are strongly concerned that no revisions have been proposed to address the problems regarding access and car parking'*.

Statutory and Other Consultees

12. Nottinghamshire County Council as Highway Authority originally commented that Gladstone Avenue is a narrow cul-de-sac with no turning head. There is an existing narrow footway to the east of the carriageway, although no footway provision on the western side. The existing properties on Gladstone Avenue do not benefit from off-street parking provision, and on-street parking takes place on the eastern side of the road. The layout as proposed includes a garage/carport together with a frontage parking space for each dwelling. It is noted that the carports as detailed on the layout plan fall short of the dimensions required to be counted towards parking provision. It was also noted that insufficient space is available to the rear of the parking spaces to enable vehicles to manoeuvre, with the presence of on-street parking further restricting the available space. Based on the information available, it would appear that the parking spaces as proposed are unlikely to be useable. The layout should be reviewed to ensure 2 useable parking spaces are provided per plot, with sufficient space to ensure vehicles will be able to enter and exit the spaces at all times, taking into account the presence of on-street parking. Consideration could be given to the provision of a shared access and turning area, to enable vehicles to enter and exit the site in a forward gear.

13. Further comments were received following the submission of a revised site plan. They stated that the proposals have been amended to provide wider parking areas, together with swept path analysis to demonstrate vehicles accessing and egressing the properties, whilst taking into account the presence of on-street parking on Gladstone Avenue. The concerns previously raised have now been addressed and no objection is raised subject to

conditions and informatives relating to the provision of an extended dropped kerb and the surfacing of the driveways.

14. Trent Valley Internal Drainage Board comment that the site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Local Residents and the General Public

15. Representations have been received from 11 local residents residing on Gladstone Avenue and Meadow End, objecting to the proposal on the following grounds:
- a. Principle of housing – should not build on a small bit of greenery when there are 10,000 houses being built nearby.
 - b. Highway safety/parking – parking is a major issue on Gladstone Avenue which is a narrow road; the development would create a further 6 cars on the road; the car parking spaces are small; the garages (carports) would not be used for parking, there are no turning facilities; the swept paths show vehicles entering from the wrong direction; increased parking could hamper access for emergency vehicles; the road requires re-surfacing; difficult for construction traffic to access the site; some residents park on the nearby pub car park.
 - c. Design – the proposed dwellings are not of a design which is in keeping with the character or appearance of the area, in particular the three storey design which is too high.
 - d. Impact on neighbours – Overlooking onto garden and living room windows from 2nd and 3rd floor windows; conifer trees along the western boundary should be retained; overshadowing/loss of daylight.
 - e. Drainage/flooding – the existing drainage was installed in 19th century and there are issues with blocked sewers; the method of dealing with surface water drainage (soakaways) would be inadequate due to a history of inadequate drainage on the site, the current drainage and sewer system would be unable to support three additional properties; part of the village floods during heavy rainfall; the water table is high in the area; underground river.
 - f. Land Issues – the development of the land was previously commenced but abandoned when the builder hit the water table, the land was originally orchard, land is potentially contaminated from asbestos.
 - g. Other matters – Impact on property values; No.8 is currently unoccupied; the plans do not include an existing extension to the rear of no.6 which contains a south facing window.

PLANNING POLICY

16. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1), the Local Plan Part 2: Land and Planning Policies (LPP2), and in this instance, the Gotham Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

17. The following sections in the National Planning Policy Framework (NPPF) are of relevance:
- Chapter 2 - Achieving Sustainable Development
 - Chapter 9 - Promoting Sustainable Travel
 - Chapter 12 - Achieving Well Designed Places
 - Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Relevant Local Planning Policies and Guidance

18. The following policies within LPP1 are of relevance:
- 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 17 - Biodiversity
19. The following policies of LPP2 are of relevance:
- Policy 1 - Development Requirements
 - Policy 17 - Managing Flood Risk
 - Policy 18 - Surface Water Management
 - Policy 40 - Pollution and Land Contamination
 - Policy 41 - Air Quality
20. The Gotham Neighbourhood Plan was adopted in 2017, it sets out to protect and conserve the environment of the village, as well as allow sustainable development. Policy H1 sets out sites the Neighbourhood Plan will recommend allocating for housing in any future review of the Neighbourhood Plan or Local Plan. The application site is identified as Site GOT 09 Land at Gladstone Avenue, a 'recommended housing site'. Policy H2 Design Briefs proposes design briefs for the housing sites. It is understood that a Design Brief has not been prepared for GOT 09 Land and Gladstone Avenue.
21. The Rushcliffe Residential Design Guide sets out guidance as to local character and materials, height, scale and massing, achieving privacy and guides for amenity space. It states that *"Infill development should respect the existing massing, building form and heights of buildings within their immediate locality"*. It also provides guidance on garden sizes for new dwellings.

APPRAISAL

Principle of Housing

22. The settlement of Gotham is no longer washed over by the Green Belt, but inset. Policy 3 (Spatial Strategy) of the Rushcliffe Local Plan Part 1: Core Strategy, sets out the settlement hierarchy for residential development across the Borough. Gotham is not one of the settlements specifically identified for housing growth, and therefore falls into paragraph b) viii) 'other villages solely to meet local housing need'.
23. Paragraph 3.3.17 of the Local Plan Part 1 states that *'in other settlements, development will meet local needs only. Local needs will be delivered through small scale infill development or on exception sites (see Policy 8). Beyond this, where small scale allocations are appropriate to provide further for local needs, these will be included in the Local Plan Part 2: Land and Planning Policies Development Plan Document, including Neighbourhood Plans.'*
24. The application site is modest in size and is located in an existing residential area, surrounded on all four sides by existing dwellings. The proposed development of three town houses is considered to meet the definition of 'small scale infill'. Furthermore, the site has a history of permissions for residential development, and is identified on the Gotham Neighbourhood Plan as a recommended housing site.
25. For the reasons set out above, the principle of developing the site for residential purposes is considered acceptable.

Highways

26. The application site would be accessed off Gladstone Avenue, via East Street to the north. Gladstone Avenue is narrow (approx. 4.6m in width) with no through route or turning facility. Due to the terraced nature of properties, few have off-street car parking to the front resulting in high levels of on-street car parking, although some properties on the east side of the road appear to have parking accessed off Wallace Street. At the time of the Officer's site visit, cars were parked along the eastern side of Gladstone Avenue. Cars exiting Gladstone Avenue are required to reverse northwards onto East Street.
27. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
28. Following consultation with NCC Highways, they initially objected on the grounds that the proposed carports were of an insufficient size to count towards off-street car parking provision, and that insufficient space would be available to the rear of the parking spaces to enable vehicles to manoeuvre, particularly when on-street car parking would further restrict the space available.
29. The agent subsequently submitted revised plans showing an increase in the size of the proposed car ports serving 2 plots (each with a car parking space to the front), and the car port to the third plot deleted and two spaces provided to the front of the property. The frontage of all three properties would be

surfaced in hard landscaping. In addition, the agent provided swept path analysis of cars accessing and egressing the proposed spaces with on-street car parking occurring along the eastern side of Gladstone Avenue.

30. NCC Highways subsequently withdrew their objection and recommended conditions relating to the provision of a dropped kerb and the provision and surfacing of the driveways. Further clarification was sought from NCC Highways regarding the proposed car parking spaces and swept analysis. The Highways Officer advised that; *“Whilst it is acknowledged that the swept paths do not illustrate vehicles accessing and egressing each individual space, the details are considered sufficient to confirm an acceptable layout. The site frontage has been kept clear to ensure maximum manoeuvring space is provided. It is also noted that in accordance with Manual for Streets, where space is limited it may not be possible to provide for vehicles to get into parking spaces in one movement. Some back and fore manoeuvring is likely to be acceptable where traffic volumes and speeds are low. As such, in this location, should additional back and fore manoeuvring be required, it is not considered a highway safety concern. The swept paths provided illustrate vehicles entering the spaces in a forward gear and reversing out of the spaces. It is not suggesting that vehicles would have to reverse into or out of Gladstone Avenue. On-site turning provision would not be required for this location, and as such the arrangement is considered acceptable.”*
31. In order to avoid any loss of off-street car parking provision in the future, it is proposed to condition that the driveways and car ports are kept free from obstruction and retained for the parking of vehicles for the life time of the development, and permitted development rights removed to prevent the car ports being converted to living accommodation.
32. The issue of refuse collection has also been raised. It is understood at present that the refuse vehicle waits on East Street to the north and operatives collect the bins from the front of the 4 existing properties to the west side of Gladstone Avenue (the properties to the eastern side of Gladstone Avenue are serviced from the rear off Wallace Street). The three proposed properties would be serviced in the same way that the four existing properties along the same side of Gladstone Avenue are at present. There is sufficient access to, and space within, the rear garden areas of each plot to store the three wheeled bins operated by Rushcliffe. Therefore, the proposed off-street car parking arrangements would not be impacted upon by bin storage.
33. Due to the narrow nature of Gladstone Avenue, and the constraints of the site, it is considered necessary to condition the submission of a ‘Construction Management Plan’ prior to works commencing on site. The Management Plan would be expected to include details of the means of access for construction traffic; parking provision; the loading and unloading of materials; the storage of plant and materials; and the hours of operation.

Impact upon character and appearance of area

34. The surrounding area is residential in nature, characterised by a mix of two storey terraced and semi-detached dwellings along Gladstone Avenue, some having accommodation in the roof with the addition of dormer windows, with detached bungalows located to the west off Meadow End.

35. The application site occupies an existing gap within the street frontage between 8 and 18 Gladstone Avenue (no no's 10, 12, 14 and 16 Gladstone Avenue). The proposed row of two storey town houses would infill this existing gap and create an active street frontage. Following the submission of revised plans, the ridge of plots 1 and 2 has been reduced in height from 9.5m to 8.8m, and given the tall nature of the existing two storey houses along Gladstone Avenue, the ridge of plot 1 would only measure 800mm higher than the ridge of no.18, with the eaves sitting at a lower level. The roof of plot 3 has been stepped down, resulting in the ridge of the section closest to no.8 sitting lower than the existing ridge to this neighbouring property, with the eaves sitting at the same level. It is also noted that the proposed ridge heights are 600mm lower than the previously approved scheme. The scale and proportions of the proposed dwellings would not therefore appear out of character with, or be harmful to the street scene.
36. In order to ensure that the dwellings are constructed in appropriate materials, a condition is recommended requiring details to be submitted to the Borough Council for approval.

Residential Amenity

37. In terms of the impacts upon neighbouring properties, the existing separation distance between the frontages of properties on Gladstone Avenue is 10.6m. The front of the three proposed dwellings would be positioned 13m (plot 1), 13.5m (plot 2) and 14m/15.3m (plot 3) from the front elevations of properties on the opposite side of Gladstone Avenue, and only plot 3 would contain one habitable room window at ground floor serving a snug in the element set furthest back from Gladstone Avenue. The first floor front elevation of all three plots would contain bedroom windows only. The dormer windows have all been removed from the front elevations, and a condition removing permitted development rights for the insertion of roof lights or dormers is recommended, in order to protect the living conditions of neighbouring properties. Given the modest number and size of the window fenestration within the front elevations, the nature and layout of the rooms they would serve, and the increased separation distances (compared to the existing street scene), it is not considered that the proposal would result in significant harm through overlooking in relation to properties on the opposite side of Gladstone Avenue.
38. The proposed dwellings would be located to the west of the existing properties on Gladstone Avenue. Despite the slightly higher ridge line to plots 1 and 2, the properties would be set back a further 2.4m – 3.4m metres than the existing properties along the western side of Gladstone Avenue, with the roof pitching away from the existing properties, and as a result, it is not considered that the proposal would result in significant harm as a result of overshadowing in relation to the existing dwellings opposite.
39. The side elevation of Plot 1, which would be blank, would be located 3.4m from the side elevation of no.18. This neighbouring property was extended in the late 1970's by a two storey rear extension. Whilst the side elevation of this extension does contain a door and small window at ground floor, plus a larger window at first floor, these all serve non-habitable rooms. The proposed rear projecting element is single storey in nature and has been designed with a flat roof to limit its height. As a result, the dwelling to plot 1 would not result in

overlooking or create an overbearing impact on this existing neighbouring property.

40. The side elevation of Plot 3 would be located 1.2m from the side elevation of no.8 which has a blank side gable located on the shared boundary, and a small single storey extension to rear. The dwelling to plot 3 has been designed so that the closest element to no.8 would be set back and set down, with the rear elevation comprising of a cat slide roof containing a dormer, to limit its size and scale in relation to this neighbouring property. Whilst, the 1½ storey element to the rear of Plot 3 may result in some loss of light during the winter months, the existing property no.18 to the south creates some over shadowing at present, as can be seen in the site photographs. As a result, it is not considered that any further loss would be so substantial so as to result in significant harm.
41. The proposed dwellings would be located over 30m from the rear elevations of the bungalows on Meadow End. All but one of the original dormer windows have been removed from the rear elevation, the remaining dormer being at first floor level. Such substantial separation distances would ensure that the proposal would not result in harm on the living conditions of the properties to the rear through overlooking or appearing overbearing. Whilst it is not considered reasonable to require the retention of the leylandii trees along the western boundary (they are non-native and in poor condition) a condition is proposed which would require the submission of boundary treatment and hard and soft landscaping to the Borough Council for approval.
42. In terms of the proposed garden sizes, the length of the rear garden areas would measure 8.9m, 9m and 8.2m, which fall short of the 10m as set out in the Residential Design Guide. Furthermore, the guidance suggests a garden area of 90sqm for semi-detached and terraced properties, and the proposed rear garden areas would measure less than this at between approximately 50 and 60sqm. The rear garden areas of the proposed dwellings are shorter than the existing dwellings on Gladstone Avenues, as the properties have been pushed further back into the site in order to accommodate off-street car parking to the frontages. Whilst the rear garden areas are smaller than the guidelines suggest, in this instance it is considered an acceptable compromise in order to accommodate off-street car parking.

Flooding/Drainage

43. Residents have raised concerns regarding a high water table and flooding in the village. The site is located within Flood Zone 1 on the Environment Agency's Flood Zone maps, which have a low possibility of flooding. However, the Environment Agency maps do indicate that the area may suffer from surface water flooding.
44. Following consultation with Trent Valley Internal Drainage Board they raise no objections, but advise that surface water run-off rates to receiving watercourses must not be increased as a result of the development, and that the design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority. A condition is therefore recommended which would require a scheme for the provision and implementation of surface water run-off limitation measures to

be submitted for approval, and the development carried out in accordance with the approved scheme.

45. The disposal of sewerage would be dealt with under the Building Regulations, in consultation with the sewerage undertaker.

Sustainability

46. In order to promote sustainable development and construction, conditions are proposed which would require the dwellings to be constructed so as to limit the water consumption of each property to no more than 110 litres per person per day, and require the installation of electric vehicle charging points at each property.

Other Matters

47. The issue of property values, raised by a local resident, is not a material planning consideration.
48. With regards to the issue of asbestos, the site is currently overgrown and there is no evidence of abandoned structures. An informative is however recommended reminding the applicant of their legal responsibilities in relation to the appropriate disposal of such.

Conclusion

49. The erection of three additional dwellings within this existing settlement, and on a site identified for housing on the Gotham Neighbourhood Plan, would make a small contribution to the housing supply in the Borough. Subject to conditions, the proposed development would not result in harm to the character or appearance of the area, highway safety, nor the living conditions of surrounding or future occupiers. The proposed development is considered to accord with the Local Plan and the guidance contained within the NPPF and is therefore recommended for approval.
50. The proposed development was not the subject of pre-application discussions. Negotiations have however taken place with the agent during the course of the application and amended plans have been submitted to address the concerns raised in relation to car parking provision and access arrangements; the character and appearance of the street scene; and the living conditions of neighbouring residents. This has resulted in a more acceptable scheme and the recommendation to grant planning permission, subject to conditions.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Plan and Location Plan - As Existing and Proposed VED644 01 Revision B amended on 12.01.2021
 - Layout and Elevations - As Proposed VED644 02 Revision B amended on 28.02.2021.

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

3. The dwellings hereby permitted shall not be constructed above damp proof course level until details of the facing and roofing materials to be used on all external elevations (including the proposed dormer window), have been submitted to and approved in writing by the Borough Council. The dwellings shall only be constructed in accordance with the materials so approved.

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

4. The dwellings hereby permitted shall not be occupied until details of the landscaping and boundary treatments to the rear garden areas have been submitted to and approved in writing by the Borough Council. The approved boundary treatment and hard landscaping shall be installed prior to the dwellings being occupied. The approved soft landscaping shall be planted during the first planting season following occupation of the dwellings.

[To ensure that the amenities of future and surrounding occupiers are protected, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

5. The development shall not be constructed above damp proof course level until a scheme for the provision and implementation of surface water run-off limitation measures has been submitted to and approved in writing by the Borough Council. The dwellings shall not be brought into use until the approved scheme has been implemented.

[To ensure that adequate surface water drainage provision is secured for the site, in accordance with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. The development shall not commence until details of the finished ground and floor levels of the proposed dwellings, in relation to an existing datum point, existing site levels and adjoining land, shall be submitted to and approved in writing by the Borough Council. The development shall only be undertaken in accordance with the details so approved.

[This is a pre-commencement condition to ensure that the houses are constructed at an appropriate level, in the interests of visual and residential amenity, 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 & Planning Policies].

7. The development shall not be brought into use until the access driveways have been provided and surfaced in a bound material (not loose gravel), 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 as such for the life of the development.

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

8. The dwellings shall not be occupied until a dropped vehicular footway crossing has been provided along the whole of the site frontage, in accordance with the Highway Authority's specifications.

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

9. 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 physical alterations to, or enclosure or conversion of, the integral car ports of the dwellings hereby approved.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

10. The off-street car parking spaces, including the integral car ports, as shown on the approved site layout plan referred to under condition 2 of this planning permission, shall be retained for off-street car parking and kept free from all other obstructions, for the life of the development.

[To ensure that adequate off-street car parking is secured for the life of the development, in the interests of highway safety and to comply Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land & Planning Policies].

11. The dwellings hereby approved shall not be constructed above damp proof course level until a scheme for the provision of an electric vehicle charging point for each dwelling has been submitted to and approved by the Borough Council. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, each dwelling shall not be occupied until it has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the approved scheme. The electric vehicle charging infrastructure shall thereafter be retained and maintained for the lifetime of the development.

[To ensure that the development is capable of promoting sustainable modes of transport and to comply with Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

- a) the means of access for construction, delivery and workers traffic;
- b) parking provision for construction traffic, site operatives and visitors;
- c) the loading and unloading of materials;
- d) the storage of plant and materials;
- e) the hours of operation

[This is a pre-commencement condition to ensure that the site can be developed in a safe manner and limit the impacts upon residential amenity and highways safety throughout the construction phase, in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan 2: Land and Planning Policies].

14. 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) there shall be no additional windows (including roof lights and dormer windows) inserted within any part of the roof of the dwellings hereby approved, other than as shown on the approved plans referred to in condition 2 of this permission, nor any alterations to any part of the roof of the dwellings hereby approved.

[In order to protect the living conditions of surrounding occupiers from unacceptable levels of overlooking and loss of privacy, and to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at licenses@viaem.co.uk to arrange for these works to take place.

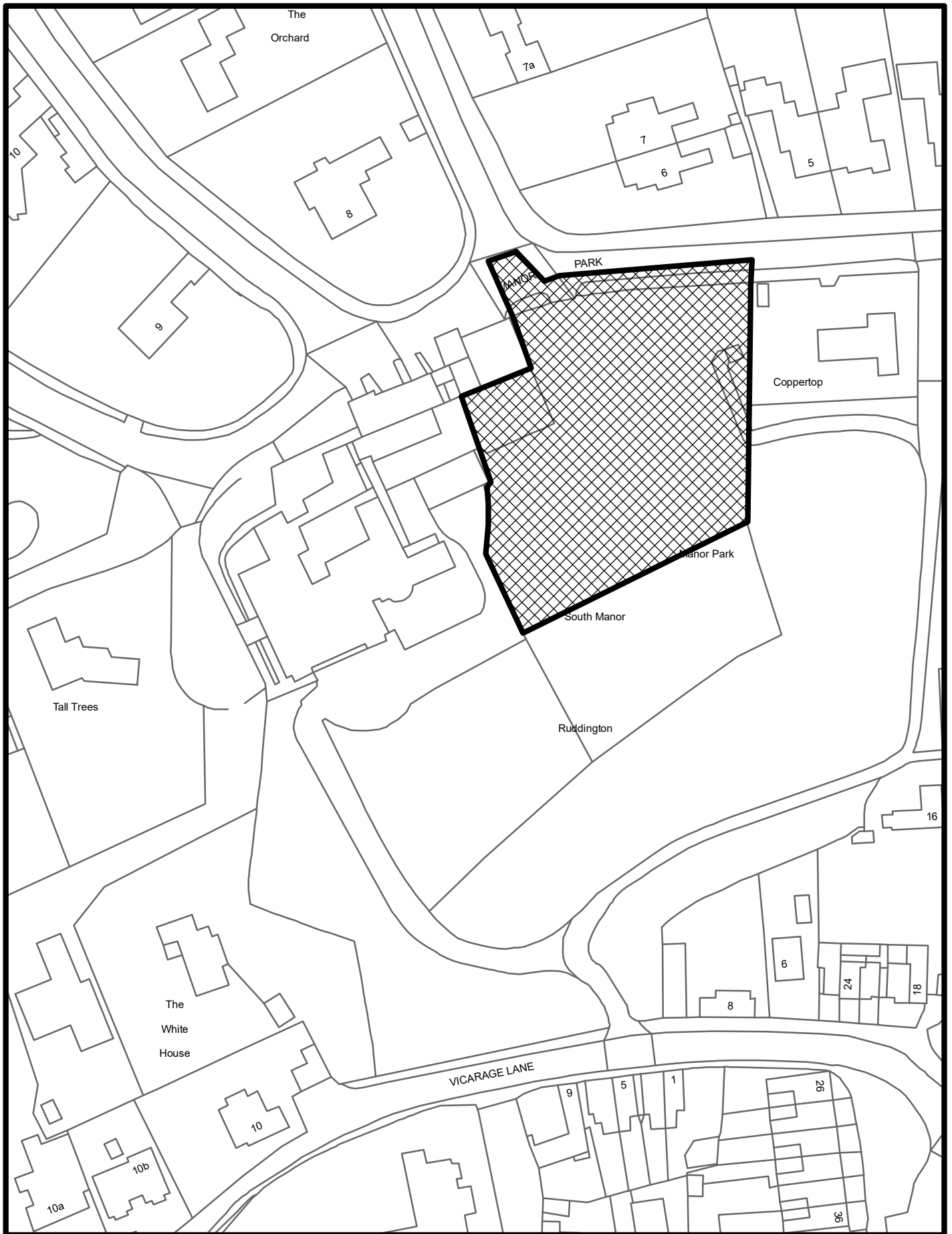
Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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.

Condition 12 requires the new dwelling 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.

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

You are advised that should the site contain asbestos, it will require specialist removal. Further advice on this matter can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website www.nottinghamshire.gov.uk



Application Number: 20/00719/FUL
Manor Park, Ruddington



scale 1:1000

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20/00719/FUL

Applicant Churchill Retirement Living

Location Land At Manor Park Ruddington Nottinghamshire NG11 6DS

Proposal Erection of 43 no retirement apartments for older people, guest apartment, communal facilities, access, car parking and landscaping (resubmission)

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The site is located in the Ruddington Conservation off Manor Park, a private road maintained by residents. This is a vacant brownfield site which extends to approximately 0.32ha, and formerly accommodated Orchard House Retirement Home, which has now been demolished. The site boundaries are defined from Manor Park Road to the north by a stone wall, 1.8m high close boarded fence and hedges. The East boundary with Coppertop is defined by a 1.8m high panel fence. The rear wall of Hunters Cottage abuts the site on the northwest boundary. The West boundary is a 1.8 - 2m high metal hooped topped fence. The site has no physical boundary with Manor Park Green to the south, which is a small wooded copse. The site in the main is covered in demolition rubble with a small asphalt area by the entrance. There are a number of mature trees on the site along with some self-set scrub. There are no TPOs on the site, although all trees benefit from a degree of protection by virtue of the Conservation Area designation. The site is relatively flat, with some undulations, although it rises from the entrance.
2. The area is characterised in the main by large Edwardian detached dwellings, mainly two storey in height, set within large gardens. Located close to the centre of Ruddington, the site has ready access to most facilities.

DETAILS OF THE PROPOSAL

3. Planning permission was granted under planning reference 19/01616/FUL for the redevelopment of the site to provide 43 retirement apartments including communal facilities, access, car parking and landscaping. The current application is a resubmission which proposes the following changes from the previously approved plans:
 - Reposition substation to site of the previously approved buggy store
 - Proposed buggy store in place of the previously approved plant building
 - Changes to the layout of the 21 space car park
 - Changes to landscaping
 - Reposition ground floor door serving living room 03.

The previous permission proposed financial contributions towards off-site affordable housing provision. The current application sought to avoid payment of this financial contribution on viability grounds. An

independent financial review has been carried out and negotiations have taken place with the applicant as detailed in the appraisal section of this report.

4. There would be no other material changes to the proposed apartment building, comprising a 3 storey building faced in a mix of red brick, ivory render and black mock Tudor panelling. Vehicular access to the development is proposed to be off Manor Park.
5. The proposed development would include an amenity space in the form of a communal garden area, which would be maintained in perpetuity by the management company. This area of communal garden would be located in the centre of the site and around the periphery of the proposed development.

SITE HISTORY

6. 94/00905/FUL - Change use of main building from rest home to single dwelling unit; form 2 additional flats; convert outbuildings to 2 additional dwellings – Approved in 1994.
7. 99/00620/COU - Change of use to offices – Approved in 1999.
8. 07/01943/FUL - Construct 3 storey building (plus basement) to provide 40 units of housing care (C2 use) with communal facilities/parking provision (revised proposals); new cycle and mobility scooter store. Approved in 2008.
9. 19/01616/FUL- Erection of 43 no retirement apartments for older people, guest apartment, communal facilities, access, car parking and landscaping. Approved in 2020.

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr Walker) objected to the application, raising concerns regarding the change in density. There are density contradictions on the plans that need scrutiny to understand what the real density is. Concern over the developer's obligation for affordable housing as stated in the Local Plan Part 2, the developer is making no provision for affordable housing, which RBC states should only be offset by a financial contribution in exceptional circumstances. There is no explanation of why the developer has reduced this contribution from £25K to £15K despite this new plan proposing an additional 6 dwellings on top of the already approved plan.
11. Objection to the height of the proposed complex which would be the tallest building in Ruddington, overtaking the historic church which has been the tallest for hundreds of years. The site is located on an un-adopted road, the road and pavements are not to the same standard as adopted ones, presenting a potential hazard for the future residents of this proposed retirement home. The developer has not yet approached the residents' association to discuss how they intend to make their contribution.
12. The Ward Councillor submitted further comments on 4 March 2021 maintaining their objection as the developer has not contacted Manor Park Residents

Association for permission to use the private road, which appears to be a disregard for residents.

13. Following further discussions with officers the Councillor continues to have concerns about the height of the building and the access road, and in particular the legacy that the proposal will have on the skyline. Nonetheless the Councillor recognises that these issues are unchanged from the previously approved application and as such withdraws the objection.
14. One Ward Councillor (Cllr Gaunt) objects to the application, raising concerns that the building would be the largest in Ruddington and sited on the highest point in the village, exceeding the church. The road is very busy in the mornings/evenings as the only vehicular access to the primary school, the existing on-street parking situation would be compounded by extra traffic into the development. Disabled access is a major issue as the current gravel pavement is not adequate or safe even for elderly pedestrians let alone those with mobility issues. Many will be forced to walk on the road. There is a lack of changes from the previous application, mainly aimed at reducing affordable housing contributions which is unacceptable. The proposal would add to wider traffic issues in and out of Manor Park and along Wilford Road. He notes previous objections of Cllr Walker, the Parish Council, and local residents have not been met, these are detailed in his consultee response.

Town/Parish Council

15. Ruddington Parish Council object to the application. The height of this building in relation to its surroundings will have a detrimental effect on the conservation area and listed buildings nearby. There is insufficient parking provision allowed for. The developer should be made to pay towards offsite affordable housing as this is something that is sorely lacking in Ruddington, if they are unable to do so, then the development should not proceed. The Parish Council also requests contributions to additional medical facilities and a new community building.

Statutory and Other Consultees

16. The Nottinghamshire County Council as Highway Authority does not object, noting that the application is a resubmission with no change to unit numbers. The number of parking spaces proposed is consistent with the approved scheme. With regard to the amended layout, it is noted that the two spaces located to the east end of the car park will be difficult to manoeuvre in/out of. It is recommended that this aspect of the layout is reconsidered in line with the Nottinghamshire Highway Design Guide. This however relates to internal operation of the site and would not impact on the public highway. The other proposed changes would not impact on highway interests.
17. The NHS Nottingham West CCG request a Section 106 contribution set at £600 per 1 bed and £920 per 2+ bed apartment. Any contribution for this development would be put towards extending Ruddington Medical centre further or increasing capacity at neighbouring practices.
18. Nottinghamshire County Council's Archaeology Officer recommends 'strip, map and sample' archaeological investigation of the site, and recommends that a written scheme for investigation is secured by way of a condition. It should

however be noted that an archaeological condition was not considered necessary on the previous application. This matter is covered in the appraisal section of the report.

19. Nottinghamshire Wildlife Trust note that a preliminary ecological survey has been carried out, they are generally satisfied with the methodology and conclusions of the report. No reptiles were found and no evidence of tree bat roosts were found but there are a number of recommendations in the reports that should be secured in full through use of planning conditions, should the application be approved as detailed in the consultee response.
20. The Borough Council's Design and Landscape Officer considers that the landscaping proposal remains appropriate.
21. The Borough Council's Conservation Officer notes that the proposal is no different in terms of its visual impact, from the approved 2020 application. There have been no substantive changes either in the visual impact of the proposal or in conservation guidance. As such, there is no reason to depart from the Borough's conclusions on the previous application, i.e. that the proposed development would preserve the character and appearance of the Conservation Area, and would not harm the significance of the other heritage assets in whose wider settings the proposed development would be experienced.

Local Residents and the General Public

22. 14 written representation have been received in objection to the application with the comments summarised as follows:
 - a. Insufficient parking.
 - b. Building too large/too high.
 - c. Not in keeping with Manor Park Conservation Area.
 - d. Size and position at odds with surrounding.
 - e. Lack of road, parking and pedestrian infrastructure to support 40 dwellings.
 - f. Disruption and safety impacts during long building process, impact of construction parking/traffic during school pick up/drop off times.
 - g. Density of development is too high.
 - h. Overbearing impact on neighbours due to height and elevated site.
 - i. Loss of neighbouring privacy.
 - j. North elevation should be set back and/or reduced in height.
 - k. Street unsuitable for those with mobility issues to access shops/services.

- l. Intrusive impact on village centre, highest structure in the village.
- m. Cedar/Scott Pine to be removed is an ancient tree which enhances skyline. Removal of trees would increase impact on neighbours.
- n. Current water mains/hydrant provision insufficient for a fire emergency. Distance from water main in excess of fire brigade guidelines.
- o. Traffic survey appears inaccurate.
- p. Insufficient parking space provision for residents and staff.
- q. No reference to payment of private frontage fees.
- r. Unclear how construction damage to private road/paths would be dealt with.
- s. On street parking impact on emergency vehicle access.
- t. Concern regarding loss of mature trees, how will this be offset?
- u. Site has become overgrown- impact on wildlife and vegetation.
- v. Bats nesting on vacant site.
- w. Concern whether drainage would be sufficient.
- x. Query accuracy of cross section plans.
- y. Resubmission is so the developer can avoid affordable housing contributions.
- z. Increased on- street parking, safety implications, traffic implications.
- aa. There is now a 5-year housing land supply, which was previously not the case, therefore the NPPF should no longer override local factors.
- bb. Tree referred to as T16 is not to the NE of site, it is a copper beech 40m outside southern side.
- cc. Previous submissions gave a larger site area, this has changed to a smaller area and an increased number of units.
- dd. New design would exceed height of Grade 2 listed ST Peters Church and Old Manor House, impact on listed buildings.
- ee. Conservation Officer previously deemed it essential for the new building to be lower than existing listed buildings and not to project northward. Unclear why the building cannot be set back further
- ff. It was understood any building had to stay on the previous footprint.
- gg. Proposed changes should be a minor amendment.

- hh. Overshadowing of neighbours.
- ii. Noise and disturbance impacts.
- jj. The proposal does not consider Historic England Advice Note 1 on Conservation Area Appraisal, Designation and Management.
- kk. Must pay S106 and contribute to Manor Park.
- ll. Revised plans lack mitigating tree planting.
- mm. Wildlife impact of development.
- nn. Height of substation and buggy store is unclear.
- oo. Query whether timber cladding of substation is a fire risk.
- pp. Impact of heavy machinery on structural integrity of neighbours.
- qq. Impact on Victorian sewer system.
- rr. Impact of parking on Hunters Cottage - noise and fumes.
- ss. Provision should be made for maintenance access to Hunters Cottage.
- tt. Visibility of bins in road and proximity to Hunters Cottage.
- uu. Pedestrian and disabled access is needed at both ends of the site.

PLANNING POLICY

23. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) (2014) and the Local Plan Part 2: Land and Planning Policies (LPP2) (2019). Other material considerations include the National Planning Policy Framework (NPPF) (2019), and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

24. The relevant national policy considerations for this proposal are those contained within the NPPF (2019) and the proposal shall 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 shall be approved without delay. 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.

25. As the site falls within a conservation area and in the vicinity of listed buildings, the proposal falls to be considered under section 16 of the NPPF (Conserving and Enhancing the Historic Environment). Paragraph 194 of the NPPF states that any harm arising to a designated should require clear and convincing justification. Where a development would lead to substantial harm to, or total loss of a designated heritage asset (listed buildings), then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the criteria under paragraph 195 can be satisfied. Where a development would lead to less than substantial harm, under paragraph 196 this harm should be weighed against the public benefits of the scheme.
26. Further to the requirements of the NPPF, the Borough Council has a duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be paid to the desirability of preserving listed buildings, their setting or features of special architectural or historical interest that they possess; and special attention to be paid to preserving or enhancing the character and/or appearance of the conservation area.
27. Other relevant sections of the NPPF are:
- Section 5 (Delivering a sufficient supply of homes)
 - Section 8 (Promoting healthy and safe communities)
 - Section 9 (Promoting sustainable transport)
 - Section 14 (Meeting the challenge of climate change, flooding and coastal change)
 - Section 15 (Conserving and enhancing the natural environment)

Relevant Local Planning Policies and Guidance

28. The following policies in the LPP1 are relevant:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 11 - Historic Environment
 - Policy 17 - Biodiversity
29. Policy 1 of the LPP1 reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Following on from this Core Strategy policy 3 sets out the spatial strategy for the sustainable development of Rushcliffe. It supports a policy of urban concentration through a settlement hierarchy to determine where development would be considered sustainable.
30. Policy 8, Housing Size, Mix and Choice, states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities.

31. Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed in terms of the criteria listed in section 2 of policy 10. Of particular relevance to this application are the following:
- 2a) The structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and layout of spaces;
 - 2b) The impact on the amenity of occupiers or nearby residents;
 - 2h) The potential impact on important views and vistas within the landscape; and
 - 2i) The impact on the setting of heritage assets.
32. LPP1 policy 11, Historic Environment, states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
33. LPP1 policy 17, Biodiversity, aims to protect and increase the biodiversity of Rushcliffe, including protected habitats and species.
34. The following policies in the LPP2 are relevant:
- Policy 1 - Development Requirements
 - Policy 17 - Managing Flood Risk
 - Policy 18 - Surface Water Management
 - Policy 28 - Conserving and Enhancing Heritage Assets
 - Policy 29 - Development affecting Archaeological Sites
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
35. LPP2 Policy 1 (Development Requirements) sets out a general criteria which new development should meet. Of particular reference to this application are the following paragraphs of this policy:
- (1) There should be no significant adverse effect upon amenity, particularly residential amenity, of adjoining properties or the surrounding area by reason of the type and levels of activity on the site or traffic generated.
 - (2) A suitable means of access should be provided for the development without detriment to the amenity of adjacent properties or highway safety. Sufficient parking provision should also be provided in line with Highways advice.
 - (3) Sufficient space should be provided within the site to accommodate the proposal together with ancillary amenity and circulation space.
 - (4) The scale, density, height, massing, design, layout and materials of proposals should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.
 - (5) Appropriate noise attenuation should be achieved and light pollution minimised.

- (6) There should be no significant adverse impact on wildlife habitats. Where possible the application should demonstrate a net gain in terms of biodiversity.
 - (7) There should be no significant adverse impact on landscape character.
 - (9) There should be no significant adverse effect on any historic sites and their settings including Conservation Areas and Listed Buildings.
36. Policy 17, Managing Flood Risk, sets out where planning permission will be granted in areas where a risk of flooding exists.
37. Policy 18, Surface Water Management, states development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of Development and take account of the level of flood risk.
38. Policy 28, Conserving and Enhancing Heritage Assets. This sets out a criteria against which proposals affecting heritage assets will be considered, including whether the proposal would preserve or enhance the character and appearance of the heritage asset, by virtue of siting, scale, building form, massing, height, materials and quality of detail and would be sympathetic to the character and appearance of the asset and any features of special historic interest, architectural, artistic or archaeological interest that it possesses.
39. Policy 29, Development affecting Archaeological Sites. This advises on the treatment of applications on sites of known or suspected archaeological interest, including the provision of appropriate archaeological assessments.
40. Policy 38, Non-Designated Biodiversity Assets and the Wider Ecological Network, seeks to preserve and restore priority habitats and protect priority species in order to achieve net gains in biodiversity.
41. Ruddington Parish Council has submitted the draft Ruddington Neighbourhood Plan to Rushcliffe Borough Council in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The plan has been subject to a consultation exercise and the Examiners final report is expected imminently. As the plan has yet to be adopted it carries limited weight in the determination of any applications. Of relevance to this application is Section 8 (Housing policies), Section 10 (Heritage policies) and Section 12 (Design and sustainability policies). Part of the Design Code relates to major and strategic developments.

APPRAISAL

42. The material planning consideration in this particular application to be assessed are as follows:
- a) Principle of development;
 - b) Design and impact on the character of the surrounding area;
 - c) Impact on residential amenity;
 - d) Highways and Parking;
 - e) Impact on trees;
 - f) Ecology; and
 - g) Planning gain

Principle of development

43. The starting point for the determination of any proposal is the Development Plan. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2).
44. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and National Planning Practice Guide (NPPG).
45. Policy 1 of the LPP1 reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. Following on from this LPP1 policy 3 sets out the spatial strategy for the sustainable development of Rushcliffe. It supports a policy of urban concentration through a settlement hierarchy to determine where development would be considered sustainable. Ruddington is one of the settlements where development is considered sustainable and Policy 8 of the LPP1 also seeks to secure a mix and choice of housing in tenure, type and size in order to create balanced communities and the provision of this type of accommodation supports that aim.
46. The application site is a previously developed (brownfield) site, which previously had the benefit of planning permission for care apartments, in the built-up part of Ruddington and occupies a prominent site within the conservation area, with access to local facilities and public transport. The previous planning permission for the erection of 43 retirement apartments for older people, guest apartment, communal facilities, access, car parking and landscaping granted in February 2020 remains extant. Therefore, it is considered that the principle of development of this site is accepted.

Design and impact on the character of the surrounding area.

47. The current proposal is a resubmission of the previously approved scheme with relatively minor amendments to the proposal, comprising as follows:
- Reposition substation to site of the previously approved buggy store
 - Proposed buggy store in place of the previously approved plant building
 - Changes to the layout of the 21 space car park
 - Changes to landscaping
 - Reposition ground floor door serving living room 03.
48. Therefore, the location, design, appearance and height of the main building remains unchanged.
49. The Design and Access Statement states that *“the development proposal has evolved as a result of pre-application engagement with the Local Planning Authority and the general public and that the design of the proposal has had full regard to the character of the area, neighbouring amenity and the scale and design of neighbouring buildings in the vicinity of the site, both proposed and existing.”* The design of the proposal is to be judged against the aspirations of local and national policies including:

- a) Integrate well with the surroundings in terms of scale, siting and design;
 - b) Be in keeping with the character of the area and be of local distinctiveness;
 - c) making a positive contribution to the public realm and creating a sense of place;
 - d) Incorporate materials that are in keeping with the locality;
 - e) Utilise energy efficient building types;
 - f) Provide a safe and secure environment;
 - g) Conserve local character and distinctiveness, and create a sense of place;
 - h) Make the most efficient use of the land available; and
 - i) Provide dwelling types that are appropriate to the mix of the area, whilst meeting the needs and demands of older people.
50. In terms of the proposals impact, the Conservation Officer comments that the proposal is no different, in terms of visual impact, to the scheme approved under 19/01616/FUL and there has been no substantive changes either in the visual impact of the proposal or in conservation guidance. The conservation officer commenting on this previous application acknowledged that the site is not at all apparent from Vicarage Lane and Church Street to the south, and from within the site, the parish church, which is comparatively nearby, is not visible beyond a screen of tall and mature trees.
51. Whilst the site itself is not currently visible from the public realm of Manor Park beyond limited visibility around the access point, the proposed building would be far more visible owing to it being three stories in height, comparable to both South Manor and to Orchard House (the building which previously occupied the application site).
52. Prior to the 2020 approval, planning permission was previously approved for a three storey building on the site in 2008 (07/01943/FUL) to provide 40 units of use class C2 'housing with care'. The currently proposed building would be three storeys and of a similar footprint to that previous approval. This previous scheme proposed a contemporary flat roof design with a maximum roof height of 9.5 metres. The current proposal by virtue of its predominantly pitched-roof design would have a maximum ridge height of 12.2 metres. Whilst the maximum roof height would be greater than the 2008 approval, the eaves and thus the vertical walls (excluding the gables) would be 1.7 metres lower than the 2008 approval. A cross section plan is included in the submission to show the context of the applicant site and surrounding properties, this shows the highest part of the ridge to be approximately 2 metres higher than that of South Manor with a half a metre lower eaves compared to this neighbouring property. The proposed building would not exceed the height of the numerous chimneys which add visually to the total height of The Manor and the two buildings will be far enough apart that the higher ridge would not be readily apparent.
53. The building would be another large detached building within Manor Park and although close to the Listed Manor, it is considered that the proposal would not detract from, nor compete with the significance of the Manor as a listed building.
54. The northeast corner in particular would be prominent in the public realm and some effort has been focused here to ensure that the detailing and character of this part of the design would fit in with the character of Manor Park. The most

public, north facing elevation achieves great articulation via the recessed courtyard which allows the main entrance to be readily legible as a feature.

55. The developer has taken the decision to use a design and a palette of materials which reflects the character of Manor Park, as opposed to a more modern style, as in the previously approved 3 storey flat roofed structure. In this respect the proposal is considered acceptable.
56. In his concluding remarks on the 2020 approval, the Conservation Officer commented that *“the scheme as proposed would achieve the standard of 'good design' advocated within the NPPF and would not harm either the settings of nearby listed buildings insofar as their settings contribute towards and inform their special architectural and historic significance, or the special architectural and historic character and appearance of the Ruddington Conservation Area as are described as 'desirable' objectives within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (respectively).”* As there is not material change to the main building from the 2020 approval, it is maintained that the proposal would not result in harm to any designated heritage assets or their settings or significance.
57. The main visual changes from the 2020 approval would comprise the relocation of the substation along with changes to the parking layout and landscaping. The buggy store would be relocated to the position previously intended for the plant room building, and the substation would be sited in place of the proposed buggy store building, thus resulting in the reduction in the number of structures to the front of the main building. The overall appearance of the revised development would be virtually identical to the previous scheme. It is not considered that the changes that are proposed would result in harm to the heritage assets. The proposal would serve to preserve the setting of listed buildings in the vicinity; and preserve the character and appearance of the conservation area, as objectives described as desirable within sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under those sections of the 1990 Act.
58. The proposed building would be prominent within the street scene, but its design and appearance would not be so imposing or have such an adverse impact to justify a refusal of the development. It is considered that Policies 10 and 11 of the Core Strategy, Policies 1, 28 and 29 of Rushcliffe Local Plan Part 2 and Section 12, para 127 within the National Planning Policy Framework have satisfactorily been met and the proposal in terms of design and impact on the character of the surrounding area is considered to be acceptable.
59. Matters relating to the density of development have been raised during the course of the application. The applicant has clarified that the site area is 0.32ha, therefore the density of development would be 134 dwellings per hectare. The application proposes 3 more units when compared to the 2008 permission. The Technical Housing Standards - Nationally Described Space Standards provides an indicator of the intensity of development. The apartments would comply with the respective minimum internal floor space standards for one or two bed apartments. The proposal is not considered to be an over-intensive development of the site and, in any event, in view of the extant permission for a virtually identical proposal, this would not give rise to grounds which would justify the refusal of the current application.

Impact on residential amenity

60. Concerns have been raised from the occupier of adjacent properties about overlooking and loss of privacy. With regard to Copper Top, this property is located to the east of the proposal site and their existing building would be 22.99m from the proposed building at its nearest point. The revised scheme proposes some tree and hedgerow planting providing additional screening. That property is orientated so the principal elevation faces onto the highway. There are upper floor side windows that face the application site, however the separation distance coupled with the proposed tree screening would limit any direct overlooking. A 1.8 metre high fence is also proposed along the common boundary which would provide additional protection at ground floor level.
61. The current application proposes a buggy store in place of the previously proposed plant room, located close to Hunters Cottage to the west of the site. The substation would be sited in place of the previously proposed buggy store. As with the previous scheme, these structures would screen the main building from the ground floor windows, negating any overlooking. The rear elevation of Hunters Cottage immediately abuts the boundary with the application site and contains two windows serving rooms at ground floor within the property (appear to serve a study and bathroom). Due to the changes in level from the roadside through the site, these windows are located just above ground level within the application site. No details of the substation or buggy store have been provided and those details will be required by condition.
62. The neighbouring property has queried whether there would be access for maintenance. This is a private legal matter between the parties, but the details submitted in the form of the site plan do not appear to hinder access.
63. South Manor is located to the west of the site and the proposed building would be in excess of 22m away from the property. There are existing trees which are proposed to be retained with new planting added between the two properties, it is therefore considered that the screening along with the separation distance would ensure that there is no detrimental overlooking.
64. As the Residential Design Guide highlightst, in line with Government Guidance, it is recognised that privacy can be achieved in many different ways and techniques. It is considered that the screening of the building and its orientation would ensure that there is no detrimental impact on the neighbouring properties.
65. It is considered that the proposal is compliant with the requirements of Core Strategy policies 1 and 10 and Policy 1 of the Rushcliffe Borough Local Plan Part 2.

Highways and Parking

66. The current application proposes a revised parking layout, however a total of 21 spaces would be provided as per the 2020 approval. This would represent approximately 1 for every 2 units or 0.49%. As part of the transport assessment (TA) the applicant has produced an analysis of existing similar operations which demonstrates that the average demand for parking spaces in this form of development is approximately 0.42 spaces per unit.

67. The Highway Authority have assessed the TA and are satisfied with the content and, as such, taking the above into account are satisfied that 21 spaces are adequate. Should parking occur on the road which creates problems, that would be a private matter. They note that with regard to the amended layout, there are two spaces that may be difficult to maneuver in and out of. This is however an internal matter and there is sufficient maneuvering and circulation space within the site so as not to result in a highway safety impact.
68. The matter of maintenance of the private road is not a material planning consideration, but a private matter, although the applicant has confirmed that they will meet any legal obligation required by title.
69. A further concern has been raised in respect of the potential for conflict between construction vehicles and school children and parents using the road to gain access to the school. This matter can be controlled via an appropriately worded condition restricting movement of vehicles associated with the construction period to outside peak school drop off and collection times.
70. Having judged the proposal against the Rushcliffe Borough Local Plan Part 2 Policy 1, the proposal is considered acceptable in terms of highway requirements.

Impact on trees

71. The Design and Landscape Officer has confirmed that he is satisfied with the revised landscaping strategy. The proposal would require some tree removal, including a Cedar within the site which was previously determined to have little aesthetic value due to the works previously undertaken to it. As per the previous application, a mature Sycamore located on the frontage (tree T9) is to be retained.

Ecology

72. Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity developers are encouraged to provide an increase in appropriate natural habitat and ecological features, over and above that being affected, in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.
73. The Environmental Sustainability Officer advises that there is an opportunity to ensure biodiversity net gain with this development. The initial finding of the ecological studies identify the potential for bats and birds using the site along with mammals such as hedgehogs. It is understood that bats forage on the site and that birds use it as a nest site. It is also used by Hedgehogs and potentially amphibians. As part of the proposal and to support biodiversity net gain it is proposed that appropriate conditions are applied.
74. A number of other matters were raised and in particular landscaping, which if sensitively done can further enhance the opportunities for wildlife, and these opportunities would be developed and explored through the use of the proposed landscaping conditions.

75. It is considered that there is a need to undertake mitigation measures to protect these species and as such details of the proposed mitigation strategy are to be sought via condition which will ensure compliance with Policy 17 of the LPP1 and policies 1 and 38 of the LPP2.

Drainage

76. Residents have raised concerns about the drainage of the site. In terms of foul drainage, this would fundamentally be a matter for Building Control and details of how that will be achieved are not known at this stage. In terms of surface water run off, the site is located within flood zone 1 on the flood risk maps for fluvial flooding and is therefore in an area at lowest risk from flooding. Similarly, the surface water flood risk maps show that the site is in an area at low risk from surface water flooding. An appropriate condition is proposed requiring full details to be provided before commencement of development on site to ensure compliance with policy 18 of the LPP2.

Archaeology

77. The County Council's Archaeological Officer recommends that an archaeological investigation of the site is secured by way of a condition. It should however be noted that this was not required as a condition on the approved 2020 application which could still be implemented. The Conservation Officer on that application commented that: *"A large portion of the site has been previously developed and as a result no archaeological conditions were considered necessary in relation to the 2007 permission, it being considered that the vast majority of the proposed development would only encounter previously disturbed ground with no archaeological potential despite the sites location within the historic core of the village. I would suggest this view remains sound in light of the latest proposal and I would not advocate any archaeological conditions or requirements"*.
78. Based on the above considerations, it is not considered reasonable or necessary to request an archaeological scheme of investigation on the current application.

Planning Gain

79. The previous application was approved subject to a S106 agreement securing contributions toward the provision of affordable housing (£226,700) and the NHS Hospital Trust (£13,818). The current application initially sought to omit the affordable housing contribution on grounds of scheme viability, this matter is discussed further below.

Affordable Housing

80. Policy 8 of the LPP1 states that new residential developments within the borough are required to provide the specified level of affordable housing (30% in the case of Ruddington) on sites of 5 dwellings or more or 0.2ha or more. Based on a development of 43 apartments, this would equate to 12.9 affordable units. The policy recognises that the provision of affordable housing should take into account scheme viability.

81. Policy 8, Part 5 sets out how the overall proportion and mix for affordable housing will be determined. It states that the ability to deliver affordable housing alongside other requirements, taking into account broad assessments of viability will be considered as part of this process. It goes on to state that where the findings of local assessments are disputed on a particular site, a financial appraisal of the proposal will be expected in order to determine an appropriate level of affordable housing.
82. Through discussions with the Local Authority, it was established under previous application 19/01616/FUL that provision of on-site affordable housing would be impractical and that an offsite contribution would be acceptable, to be provided by way of a commuted sum. A revised Affordable Housing and Viability Statement has been submitted as part of the current application, dated March 2020. It considered that there are revised build costs to be taken into account, stating that there has not been an uplift in values due to economic uncertainties and the coronavirus pandemic. Thus, the viability statement concluded that as the residual value of the scheme is less than the benchmark land value, the scheme cannot make a contribution to affordable housing.
83. The Council sought input from an independent viability assessor to verify these findings. The independent viability assessor disagreed with the findings of the submitted viability assessment and concluded that the scheme could viably make a contribution towards affordable housing, albeit not the full commuted sum of £226,700 originally secured through the S106 associated with the previous approval. Having considered the combined effects of a slow-down in retirement home sales due to the COVID 19 pandemic, and the removal of ground rent income (consistent with Government guidance regarding the future of ground rents in relation to retirement housing), it concludes that the applicant's proposed reduced total S106 contribution of £117,531 is appropriate, if attached to a time limited consent. Of this figure, £87,251 would be to cover off-site affordable housing and £30,280 would be towards health care provision.
84. The applicant has agreed to this reduced financial contribution. Having assessed the viability of the proposal and the impact of the pandemic, it is accepted that the full contribution cannot be made, and it is considered that the requirements of Policy 8 of the Core Strategy have been met in respect of affordable housing.

Health

85. The NHS Nottingham West CCG request a Section 106 contribution set at £600 per 1 bed and £920 per 2+ bed apartment. Any contribution for this development would be put towards extending Ruddington Medical centre further or increasing capacity at neighbouring practices. This equates to £30,280 contained within the contributions detailed above.

Planning Balance and Conclusion.

86. The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. It is

recognised that there is an increase in the ageing population and that there is a growing market need to provide appropriate accommodation across a range of tenures to cater for this increase. It is also recognised that specialist retirement accommodation has a part to play in meeting housing need, particularly as it can result in freeing up larger family homes. This need for a variety of housing types weighs in favour of the proposal in the planning balance.

87. It is considered that the proposal is sympathetic to the character and appearance of the neighbouring buildings, adjacent Listed Building and surrounding Conservation Area by virtue of its scale, density, height, massing, layout and materials, an opinion supported by the Conservation and Design Officer, it would not lead to an over-intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy. The scheme would provide public benefits by bringing back into use this unsightly vacant site whilst contributing to the provision of homes for the elderly, a sector where growth is needed within the borough.
88. The previous application ref: 19/01616/FUL was subject of pre-application advice and the scheme was submitted in general accordance with that advice. No pre-application advice was sought prior to the submission of the current application. The scheme however is considered acceptable and notwithstanding matters of viability, no other discussions or negotiations with the applicant or agent were considered necessary.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Transformation is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following conditions

1. The development must be begun not later than 28 February 2023.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004. The time limit is less than the standard three years due to the viability considerations associated with the application].

2. The development hereby permitted shall be carried out in accordance with the application details and following approved plans and documents:
 - JBA 19 - 111 - SK01 (Landscaping Strategy)
 - 30042RT - PL101 (Site Location Plan)
 - 30042RT - PL102 (Site Plan/ Roof Plan)
 - 30042RT - PL103 (Site Plan/ Ground Floor Plan)
 - 30042RT - PL104 (Ground Floor Plan)
 - 30042RT - PL105 (First Floor Plan)
 - 30042RT - PL106 (Second Floor Plan)
 - 30042RT - PL107 (Roof Plan)
 - 30042RT - PL108 (North and East Elevations Sheet 1)
 - 30042RT - PL109 (South and West Elevations Sheet 2)
 - 30042RT - PL110 (Courtyard Elevations Sheet 3)
 - 30042RT – PL120/1 (Contextual Elevation)

Received on 26 March 2020;

- And JBA-19-111-02 Rev A (Detailed Soft Landscape Proposals), received on 15 January 2021.

[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. Each unit of the development hereby permitted shall be occupied only by:
- a) persons over 60 years of age;
 - b) persons living as part of a single household with such a person or persons;
 - c) persons who were living in the unit as part of a single household with such a person or persons who have since died.

[In order to support the considerations of the viability assessment which effectively reduced the level of financial obligations required from this development based on the demographic of the proposed occupiers and subsequently to prevent the sale of these units on the open market to any individual and to comply with policy 43 (Planning obligations Threshold) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy 18 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

5. Prior to the installation of security lighting/floodlighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any such scheme shall have regard to The Bat Conservation Trust Bats and artificial lighting guidance note (2018). The lighting shall be installed only in accordance with the approved details and retained as such for the life of the development.

[To protect the amenities of the area, non-designated biodiversity assets and the wider ecological network in compliance with policies 1 and 38 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

6. Before the use is commenced, a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved in writing by the Borough Council. The agreed details shall be implemented before the development is brought into use and thereafter retained for the lifetime of the development in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

7. The proposed access road, service areas and car parking areas shall be provided in hard wearing materials in accordance with details submitted to and approved in writing by the Borough Council and the car parking spaces shall be clearly marked out, before the development is first occupied. The approved access, service and parking areas shall be retained for that purpose thereafter for the life of the development.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

8. During the construction phase there shall be no delivery/collection of goods, materials or arrival/departure of personnel visiting/working on the site during the hours the James Peacock Infant and Nursery School is open for the dropping off and collection of pupils (8:00 am till 9:00am and 3:00pm until 4:00). Details of the management of which shall be submitted to and approved in writing by the Borough Council prior to the commencement of any development of the site. The approved management plan shall be implemented in full and adhered throughout the construction phase of the development hereby approved.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies. The management of deliveries to the site needs to be agreed before work commences on site to ensure appropriate measures are in place during the construction phase].

9. The landscaping scheme hereby approved shall be carried out in accordance with drawing JBA 19-111-02 (Detailed Soft Landscaping Proposals), received on 15 January 2021. The scheme shall be carried out in the first tree planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[In the interests of amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

10. No operations shall commence on site until the existing trees and or hedges which are to be retained have been protected in accordance with PL003 Rev B- Tree Protection Plan and this protection shall be retained for the duration of the construction period. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the Borough Council. No changes of ground level shall be made within the protected area.

[To ensure existing trees are adequately protected during the development and to comply with policies 1 and 37 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

11. The development hereby permitted shall not proceed above foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

12. The development shall only be carried out in accordance with details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land which shall be submitted to and approved in writing by the Borough Council before the development commences and the development shall only be undertaken in accordance with the details so approved.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before development commences to ensure that the development can be undertaken having regard to the existing and intended finished ground and floor levels].

13. Prior to their construction, full details of the proposed Substation and Buggy Store shall be submitted to and approved by the Borough Council and the buildings will be thereafter constructed in accordance with the approved details.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

14. Prior to the development progressing beyond ground floor slab level, a statement of Biodiversity Net Gain from the development shall be submitted to the Borough Council for approval. Any approved mitigation and enhancement scheme, which must include installation within buildings and on retained trees (including Swallow/swift and sparrow cups/boxes) and hedgehog corridors, shall thereafter be implemented prior to the first occupation of any unit and retained for the lifetime of the development.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. Prior to the commencement of any works on site, an Ecological Method Statement shall be submitted to and approved in writing by the Borough Council and 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 adjacent to sensitive areas, including ditches.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.

- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.

Any approved scheme shall be adhered to thereafter until the development is complete.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The plan shall have full regard to the Ecological Method Statement required by condition 15 above, and shall include:
- Access and parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to control the emission of noise, dust, dirt and vibration during construction;
 - A scheme for recycling/disposing of waste resulting from construction works;
 - Hours of operation (including demolition, construction and deliveries);
 - A scheme to treat and remove suspended solids from surface water run-off during construction;
 - An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;
 - The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
 - Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences; and
 - The routing of deliveries and construction vehicles to/from the site, to limit where practicable approach to the site from the west along Bunny Lane, and any temporary access points.

The development shall be carried out in full accordance with the approved Construction Method Statement throughout the construction period.

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual

amenity and environmental management to comply with Policy 1 of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife].

17. Prior to the construction of the building proceeding above foundation level, a scheme for the provision of electric vehicle charging points to serve the development shall be submitted to and approved by the Borough Council. If this is not technically feasible, then it must be demonstrated why the positioning of such apparatus to the external fabric of the building or the provision of a standalone vehicle charging points would not be possible or Page 7 of decision 19/01616/FUL would have an adverse visual impact on the development or street scene. Thereafter, none of the apartments shall be occupied until such time that the electric vehicle charging points have been installed in accordance with the approved 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].

Notes to Applicant

This permission is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to provision of on-site affordable housing and contributions towards essential infrastructure. Any payments will increase subject to the provisions set out in the Agreement.

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

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

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

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details: Openreach: Nicholas Flint 01442208100
nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812
daniel.murray@virginmedia.co.uk.



Application Number: 20/01974/FUL & 20/01988/RELD
48 Main Street, East Leake



scale 1:1000

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20/01974/FUL and 20/01988/RELDEM

Applicant Mrs Paula Clarke

Location 48 Main Street East Leake Nottinghamshire LE12 6PG

Proposal (i) Demolition of existing rear garage outbuilding and erection of new dwelling
(ii) Demolition of existing rear garage outbuilding

Ward Leake

THE SITE AND SURROUNDINGS

1. The application relates to a rectangular parcel of land comprising part of the side and rear garden area of 48 Main Street, East Leake, a two storey detached dwelling located in the centre of the village.
2. The dwelling is proposed to the rear garden/orchard area, which is currently overgrown and contains a number of trees, with trees and hedges to the site boundaries.
3. Although access to the site is located in the centre of the village, opposite a number of commercial premises, the rear garden area of no.48 is surrounded by residential properties.

DETAILS OF THE PROPOSAL

4. This is a joint report for a full planning application, 20/01974/FUL, and an application for relevant demolition of an unlisted building in a Conservation Area, 20/01988/RELDEM.
5. Application 20/01988/RELDEM seeks permission for the demolition of a brick outbuilding located to the rear of no.48, to allow vehicles to gain access to the rear garden area.
6. Application 20/01974/FUL seeks planning permission for the erection of a two storey dwelling. The proposed dwelling has been designed with a flat roof and would be constructed of painted brick, render and composite cladding in a dark finish, with aluminium powder coated windows and doors and a grey membrane to the roof. The proposed dwelling would comprise of a main 'house' plus an 'annex' which would share an entrance door and hallway. At ground floor the dwelling would comprise of the following accommodation; a hallway, open plan kitchen/dining/living room, separate living room, study and utility room serving the main house, and a hallway, open plan kitchen/living room, utility room and W.C. serving the annex, and at first floor four bedrooms with en-suites serving the main 'dwelling' and a fifth bedroom with en-suite serving the 'annex'.

7. Access to the site would be via the existing vehicular access off Main Street which currently serves no.48.
8. In support of the application the following documents have been submitted; A Design and Access Statement; A Heritage Statement; Ecology Report; and Tree Report.
9. During the course of the application, a number of revisions have been made. A double detached garage originally proposed to the front garden area of no.48 has been omitted; the proposed dwelling has been moved 1.6m northwards (it is now shown 13.5m from the southern boundary); the position of the northern garden boundary of the new dwelling has been moved further northwards; additional parking, circulation and turning areas have been provided for the existing and proposed dwelling; further details of the proposed access off Main Street have been provided.

SITE HISTORY

10. None.

REPRESENTATIONS

Ward Councillor(s)

11. One Ward Councillor (Cllr Thomas) objects on the following grounds:
 - a. The proposal is contrary to policy V1(a) of the East Leake Neighbourhood Plan (ELNP) which states that the only types of development permitted in this location are those that particularly require this village centre location. This does not include general family housing. The only types of housing included are “for older people and those with mobility problems and situations where living over the shop is appropriate with such uses for these homes preserved over time.” A two storey building is unlikely to be suitable without a lift.
 - b. Policy V1(b) of the ELNP requires new buildings to use materials sensitive to the local context. The scale and proportions of the buildings should be sympathetic to their surroundings and complement the unique historic character of East Leake. Question whether this modern design satisfies V1(b).
 - c. The garage building proposed for demolition currently provides a positive contribution to the Conservation Area. The replacement garage, in the location shown, would detract from the frontage of No 48 and cause harm to the Conservation area.
 - d. The narrow access into the site is right in the village centre, almost opposite the busy T-junction over a narrow pavement in an area of high pedestrian footfall, where people are frequently crossing Main Street. Visibility is frequently obscured by parked cars (despite the yellow lines). Parking/turning space within the site for both the new dwelling and No 48 also needs further consideration.
 - e. Electric charging points should be included.

- f. The new house would come quite close to the back gardens of several houses. The balcony would be a dominating feature and with the extensive floor full length glazing, there would be considerable overlooking of the gardens (although these gardens are themselves quite long and the neighbouring houses are set at an angle).
 - g. The area is currently wooded with mature trees visible from many properties and the surrounding roads, and providing a welcome green lung in the village centre. Loss of so many trees would be regrettable. Conditions could include planting replacement trees. Conditions would be needed to ensure that works follow the extensive protection measures and non-traditional construction methods detailed in the tree protection plan to protect the remaining trees. Additional TPOs might be advisable.
 - h. Although the description says “dwelling” the space is effectively two self-contained units, and given the size of the house there are likely to be a number of vehicles. The plot seems small for two dwellings. If the annex is intended for a part of the family group, there should perhaps be a condition to require further planning permission to split the house into two.
12. Following the submission of revised plans Cllr Thomas maintained her objection.
13. One Ward Councillor (Cllr Way) objects on the following grounds:
- a. The plans are out of proportion for the size of the plot and will give rise to an over intensive development.
 - b. Being of a modern style and construction, the building is out of character for the conservation area.
 - c. The two storey design and balcony will overlook neighbouring properties and have a detrimental effect on the ability for the residents to enjoy privacy in their gardens and homes.
 - d. There is insufficient parking for the two properties that would be on site. A property of this size is likely to give rise to the need to park several vehicles. There does not appear to be adequate turning space for vehicles which may mean reversing onto a busy street. The exit from the site is onto a busy road, Main Street, and has poor visibility to right and left, both in respect of traffic and pedestrians. The exit is close to a busy T-junction in the centre of East Leake and there are often parked cars obstructing the view to the west.
 - e. Many trees will be felled; others will be in danger of damage to root systems. If this goes ahead there needs to be measures in place to protect the remaining boundary trees and conditions put in place that prevent the remaining trees from being removed or radically reduced at a future date.
14. Following the submission of revised plans Cllr Way maintained her objection.

15. One Ward Councillor (Cllr Shaw) objects. Whilst it can be argued that the proposed building will not be visible from the street, and he is not against buildings with an ultra modern design, it remains in the Conservation Area and on this occasion he feels that the proposed design is totally inappropriate.

Town/Parish Council

16. East Leake Parish Council objected to the original application on the grounds that the history of one outbuilding should be recorded, and that trees on boundary should not be removed. There will be an increase in traffic on and off Main Street very close to the main T- junction in the village centre. The application is also in breach of policy V1 of the Neighbourhood plan requiring that new buildings in the Conservation area need to be justified as necessary, which a house may not be. It was noted there are a number of adverse comments on the planning portal from consultees.
17. East Leake Parish Council maintained their objection to the revised plans on the grounds that it goes against Policy V1 in the Neighbourhood Plan; is not in keeping with the Conservation Area; and Overlooking neighbours on Cromwell Drive.

Statutory and Other Consultees

18. Nottinghamshire County Council as Highways Authority originally requested additional information relating to the width and surfacing of the proposed access, visibility splays, parking and turning provision, bin collection point and access for emergency vehicles.
19. Following the submission of amended plans, the Highway Authority consider that the proposal is unlikely to result in a severe impact on the public highway, or an unacceptable risk to highway safety. They acknowledge that there would be a 'pinch point' at the site entrance (due to the frontage wall) however the driveway is of a sufficient width (5.1m) to allow vehicles to pass. Therefore, they do not raise an objection to the proposal, subject to conditions relating to the widening of the dropped kerb, provision of parking and turning, surfacing and drainage of driveway.
20. Nottinghamshire County Council Archaeology advised that in terms of the archaeological implications there are no records relevant to the current application and they have no comments or recommendations to offer in that regard. However, it should be noted that the building proposed for demolition is present on the 1st Edition County Series mapping and is flagged as being of Local Interest on the Nottinghamshire HER. They recommend that a programme of building recording should form part of the conditions on the development to ensure that this local asset is preserved in record. Advice should be sought from the Conservation Officer on what level of recording is appropriate.
21. RBC Conservation Advisor comments that "*The proposal site is located within the East Leake Conservation Area, and therefore the impact of the proposals upon the Conservation Area must be assessed. The erection of the proposed new dwelling would have no impact on the Conservation Area, as it would be two storeys high, with a flat roof, and very much set back behind the existing house. It would not be visible from the public realm within the Conservation*

Area, and therefore it would preserve the special interest of the Conservation Area. The existing outbuildings that it is proposed to demolish currently make a positive contribution to the street-scene by virtue of their traditional materials and character, and are identified as making a positive contribution in the East Leake Conservation Area Townscape Appraisal. They are set back from the road and offset slightly from the access drive. Visibility will vary according to the amount of vegetation to the front boundary, but they are definitely partially visible, though not prominent. In terms of the degree of harm to the heritage asset, their removal would be somewhere between less than medium to medium harm. The harm arises from the removal of a characterful outbuilding that evokes East Leake's past, but it is mitigated slightly by the lack of prominence of the asset.

22. *The proposed replacement garage would be sited close to the access point and the front boundary with Main Street, (also identified as a positive building in the Conservation Area Townscape Appraisal). While no. 48 is generally partially screened from public view by vegetation, and set back from the boundary, it is still partially visible from the access point, and screening can vary over time and with the seasons. A new garage appearing between the access point and the host house would alter the street scene and harm the character and appearance of the Conservation Area. The degree of harm to the Conservation Area arising from this proposal would be medium-high, and I would advise that either hardstanding is substituted for a built garage, or that a new garage is proposed to the rear of the building. The proposed new close-boarded timber fencing to the eastern side of the access road would not be visually prominent from the public realm, but it would be visible, particularly the section closest to Main Street, and I would therefore advise that consideration is given to a more attractive style of fencing that would preserve the appearance of the Conservation Area, such as vegetation atop a dwarf masonry wall, or estate railings."*
23. RBC Sustainability Officer notes that an Ecological Appraisal (including bat reports with surveys) was completed in September 2020 and this appears to have been completed in line with good practice and is in date. No protected species were identified, however there is potential for foraging bats, birds and hedgehogs, and there are opportunities for ecological enhancement. He sets out a number of recommendations relating to habitat protection, management and enhancement, during and after construction.
24. RBC Landscape Officer comments that T1 in particular is a prominent tree and he is pleased to see the front garden is being retained as it stands currently. He notes that the tree report recommends the removal of T2 and this would need a conservation area tree notice to be submitted to the Council, but he would not see the Council preventing work taking place given the fungal decay. By contrast the rear garden is very private and whilst there are some large trees within it which can be viewed as from public vantage points, they tend to be located on the part of the garden not being developed. He doesn't object to the removal of the trees shown on the layout plans and would suggest they are not sufficiently visible from public vantage points to warrant protection. In terms of conditions, there will be a need to see a revised tree protection plan that is updated to reflect which trees are being retained and removed. To enable the conifer trees to the east of the building to be retained, the tree survey recommends pile and beam foundations are used and details of the building foundations should be approved in writing before work commences.

25. RBC Environmental Health do not object, but recommend conditions requiring a method statement detailing the measures to be employed to control noise, dust and vibration during construction, and the submission of a Contaminated Land Report.

Local Residents and the General Public

26. Representations have been received from 10 local residents, objecting to the proposal on the following grounds:
- a. Residential amenity – loss of privacy/overlooking from first floor windows and balcony particularly if trees are removed, glare from large areas of glazing, proposed dwelling is disproportionate to existing surrounding buildings, increased noise and disturbance from vehicles, lack of privacy for future residents.
 - b. Impact on Conservation Area – the scale and design of the proposed modern house is out of character with the Conservation Area and surrounding properties, loss of brick outbuilding and historic tennis court, alterations to access to provide visibility may harm character of area.
 - c. Highway safety – additional traffic exiting onto Main Street near a busy junction with no sight lines, there is insufficient vehicular parking and turning within the site requiring vehicles to reverse onto Main Street, a previous proposal on the site was rejected due to the access, the current proposal for a dwelling and annex is essentially two semi-detached dwellings, provision of bin storage, lack of access/turning for emergency vehicles, the use of a sprinkler system does not negate the need for a fire appliance to attend the site.
 - d. Impact on trees – the proposal would harm the existing trees on site, these should be retained and protected during construction, if the trees are removed or destroyed, they should be replaced.
 - e. Surface water drainage - no details of soakaway provision.
 - f. Increase in air pollution.
 - g. Proposal is contrary to Neighbourhood Plan Policy V1.
 - h. Presence of Great Crested Newts

PLANNING POLICY

27. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1), the Local Plan Part 2: Land and Planning Policies (LPP2), and in this instance, the East Leake Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

28. The following sections in the National Planning Policy Framework (NPPF) are of relevance:

- Chapter 2 – Achieving Sustainable Development
- Chapter 9 – Promoting Sustainable Travel
- Chapter 12 – Achieving Well Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Chapter 16 – Conserving an Enhancing the Historic Environment

Relevant Local Planning Policies and Guidance

29. The following policies within LPP1 are of relevance:

- 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 11 – Historic Environment
- Policy 17 – Biodiversity

30. The following policies of LPP2 are of relevance:

- Policy 1 – Development Requirements
- Policy 11 – Housing Development on Unallocated Sites within Settlements
- Policy 12 – Housing Standards
- Policy 17 – Managing Flood Risk
- Policy 18 – Surface Water Management
- Policy 28 – Conserving and Enhancing Heritage Assets
- Policy 37 – Trees and Woodland
- Policy 40 – Pollution and Land Contamination
- Policy 41 – Air Quality

31. The East Leake Neighbourhood Plan was adopted in 2015, and the following policy is considered of particular relevance:

- Policy V1 – Priority Uses for Village Centre

32. The Rushcliffe Residential Design Guide sets out guidance as to local character and materials, height, scale and massing, achieving privacy and guides for amenity space. It states that *“Infill development should respect the existing massing, building form and heights of buildings within their immediate locality”*. It also provides guidance on garden sizes for new dwellings.

33. Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) also requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

APPRAISAL

Principle of a Dwelling

34. The village of East Leake is a settlement identified for growth within Policy 3 (Spatial Strategy) of the Local Plan Part 1.
35. The application proposes a new dwelling, within an existing built up part of the village, which is surrounded on all four sides by existing residential properties. The erection of one dwelling on this site, in a sustainable village location identified for growth, is considered acceptable in principle.
36. Objections have been received from local residents and one Ward Councillor, on the grounds that the proposal would be contrary to Policy V1 of the East Leake Neighbourhood Plan. Policy V1 (Priority Uses for Village Centre) seeks to limit the types of development within the centre of the village to those that particularly require this village central location, including; housing for older people, those with mobility problems, and situations where 'living over the shop' is appropriate.
37. In response to this issue, the agent has commented as follows; *"Policy V1 allows for housing for older people, but does not elaborate on the type of development this is. In this case we are proposing an assisted living arrangement where the applicant's parents and young family live together, thus securing their care in later life. We consider that planning policy regarding the development of housing for older people does not confine itself solely to a situation which encourages the development of houses for older people to live in isolation in a single dwelling separate from their family. Quite the contrary in fact. We consider that the type of multi-generation living arrangement proposed is appropriate and provides suitable, contemporary housing for older people."*
38. Given that the proposed dwelling would contain an ancillary residential annex, which would allow multi-generational living, including for older people, it is not considered that the proposal would be contrary to Policy V1 of the East Leake Neighbourhood Plan. A condition is recommended to ensure that the annex remains ancillary to the main dwelling house, and not occupied as a separate dwelling house.

Impact on Character and Appearance of Conservation Area

39. Policy 11 of the LLP 2 supports housing development on unallocated sites, subject to a number of criteria including; the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials; the site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature; the proposal would not result in the loss of any existing buildings considered to be non-heritage assets unless the loss of the asset is justified; the proposal would not have an adverse visual impact from outside the settlement; the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and appropriate provision for access and parking is made.
40. The proposed dwelling would be located over 70m from Main Street, and due to the position of existing properties to the north of the application site fronting

onto Main Street, the proposed two storey flat roof dwelling would not be visible from public vantage points. Despite its modern design and construction materials, given that views of the dwelling would not be possible from the Conservation Area, the proposed dwelling would not harm its character or appearance.

41. In terms of the pattern and grain of development within this part of the Conservation Area, there are a number of residential properties to the west of the application site which have been constructed behind properties fronting onto Main Street. As a result, the siting of the proposed dwelling to the rear of no.48 would not conflict with and would preserve the pattern of development within this part of East Leake.
42. The double detached garage originally proposed to the front garden area of no.48 Main Street has been omitted from the application, and the access arrangements have been re-designed to enable to the existing frontage wall to be retained.
43. The proposed development would result in the loss of an existing outbuilding located to the rear of no.48. Whilst such buildings are considered to make a positive contribution to the character of the East Leake Conservation Area, given the degree of set back from the road, and the level of existing vegetation, views of the building from the public realm are limited. The harm, as a result of the loss of this building, is therefore considered to be less than substantial. Given the sites location within a sustainable village, identified for housing growth in the Local Plan, and that the proposal could facilitate a residential development suitable for a multi-generational family, together with the economic benefits during the construction period, it is considered that these factors provide the public benefits which outweigh the less than substantial harm identified as a result of the loss of the building. In order to secure an appropriate historic record of the building, a condition is recommended requiring this to be carried out prior to demolition taking place.
44. In terms of the loss of a tennis court, little physical evidence remains on site of this structure, and it not considered to be of any historic significance.
45. For the reasons set out above, it is considered that the proposal would preserve the character of the East Leake Conservation Area, as required by Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990).

Highway Safety

46. The proposed dwelling would utilise the existing vehicular access serving 48 Main Street. During the course of the application amended plans were submitted, demonstrating that the existing access was of a sufficient width without requiring the existing frontage wall to be removed or altered, and that adequate visibility splays existed onto Main Street without requiring third party land. Furthermore, the existing dwelling would be served by three off-street car parking spaces with turning, and the proposed dwelling would be served by 4 spaces with turning, which would allow vehicles serving both dwellings to enter and exit the site in a forward gear.

47. The Highway Authority acknowledged that there would be a 'pinch point' at the site entrance (due to retaining the existing frontage wall), however the driveway would be of a sufficient width (5.1m) to allow vehicles to pass. They have therefore raised no objections to the proposal, subject to conditions relating to the widening of the dropped kerb, provision of parking and appropriate surfacing.
48. In terms of refuse bins, there is sufficient space within both the existing plot and the proposed plot to store the three bin system. Rushcliffe Council operates a kerb side bin collection service, therefore it would be the responsibility of future occupiers to deliver their bins to the kerb side on Main Street on collection day.
49. With regard to access by emergency vehicles, the agent has confirmed that the property would be installed with a sprinkler system, which would be dealt with under the Building Regulations.

Ecology

50. The application was supported by an Ecological Appraisal which concluded that there was no evidence of bats using the existing buildings for any purpose, although the site does offer foraging potential. In order to ensure that protected species are protected a condition is recommended requiring a further survey to be carried out if the demolition of the outbuilding does not take place within the next 12 months. In order to secure ecological enhancements on the site, a condition requiring the installation of two bats boxes is recommended.
51. A local resident raised the issue that Great Crested Newts may potentially be present within the site, however the submitted Ecological Appraisal confirms that the site is considered to offer negative potential for the presence of Great Crested Newts.

Impact on Trees

52. There are a number of trees within the site and along the site boundaries. Following consultation with the Borough Council's Landscape Officer he acknowledged that the rear garden is very private and whilst there are some large trees within it which can be viewed from public vantage points, they tend to be located on the part of the garden not being developed. He raised no objections to the trees proposed for removal, as they are not sufficiently visible from public vantage points to warrant protection. He advises conditions be attached to any approval requiring a tree protection plan, together with details of the proposed pile and beam foundations, to ensure the existing conifer trees to the boundaries are retained.

Residential Amenity

53. In terms of the impacts upon existing residents, concerns were raised with the agent regarding the potential noise impacts on residents immediately to the east and west of the site entrance from traffic passing close to their side elevations (namely 46, 46a and 48 Main Street). The agent has confirmed that the access would be surfaced in a bound porous material, as opposed to loose gravel, thereby reducing the potential of noise from vehicles entering and exiting the site. Given that these dwellings do not contain any habitable room

windows facing the site, and that the access would serve only one additional dwelling, it is not considered that the proposal would result in a significant increase in activity which would cause unacceptable levels of noise and disturbance to these neighbouring properties.

54. Several objections have been received from neighbouring properties located to the south, east and west of the application site on Salisbury Avenue (east), Cromwell Drive (south) and Starch Close (west) regarding the impacts of the proposed dwelling on their living conditions. It is acknowledged that the proposed two storey dwelling would contain large areas of glazing, particularly to the south elevation, including a first floor balcony. During the course of the application the proposed dwelling was positioned further northwards within the site. The proposed dwelling would be located 12.5m from the southern boundary, 23m from 5 Starch Close, between 30m and 40m from the rear elevations of properties on Cromwell Drive and 25m from the rear elevations of properties on Salisbury Avenue. Furthermore, the existing trees to the boundaries provide screening of the site from the surrounding area. The protection of these trees during construction would be secured by condition. Given the significant separation distances and the existing boundary screening, it is not considered that the proposed dwelling would result in significant harm through overlooking, overshadowing, nor appear overbearing.
55. A separation distance of 37m would be maintained between the rear elevation of no. 48 and the front elevation of the proposed dwelling, and the gardens would be separated by a new close boarded timber fence and planting. No.48 would continue to benefit from a large rear garden area, which would not be overlooked by first floor windows from the new dwelling. It is not considered therefore that the living conditions of no.48 would be harmed by the proposed dwelling.
56. In terms of future occupiers of the proposed dwelling, it would be positioned within a wide plot, with a large private garden area to the rear and off-street car parking and turning areas to the front. As detailed above, given the existing boundary treatments and distances from surrounding properties, future residents would be afforded an adequate level of privacy.

Flooding/Drainage

57. The site is located within Flood Zone 1 on the Environment Agency's Flood Zone maps, which have a low possibility of flooding. However, following long periods of heavy rainfall, areas of the village do suffer from surface water flooding.
58. In order to ensure that the surface water run-off rates from the site are controlled, a condition is recommended which would require a scheme for the provision and implementation of surface water run-off limitation measures to be submitted for approval, and the development carried out in accordance with the approved scheme.

Sustainability

59. In order to promote sustainable development and construction, conditions are recommended which would require the dwellings to be constructed so as to

limit the water consumption to no more than 110 litres per person per day, and require the installation of electric vehicle charging points.

Conclusion and Planning Balance

60. The proposal would contribute an additional dwelling to the Boroughs housing supply within a highly sustainable location. It would provide flexible living accommodation which has the ability to accommodate a multi generation household close to the amenities of East Leake. This outweighs the less than substantial harm to the East Leake Conservation Area as a result of the loss of the existing outbuildings. Subject to conditions, the proposal would not result in harm in relation to highway safety, trees, ecology, residential amenity or flooding. The proposal therefore accords with the policies contained within the Rushcliffe Local Plan and the guidance contained within the NPPF.
61. The proposed development was not the subject of pre-application discussions. Negotiations have however taken place with the agent during the course of the application and amended plans have been submitted to address the concerns raised in relation to access arrangements; the character and appearance of the Conservation Area; and the living conditions of neighbouring residents. This has resulted in a more acceptable scheme and the recommendation to grant planning permission, subject to conditions.

RECOMMENDATION

- (i) 20/01974/FUL - It is **RECOMMENDED** that planning permission be granted subject to the following conditions
1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
- [To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Existing Location Plan & Site Plan revision 02 dated 17 Dec 2020
- Proposed Location Plan and Site Plan revision 06 dated 23 March 2020
- Proposed Highways - Access, Visibility and Existing Parking revision 05 dated 18 March 2021
- Proposed Highways - Drive and Parking revision 04 dated 8 Feb 2021
- Proposed Elevations revision 08 dated 31 Dec 2020
- Proposed Plans revision 07 dated 31 Dec 2020
- Proposed Building Scale and Massing Comparison revision 03 dated 31 Dec 2020

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

3. The dwelling hereby permitted shall not be constructed above damp proof course level until details of the facing and roofing materials to be used on all external elevations, together with details of the door and window frames, have been submitted to and approved in writing by the Borough Council. The dwelling shall only be constructed in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and preserves the character of the Conservation Area, to comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policies 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: Land and Planning Policies].

4. The dwelling hereby approved shall not be constructed above damp proof course level until a hard and soft landscaping scheme for the site, including details of the boundary treatment to all the site boundaries, has been submitted to and approved in writing by the Borough Council. The hard landscaping shall be completed prior to the occupation of the dwelling hereby approved. The soft landscape planting shall be completed no later than the first planting season following occupation of the dwelling hereby approved.

[To ensure the appearance of the development is satisfactory, preserves the character of the Conservation Area, and protects the living conditions of neighbouring occupiers. To comply with Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policies 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: Land and Planning Policies].

5. The dwelling hereby approved shall not be occupied until the access has been surfaced in a hard-bound material for a minimum distance of 5m to the rear of the highway boundary. The hard-bound surfacing shall thereafter be retained for the life of the development.

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

6. The dwelling hereby approved not be occupied until the existing dropped kerb vehicular footway crossing has been widened in accordance with the Highway Authority specification.

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

7. The dwelling hereby approved not be occupied until the parking and turning provision as shown on the approved plans referred to under condition 2 of this approval, has been provided. The parking and turning provision shall thereafter be retained as such for the life of the development.

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

8. The dwelling hereby approved shall not be occupied until the access driveway, as shown on the approved plans referred to under condition 2 of this approval, has been constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall thereafter be retained for the life of the development.

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

9. The development shall not be constructed above damp proof course level until a scheme for the provision and implementation of surface water run-off limitation measures has been submitted to and approved in writing by the Borough Council. The dwellings shall not be brought into use until the approved scheme has been implemented.

[To ensure that adequate surface water drainage provision is secured for the site, in accordance with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. The development shall not commence until details of the finished ground and floor levels of the proposed dwellings, in relation to an existing datum point, existing site levels and adjoining land, shall be submitted to and approved in writing by the Borough Council. The development shall only be undertaken in accordance with the details so approved.

[This is a pre-commencement condition to ensure that the dwelling hereby approved is constructed at an appropriate level, in the interests of visual and residential amenity, 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].

11. Development shall not commence until a Contaminated Land Report has been submitted to and approved in writing by the Borough Council. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council prior to development commencing.

[This is a pre-commencement condition to ensure that the site is suitably free from contamination in order to protect the living conditions of future residents, and to comply with Policy 40 (Pollution and Land Contamination) of the Local Plan Part 2: Land and Planning Policies.]

12. The dwelling hereby approved shall not be constructed above damp proof course level until a scheme for the provision of an electric vehicle charging point has been submitted to and approved by the Borough Council. The

scheme shall provide details of the provision of an electric vehicle charging point to serve the development on site. Thereafter, unless it has been demonstrated that the provision of an electric vehicle charging point is not technically feasible, the dwelling shall not be occupied until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the approved scheme. The electric vehicle charging infrastructure shall thereafter be retained and maintained for the lifetime of the development.

[To ensure the development is capable of promoting sustainable modes of transport and to comply with Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

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

14. Development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for:

- a) the means of access for construction, delivery and workers traffic;
- b) parking provision for construction traffic, site operatives and visitors;
- c) the loading and unloading of materials;
- d) the storage of plant and materials;
- e) the hours of operation

[This is a pre-commencement condition to ensure that the site can be developed in a safe manner and limit the impacts upon residential amenity and highways safety throughout the construction phase, in accordance with Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. The development hereby approved shall be carried out in accordance with the recommendations as set out in section H of the Ecological Appraisal WCL/EA/7920 dated 2nd September 2020.

[To ensure that protected species and their habitats are enhanced as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

16. The dwelling hereby approved shall not be constructed above damp proof course level until details of two integrated bat boxes to be fitted to the eastern and western elevations of the dwelling hereby approved, have been submitted to and approved in writing by the Borough Council. The approved bat boxes shall be installed within the fabric of the new dwelling during its construction, and retained and maintained as such thereafter.

[To ensure that protected species and their habitats are enhanced as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

17. The residential annex contained within the dwelling hereby approved, shall not be occupied at any time other than for residential purposes which are ancillary to the residential use of the main dwelling house and shall not be sub-let or sold separately.

[It is not considered that the site is suitable to accommodate two independent dwellings in terms of the means of access, internal parking and turning areas and outdoor amenity space, having regards to Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

18. Development shall not commence until, a Tree Protection Plan detailing the methods by which existing trees on the site will be protected during construction, shall be submitted to and approved by the Borough Council. The plan shall include details of the proposed pile and beam foundations of the proposed dwelling. The tree protection measures shall be provided before work commences on site and the development works shall only be carried out in accordance with the approved plan. No spoil, materials or vehicles shall be stored within the area of tree protection.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to development commencing, to protect the health of existing trees and to comply with Policy 37 (Trees and Woodland) 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). 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.

The development makes it necessary to amend a vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at licenses@viaem.co.uk to arrange for these works to take place.

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.

During and post construction, a sensitive lighting scheme should be implemented to prevent disturbance to commuting and foraging bats in the local area. Lighting should be directed away vegetative features within the site and along boundaries, and light overspill of over 1lux should be avoided within these vegetated areas.

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

You are reminded that the site is located within the East Leake Conservation Area and permission would be required for the demolition of any gate, wall or fence or other means of enclosure with a height of one metre or more if next to a highway, or a height of two metres elsewhere.

You are advised that the site is within a designated Conservation Area and any trees are therefore protected. Prior to undertaking any works to any trees you should contact the Borough Councils Landscape Officer on 0115 914 8558.

Condition 13 requires the new dwelling 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.

(ii) 20/01988/RELDDEM - It is RECOMMENDED that planning permission for relevant demolition of an unlisted building in a conservation area be granted subject to the following conditions:

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

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

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

Existing Location Plan & Site Plan revision 02 dated 17 Dec 2020

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

3. Prior to the commencement of demolition, a method statement detailing
page 173

techniques for the control of noise, dust and vibration during demolition shall be submitted to and approved by the Borough Council. The demolition works shall only be carried out in accordance with the approved method statement.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing, to protect the amenities of surrounding residents and to comply with Policy 1 (Development Requirements) and Policy 40 (Pollution and Land Contamination) of the Local Plan Part 2: Land and Planning Policies].

4. If the demolition of the outbuilding does not take place within 12 months of the date of this decision, an additional survey to determine if bats are roosting within the building shall be carried out, and the results and recommendations of which shall be submitted to the Borough Council for approval. The demolition of the outbuilding shall thereafter be carried out in accordance with the recommendations as set out in the approved additional bat survey.

[To ensure that protected species and their habitats are not harmed as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Local Plan Part 2: Land and Planning Policies].

5. Prior to the commencement of demolition, a Building Recording Exercise of the building (to a detailed level 2 record, in accordance with guidance provided in Understanding Historic Buildings: A guide to good recording practice), shall be carried out, submitted to and approved in writing by the Borough Council.

[To ensure a detailed record of the building is obtained and to comply with policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. A pre-commencement condition is required to ensure an accurate record of the building can be obtained].