

24/00485/FUL

Applicant Mr Adrian Kerrison

Location 146 Loughborough Road, Ruddington, Nottinghamshire, NG11 6LJ

Proposal Erection of Single Dwelling

Ward Ruddington

THE SITE AND SURROUNDINGS

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

1. The application site relates to the garden area of a two-storey detached dwelling at 146 Loughborough Road, located within the built up area of Ruddington. The application site is accessed off Loughborough Road through a private driveway which is shared with the host property and two bungalows at no's 146A (south) and 146B (north) Loughborough Road.
2. The application site is relatively flat and has been cleared of vegetation prior to the application being submitted to the Council for consideration. However, the site is bounded by some mature trees and hedges on the western and southern boundaries.

DETAILS OF THE PROPOSAL

3. Planning permission is sought to build a 1.5 storey detached dwelling to the west of the host dwelling at 146 Loughborough Road. Access would be provided from the private driveway along the northern elevation of the host dwelling where off-street parking for the host dwelling would be provided.
4. The proposed dwelling would have pitched roof with a flat roof element to the rear, 4 bedrooms and a T-shaped footprint that would measure 27.58m x 17.8m, 6.77m at ridge height and 3.73m at eaves height.
5. Proposed materials would be: red brick, timber cladding, coloured windows and doors, and slate roof.
6. The proposal was amended during the life of the application in order to seek to address concerns of Officers and neighbouring residents. These amendments included reducing the scale of the whole property to 1.5 storeys, reduction of

the rear wing, setting the property further away from 146B and re-elevated so that there are no windows facing this property and the revisions were consulted on.

SITE HISTORY

7. 24/01191/FUL – Two storey side extension, fenestration and cladding alterations to existing facades, with new patio area and boundary fencing – GRANTED
8. The above application relates to the existing dwelling on the site.

REPRESENTATIONS

Ward Councillors

9. One Ward Councillor (Cllr J Walker) – I object to this application due to the overbearing scale and overlooking. This 2 storey application is out of character for that section of Loughborough Road as most of the homes along the back of Loughborough Road are bungalows to ensure there is no overlooking into the gardens of the residents on Rufford Road.
10. Cllr J Walker maintained her objection to the revised plans objecting due to over intensification and overlooking.

Town/Parish Council

11. Ruddington Parish Council – Objects to the application as it is over intensive and out of character with properties nearby. It is overbearing as it's double storey next to bungalows. There is also concern regarding the width of the access drive. The Parish Council is unhappy that the site was cleared of trees prior to the submission of the planning application.
12. Comments on the revised proposed plans – The Parish Council maintain their objection. It is inappropriate in its environment, it will be too overbearing and over intensive for the site. Although the application states that it is a 1.5 storey property, the actual height (6.9m) is the average height of a two-storey building, meaning that it is still too high. The building work would create access issues for the neighbouring property. The trees that have been removed in the grounds should be replanted. We support the neighbours comments.

Statutory and Other Consultees

Rushcliffe Borough Council

13. Sustainability Officer – noted that the existing property is not within the red line, that the site has been cleared prior to planning permission being granted, that the site is a private garden with private dwellings and gardens surrounding the site, that aerial photography shows the site previously containing trees,

shrubs, grassland and ruderal habitats, that the site is not in or adjacent to a nationally or locally designated site and that no records for protected species exist for this site or adjacent sites. I note bat protected species are recorded from the locality.

The officer advised that there is potential that trees on the site may support bats, trees should not be removed without an ecological assessment carried out by a suitably qualified ecologist and recommended that reasonable avoidance measures and enhancement measures contained within the Councils standing advice should be implemented and a condition of any planning permission.

The officer advised that it is unlikely this development will have a detrimental impact on populations of protected species.

The application is exempt from statutory biodiversity net gain as it predates the implementation of this legislation for this type of proposal.

14. Landscape Officer – Some mature trees are located just to the west of the site boundary within the rear gardens of properties on Rufford Road. There is a twinned stemmed Sycamore with a third stem growing out of the ground nearby, further to the north of this in an adjacent garden is a better formed Beech tree. The trees are quite large but despite their size the trees are barely visible from public vantage points. Views of the trees can be sought out from specific and very limited viewpoints such as gaps between neighbouring buildings. Generally they are well set back from adjacent roads and paths and screened by other buildings, boundary features or vegetation, as a result they don't have sufficient public amenity value to warrant protection.

The site owner has the common law right to prune back any roots or branches that encroach onto their land as this is considered a legal nuisance, as this can be done whether or not permission is granted it wouldn't be a reason for refusal. When doing so the site owner will owe the tree owners a general duty of care, but this will primarily be a civil matter.

If permission is granted the work is likely to harm both trees as the property is only 1 to 2m from the boundary line and will be well within the root protection area of the trees. There are construction techniques such as pile and beams that could be used to bridge over roots, but this would raise the finished floor level and from what I can see these haven't been put forward. The best practice set out in BS5837 should also be observed to avoid ground compaction in the working zone where roots are retained next to the proposed building and as such we could condition tree protection measures in accordance with the British Standard.

Local Residents and the General Public

15. 5 letters of representation have been received raising the following matters:
 - a. Contrary to policy 11 of the LPP2 and residential design guide

- b. Vegetation was removed prior to the application submission
 - c. Harmful to the character and pattern of development
 - d. Loss of view
 - e. Visual harm and unduly prominent
 - f. Overbearing scale and proximity (2 storey)
 - g. Inappropriate massing
 - h. Environmental concerns and sustainability
 - i. Privacy and overlooking issues
 - j. Further drainage issues
 - k. The evergreen boundary should be maintained at a certain height
16. As a result of the neighbour re-consultation on the revised plans, a further 4 letters of representation were received. The following comments were made:
- a. Previous concerns still valid
 - b. The revision does not address the previous concerns raised regarding height and proximity, size and scale
 - c. Impact of this together with the extension at the existing property increases the overall footprint dwarfing adjoining properties
 - d. No details of planting for screening, reference is made to instant mature screen along the northern boundary and not the boundary with Rufford Road
 - e. 146 will not have parking spaces
 - f. Disruption to neighbours due to deliveries during construction works
 - g. Loss of privacy and light
 - h. Difficult access
 - i. Large flat roof that will be accessible from a 2nd floor bedroom via a balcony which looks like a roof terrace

PLANNING POLICY

17. 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 the Ruddington Neighbourhood Plan. Other material considerations include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

18. The relevant policy considerations in the NPPF (2023) are:
- Paragraph 11c)
 - Chapter 12 (Achieving well- designed and beautiful places)

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

Relevant Local Planning Policies and Guidance

19. 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 10 (Design and Enhancing Local Identity)
 - Policy 17 (Biodiversity)
20. 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 28 (Conserving and Enhancing Heritage Assets)
 - Policy 37 (Trees and Woodlands)
 - Policy 38 (Non-designated Biodiversity Assets and the Wider Ecological Network)
21. The Ruddington Neighbourhood Plan relevant policies are:
- Policy 8 (Traffic and New Development)
 - Policy 9 (Parking)
 - Design Guide (Loughborough Road Character Area 10)
22. The full text of the policies in the LPP1 and LPP2 and Ruddington Neighbourhood Plan, together with the supporting text can be found in the Local Plan documents on the Council's website at: [Planning Policy - Rushcliffe Borough Council](#).
23. The Rushcliffe Residential Design Guide is also a material consideration.

APPRAISAL

24. 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.
25. The main issues in the consideration of the application are:
- The principle of the development
 - Character of the area and design
 - Residential amenity
 - Highway safety
 - Ecology and Trees
 - Flood risk

The principle of the development

26. 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.
27. 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.
28. The application site is located within the built up area of the key settlement of Ruddington, as backland development set behind two-storey detached properties on Loughborough Road. The site is therefore located close to shops, services and frequent transport links.
29. Backland development is a character feature of the area (noted in the Ruddington Design Guide Character Area 10) as there are several clusters of properties developed behind the dwellings fronting Loughborough Road, including the application site. The existing 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 it is considered the principle of the development to be acceptable in this location and in compliance with Policy 11 of LPP2, subject to satisfying all other planning considerations which are assessed below.

Character of the area and design

30. The proposal comprises a 1.5 storey dwelling that would be set to the rear of the host dwelling – no.146 Loughborough Road. No. 146 is a two-storey detached dwelling of a traditional design that occupies a large plot and is served off a private driveway shared with the neighbouring bungalows to the north and

south at no's 146A and 146B Loughborough Road. The neighbouring properties are bungalows, each designed independently and due to the large visual gaps between built form, they form their own character area.

31. The proposed dwelling would have a T shaped footprint as it would include a double garage and a single storey element to link the main dwelling and the garage in order to create a courtyard arrangement, more bespoke for an end of a driveway. The design would include dual pitched roofs with gable features and modern materials and a flat roof element to the rear.
32. Backland development is a character feature of the area and given the size of the plot no.146 occupies, the subdivision to create another plot would be acceptable in terms of size of resulting plots for each dwelling. The size of the resultant plots would be similar to other plots within the immediate area, and the remaining useable residential garden for both the host dwelling and the proposed dwelling would be acceptable. It is considered therefore that the site would be capable of accommodating the proposed dwelling of the size and scale proposed without appearing cramped or overintensive.
33. Neighbouring properties are comprised of bungalows to the north and south and two-storey dwellings to the east and west. Whilst the properties fronting Loughborough Road are of a more traditional and similar design, the properties behind vary in scale and design and have a limited contribution to the street scene, mostly due to the scale and distance from the public realm. As such it is considered the proposed scale of 1.5 storey dwelling to be set to the rear of 146 Loughborough Road would be visually acceptable and in keeping with the scale and character of the host dwelling and the wider area.
34. The design of the proposed dwelling is a mix of red brick and timber cladding with varying roof designs to match the existing dwelling. The existing dwelling has recently obtained planning permission for extensions which would be similar in design, material and appearance as the proposed dwelling. Whilst the proposed dwelling would represent a reasonably substantial dwelling (in its overall footprint) it would be well set back from the public realm and designed so as to limit its overall prominence - with the flat roof design, single storey projections, single storey link to the garage and the variation in roof height from north to south. Overall, the design, proposed materials and well-proportioned openings and feature timber cladding to provide visual interest would result in a dwelling that would not result in an unacceptably designed dwelling.
35. The proposed development is therefore in accordance with the NPPF, Policies 8 and 10 of the LPP1, Policies 1 and 11 of the LPP2 and the Ruddington Neighbourhood Plan.

Residential amenity

36. The proposed development comprises a 1.5 storey detached dwelling that would be set to the rear of the host dwelling at no.146 Loughborough Road. The dwelling would have 4 bedrooms, all at first floor. Windows serving bedrooms at first floor would be in the southern and eastern elevations. The rest of the windows at first floor would serve ensembles, bathrooms, landing or stairwell and could be conditioned to be obscurely glazed and top opening only in order to prevent an overlooking impact on the amenities of the occupiers of adjoining properties.
37. The dwelling would have T shaped footprint measuring 27.58m in length along the western boundary adjoining the rear gardens serving dwellings on Rufford Road. Due to the design of the dwelling, the built form along the western boundary would be varied in terms of eaves and ridge heights, roof choice and type and openings and would measure between 2.26m at eaves and 6.9m the maximum ridge height. Whilst it would offer a brick wall to look at compared to the tree/vegetation that were removed, the design does offer a degree of interestingness with various eaves and ridge heights, traditional materials, roof types and openings, and given the distance to the rear elevation of properties on Rufford Road of approximately 29 metres, it is considered the proposed development would not result in a significantly undue impact on the residential amenities of the occupiers of the dwellings on Rufford Road by way of overlooking, overbearing and overshadowing.
38. To the north the application site is adjoined by a detached bungalow at no.146B Loughborough Road. The garage wing would be set in approximately 2.0m from the common boundary with no.146B and no openings are proposed in the side elevation of the proposed garage. The distance to the rear elevation of no.146B would be approximately 11 metres. The main part of the dwelling would have roof lights at first floor that would serve non-habitable rooms, and therefore could be conditioned to be obscurely glazed, and the distance to the common boundary with no.146B would be approximately 12.7m. It is considered, given the separation distances, scale of the proposed dwelling and separation distances, the proposed dwelling would not result in a significantly undue impact on the residential amenities of the occupiers of no.146B Loughborough Road by way of overlooking, overbearing and overshadowing.
39. The proposed dwelling would be set approximately in line with the host dwelling – no.146 Loughborough Road, but in a lower position within the site, so that the eaves and ridge height along the common boundary would be significantly below that of the host dwelling. No openings are proposed along the boundary with the host dwelling and the roof lights proposed in the roof slope facing the host dwelling would serve a bedroom and could be conditioned to be obscurely glazed and fixed in order to protect the amenity of the host dwelling. It is considered, given the relationship proposed, size and scale of the proposed

dwelling and site orientation, the proposed dwelling would not result in a significantly undue impact on the residential amenities of the occupiers of no.146 Loughborough Road by way of overlooking, overbearing and overshadowing. Consideration is also given to the recently approved extensions at no. 146 however again no adverse impact would arise in respect to the relationship between the existing and proposed dwelling in respect of residential amenity.

40. To the south the application site is adjoined by another detached bungalow at no.146A Loughborough Road. The proposed dwelling would have its private amenity area adjoining no.146A and the depth of the garden would be approximately 16 metres. The distance to the common boundary with no.146A from the 1.5 storey part of the dwelling would be approximately 12 metres. It is therefore considered, given the separation distances and the relationship with no.146A, the proposed development would not result in a significantly undue impact on the residential amenities of the occupiers of no.146A Loughborough Road by way of overlooking, overbearing and overshadowing.
41. The distance to the rear boundaries of properties fronting Loughborough Road would be approximately 33 – 36 metres and therefore no concern is raised to amenity impacts upon these properties.
42. Concerns are raised by neighbouring residents regarding the use of flat roofed area for a balcony. Whilst concerns are noted, a Juliet balcony is proposed only for this area to the south elevation and use of the flat roof area is to be restricted by condition.
43. It considered, given the scale, size and design of the proposal, site orientation, separation distances and relationship with adjoining properties, the proposed development would not result in a significantly undue impact on the residential amenities of the occupiers of any adjoining property, in accordance with the NPPF, Policy 10 of the LPP1 and Policy 1 and Policy 11 (f) of LPP2.

Highway Safety

44. The proposed dwelling would have 4 bedrooms and therefore, in accordance with the Highways Design, a requirement to provide 3 off-street parking spaces. The dwelling would have an integral double garage and a large driveway/turning area which can accommodate a minimum of 3 more parking spaces. As such it is considered the proposal is acceptable from a parking provision perspective. Sufficient turning area is also proposed to allow vehicles to manoeuvre and leave the site in a forward gear.
45. The host dwelling would have a minimum of 2 off-street parking spaces proposed to the northern elevation and additional parking would be provided to the frontage within the hardstanding area, along with sufficient space for manoeuvring. As such it is considered the host dwelling would have sufficient

off-street parking spaces in order to comply with the Highways Design Guide on residential parking.

46. The dwelling would utilise an existing access and whilst the proposal would increase the amount of traffic using the site the access, it is unlikely to generate a significant increase in traffic on the existing shared driveway to warrant safety concerns on Loughborough Road.
47. 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 Policy 9 of the Ruddington Neighbourhood Plan.

Ecology and Trees

48. Policy 17 of the LPP1 envisages that biodiversity will be increased in the Borough during the plan period by, amongst other things, seeking to ensure new development provides biodiversity features and improves existing biodiversity features wherever appropriate. Policy 38 of the LPP2 states that outside of the Biodiversity Opportunity Areas (BOA) developments should, where appropriate, seek to achieve net gains in biodiversity and improvements to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
49. Whilst there are no records of protected species on site and the site clearance works undertaken before submission, the trees on site have the potential to host roosting bats and as such it is recommended a condition to deal with this aspect as well as measures to ensure the trees on site are protected during construction works.
50. It is recommended, should planning permission be forthcoming, that site enhancement measures are incorporated within the development and a condition would ensure this is achieved.
51. Subject to the conditions mentioned above it is considered that the proposed development would accord with policy 17 of the LPP1 and Policy 38 of the LPP2.
52. Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the “biodiversity gain condition” which means development granted by this notice must not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.
53. Based on the information submitted in the planning application documents, the scale of the proposed development and the date of submission – prior to the

2nd April 2024, the Planning Authority considers that this permission is exempt from biodiversity net gain under the temporary exemption for non-major development under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, and as such does not require approval of a biodiversity gain plan before development is begun.

54. There are nearby trees on neighbouring properties and with the proposed dwelling being in relatively close proximity to the boundary, some protection should still be possible and as such it is considered reasonable and necessary to condition that measures in accordance with BS5837 are adopted.
55. The proposal has the potential to impact on the root protection area of adjacent trees on neighbouring properties due to the closeness of the dwelling to the boundary. It is therefore considered appropriate to condition the details of the construction techniques, protection measures and finished floor levels.
56. The proposed site plan shows that the garden would likely be grassed with some tree planting proposed to the north and south/west boundaries. Hedgerow is also proposed along the south/west boundary of the site. To secure such measures and ensure appropriate planting a landscaping plan condition is considered to be reasonable and necessary.

Flood Risk

57. The application site is within Flood Zone 1 and as such is not considered to be at high risk of flooding or at high risk of causing flooding elsewhere. The application form states that foul and surface water drainage would be via the main sewers. Given the built up location of the application site there are considered to be limited alternatives, and surface water runoff is unlikely to be significantly increased as a result of the proposal.

Other Matters

58. Concerns regarding construction traffic implications upon highway safety and residential amenity is noted, however it is not expected that significant impacts would arise from the small-scale nature of the proposal. A condition is recommended to restrict the hours of construction.
59. Concerns raised regarding loss of view is noted but is not a material planning consideration. Impact upon residential amenity is considered above.

Conclusion

60. Negotiations have taken place during the consideration of the application in order to seek to address officer concerns and those raised by representations. The amendments have addressed these to the satisfaction of officers and the application is recommended for approval.

61. As outlined in this report, in this instance the proposed development is a sustainable development that would make a small contribution to the housing supply within the Borough. It is also considered to be acceptable in terms of its design and layout and would not, subject to the suggested conditions, have a harmful impact on the character of the area, highway safety, residential amenity or ecology. It is therefore considered that the proposed development would be in accordance with the relevant policies within the Development Plan. As such, the application is recommended for approval 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 Location Plan PL001, received 30.10.2024**
- Proposed Site Plan, drawing no. PL-102, received 25.07.2024**
- Proposed Plans, drawing no. PL-103, received 25.07.2024**
- Proposed Elevations, drawing no. PL-104, received 25.07.2024**

[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 proceed above the 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. The development must only be constructed in accordance with the approved materials.**

[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).]

- 4. The development hereby permitted must not commence until details of both the existing and proposed land levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted to and approved in writing by the Local Planning Authority. The details shall have regard to condition 6 below and**

include construction techniques to protect the root protection of the adjacent Beech and Sycamore trees. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details.

[To ensure the satisfactory appearance of the development in respect of its relationship to adjoining properties having regard to policies 10 (Design and Enhancing 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 of the National Planning Policy Framework. This is a pre commencement condition required to ensure that the proposal is acceptable in respect of impacts on adjacent trees and the amenity of adjacent occupiers.]

5. The development hereby permitted must not be occupied or first brought into use until a written scheme detailing 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 of from the date of planting, any tree or shrub planted as part of the approved scheme is 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.]

6. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (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 detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS.

The AMS must include full details of the following:

- a) The timing and phasing of any arboricultural works in relation to the approved development;
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
- c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
- f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
- g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

[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.]

7. All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours:
 - o 07:00 to 19:00 on Mondays to Fridays (inclusive), and;

- o 08:00 to 17:00 on Saturdays.

No construction, demolition or associated deliveries whatsoever must take place on the site on Sundays or on Bank or Public Holidays.

[To protect the amenities of nearby residential properties for the duration of the construction of the development hereby permitted, having regard to 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).]

8. Prior to the construction of the development progressing above Damp Proof Course (DPC), details of a scheme of integrated ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. Any such scheme shall include the provision of the following features:

- Bat Bricks/Bat Tiles
- Swift Bricks
- Bee Bricks
- Details of gaps in all gardens and all perimeter fencing, walls or other means of enclosure to allow hedgehogs to navigate the environment along with details of signage to be erected.

The biodiversity enhancements shall be implemented in accordance with the approved details prior to the first occupation of the development and shall be retained and maintained for the lifetime of the development.

[To provide habitats for protected/endangered species, 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 Chapter 15 of the NPPF (2023), Policies 10 (Design and Enhancing Local Identity), and 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); 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 (2019).]

9. The first floor windows and roof windows in the northern and western elevations of the development hereby permitted must be;
- a) either non opening or the opening part be more than 1.7 metres as measured above the floor level, and
 - b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, those window(s) must be retained to this specification throughout the lifetime of the development.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identify) 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).]

- 10. Notwithstanding the provisions of the Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no window openings or rooflights (other than those expressly authorised by this permission) shall be inserted into any elevation of the dwelling hereby permitted without express planning permission from the Local Planning Authority.**

[To enable the Local Planning Authority to retain control over the insertion of any additional window openings or rooflights that may adversely affect the amenities/privacy of neighbouring properties having regard to Policy 10 (Design and Enhancing Local Identify) 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).]

- 11. Notwithstanding the provisions of section 55(2)(a)(i) and 55(2)(d) of the Town and Country Planning Act 1990 or Article 3(1) of the Town and Country Planning (Use Classes) Order 1987 the garage hereby permitted must be kept available at all times for the parking of motor vehicles of the occupants of the dwelling and their visitors and must not be used for any other purpose whatsoever.**

[To ensure that sufficient parking provision is retained at the site having regard to Policy 10 (Design and Enhancing Local Identify) 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).]

- 12. The single storey flat roof area (located to the south of bed 1 on the plans hereby approved by this permission) must not be used as a balcony, roof garden or any other similar amenity area whatsoever.**

[To protect the occupiers of neighbouring properties from adverse overlooking/loss of privacy having regard to Policy 10 (Design and Enhancing Local Identify) 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).]

- 13. Notwithstanding the provisions of the Schedule 2 Part 1 Classes B and C 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 other alteration to the roof of the dwelling hereby permitted shall be carried out 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 to the roof of the dwelling 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 Identify) 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/to address concerns/objections raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme

Based on the information submitted in the planning application documents, the scale of the proposed development and the date of submission – prior to the 2nd April 2024, the Planning Authority considers that this permission is exempt from biodiversity net gain under the temporary exemption for non-major development under Article 2 Town and Country Planning (Development Management Procedure) (England) Order 2015, and as such does not require approval of a biodiversity gain plan before development is begun.

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). 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/>

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 918322.

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 and any storage of materials outside the application site. If any such work is anticipated, the consent of the adjoining landowner must first be obtained.

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.

Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

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