

17/02658/FUL

Applicant Mr Kevin Hard

Location 21 Kendal Court, West Bridgford, Nottinghamshire, NG2 5HE

Proposal Demolition of bungalow and erection of 10 apartments with associated parking.

Ward Abbey

THE SITE AND SURROUNDINGS

1. The application relates to a triangular site located within the main built up area of West Bridgford which is currently in residential use housing a single bungalow and detached garage. The site's northern boundary adjoins the Grantham Canal, its southern boundary adjoins Kendal Court, a private residential cul-de-sac, and its remaining boundaries are shared with neighbouring residential properties within Kendal Court. The application site contains the only bungalow on Kendal Court, the predominant building type is two storey semi-detached properties split into four maisonette style flats.
2. The bungalow appears to have been empty for some time, there are gardens to the front and rear of the property. The rear garden is laid mainly to lawn with some shrub planting along the boundaries. The front garden has more structured planting and a small green house located adjacent to a detached garage. The site has a frontage onto the canal towpath of approximately 70m in length. A hedge located along part of this boundary has recently been cut down and a timber fence has been removed. There is a dwarf wall with timber panels above located along the boundary with Kendal Court.
3. Kendal Court is a private road, laid to hard standing and there are no parking restrictions along it. The maisonette properties are served by shared garage blocks. Kendal Court is accessed off Radcliffe Road, the A6011.

DETAILS OF THE PROPOSAL

4. The application seeks full planning permission for the demolition of the bungalow and the erection of 10 apartments with associated parking. The scheme has been amended from the original submission to include a replacement hedge along the northern boundary with the Grantham Canal and increase the building's articulation along the elevation to the canal frontage.
5. The apartments would be split between two blocks. The buildings would be two storey, with second floor accommodation predominantly within the roofspace, and measure a maximum of 11.7m in height to the ridge. The roof is proposed to be dual pitched with side gables. Fibre cement roof tiles and cladding on the upper floor is proposed, the walls would include mainly facing brickwork with some fibre cement panels. It is proposed to provide one parking space per apartment on site, located to the south of the proposed western apartment block with vehicular access achieved via Kendal Court. A

bin storage area would be located between the two apartment blocks. Private amenity space would be provided in the form of private terraces and balconies as well as a shared garden located in the eastern corner of the site.

SITE HISTORY

6. There is no recent planning history in respect of the site. Planning permission ref.88/02791/AP3 was granted in 1988 for the erection of a bungalow and garage.

REPRESENTATIONS

Ward Councillor(s)

7. One Ward Councillor (Cllr Bushman) objects to the application, he has received a number of complaints from residents in Rutland Way (sic) that the new buildings would overlook their properties.
8. The adjacent Ward Councillors (Cllr S Mallender and Cllr R Mallender) have declared an interest in the application.

Statutory and Other Consultees

9. The Canal and River Trust does not object to the principal of the proposed development. They are concerned about the removal of the existing hedge and would like to see some form of 'green buffer' preferably in the form of a hedge located between the proposed development and the canal. Due to its proximity to the canal the proposal has the potential to cause land instability, in this instance they consider that provided the foundation design and means of construction takes full account of the proximity to the canal, a suitable solution that minimises risk of damage to the canal should be possible. They are happy with the overall design of the proposal, the way it engages with the canal and that the increased level of natural surveillance over the canal may encourage greater use of the towpath. The contemporary approach taken is generally considered to be acceptable. The canal towpath is characterised by hedgerow of varying heights and thicknesses. It is disappointing that the hedge has been removed and some compensatory planting should be considered along this boundary. They advise that a low hedge, even if combined with breaks for walls/railings or pedestrian access points could help with both the biodiversity interest and value of the canal corridor and create a softer edge to the development which would reflect the edge of settlement character of the area.
10. In response to the amended scheme the Canal and River Trust in summary note that even if the hedge removed was not of high ecological value its removal was disappointing. The replacement native species hedge will help offset the loss of biodiversity and provide some improvement to the current condition of the Grantham Canal Local Wildlife Site (LWS). They assume the hedge will be located immediately within the application site boundary and not on the Trust's land. They recommend that the local planning authority (LPA) is satisfied that there is adequate space to plant the hedge without it encroaching onto the Trust's land and for the hedge to establish itself. If planting the replacement hedge needs to involve the Trust's land, their prior consent would be required. They recommend the replacement hedge is

secured by planning condition, including a requirement to identify the exact location and species to be used, the long term management and maintenance arrangements and a minimum height of between 1.2-1.5m be retained once its established.

11. Nottinghamshire Wildlife Trust objects to the proposal on the grounds that the Preliminary Ecology Survey submitted identified the hedgerow, of all the habitats on site as having the highest value. They find it extremely disappointing that at least some of this habitat has been removed. The buildings would be built immediately adjacent to the towpath with no vegetation buffer, an approach they view as unacceptable as it would have a detrimental effect on the adjacent Local Wildlife Site (LWS), reducing its ecological connectivity and potentially increasing disturbance through light pollution and noise impacts, both during and after construction.
12. In response to the amended plans Nottinghamshire Wildlife Trust welcome the reinstatement of the hedgerow along the canal boundary which would go some way to addressing their concerns relating to the ecological functionality of the Grantham Canal LWS. They remain concerned about the proposed layout. In order for the new hedgerow to thrive it would need adequate space and light on both sides.
13. The Environment Agency do not object to the proposal but comment that: *“The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.”* These measures are detailed in condition 14 within the recommendation below.
14. Nottinghamshire County Council as Local Highway Authority does not object. In summary they comment that traffic generated by the development is anticipated to have a negligible impact on the local highway network, the site would be served off a private access with no works within the highway to facilitate the access and any overspill parking could be accommodated off the highway. When questioned about the level of on-site parking proposed they confirmed that one space per apartment was an acceptable level within West Bridgford and other developments had provided less parking than this.
15. Nottinghamshire County Council (Planning Policy) does not object to the proposal. Their nature conservation specialist notes the objection made by Nottinghamshire Wildlife Trust but wishes to add nothing further *“...to their [The Wildlife Trust’s] comprehensive response, which appears to identify the key issues presented by the proposal.”*
16. The Borough Council’s Environmental Health Officer has no objections to the application. They agree with the Geodyne Phase 1 assessment submitted and confirm a Phase 2 assessment is required, secured by a planning condition. They also suggest conditions to control demolition and construction, in particular noise and dust, are included.
17. Borough Council’s Design and Landscape Officer does not object to the application. In summary he comments that the hedge would be planted close to the towpath and without regular pruning it could easily cause an obstruction. It is not clear who will maintain the hedge and there could be a

risk that different parties would want to see contradictory maintenance regimes. Some of the species could cause a nuisance if they were allowed to outgrow the location. Native hedgerow is desirable as a wildlife habitat and would help maintain the character of the towpath but they feel it isn't in keeping with the proposed development and suggest that a native hedgerow will outgrow the space available and not be suitable alongside the residents paved areas where space is at a premium. Given the limited space available they suggest other forms of planting should be explored to soften the boundary such as climbing plants or amenity shrubs which are less likely to outgrow their location.

18. The Borough Council's Environmental Sustainability Officer does not object to the application. They note that an ecological survey and assessment has been supplied, this has been completed in 2017 and is, therefore, current and appears to have been completed according to best practice. The site is located adjacent to a Local Wildlife Site (LWS). The only protected species identified within the site were wild birds. They advise that the recommendations made in the supplied report are followed and where appropriate secured by planning conditions, including "*the integrity of the adjacent LWS should be maintained, including the retention / enhancement of the boundary hedgerow.*"

Local Residents and the General Public

19. A total of 107 comments have been received objecting to the proposal including from local residents and users of the adjacent canal. In summary their grounds for objection include:
 - a. Over development of the site.
 - b. Out of keeping with the scale, style and design of buildings in the area, at the very least the development should not be taller than the current surrounding houses.
 - c. Detrimental impact on the integrity of the canal bank and undermine the stability of the canal.
 - d. Block light to canal users and residents on the opposite side of the canal.
 - e. Detrimental impact on wildlife and biodiversity.
 - f. Spoil enjoyment of the canal, any buildings planned so close to the canal would be so detrimental to the amenity value of the canal towpath.
 - g. The hedge along the canal towpath has been removed without permission, want it to be replaced.
 - h. Object to the redevelopment of the canal including draining it and building on it.

- i. Increase traffic on Radcliffe Road which is already busy, congestion on Kendal Court and road safety issues at junction with Radcliffe Road.
- j. No social housing is included.
- k. The ecology report is not detailed enough.
- l. No arboricultural report has been submitted.
- m. Previous planning applications of smaller mass and bulk - and therefore lesser impact - all have been refused.
- n. Loss of privacy to neighbouring properties from proposed terraces and balconies.
- o. The security of local resident's properties will be compromised.
- p. Goes against recent initiatives by local residents, which is to preserve the heritage and natural environment of the Canal.
- q. This is one of the few green spaces left with wildlife habitat that provides a vital area for people to walk and enjoy the outdoors, these little strips of green in suburbia is exactly what makes Lady Bay so special.
- r. Privacy and safety of canal users would be compromised.
- s. Will see overspill parking into the area where the current residents have the right to park, one space per property. Overspill parking also raises the issue of access for current resident's vehicles, emergency vehicles and bin lorries.
- t. Replacing a single dwelling with 10 dwellings will impact on emissions in an area already suffering from unacceptable air pollution.
- u. If approved it will open the door to other similar developments in the area.
- v. Construction vehicles will damage road and properties.
- w. Site is located within the flood plain, the proposal will increase flood risk in the area.
- x. No dustbins appear to have been provided.
- y. Disregard for the planning system represented by the removal of the hedgerow prior to the submission of the application after the Preliminary Ecology Appraisal (PEA) recommended its retention.

- z. Negative impact on value of properties on Kendal Court.
 - aa. Development should be set back from the canal towpath.
 - bb. Additional noise created by replacing a single bungalow with 10 flats.
 - cc. Recent study published in the international medical journal, The Lancet, that the pollution effect from walking near roads negates the physical and mental health benefits of the exercise.
 - dd. The whole site is vulnerable to vandalism.
 - ee. Loss of view over canal.
 - ff. Disruption during the construction phase including to traffic, parking and general noise and disturbance.
 - gg. Section 106 money should be provided to improve the surface of Kendal Court.
20. Comments have been received from 3 local residents in support of the application, in summary, for the following reasons:
- a. The design looks great.
 - b. It will provide much needed housing for the area.
 - c. Good for everyone.
 - d. The abundance of schools and healthcare facilities locally make this a good decision.
 - e. This does not set a precedent for building along the canal, brownfield sites should be used before destroying beautiful green areas in Lady Bay.

PLANNING POLICY

- 21. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
- 22. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
- 23. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

Relevant National Planning Policies and Guidance

24. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It states that Local Planning Authorities should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
25. Paragraph 7 of the NPPF confirms that there are three dimensions to sustainable development; economic, social and environmental. Paragraph 8 of the NPPF goes on to clarify that these three dimensions should not be undertaken in isolation, because they are mutually dependent and that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system. Paragraph 9 expands on this stating: *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):*
- *making it easier for jobs to be created in cities, towns and villages*
 - *moving from a net loss of bio-diversity to achieving net gains for nature*
 - *replacing poor design with better design*
 - *improving the conditions in which people live, work, travel and take leisure*
 - *widening the choice of high quality homes.”*
26. The NPPF, at Paragraph 17 states the overarching roles that the planning system ought to play, setting out 12 principles of planning. These include to *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”*, *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”* and *“actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”*.
27. In terms of housing, paragraph 47 of the NPPF requires local planning authorities to identify a five year housing supply with an additional 5% buffer to ensure choice and competition. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%.
28. Paragraph 58 of the NPPF states, *“...Planning policies and decisions should aim to ensure that developments... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;...”*
29. Paragraph 64 of the NPPF states, *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

Relevant Local Planning Policies and Guidance

30. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 deals with The Presumption in Favour of Sustainable Development, Policy 2 deals with Climate Change, Policy 3 deals with Spatial Strategy, Policy 8 deals with Housing Size, Mix and Choice, Policy 10 with Design and Enhancing Local Identity, Policy 16 deals with Green Infrastructure, Landscape, Parks and Open Spaces and Policy 17 deals with Biodiversity.
31. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application, where they are consistent with or amplify the aims and objectives of the Core Strategy and have not been superseded. The following policies of the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) are relevant to the consideration of this application.
32. Policy GP1 (Delivering Sustainable Development), Policy GP2 (Design and Amenity Criteria), Policy GP3 (Development Requirements), Policy EN11 (Features of Nature Conservation Interest), Policy EN12 (Habitat Protection), Policy EN13 (Landscaping Schemes) and Policy HOU2 (Development on Unallocated Sites).

APPRAISAL

33. The site is located within the main built up area of the settlement of West Bridgford, which is identified in the Rushcliffe Local Plan Core Strategy Policy 3 'Spatial Strategy' as part of the main built up area of Nottingham. As outlined in this policy approximately 7,650 new homes will be provided in or adjoining the main built up area of Nottingham (within Rushcliffe) to serve the identified housing need in the Borough and greater Nottingham. The proposal is for the redevelopment of a brownfield site, currently housing a single bungalow which would be demolished and replaced by a block of 10 apartments with associated parking and amenity space. The Core Strategy's Spatial Objectives include the provision of high quality housing by ensuring "*brownfield opportunities are met*". The provision of new housing on a brownfield site within the main built up area of Nottingham is, therefore, acceptable in principle.
34. One of the key site constraints is its location within the Environment Agency's flood zone 2 and 3a, taking into account current flood defences the site is within the equivalent of flood zone 1 and 2. The majority of West Bridgford is located within flood zones 2 and 3. The NPPF seeks to direct development away from areas at highest risk of flooding, but does allow for development if it can be made safe without increasing the risk of flooding elsewhere.
35. The Strategic Flood Risk Assessment confirms that the existing flood defences would protect West Bridgford, including the application site during a 1 in 100 year flood event. A more vulnerable use such as the proposed residential development is acceptable in this location. However, the site is classified as being within flood zones 2 and 3a, therefore, the applicant has carried out a comprehensive review of available sites within West Bridgford

which concludes that there are no sequentially preferable sites available. A full Flood Risk Assessment has been submitted to support the application which demonstrates that *“the development can be constructed in a manner that ensures that the buildings and future occupants will not be placed at risk of flooding, from either fluvial flood waters or surface water flooding.”* The Environment Agency initially objected to the proposal, however, the scheme was amended to raise the internal floor level of the building and their objection was withdrawn. It is, therefore, considered that the site passes the Sequential Test, would not place future residents at risk from flooding or result in an increased risk of flooding elsewhere, in accordance with the aims of the NPPF and local plan policies.

36. The proposal is for 10 apartments, including 8 two bedroom and 2 three bedroom units. Parking provision of 10 off street parking spaces is proposed, one space per apartment. The level of parking proposed is consistent with other similar residential developments within West Bridgford as well as the existing situation of residents on Kendal Court, where each two bedroom property has access to a single parking space. It is noted that the Local Highway Authority considers the level of parking provision proposed to be acceptable. The site is located within a sustainable location close to local services, including within 0.6 miles of West Bridgford Centre, as well as good public transport links with bus stops a 5 minute walk away on Radcliffe Road, also secure cycle parking would be provided on site.
37. Access to the site would be via Kendal Court which is a private road. Any overspill parking on Kendal Court would not, therefore, interfere with the operation of the highway but would be an amenity issue. The Local Highway Authority has raised no concerns in relation to the impact of the development on the Kendal Court/ Radcliffe Road (A6011) junction. They state, *“In terms of traffic generation, the additional traffic generated on the local network is anticipated to be negligible when compared to the existing flows on Radcliffe Road.”* It is therefore considered that the proposal raises no highway safety concerns.
38. The proposed apartment building would measure a maximum of 11.7m in height over two stories with accommodation predominantly within the roof. Habitable room windows would be included in all of the building’s elevations but they would be concentrated in its northern elevation which faces the canal. There would be no habitable room openings facing the closest residential properties 9 to 12 Kendal Court.
39. The residential properties most impacted upon by the proposed development are 9 to 12 Kendal Court, a block of four maisonettes. The amenity space serving these properties is located to the south of the block which is located between it and the proposed development. These properties have large living room windows and smaller kitchen windows facing the application site, which would be located 15m from the south elevation of the proposed apartment block. The proposed building would be located to the north of these properties, its north-west corner would measure 8m in height which would allow evening sunlight through to these neighbouring properties. The proposal would lead to a loss of outlook from the habitable room windows in the front elevation of the neighbouring residential block 9 to 12 Kendal Court, yet it is considered that, given the orientation and design of the building, it would not lead to an undue loss of light. The loss of a view over the Canal,

which was obtained across privately owned land, is not a material planning consideration and so cannot be afforded any weight. The windows in the south elevation of the proposed building, opposite 9 to 12 Kendal Court, would be obscure glazed to prevent undue overlooking and loss of privacy.

40. Ground, first and second floor openings serving habitable rooms and a second floor terrace/balcony are proposed in the building's west elevation. These openings would be located a minimum of 14m from the side elevation of 22 and 23 Kendal Court, across a driveway. There are openings in the adjacent side elevation of these properties but they do not serve habitable rooms. The proposed openings would also face the side boundary of the neighbour's amenity space. A privacy screen would be located along the second floor balcony/terrace restricting views to the south and west. A privacy screen would also restrict views to the south and east from the second floor balcony/terrace in the building's west elevation.
41. Concerns have been raised by some residents of Rutland Road, reiterated by Cllr Bushman, that the proposal would lead to overlooking, loss of privacy and overshadowing to their properties which are located on the opposite side of the Grantham Canal. The proposed building would be located at least 17m from the rear/southern boundaries of these properties across the canal. The distance between the north elevation of the proposed building and the rear/southern elevations of the properties on Rutland Road would in most cases exceed 50m except for 284 Rutland Road. The rear elevation of this property, measured from their conservatory extension, is located 34m from the proposed development. The Rushcliffe Residential Design Guide (RRDG) recommends that where separation distance is the sole determining factor a distance of 30m would prevent undue overlooking and loss of privacy in the case of a two storey property with an additional 3m required for every additional storey. The proposal, therefore, would exceed the 33m minimum separation distance outlined in the RRDG. The proposal would be located to the south of the properties on Rutland Road but given the separation distances outlined above, it is considered that the proposal would not lead to undue overshadowing.
42. It is considered that the proposal would not lead to undue harm to the residential properties on Rutland Road. The proposed development would be visible from these properties and their rear gardens but given the separation distances, the proposal would not result in overshadowing, overlooking or loss of privacy. The impact of the proposal on the residential amenity of properties on Kendal Court, in particular the outlook from 9 to 12 is more finely balanced. However, given the orientation, separation distances and the fact that the windows facing these properties would be obscure glazed, it is considered that the proposal would not lead to undue harm to the residential amenity of the neighbouring properties and so would accord with RNSRLP policy GP2 (Design and Amenity).
43. The existing maisonettes on Kendal Court measure 8.4m in height, 3.3m lower than the proposed apartments. They are modern red brick houses, circa 1970's with dual pitched roofs. Slightly further along the canal to the west is 69 Radcliffe Road and The Canal House which measure 9.8m and 9.3m in height. These properties are built adjacent to the canal towpath, there is a timber fence along the shared boundary with these properties and the canal some 118m in length. On the opposite side of the canal are

predominantly detached early to mid-century houses built in red brick with slate or rosemary tile roofs. There is a group of 3 storey apartments at 73 Radcliffe Road known as Spring Court, to the south of the site on the main road.

44. The design of the proposed buildings, although contemporary, would reference the traditional late 19th and early 20th century red brick houses visible in the area. Despite concerns raised by local residents that the proposed buildings are too big the scale, massing and form of the proposed apartment blocks are considered appropriate in the context of this location. The proposal would have little impact upon the street scene as it would be predominantly screened from the public realm by neighbouring buildings. It would, however, be visible from adjacent canal towpath.
45. The buildings have been designed to address the canal maximizing views over it and increasing natural surveillance. It is considered that this would enhance the safety and security of the canal towpath rather than reduce it which is a concern raised by some local residents and towpath users. Parking and refuse storage areas would be located between the two blocks and appear to be quite well-screened from view from the canal.
46. The scheme has been amended to improve the articulation along the canal side elevation, resulting in the proposal appearing as four distinct blocks. In addition a replacement hedge is proposed along the boundary with the canal which provides a green buffer, softening the overall visual impact of the development. It also provides a clear demarcation between the canal and the application site, creating a more defensible private space for future occupiers, whilst still maintaining views out over the canal. In addition to the hedge the scheme includes native climbing plants around the proposed balconies on the canal side elevation and a tree would be planted between the two blocks. On balance it is therefore considered that the proposal would be sympathetic to the character and appearance of the area, in accordance with the aims of RNSRLP policy GP2 (Design and Amenity).
47. The adjacent section of the Grantham Canal is a Local Wildlife Site (LWS). The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution. One of the main concerns raised in objections received was the loss of the hedge along the sites boundary with the canal towpath. The removal of this hedge did not in itself require planning permission, however, although the hedge was not considered to be of high ecological value it still had the potential to provide bird nesting and bat foraging opportunities. Concerns over the loss of the hedge and the contribution it made to the wider LWS were also raised by the Canal and River Trust and Nottinghamshire Wildlife Trust.
48. As already mentioned the scheme has been amended to include a mixed native species hedge along the canal boundary which has been welcomed by both the Canal and River Trust and Nottinghamshire Wildlife Trust. It is considered that there would be sufficient space provided to allow the hedge to thrive but that it would be important to include a management scheme to maintain the hedge as it could, if not maintained, cause an obstruction to the

adjacent towpath. Native climbing species are also proposed for the canal side balconies which, in addition to their nature value, would provide amenity value to future residents. Conditions requiring a landscaping scheme including details of the hedge planting and a management scheme/maintenance plan for the hedge to retain it at between 1.2m and 1.5m in height, as advised by the Canal and River Trust, have been suggested.

49. Nottinghamshire Wildlife Trust remains concerned that the proposal, due to its proximity, would have a detrimental impact on the ecological functionality of the Grantham Canal LWS by potentially increasing disturbance through light pollution and noise impacts both during and after construction, which they feel would be particularly harmful to the local bat population. The site is located within a built up area, the proposal would replace an existing residential property and there are other residential properties to the west of the site of a similar height, located a similar distance from the canal with windows overlooking it. There are also residential properties located on the opposite side of the canal and a main 'A' classified road crosses the canal approximately 160m to the south east of the site.
50. No external lighting is proposed on the building's north elevation, therefore, the only lighting that will impact upon the LWS is ambient lighting from within the building. The level of noise generated by the proposed residential use is unlikely to be significantly greater than the level already experienced in the area. On balance it is, therefore, considered that the proposal would not result in a significant increase in light pollution and noise impacts to the detriment of the ecological functionality of the adjacent LWS. Conditions and notes to applicant have been suggested to cover the mitigation and compensation recommendations outlined in the Ecology Report, as advised by Nottinghamshire Wildlife Trust and the Borough Council's Sustainability Officer. The proposal is, therefore, considered to be in accordance with the overall aims of the NPPF and local plan policy 17 'Biodiversity' and RNSRLP policies EN11 (Features of Nature Conservation Interest), EN12 (Habitat Protection) and EN13 (Landscaping Schemes).
51. Concerns have been raised by local residents relating to the impact of the proposal on air quality. The site is not located within an air quality management area but it is within a smoke control area, as is much of West Bridgford. It is not anticipated that the proposal would give rise to concerns about air quality. Neither the Environmental Health Officer nor The Environment Agency has raised concerns relating to air quality specifically. The Borough Council's Environmental Health Officer has recommended the inclusion of conditions to control noise, dust and vibration during the demolition and construction periods to mitigate disturbance to neighbouring residential properties.
52. Local residents have also raised concerns relating to land stability. In accordance with the NPPG, the role of the planning system is to minimise the risk and effects of land stability on property, infrastructure and the public, and helping to ensure that various types of development should not be placed in various locations without various precautions. However, it notes that *"Planning works alongside a number of other regimes including Building Regulations which seeks to ensure that any development is structurally sound."* The Canal and River Trust has commented that due to its proximity

to the canal, the proposal has the potential to cause land instability but in this instance they consider that, provided the foundation design and means of construction takes full account of the proximity to the canal, a suitable solution that minimises risk of damage to the canal should be possible. A condition relating to detailed construction measures has been suggested.

53. Photo-voltaic panels are proposed on the southern roof slope which would provide renewable energy for the building. Electrical vehicle charging points would be installed to serve each of the car parking spaces. To maximise the energy and water efficiency of the development the flats would be fitted with energy efficient appliances and water saving features. The inclusion of renewable and energy saving features as part of this scheme is welcomed.
54. The proposal would result in a net gain of 9 residential properties and has a site area of less than 1000 square meters, as such there is no requirement to provide any affordable housing on site in accordance with local plan policies and guidance in the National Planning Practice Guidance. Furthermore, the number of units falls short of the threshold where section 106 contributions could be sought for infrastructure improvements.
55. Despite the concerns raised by some residents, the proposal does not involve infilling the canal and building over it. Concerns raised relating to property prices is not a material planning consideration and cannot be afforded any weight.
56. The Core Strategy identifies West Bridgford as a settlement for housing growth. The application site, whilst not allocated for housing, is a brownfield site currently in residential use which is not significantly constrained by any local or national designation. Issues relating to flood risk have been addressed resulting in no objection from The Environment Agency. It is considered that harm to the adjacent Local Wildlife Site can be largely mitigated through the installation of a replacement hedge. It is, therefore, recommended that planning permission is granted.
57. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice. Further negotiations have taken place during the consideration of the application to address concerns raised in letters of representation submitted in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation for approval.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan 249(02)001
Block Plan 249(08)001 Rev.C
Proposed Ground Floor Plan 249(08)002 Rev.G
Proposed First and Second Floor Plans 249(08)003 Rev.E
Proposed Elevations Sheet 1 249(08)004 Rev.F
Proposed Elevations Sheet 2 249(08)005 Rev.F

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

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

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. It is considered that materials should be approved prior to commencement as the development is a large, prominent building and no specific details have been submitted as part of the application to allow the Local Planning Authority to determine if any chosen materials are considered to be acceptable.]

4. Prior to the occupation of the apartments hereby permitted details of any external lighting to either the building, its grounds or the car park area shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Thereafter the lighting shall be installed only in accordance with the approved details.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. Prior to the occupation of the apartments hereby permitted a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Borough Council:
 - (a) the treatment proposed, including a schedule of the proposed materials for all ground surfaces, including hard areas;
 - (b) full details of any proposed new tree and hedge planting noting the species, sizes, numbers and densities of trees;
 - (c) planting schedules, noting the species, sizes, numbers and densities of plants;
 - (d) details of the size, height, materials and finishes of any structures to be erected or constructed in the grounds, including the bin store area;
 - (e) details of the proposed design, height, materials, positioning and

- specifications of all the proposed boundary treatments;
- (f) details of a minimum of three traditional and two open fronted boxes installed on new buildings and/or retained trees for nesting birds;
- (g) bat boxes; and
- (h) a landscape management plan and schedule of maintenance.

The approved landscape scheme shall be carried out in the first tree planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. Prior to the commencement of development details of the siting and appearance of any contractor's compounds including the maximum heights and locations of any buildings/structures/cabins; location of and maximum heights of stored materials; boundary treatment and parking areas for contractors vehicles and specification of any lighting to be used during the construction period together with measures for the restoration of any disturbed land shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details approved.

[To protect the amenity of the neighbouring occupiers during the development phase and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. It is considered that details of the compound and materials/plant/machinery storage area(s) should be approved prior to commencement to ensure the protection of the amenity of the neighbouring occupiers on Kendal Court as no such details have been provided as part of the application.]

7. Before development is commenced, a Detailed Investigation Report shall be submitted to and approved in writing by the Borough Council. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required to be submitted and approved in writing prior to development commencing. The development shall be carried out in accordance with the approved details.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The Contaminated Land Report is required prior to development commencing because it may be necessary to carry out remediation measures which could not be carried out once development has commenced.]

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

method statement shall have regard to the guidance given in:

- BS5228:2009; Code of practice for noise and vibration control on construction and open sites, Part 1 Noise and Part 2 Vibration.
- The control of dust and emissions from construction and demolition Best Practice Guidance; Greater London Authority, November 2006.

Thereafter the works shall be carried out in accordance with the approved method statement. If the use of a crusher is required, this should be sited as far as possible from nearby dwellings and be operated in accordance with its Environmental Permit.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. This is a pre-commencement condition as no details have been submitted and commencement prior to agreeing such details could result in an unacceptable impact on the amenity of neighbours.]

9. Notwithstanding condition 5 above, the proposed hedgerow along the northern boundary of the site shall be maintained at a height not lower than 1.2m and not higher than 1.5m for the lifetime of the development.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. Prior to the commencement of development a Method Statement detailing the means of construction of the buildings hereby permitted, including the design and means of constructing foundations and any other proposed earthmoving and excavation works required in connection with its construction, shall first be submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify whether any stand-off distances for operation of construction plant and machinery need to be established to protect the adjacent Grantham Canal and towpath. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

[In the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which would adversely affect the structural integrity of the adjacent Grantham Canal and towpath, in accordance with the advice and guidance on land stability contained in paragraphs 120-121 of the National Planning Policy Framework and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development commences as it is required to ensure that all development and construction operations take full account of these matters from the outset.]

11. Prior to the first occupation of the apartments hereby approved the parking/turning areas shall be provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking spaces shall not be allocated to individual flats and the parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles and shall be retained for the life of the

development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

12. Prior to the first occupation of the apartments hereby approved the windows in the south elevation of the building at first and floor level serving apartment 5 and the stairwell between apartments 5 and 6 shall be permanently obscure glazed to grade 5 level of obscurity and top-hung-opening only. Thereafter, the windows serving these rooms within these specified apartments shall be retained as such for the lifetime of the development.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

13. Prior to the first occupation of the apartments hereby approved the southern and western sides of the balcony serving apartment 9 and the south and eastern sides of the balcony serving apartment 10 shall be permanently obscured with privacy screens to a minimum height of 1.7m above the surface of the balconies, in accordance with a specification to be submitted to and approved by the borough Council. Thereafter, these privacy screens shall be retained as such for the lifetime of the development and in accordance with the agreed specification.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

14. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 17-0533/FRA Revision A written by BSP consulting and dated December 2017 and the following mitigation measures detailed within the FRA:

1. Finished floor levels (FFL) are set at 24.0 m above Ordnance Datum (AOD) in line with the FRA section 4 and Appendix F.
2. Occupants of the site sign-up to flood warnings.
3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
4. A flood evacuation plan is produced and followed by occupants of the site in line with FRA section 4.4 and Appendix G.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme and thereafter retained for the lifetime of the development.

[To protect the development from flooding and ensure the finished floor level is the specified distance above the breach level in this area and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

15. The mitigation measures referred to in the preliminary ecology survey dated October 2017 (6.1.2 a-e inclusive) to carry out any construction works according to methodology provided to minimise direct impact to mammals, reptiles, amphibians and breeding birds shall be complied with during the demolition and construction period. Indirect impacts to the adjacent canal must also be avoided during demolition and construction works (see 6.1.1, 6.1.2b, 6.1.2c and 6.1.2f). The mitigation measures required shall be implemented in accordance with the survey to the satisfaction of the Borough Council.

[To ensure that adequate compensatory measures are undertaken and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

Notes to Applicant

The applicant/developer is advised to contact the Canal & River Trust to ensure that any necessary consents as may be required for access to, or oversailing of, the Trust's land during any construction or other operations can be obtained and that all works conform to the Trust's current Code of Practice for Works Affecting the Canal & River Trust. Please contact Paul Gaughan, Works Engineer, on 07767 321062 for further advice.

The applicant/developer is advised that any new access onto the adjacent Grantham Canal towpath will require the prior consent of the Canal & River Trust in the form of a commercial agreement. No windows adjoining the northern site boundary should open outwards over Trust land unless the prior consent of the Trust has first been obtained. Please contact Steve Robinson, Estates Surveyor, at steve.robinson@canalrivertrust.org.uk or on 07710 175114 for further advice in the first instance.

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

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

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, hedgerows and vegetation concerned it is recommended that works including felling/surgery should be carried out between September and January if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

For further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk.

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

Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats, etc) Regulations 1994. These statutory instruments protect both the species themselves and their associated habitats.

If great crested newts are discovered during work on the development, the relevant work should be halted immediately and English Nature should be notified and further advice sought. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of upto £5,000 or to imprisonment for a term not exceeding six months or both.

Consideration should be given to energy efficiency, water sustainability, management of waste during and post construction and the use of recycled materials and sustainable building methods.

You are advised that, prior to the demolition of the existing building on the site, a demolition asbestos survey should be carried out to determine the location, type and condition of asbestos containing materials (ACMs). If the development affects those parts of the buildings where ACMs have been found these materials should be removed (by a licensed asbestos removal contractor if asbestos insulation, or asbestos insulation board [AIB] are present) before the demolition phase begins. Certain types of work with or disturbance of asbestos have to be notified to the Health and Safety Executive and the Borough Council before such work commences.

More information about asbestos in general, and the notification requirements can be found on the HSE website (www.hse.gov.uk). Information about refurbishment and demolition surveys can be found in Asbestos: The survey guide, which can be freely downloaded at: <http://www.hse.gov.uk/pubns/priced/hsg264.pdf>

For further information on the content of Contaminated Land Reports, please refer to the Councils Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both the Rushcliffe Borough Council's website: www.rushcliffe.gov.uk (use the A-Z search for Contaminated Land) or by contacting the Environmental Health Service directly or use the following link: <http://www.rushcliffe.gov.uk/media/rushcliffe/media/documents/pdf/environmentandwaste/Notts%20developers%20guide%202013.pdf>