

23/01251/FUL

Applicant David Carter

Location Land North West of 42 Wilford Lane, West Bridgford

Proposal Erection of 1no. dwelling

Ward Compton Acres

THE SITE AND SURROUNDINGS

Details of the application can be found [here](#)

1. The application relates to a parcel of land to the rear of 42 Wilford Lane in West Bridgford. The land is detailed as 'garden' in the ownership of No. 42, however, it appears that it has been used for a number of years for storing vehicles.
2. The site is accessed from a private drive which currently serves 5 dwellings, with the River Trent situated at the northern end of the road. To the north and east of the site are residential dwellings and to the south a modern extension to No. 42. To the west is an access track to what appears to provide access to equipment relating to maintenance of the Trent. Further to the west is the car park to the medical centre.
3. Properties in the vicinity of the site are a mix of styles with the frontage of No. 42 traditional in appearance with a contemporary addition in 2015. To the east, No. 38 is similar in appearance to the frontage of No.42 with 2 contemporary flat roofed dwellings behind. To the immediate north of the site is No. 40 which is a traditional two storey hipped roof property.
4. The site is flat, enclosed by high leylandii hedging on the northern boundary and vegetation; hedging/trees partially screen the site from view on the western boundary. The site is situated within flood zone 3.

DETAILS OF THE PROPOSAL

5. The application seeks planning permission for the construction of a new dwelling. The dwelling would be contemporary in appearance and 2-3 storey in height with a flat roof.
6. The dwelling would be approximately L -plan in shape with the ground floor containing a carport and entrance hall. The 1st floor would contain a kitchen, lounge and bedroom. At 2nd floor level would be a further 4 bedrooms.
7. Materials are proposed to be a mix of concrete, render and timber cladding, with green roofs and solar PV panels. Sufficient space is proposed on the frontage of the property for two cars to park with a carport beyond.

8. To the rear is proposed to be a private garden area, which would be enclosed from the front by timber fencing.
9. During the course of development the plans have been amended a number of times. The alterations during the course of these amendments include alterations to the ground floor accommodation, changes to the car port/garage, and the inclusion of an access gate.

SITE HISTORY

10. 16/01264/FUL - New dwelling to the rear of 42 Wilford Lane. Approved 2016.
11. 15/02349/FUL - Single and two storey rear extension. Approved 2016.

REPRESENTATIONS

Ward Councillor(s)

12. Cllr A Phillips objects to the application, noting that the Environment Agency makes the point that the LPA should take into consideration the cumulative impact of multiple small developments within the floodplain. Cllr Phillips notes that flooding at Wilford Lane has been experienced recently and after the rain had stopped the River Trent flood defence walls had not been breached. Because river levels have remained high, water that would have drained into the river was actually back flowing and coming out of the drains and sewers on to Wilford Lane and surrounding area including the tramline and path by Gresham Playing Fields.

There is more flooding in the area in recent years due to the over development and the loss of vegetation and natural soakaways. Whilst this application is small by comparison to other developments in the area it is part of the cumulative effect.

All Councillors were agreed at Full Council in September 2023 that flooding is becoming an increasing concern for residents and more needed to be done.

13. Cllr H Om objects and endorses the comments made by Cllr Phillips.

Statutory and Other Consultees

14. The Highway Authority (Nottinghamshire County Council) notes that the application site is accessed via a shared private drive. The shared private drive serves a total of 5 dwellings at presents and the Highway Authority is of the view that the increase in traffic associated with the addition of a single dwelling is not considered to result in a material change to the current situation. No objection is raised subject to a condition requiring all parking provision to be provided in accordance with the approved plans prior to the occupation of the dwelling.
15. Environment Agency (EA) notes that the applicant has advised that they are unable to provide floodplain compensation and therefore the proposal would displace water in a flood event. This is because the EA does not recognise stilts and voids as floodplain compensation as there is no guarantee that the

void will be available for the storage of flood water for the lifetime of the development and the areas can become silted and clogged with debris over time.

The application site is fully defended during the 1 in 100 year (1% annual probability) event from the River Trent. However, when the impacts of future climate change are taken into account, the site is impacted. There is a reasonable likelihood of the River Trent defences in Nottingham keeping pace with climate change due to the density of vulnerable receptors generally providing a robust economic case.

Based on the 29% climate change scenario, which is recommended for this catchment, the applicant advises there will be a displacement of approximately 211m³ of water during the design flood event (30% climate change scenario assessed in the absence of 29% data). This is a substantial volume of water, however in the context of the River Trent floodplain, it is unlikely to result in any measurable change in flood depths across the flood cell. The EA has advised that it is concerned by the cumulative effect of such proposals though.

In this instance the EA does not object to the proposal, however, they encourage the LPA in its decision making to consider the cumulative effect of small developments within the flood plain and ensure that a sequential approach to planning is taken by considering sites in areas at the lowest risk of flooding first. Recommends a condition for the development to be carried out in accordance with the submitted flood risk assessment.

16. Nottinghamshire County Council Lead Local Flood Authority (LLFA) has advised that they should only be consulted on major developments and therefore do not provide bespoke comments. They provided the general advice that development should not increase flood risk to existing properties or put the development at risk of flooding, any discharge of water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location, and SUDS should be considered where feasible.
17. Rushcliffe Borough Council Environmental Senior Ecology and Sustainability Officer advises that a preliminary ecological appraisal and preliminary roost assessment has been supplied with the survey carried out in January 2023 and notes that whilst this is outside of the optimal survey period it can be used to characterise the site and identify whether further surveys are required. The survey has followed good practice and is in date until December 2023.

The appraisals confirmed no protected or priority species present. Building B1 offers moderate bat roost potential but no works are proposed to this building and the trees to the south of this building with bat roost potential are to be retained. Further survey work would be required if these were to be removed. The site has potential for wild birds, foraging bats, badgers and mammals. Invasive cotoneaster and snowberry were confirmed.

No nationally or locally designated sites are likely to be impacted.

Recommends conditions for reasonable avoidance measures and enhancement measures as per the recommendations with the preliminary ecological appraisal.

Advises it is unlikely that this development would have a detrimental impact on populations of protected species.

18. Nottinghamshire Wildlife Trust (NWT) is not usually consulted on applications such as this as matters relating to ecology are dealt with by Rushcliffe Borough Council Officers. However, as the NWT has provided comments these are reported on.

Recommendations are made for a precautionary working method to be produced and incorporated into a Landscape and Ecology Management Plan. Two mature trees (T11 and T12) should be retained and protected during development. The trees provide an opportunity for breeding birds, roosting bats and invertebrates and the heavy canopies are also likely to act as a foraging and commuting resource. Further assessment of these trees should be provided by the ecologist. Light spill should not fall within the green corridor.

There is local badger activity and it is highly likely there are hedgehogs on site. As such precautionary working methods would be required. A hedgehog highway should be incorporated on boundary fences.

Sensitive timings of works for vegetation clearance is required and fingertip searches for sheltering herptiles/mammals will be required.

The loss of bird nesting habitat should be compensated through the creation of additional habitat (hedgerow, dense shrubs, or scrub planting). Bird boxes can also be included as ecological enhancement.

19. Rushcliffe Borough Council Senior Design and Landscaping Officer advises that along the north boundary of the site is a tall leylandii hedge, just outside the western boundary is a mature Ash with a Holly tree located just to the south within this site. The proposed building respects the root protection area (RPA) of the Leylandii hedge and Holly tree, but the supporting wall of the lounge which forms the undercroft courtyard is located within the RPA of the Ash and there would be a risk of root damage. Advises that the development should be carried out in accordance with the recommendation within paragraph 4.1.3 of the Arboricultural Report which recommends precautionary working measures are followed in the excavation for the footings within the RPA. If any roots of 25mm diameter are identified then the trench should be backfilled and proposals for a foundation design that allows their retention should be submitted and approved prior to further works commencing.

20. Rushcliffe Borough Council Environmental Health Officer is satisfied with the finding of the noise survey noting the recommendations within it in respect of noise mitigation and an overheating assessment are conditioned.

Advises that the potential risk to human health and controlled waters from land contamination is low and recommends condition with respect to a watching brief for unforeseen and/or unexpected contamination.

Local Residents and the General Public

21. Letters have been sent to neighbouring residents and a site notice posted at the site. Objections have been received from 4 members of the public, 1 neutral response has been received, and 1 letter of support has been received. It

should be noted that the letter of support was submitted by the owner of No. 42 Wilford Lane who is also the applicant.

22. Reasons for objection can be summarised as follows:

- Insufficient parking
- The applicant is not the owner of the lane
- Increased flood risk
- Land contamination concerns due to the siting and sale of cars on the existing site
- Increased traffic resulting in highway safety concerns
- Potential overlooking and loss of privacy
- Nowhere for work vehicles to park during construction phase
- The FRA accepts no liability and should not be accepted
- Loss of trees which has already occurred due to site clearance
- Wrong house numbers and post code shown on application form and plans
- Overshadowing and loss of light
- Access issues for neighbouring property
- Insufficient bin storage
- Solar PV panels not shown on the plans
- Trees lining the access drive not referred to
- Title deeds require all windows on north east elevations to be frosted or opaque glass up to a height of 5'6" from floor level
- Impact on wildlife
- Plan showing sewers are representational and not to scale and the survey was not extended to the connection to the main sewer on Wilford Lane
- No provision for vehicles to turn on private lane.

23. The neutral comments can be summarised as follows:

- Concerns about unallocated parking along the shared drive
- Concerns about flooding and impact on safety.

24. The comments in support of the application can be summarised as follows:

- Previous application for a similar size dwelling was approved
- Extra car parking would be provided to contractors during the build process to the front of No. 42
- The private shared drive is not a busy road
- The existing site is unsightly
- Proposed build would be in keeping with the local properties and environmentally friendly.

Full comments can be found [here](#)

PLANNING POLICY

25. 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) and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

26. The relevant policy considerations in the NPPF are:
- Paragraph 11c)
 - Chapter 5 (Delivering a sufficient supply of homes)
 - Chapter 11 (Making effective use of land)
 - Chapter 12 (Achieving well- designed and beautiful places)
 - Chapter 14 (Meeting the challenge of climate change, flooding and coastal change)
 - Chapter 15 (Conserving and enhancing the natural environment).

Full details of the NPPF can be found [here](#).

Relevant Local Planning Policies and Guidance

27. The relevant policy considerations in the LPP1 are:
- Policy 1 (Presumption in Favour of Sustainable Development)
 - Policy 2 (Climate Change)
 - Policy 3 (Spatial Strategy)
 - Policy 8 (Housing Size, Mix and Choice)
 - Policy 10 (Design and Enhancing Local Identity)
 - Policy 14: Managing Travel Demand
 - Policy 17: Biodiversity.
28. The relevant policy considerations in the LPP2 are:
- 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 37: Trees and Woodlands
 - Policy 38: Non-designated Biodiversity Assets and the Wider Ecological Network.
29. The Rushcliffe Residential Design Guide is also a material consideration.
30. The full text of the policies in the LPP1 and LPP2, together with the supporting text can be found in the Local Plan documents on the Council's website at: [Planning Policy - Rushcliffe Borough Council](#).

APPRAISAL

31. 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.

32. The main issues in the consideration of the application are the principle of development, design and impact on the character and appearance of the area; residential amenity, flood risk, ecology, trees and highway safety.

Principle of development

33. The overarching Policy 1 in the Local Plan Part 1: Core Strategy reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.
34. The proposal falls to be considered under LPP2 Policy 11 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted for development on unallocated sites subject to compliance with the criteria listed under part 1 of this policy. Of specific relevance are criteria a, b, c, f, and g whereby planning permission will be granted provided that:
- a) the proposal in terms of scale and location is in accordance with Local Plan Part 1: Core Strategy Policy 3 (Spatial Strategy);
 - b) the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials;
 - c) the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;
 - f) the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
 - g) appropriate provision for access and parking is made.
35. In terms of the principle of development, the site falls within the built- up area of West Bridgford and therefore a residential development in this location would be in accordance with Policy 3 of the LPP1 (Spatial Strategy). The site is centrally located close to shops, services and frequent transport links. The existing site is a largely enclosed area of land between two residential dwellings. The site is not considered to have any characteristics that offer significant benefits to the amenity of the surrounding area by virtue of its character and it does not have a particularly open nature. As such the principle of development would be in accordance with Policy 11, subject to an assessment of impact on the character of the area, amenity on neighbouring occupiers, highway impact, impact on flood risk, and ecological impact.

Amenity

36. Core Strategy policy 10 states that development should be assessed in terms of its impact on the amenity of occupiers and nearby residents. This is reinforced under policy 1 of the Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
37. The proposed dwelling would be set across from No. 36 and 38A to the west. No. 40 is located adjacent to the proposed dwelling to the north, with No. 42 to the south.
38. The upper element of the proposed dwelling would be 8.4m at its highest and

the lower element 5.7m. Windows are proposed on the northern, eastern and western elevations at first and second storey. The property would be approximately 17m to the south of No. 40 and 25.5m to the west of 36 and 38A. The property would be set in approximately 3.4m from the south boundary of the site with No. 42. It would not project beyond the east side of No. 42, and the neighbouring property has most of its private amenity space to the south of the dwelling. It is considered that these distances are sufficient relative to the scale of the proposed dwelling to ensure it would not result in an unacceptable overbearing or overshadowing impact for the residents of the neighbouring properties.

39. Two windows at second floor level are proposed in the north side elevation of the dwelling orientated towards No. 40. However given the separation distance and presence of large leylandii hedge, which is within the ownership of the applicant it is not considered that these windows would result in a loss of amenity. Should the hedge be removed in the future the windows would be orientated over the front of No. 40, which is considered to be less private and already partially overlooked by 38A to the east.
40. No. 42 has glazing in the northern and western elevation of the contemporary addition, however views towards the private garden area for the proposed dwelling would be limited by the distance; approximately 15m, the mass of the two storey garage element and tree screening proposed on the boundary, which can be secured via a landscaping scheme. Windows are proposed on the southern elevation of the proposed property however, in line with the above, along with the distance from the openings which are set into the site it is considered that they would not result in unacceptable overlooking of No. 42 to the south.
41. It is noted that objections have been raised by the residents of No. 36 and 38A with respect to potential overlooking, and overshadowing of the patio area at No. 36 which is located on the west side of No. 36. The proposed dwelling would be situated with its front elevation towards the front elevation of No. 38A, and the side elevation of No. 36. The relationship would be similar to the relationship of the existing dwellings on the west of the shared private drive. The objectors have suggested the dwelling should be set further back within the plot, however, to do so would push the proposed dwelling into the root protection areas for existing trees, potentially causing unacceptable harm. The relationship between the proposed dwelling and the existing dwellings to the east is not considered to result in an unacceptable loss of privacy for the residents of the existing dwellings. With respect to the patio area at No. 36, this dwelling is set within a substantial plot with extensive private amenity space to the south of the dwelling. Whilst some loss of light to the specific area in question may result from the proposed development, given the amount of private amenity space across the rest of the property this is not considered so significant as to result in an unacceptable loss of amenity to the extent that planning permission should be refused.
42. Objection comments also advise that title deeds for properties along the shared private drive stipulate that windows on north east elevation of properties should be obscurely glazed. If this is the case this is a legal matter that is not a material consideration in the determination of the planning application. From a planning perspective it is considered the separation distances are sufficient to ensure that the proposal would not result in an unacceptable loss of amenity for the

residents of neighbouring properties by way of overlooking.

43. The dwelling would offer a good standard of amenity for future occupiers with outlooks from all habitable rooms and a private garden area, which whilst being relatively modest is in close proximity to green spaces situated to the north on the embankment.
44. A noise report has been submitted with the application which the Council's Environmental Health Officer has reviewed and is satisfied with. It should be conditioned that the recommendations of the noise report are complied with.
45. The proposal is considered acceptable in terms of occupier amenity and neighbouring amenity and it therefore complies with Policy 10 of the LPP1 and Policy 1 and criteria f) of Policy 11 of the LPP2.

Design and Appearance

46. Core Strategy 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, amongst other things in terms of its massing, scale, proportions, materials, architectural style and detailing. This is reinforced under Policy 1 of the Local Plan Part 2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.
47. Chapter 12 of the NPPF concerns achieving well-designed and beautiful places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place.
48. The proposal is for a contemporary dwelling which would be a mix of two and three storeys with the overall height up to 8.4m. The building would have a flat roof, with the lower roof to have a green roof, with solar PV panels to be installed on the higher roof. The ground floor is proposed to be constructed from concrete with upper elements a mix of white render and timber cladding.
49. The building is considered to respond to design influence from the two contemporary dwellings situated to the north and it is considered that it would sit comfortably within the street given the existing contemporary design influence.
50. The size of the dwelling and plot within which it sits would be comparable to the new build properties to the north of the site, and as such it is considered that it would be in keeping with the character of the surrounding area.
51. In the interests of ensuring a successful build it is recommended that precise materials, means of enclosure and green roofs be secured by condition.
52. It is considered that the scale, mass and finish of the dwelling would be acceptable and the proposal would accord with Policy 1 and criteria b) of policy 11 of the LPP2.

Flood Risk

53. The site falls within a high flood risk area (flood zone 3), albeit in an area that benefits from extensive flood defences. A flood risk assessment (FRA), sequential and exception test have been submitted and reviewed by officers and the Environment Agency. The Lead Local Flood Authority has been consulted but has advised that they have no specific comments to offer as the application is not for a major development.
54. No objection has been raised subject to development being undertaken in accordance with the approved assessment.
55. The FRA provided by the applicant sets out that floodplain compensation has been considered due to the proposed raised finished floor level across the building footprint and it is noted that a volume of 211m³ could be displaced as a result of the proposals. The FRA advises that there is no opportunity to provide this quantity of level-for-level floodplain compensation within the site or land within the ownership of the applicant. The building has therefore been designed with a suspended floor incorporating floodable space beneath the footprint of the proposed development to mitigate any flood water displacement.
56. The EA advises that the stilts and voids are not recognised as floodplain compensation as there is no guarantee that the void would be available for the storage offload water for the lifetime of the development and the areas can become silted and clogged with debris over time.
57. The requirement for floodplain compensation is typically a requirement for development to comply with the NPPF's requirement for development to not increase the risk of flooding elsewhere. The EA advises that the site is fully protected during the 1 in 100 year (1% annual probability) event for the River Trent. It is noted that when the impacts of future climate change are taken into account, the site is impacted. However, the EA advises that whilst there are no guarantees, given the location of the application site within a densely populated area, there is a reasonable likelihood of the River Trent defences in Nottingham keeping pace with climate change.
58. The EA advises that whilst the amount of water that could be displaced by the proposal is substantial, in the context of the River Trent floodplain it is unlikely to result in any measurable change in flood depths across the flood cell. With this in mind the EA does not object to the application.
59. The EA encourages the LPA in its decision making to consider the cumulative effect of multiple small developments within the flood plain and ensure that a sequential approach to planning is taken by considering sites in areas at lowest risk of flooding first.
60. It is noted that no objection was raised to the previous approval for a dwelling on the site in 2016 and the sequential test provided by the applicant identifies no sequentially preferable sites that is at a lower risk of flooding, capable of accommodating the development and available. The exception test outlines that the site is sustainably located in close proximity to day to day facilities and public transport connections. Furthermore, the proposal is considered to be

safe for its lifetime from flooding and would not contribute towards flooding elsewhere. It is considered that the sequential and exception test are complied with.

61. This application has been considered in terms of the role it could have in the cumulative impact of small developments within the flood plain. However, of most significance is the EA's assessment that the amount of flood water displacement, in the context of the River Trent floodplain is unlikely to result in any measurable changes across the flood cell. Furthermore, the site benefits from extensive protection against flood events, and as advised by the EA it is likely that such flood defences will keep pace with climate change. It is therefore considered that the proposed development would have minimal impact on flood risk either on this site, or elsewhere in the area, based on the information provided within the FRA and the comments provided by the EA, which conclude with the statutory consultee raising no objection. As such a refusal on the grounds of flood risk is unlikely to be sustained on appeal.
62. The EA has advised that should planning permission be granted it should be subject to a condition requiring development to be carried out in accordance with the FRA and for measures including finished floor levels to be set no lower than 25.47 metres above Ordnance Datum (AOD), the building should be constructed with a suspended floor incorporating floodable space beneath it, and the implementation of flood mitigation measures as detailed within Section 15.10 of the report.
63. No habitable accommodation is proposed on the ground floor of the property which includes a car port with open access to the front and rear, and a modest hallway. As such this area would be floodable in line with the requirements of the FRA. The existing site ground level varies from approximately 23.5-23.7m AOD. The submitted section indicates that the first floor level would be approximately 2.5m above existing ground level at approximately 26.1m. The mitigation measures set out in paragraph 15.10 of the FRA relate to the detailed build the requirement to comply with these would be included in the condition for the development to comply with the FRA.
64. No details have been provided in relation to surface water attenuation. The application form indicates that foul sewage would be disposed of via the mains sewer, and surface water would be disposed of via a sustainable drainage system and main sewer. As per paragraph 6.2 of the FRA, the application site is assessed as being at very low risk of pluvial flooding (surface water), sewer flooding and groundwater flooding. As such, and in accordance with Policy 18 of the LPP2, it is considered sufficient at this stage to attach a condition requiring the submission of a surface water drainage scheme to be submitted and agreed prior to the commencement of development.

Highway Safety

65. The proposal has been reviewed by the Nottinghamshire County Council Highway department and no objection has been raised. The property would be accessed from a private drive which already serves five other properties. NCC highways have concluded that the increase in traffic associated with one additional dwelling would not result in a material change to the current access arrangements.

66. The property would have 5 bedrooms, and in accordance with the [Nottinghamshire County Council Highway Design Guide](#) this would have a requirement for a minimum of 3 parking spaces. The proposed car port is of a sufficient size to be considered as a double car port, and there is adequate provision on the drive to the front of this for a further parking space. The proposal would therefore be in accordance with the Highway Design Guide. In the interests of promoting sustainability an electric vehicle charging point shall be secured via condition.
67. The comments received relating to parking during construction are noted; it would appear that there is sufficient space for construction vehicles to park on the site during construction or to the front of No. 42. Given the proposal only relates to a single property it is not considered that a construction traffic management plan is required to address this.
68. Overall it is considered that the proposal would not result in highway safety concerns and would accord with criteria g) of Policy 11 of the LPP2 and national policy guidance.

Ecology and Trees

69. The application has been supported by a preliminary ecological appraisal and bat roost assessment which has been reviewed by the Council's Ecology Officer. No protected species have been detected on site and no objection has been raised. Conditions are recommended for reasonable avoidance measures and enhancement measures as per the recommendations of the report. It is noted that the surveys provided are in date to December 2023. As this date has now passed, but no protected or priority species have been identified on the site, it is considered reasonable and necessary to condition that updated surveys are carried out prior to development commencing.
70. The Nottinghamshire Wildlife Trust has also made recommendations, many of which are covered by the avoidance and mitigation measures within the preliminary ecological appraisal.
71. The applicant has also submitted an arboricultural assessment which demonstrates that the proposed dwelling would be compatible in relation to existing trees/hedges on the site. The leylandii hedge which of limited interest provides important screening. The two trees on the western boundary; one identified as being inside and the other outside the site would be compatible with the proposed development and offer screening to future occupiers.
72. The foundations for the building would be within the root protection area (RPA) of the Ash Tree and there would be a risk of root damage. Recommendations for development in this area have been recommended within the report, which the Council's Landscaping Officer accepts, subject to an amendment to the recommendation that if roots of more than 25mm in diameter are encountered during excavation for the footings an alternative method for footings is agreed with the Council to ensure no damage to the tree. Further tree planting has been indicated on the proposed site plan which shall be secured by way of landscaping condition with a view to improving the visual amenity of the site in accordance with Policy 10 of the LPP1 and Policy 1 of the LPP2.

Other Matters

73. The Council's Environmental Health Officer has advised that they are satisfied that the potential risk to human health and controlled waters from land contamination is low and recommends condition with respect to a watching brief for unforeseen and/or unexpected contamination.

Conclusions

74. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation of granting planning permission.
75. For the reasons set out above it is considered that the application accords with the general national and local planning policies considered above, resulting in a recommendation to recommend the 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:**

- Site location plan - Dwg No. 1200 rev P1**
- Proposed site block plan - Dwg No. 1201 Rev P3; received 24 April 2024**
- Proposed 00 ground - Dwg No. 2200 Rev P5; received 9 April 2024**
- Proposed 1st and 2nd floor plans - Dwg No. 2201 Rev P3; received 9 April 2024**
- Proposed section A-A Dwg No. 3200 Rev P4; received 24 April 2024**
- Proposed front elevation - Dwg No. 3701 Rev P6; received 24 April 2024**
- Proposed rear elevation - Dwg No. 3702 Rev P5; received 24 April 2024**
- Proposed side elevation - Dwg No. 3703 Rev P4; received 24 April 2024**
- Proposed side elevation - 2 Dwg No. 3707 Rev P4; received 24 April 2024.**

[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 development hereby permitted must not be occupied until a written scheme for the hard and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted) has been**

submitted to and approved in writing by the Local Planning Authority.

Thereafter the scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being brought into use, whichever is sooner.

If, within a period of 5 years from the date of planting, any tree or shrub planted as part of the approved scheme are removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (February 2023).]

4. The dwelling shall not be occupied until its associated parking provision has been provided in accordance with the approved site plan (ref 1201 rev P3). The parking provision shall thereafter be retained for the life of the development.

[In the interests of highway safety and to accord with policy 10 of the LPP1].

5. Development shall be undertaken in accordance with the recommendations set out in the following paragraphs of the Preliminary Ecological Appraisal undertaken by emec Ecology dated July 2023:

- 5.2.1 – in respect of cotoneaster and snowberry
- 5.3.1 – in reference to vegetation and nesting birds
- 5.3.2 – in respect of vegetation removal
- 5.4.1 – in respect of the bat commuting corridor
- 5.5.1 – in reference to mammals
- 5.6.1 – in reference to bat boxes
- 5.6.2 – in reference to bird nest boxes.

The dwelling shall not be first occupied until the bat and bird boxes required under paragraphs 5.6.1 and 5.6.2 have been installed, and these shall be retained for the lifetime of the development.

[In the interests of promoting ecological enhancement and to accord with policy 38 of the LPP2].

6. Prior to the commencement of development an updated extended Phase 1 Habitat survey should be carried out by a suitably qualified ecologist. The results of the survey should be submitted to and approved in writing by the

Local Planning Authority. Should the survey recommend any mitigation or enhancement measures that differ to those recommended in the original Preliminary Ecological Appraisal (condition 5 above) then details of how these shall be submitted to and approved in writing by the Local Planning Authority and the approved mitigation measures shall be implemented in accordance with the agreed timeframe and be retained for the lifetime of the development.

To ensure the development does not harm protected species, having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework.

- 7. Prior to the installation of any external lighting at the site a Sensitive Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the approved details.**

To mitigate the effects of increased light spill at the site on protected bat species, having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework.

- 8. Excavation for footings within the RPA of T12 shall be carried out in accordance with the recommendations of paragraph 4.1.3 of the Arboricultural Report by emec Arboriculture. If during the excavation works any roots that exceed 25mm in diameter are exposed the trench shall be backfilled and proposals for a foundation design that allows for the retention of these roots shall be submitted to and approved in writing by the Local Planning Authority prior to the foundations in this area being installed. The development shall then commence in accordance with the approved details.**

To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework.

- 9. The development hereby permitted must not commence until details of tree protection measures have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out strictly in accordance with the approved details.**

To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local

Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework.

- 10. Prior to installation details of the sliding gate at the access to the application site shall be submitted to and approved in writing by the Local Planning Authority. The gate shall then be installed in accordance with the approved details.**

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

- 11. The development hereby approved must not proceed above damp proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the Local Planning Authority.**

[To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

- 12. The dwelling hereby permitted must not be occupied until the optional requirement for water efficiency (i.e: not exceeding 110 litres per person per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 (as amended)(or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of the dwellings.**

[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. Prior to the first occupation of the dwelling hereby permitted a scheme for the provision of Electric Vehicle Charging Point (EVCP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The dwelling hereby permitted must not be first occupied until the EVCP has been installed in accordance with the approved details.**

[To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and the National Planning Policy Framework (September 2023).]

- 14. The development shall be carried out in accordance with the submitted flood risk assessment received 12 December 2023 (ref P2022-317, Revision 03,**

dated 29th November 2023 and compiled by Moran Structural Consultants) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 25.47 metres above Ordnance Datum (AOD), as detailed within Section 15.2 of the report
- The building shall be constructed with a suspended floor incorporating a floodable space beneath the footprint of the proposed dwelling, as detailed within Section 15.5 of the report
- The implementation of the flood risk mitigation measures detailed within Section 15.10 of the report.

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

[To reduce the risk of flooding to the proposed development and future occupants. To mitigate against the risk of increasing flood risk elsewhere].

15. The dwelling hereby permitted shall be carried out in accordance with the recommendations included within the Residential Noise Survey from NOVA Acoustic Ltd (job reference: NP-009711 rev 002, dated 26/07/2023).

[In the interests of the amenity of the future occupiers of the dwelling in accordance with Policy 1 of the Rushcliffe Local Plan Part 1].

16. Prior to the development commencing above damp proof course level a TM59 overheating assessment shall be undertaken and submitted in writing to the Local Planning Authority.

[In the interests of the amenity of the future occupiers of the dwelling in accordance with Policy 1 of the Rushcliffe Local Plan Part 1.]

17. The development hereby permitted must not commence until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted must not be occupied or first brought into use until the drainage scheme has been implemented and completed in accordance with the approved details.

To ensure a satisfactory standard of development in terms of the disposal of foul water and to ensure that the development increases water attenuation/storage on the site and minimises the risk of flooding elsewhere having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and the National Planning Policy Framework.

- 18.a) If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the Local Planning Authority within (48 hours). All development on the site must cease immediately and must not recommence until a written scheme for the investigation and risk

assessment of the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).

b) Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (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.

c) 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.

[To ensure that any unexpected contamination that is encountered is appropriately remediated so 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 the National Planning Policy Framework].

19. Notwithstanding the provisions of the Schedule 2 Part 1 Class A and D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no enlargement or any other alteration shall be carried out to the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

20. Notwithstanding the provisions Schedule 2 Part 1 Class E of the Town and

Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no outbuildings or other structures shall be erected within the curtilage of the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

To enable the Local Planning Authority to retain control over any future outbuildings and other structures within its curtilage that may harm the amenities of neighbouring properties or the character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

Note-

Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the grant of planning permission.

Having regard to the above and having taken into account matters raised there are no other material considerations which are of significant weight in reaching a decision on this application.

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 [Community Infrastructure Levy - Rushcliffe Borough Council](#).

You are advised to ensure disturbance to neighbouring properties is kept to a minimum during construction/demolition by restricting working hours and deliveries of materials to the site 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 Team on 0115 914 8322.

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 provisions of the Party Wall Act 1996 may apply in relation to the boundaries with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken. You can find more information about the Party Wall Act here: [The Party Wall etc Act 1996: explanatory booklet - GOV.UK \(www.gov.uk\)](#).

Precautionary working methods will be required including fingertip searches of any potential refugia, particularly hedge bases. Any open trenches should be made safe, and pipes capped off overnight.

Any garden fence, or other non-permeable structure, should be provided with a small hole (130mm x 130mm) to allow a continuous pathway in which hedgehogs can move through the developed residential site.