

19/01616/FUL

Applicant Churchill Retirement Living

Location Land At Manor Park Ruddington Nottinghamshire NG11 6DS

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

Ward Ruddington

THE SITE AND SURROUNDINGS

1. The site is located in the Ruddington Conservation off Manor Park, a private road maintained by residents. This is a vacant brownfield site which extends to approximately 0.89ha, and formerly accommodated Orchard House Retirement Home, which has now been demolished. The site boundaries are defined from Manor Park Road to the north by a stone wall, 1.8m high close boarded fence and hedges. The East boundary with Coppertop is defined by a 1.8m high panel fence. The rear wall of Hunters Cottage abuts the site on the northwest boundary. The West boundary is a 1.8 - 2m high metal hooped topped fence. The site has no physical boundary with Manor Park green to the south, which is a small wooded copse. The site in the main is covered in demolition rubble with a small asphalt area by the entrance. There are a number of mature trees on the site along with some self-set scrub. There are no TPOs on the site, although all trees benefit from a degree of protection by virtue of the Conservation Area designation. The site is relatively flat although it rises from the entrance.
2. The area is characterised in the main be by large Edwardian detached dwellings mainly two storey in height, set within large gardens. Located close to the centre of Ruddington, the site has ready access to most facilities.

DETAILS OF THE PROPOSAL

3. Full planning permission is sought for the redevelopment of the site to provide 43 retirement apartments including communal facilities, access, car parking and landscaping. The proposed building would be 3 storeys in height. The development would utilise a mixture of red brick, ivory render and black mock paneling, reflecting the surrounding material palette and of a design to reflect the character of the location. Vehicular access to the development is proposed to be off Manor Park. The proposed development would provide up to 21 car parking spaces. A buggy store would be located in the western section of the site, beyond the area of proposed car parking, along with a plant room which would accommodate plant to facilitate ground source heat pumps.
4. The proposed development would include an amenity space in the form of a communal garden area, which would be maintained in perpetuity by the management company. This area of communal garden would be located in the centre of the site and around the periphery of the proposed development.

5. The proposal would result in the loss of some vegetation on the site but this would be replaced and supplemented with additional tree planting.
6. The application is supported by the following documents:
 - a) Planning Statement;
 - b) Design and Access Statement
 - c) Preliminary Ecological Appraisal
 - d) Heritage Statement
 - e) Landscape Strategy
 - f) Transport Statement
 - g) Affordable Housing Statement;
 - h) Statement of Engagement;
 - i) Archaeological Desk Based Assessment
 - j) Arboricultural assessment & method statement

SITE HISTORY

7. 94/00905/FUL - Change use of main building from rest home to single dwelling unit; form 2 additional flats; convert outbuildings to 2 additional dwellings – Application Permitted December 1994.
8. 99/00620/COU - Change of use to offices - Application permitted October 1999.
9. 07/01943/FUL - Construct 3 storey building (plus basement) to provide 40 units of housing care (C2 use) with communal facilities/parking provision (revised proposals); new cycle and mobility scooter store. Application permitted January 2008.

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr J Walker) objects due to the height of the proposed build as it will impact the privacy of the residents around Manor Park and it will then become the tallest building in all of Ruddington, surpassing the church. The developers will also require some sort of provision for the upkeep of the private road and have not yet had any discussions with the Residents Association about its upkeep or lighting (of which there is none). The Councillor is also interested to see how developers will manage the increased traffic during the building phases, especially around school hours.
11. One Ward Councillor (Cllr M Gaunt) has some reservations around the lack of parking that appears to be available for staff, visitors and residents. The height of the building appears to be an issue as the base of the property is already substantially higher than properties across the street and this could have privacy issues for subsequent residents.

Town/Parish Council

10. Ruddington Parish Council object to the proposal on the following grounds:

- a. The site is the highest point on Manor Park and a 3 storey building would be too imposing and excessive in this location when compared to the Grade II listed buildings;
- b. The development is too intensive for the site;
- c. Insufficient parking, although it will not impact on the public highway this will still impact on the surrounding residents as well as parents and schoolchildren attending the nearby school; and
- d. Request section 106 Monies towards GP surgeries and the development of a new community centre.

Statutory and Other Consultees

11. Nottinghamshire County Council as Highway Authority comment that it is understood that the proposed accommodation is for elderly persons requiring limited support and only a single lodge manager is to be employed, with no additional staff. Based on the assessment of parking provision included within the Transport Statement, the level of parking provision proposed would appear to be appropriate. Considering the sites location on a private road, any overspill parking resulting from insufficient on-site parking is unlikely to impact on the public highway. The proposed development is considered unlikely to result in an adverse impact on the public highway, and as such the Highway Authority would not wish to raise an objection to the proposal.
12. The Borough Council's Community Development Manager comments that; *"The development falls below the 50 dwelling threshold for contributions for leisure facilities so a contribution for this development would not be sought."*
13. The Borough Council's Conservation Officer advises that *"A large portion of the site has been previously developed and as a result no archaeological conditions were considered necessary in relation to the 2007 permission, it being considered that the vast majority of the proposed development would only encounter previously disturbed ground with no archaeological potential despite the sites location within the historic core of the village. I would suggest this view remains sound in light of the latest proposal and I would not advocate any archaeological conditions or requirements."*
14. *The site is located within the Manor Park character zone of the Ruddington Conservation Area and on a site adjacent to South Manor, a grade II listed Building and formerly part of the grounds to that property. No structures associated with South manor stand within the site today, although there are former associated structures to the east within the curtilages of separate residential dwellings developed in the mid-to-late 20th century including a grade II listed icehouse within the gardens of Coppertop to the northeast of the application site.*
15. *Whilst the mid-20th century buildings previously on the site have been removed a notable quantity of material left over from their demolition remains within the site giving it a somewhat negative appearance, albeit the substantial boundaries with the public realm ensure that the site has no real presence within the conservation area and doesn't actively detract from local character as a vacant site. The main heritage assets to be considered in relation to*

impacts from the proposal are: South Manor, its icehouse, S Peters Church (all grade II listed) and the Ruddington Conservation Area. Whilst there are other listed buildings nearby including Churchside and the Hermitage (again, both grade II).

- 16 *The site is not at all apparent from Vicarage Lane and Church Street to the south, and from within the site the parish church, which is comparatively nearby, is not visible beyond a screen of tall and mature trees. Whilst the site itself is not currently visible from the public realm of Manor Park beyond limited visibility around the access point the proposed building would be far more visible owing to being three stories in height, comparable to both South manor and to Orchard House (the building which previously occupied the application site).*
- 17 *Manor Park consists of late 19th and early 20th century properties the majority of which are large detached villas built in revival styles popular at the end of the Victorian period. The Manor is itself the largest of these properties and grade II listed and built in the early 19th century with extensive additions and alterations in 1852, the building sits in expansive grounds on the South side of Manor Park extending down to Vicarage Lane. The manor is a grade II listed Building and Manor Park is a distinct character zone within the Ruddington Conservation Area dominated by high Victorian style villa properties set in substantial plots.*
- 18 *The proposal is for a building of very similar size, footprint and height to that previously approved back in January of 2008 when Orchard House was still standing. Height is slightly greater overall given the switch to elements of pitched roof whilst retaining 3 storey construction. Flat roofed areas appear to have a total height similar to eaves level on the adjacent Manor, whilst the pitched roofed areas have ridges slightly higher than those of the Manor, no part of the proposed building will be as tall as the numerous chimneys which add visually to the total height of The Manor and the two buildings will be far enough apart that the slightly higher ridge would not be at all obvious.*
- 19 *The building would read as another large and detached property within Manor Park, albeit larger than the residential villas which make up the majority of the area. The Manor itself is not particularly prominent within the public realm and as such the proposed development would not detract from, nor compete with the significance of the manor as a listed building.*
- 20 *I'm slightly conflicted as to the design. In many respects it is more traditional and more suited to its context. The flat roofed areas exist mainly around the margins of the building on its west side such that they are unlikely to be especially prominent from ground level views except when looking into the semi-enclosed front courtyard area. The northeast corner in particular will be prominent in the public realm and some effort has been focused here to ensure that the detailing and character of this part of the design will fit in with the character of Manor Park. The most public, north facing, elevation achieves great articulation via the recessed courtyard which allows the main entrance to be readily legible as a feature. I am satisfied that the scheme as proposed would achieve the standard of 'good design' advocated within the NPPF and would not harm either the settings of nearby listed buildings insofar as their settings contribute towards and inform their special architectural and historic significance, or the special architectural and historic character and appearance*

of the Ruddington Conservation Area as are described as 'desirable' objectives within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (respectively)."

- 21 The Borough Council's Landscape and Design Officer identified a discrepancy in the plans regarding the retention of tree T9 and sought confirmation that T9 is to be retained. He accepts the removal of the other prominent tree, T13, a mature Cedar as the tree has been heavily pruned and has lost branches in the past resulting in an unnatural looking canopy. The roadside hedge is a poor quality line and contains a lot of Sycamore saplings, he does not object to this being removed and replaced with something more appropriate. T6 and this is shown to be retained. Clarity is sought for trees to be retained on western boundary.
- 22 The Borough Council's Environmental Sustainability Officer advises that a Preliminary Ecological Appraisal has been supplied, however this recommends further ecological surveys are carried out for reptiles and bats and the application should not be determined until these has been supplied.
- 23 Following the submission of the additional surveys, the ESO provided further comments advising that; *"The site consist of woodland, scattered trees, scrub, poor semi-improved grassland, hedgerow and hardstanding. The site is used by foraging bats, amphibians and potentially for foraging and nesting wild birds and hedgehogs. The development provides opportunities for ecological enhancement. The conservation status of European Protected Species is unlikely to be impacted by this development if properly mitigated."*
- 24 No objection is raised to the proposal subject to various conditions relating to a construction method statements being submitted and approved which should incorporate an Ecological Method Statement, as part of a Construction Management Method Statement, covering working practices on site, a Biodiversity Net Gain Statement and element to be included in any landscaping scheme proposed.
- 25 In addition, he advises that consideration should be given to energy efficiency, alternative energy generation, water efficiency, travel sustainability including electric vehicle charging points and cycle storage, management of waste during and post construction and the use of recycled materials and sustainable building methods. These matters can be dealt with and encouraged by means of a note to applicant.
- 26 Trent Valley Internal Drainage Board *"The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site."*
- 27 *Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of the site drainage systems must be agreed with the Lead Local Flood Authority and Planning Authority."*

Local Residents and the General Public

26. There have been 24 representations from residents raising the following matters:
- a. Building too close to road.
 - b. Conflict with contractor's vehicles and school children.
 - c. Design and materials.
 - d. Doubles the number of residents in Manor Park.
 - e. Drainage not adequate and concern about run off onto highway.
 - f. Fails to meet Historic England's advice note on Conservation areas.
 - g. Fencing too close to building.
 - h. Impact on adjacent property resulting from exhaust fumes.
 - i. Impact on the church and heritage.
 - j. Inappropriate development in the Conservation area.
 - k. Light pollution.
 - l. Loss/damage to trees.
 - m. Maintenance to adjacent properties need to be protected.
 - n. Noise and disturbance.
 - o. Occupants will not form part of the Manor Park community.
 - p. Overbearing on Manor Park as a whole.
 - q. Overlooking and loss of privacy – residential amenity.
 - r. Parking, not enough on site, will lead to further parking on highway leading to concerns at school times.
 - s. Plant room too close to neighbouring property.
 - t. The building is too high and out of character with the area.
 - u. The site is too small for the proposal/over development.
 - v. The road is private road potential damage.

PLANNING POLICY

27. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2:

Land and Planning Policies (2019) (Local Plan Part 2).

28. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide (PPG).

Relevant National Planning Policies and Guidance

29. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. Paragraph 8 advises that there are 3 objectives of sustainable development which the planning system should deliver - economic, social and environmental. This paragraph emphasises the role of the planning system to support strong, vibrant and healthy communities by ensuring that a sufficient range and number of homes to meet the needs of present and future generations can be provided and to create a high quality built environment with accessible local services, which reflect the community's needs and support its health, social and cultural well-being.
30. Section 5, 'Delivering a sufficient supply of homes', outlines the need for planning policies and decisions to support the Government's objective of significantly boosting the supply of homes. It also outlines policies towards rural housing.
31. Section 12, 'Achieving well-designed places', states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Paragraph 127 states that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. It should also be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be sympathetic to the local character and history, including the surrounding built environment and landscape setting. In line with NPPF paragraph 130, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
32. Section 9, 'Promoting Sustainable Transport', states that proposals should provide a safe and suitable access to the site for all users. Paragraph 109 states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
33. Section 14, 'Meeting the Challenge of Climate Change, Flooding and Coastal Change, sets out the approach to development within areas at risk from flooding.
34. Section 15, Conserving and Enhancing the Natural Environment, states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity.

35. Section 16, 'Conserving and Enhancing the Historic Environment', states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In determining applications account should be taken of the impact of a proposed development on the significance of a designated heritage asset.
36. The Council also has statutory duties under section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving the settings of listed buildings and preserving or enhancing the special character and appearance of the surrounding Conservation Area.

Relevant Local Planning Policies and Guidance

37. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
 - Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 11 - Historic Environment
 - Policy 17 - Biodiversity
38. Policy 1 of the Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Following on from this Core Strategy policy 3 sets out the spatial strategy for the sustainable development of Rushcliffe. It supports a policy of urban concentration through a settlement hierarchy to determine where development would be considered sustainable.
39. Policy 8, Housing Size, Mix and Choice, states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities.
40. Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed in terms of the criteria listed in section 2 of policy 10. Of particular relevance to this application are the following:
 - 2a) The structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and layout of spaces;
 - 2b) The impact on the amenity of occupiers or nearby residents;
 - 2h) The potential impact on important views and vistas within the landscape; and
 - 2i) The impact on the setting of heritage assets.
41. Core Strategy policy 11, Historic Environment, states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

42. Core Strategy policy 17, Biodiversity, aims to protect and increase the biodiversity of Rushcliffe, including protected habitats and species.
43. The following policies in the Rushcliffe Local Plan Part 2: Land and Planning Policies are relevant:
- Policy 1 - Development Requirements
 - Policy 17 - Managing Flood Risk
 - Policy 18 - Surface Water Management
 - Policy 28 - Conserving and Enhancing Heritage Assets
 - Policy 29 - Development affecting Archaeological Sites
 - Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network
44. Policy 1, Development Requirements. This policy sets out a general criteria which new development should meet. Of particular reference to this application are the following paragraphs of this policy:
- (1) There should be no significant adverse effect upon amenity, particularly residential amenity, of adjoining properties or the surrounding area by reason of the type and levels of activity on the site or traffic generated.
 - (2) A suitable means of access should be provided for the development without detriment to the amenity of adjacent properties or highway safety. Sufficient parking provision should also be provided in line with Highways advice.
 - (3) Sufficient space should be provided within the site to accommodate the proposal together with ancillary amenity and circulation space.
 - (4) The scale, density, height, massing, design, layout and materials of proposals should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.
 - (5) Appropriate noise attenuation should be achieved and light pollution minimised.
 - (6) There should be no significant adverse impact on wildlife habitats. Where possible the application should demonstrate a net gain in terms of biodiversity.
 - (7) There should be no significant adverse impact on landscape character.
 - (9) There should be no significant adverse effect on any historic sites and their settings including Conservation Areas and Listed Buildings.
45. Policy 17, Managing Flood Risk, sets out where planning permission will be granted in areas where a risk of flooding exists.
46. Policy 18, Surface Water Management, states development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of Development and take account of the level of flood risk.
47. Policy 28, Conserving and Enhancing Heritage Assets. This sets out a criteria against which proposals affecting heritage assets will be considered, including whether the proposal would preserve or enhance the character and

appearance of the heritage asset, by virtue of siting, scale, building form, massing, height, materials and quality of detail and would be sympathetic to the character and appearance of the asset and any features of special historic interest, architectural, artistic or archaeological interest that it possesses.

- 48 Policy 29, Development affecting Archaeological Sites. This advises on the treatment of applications on sites of known or suspected archaeological interest, including the provision of appropriate archaeological assessments.
- 49 Policy 38, Non-Designated Biodiversity Assets and the Wider Ecological Network, seeks to preserve and restore priority habitats and protect priority species in order to achieve net gains in biodiversity.

APPRAISAL

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

Principle of development

- 51 The starting point for the determination of any proposal is the Development Plan. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2).
- 52 Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and National Planning Practice Guide (NPPG).
- 53 Policy 1 of the Core Strategy reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Following on from this Core Strategy policy 3 sets out the spatial strategy for the sustainable development of Rushcliffe. It supports a policy of urban concentration through a settlement hierarchy to determine where development would be considered sustainable. Ruddington is one settlement where development is considered sustainable and Policy 8 of the Core Strategy also seeks to secure a mix and choice of housing in tenure, type and size in order to create balanced communities and the provision of this type of accommodation supports that aim. Therefore, it is considered that the principle of development of this site is accepted.
- 54 The application site is a previously developed (brownfield) site, which previously had the benefit of planning permission for care apartments, in the built-up part of Ruddington and occupies a prominent site within the conservation area.

Design and impact on the character of the surrounding area.

- 55 The Design and Access Statement states that *“the development proposal has evolved as a result of pre-application engagement with the Local Planning Authority and the general public and that the design of the proposal has had full regard to the character of the area, neighbouring amenity and the scale and design of neighbouring buildings in the vicinity of the site, both proposed and existing.”* The design of the proposal is to be judged against the aspirations of local and national policies including:
- a) Integrate well with the surroundings in terms of scale, siting and design;
 - b) Be in keeping with the character of the area and be of local distinctiveness;
 - c) making a positive contribution to the public realm and creating a sense of place;
 - d) Incorporate materials that are in keeping with the locality;
 - e) Utilise energy efficient building types;
 - f) Provide a safe and secure environment;
 - g) Conserve local character and distinctiveness, and create a sense of place;
 - h) Make the most efficient use of the land available; and
 - i) Provide dwelling types that are appropriate to the mix of the area, whilst meeting the needs and demands of older people.
- 56 In terms of the proposals impact, the Conservation & Design Officer acknowledges the site is not at all apparent from Vicarage Lane and Church Street to the south, and from within the site, the parish church, which is comparatively nearby, is not visible beyond a screen of tall and mature trees.
- 57 Whilst the site itself is not currently visible from the public realm of Manor Park beyond limited visibility around the access point, the proposed building would be far more visible owing to it being three stories in height, comparable to both South manor and to Orchard House (the building which previously occupied the application site).
- 58 The proposal is for a building of very similar size, footprint and height to that previously approved back in January of 2008 when Orchard House was still standing. The height of the proposed building is slightly greater overall given the switch to elements of pitched roof whilst retaining 3 storey construction. Flat roofed areas appear to have a total height similar to eaves level on the adjacent Manor, whilst the pitched roofed areas have ridges slightly higher than those of the Manor, no part of the proposed building would be as tall as the numerous chimneys which add visually to the total height of The Manor and the two buildings will be far enough apart that the slightly higher ridge would not be at all obvious.
- 59 The building would be another large detached building within Manor Park and although close to the Listed Manor, it is considered that the proposal would not detract from, nor compete with the significance of the Manor as a listed building.
- 60 The northeast corner in particular would be prominent in the public realm and some effort has been focused here to ensure that the detailing and character

of this part of the design would fit in with the character of Manor Park. The most public, north facing elevation achieves great articulation via the recessed courtyard which allows the main entrance to be readily legible as a feature.

- 61 The developer has taken the decision to use a design and a pallet of materials which reflects the character of Manor Park, as opposed to a more modern style, as the previously approved 3 storey flat roofed structure. In this respect the proposal is considered acceptable.
- 62 In his concluding remarks, the Conservation Officer comments that *“the scheme as proposed would achieve the standard of 'good design' advocated within the NPPF and would not harm either the settings of nearby listed buildings insofar as their settings contribute towards and inform their special architectural and historic significance, or the special architectural and historic character and appearance of the Ruddington Conservation Area as are described as 'desirable' objectives within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (respectively).”* It is considered that no designated heritage assets or their settings would receive harm to their heritage significance as a result of the proposed development within the application area. This is in accordance with Policy 10 of the Rushcliffe Local Plan (2014) and Sections 66 and 72 of the TCP (LB&CA) Act 1990.
- 63 The proposed building would be prominent within the street scene, but its design and appearance would not so imposing or have such an adverse impact to justify a refusal of the development. It is considered that Policies 10 and 11 of the Core Strategy, Policies 1, 28 and 29 of Rushcliffe Local Plan Part 2 and Section 12, para 127 within the National Planning Policy Framework have satisfactorily been met and the proposal in terms of design and impact on the character of the surrounding area is considered to be acceptable.

Impact on residential amenity

- 64 Concerns have been raised from the occupier of adjacent properties about overlooking and loss of privacy. With regard to Copper Top, this property is located to the east of the proposal site and their existing building would be 22.99m from the proposed building at its nearest point. Tree planting is proposed on the boundary which would provide additional screening. That property is also orientated so the principal elevation faces onto the highway with limited windows facing onto the site. A 1.8 metre high fence is also proposed along the common boundary which would provide additional protection at ground floor level.
- 65 The proposed plant and buggy building would be located to the southern side of Hunters Cottage and these would screen the building from the ground floor window, negating any overlooking. The rear elevation of Hunters Cottage immediately abuts the boundary with the application site and contains two windows serving rooms at ground floor within the property (appear to serve a study and bathroom). Due to the changes in level from the roadside through the site, these windows are located just above ground level within the application site.
- 66 With regard to the concerns of residents that the plant room would impact on the amenity of the occupiers of Hunters Cottage, the applicants agent has

confirmed that this would house the plant for the ground source heat pumps which have limited to no noise impact. No details of the plant building or buggy store have been provided and those details will be required by condition, together with details of the plant to be accommodated within the plant building.

- 67 A further question regarding maintenance access has been raised, but this is a private legal matter between the parties, but the details submitted in the form of the site plan do not appear to hinder access.
- 68 South Manor is located to the west of the site and the proposed building would be in excess of 22m away from the property. There are existing trees which are proposed to be retained with new planting added between the two properties, it is therefore considered that the screening along with the separation distance would ensure that there is no detrimental overlooking.
- 69 As the Residential Design Guide highlights that, in line with Government Guidance, it is recognised that privacy can be achieved in many different way and techniques. It is considered that the screening of the building and its orientation would ensure that there is no detrimental impact on the neighbouring properties.
- 70 It is considered that the proposal is compliant with the requirements of Core Strategy policies 1 and 10 and Policy 1 of the Rushcliffe Borough Local Plan Part 2.

Highways and Parking

- 71 The number of parking spaces to be provided would be 21, representing approximately 1 for every 2 units or 0.49%. As part of the transport assessment (TA) the applicant has produced an analysis of existing similar operations which demonstrates that the average demand for parking spaces in this form of development is approximately 0.42 spaces per unit.
- 72 The Highway Authority have assessed the TA and are satisfied with the content and, as such, taking the above into account are satisfied that 21 spaces are adequate. Should parking occur on the road which creates problems, that would be a private matter.
- 73 The matter of maintenance of the private road is not a material planning consideration, but a private matter, although the applicant has confirmed that they will meet any legal obligation required by title.
- 74 A further concern has been raised in respect of the potential for conflict between vehicles and school children and parents using the road to gain access to the school. This matter can be controlled via and appropriate worded condition restricting movement of vehicles associated with the construction period to outside peak school drop off and collection times.
- 75 Having judged the proposal against the Rushcliffe Borough Local Plan Part 2 Policy 1, the proposal is considered acceptable in terms of highway requirements.

Impact on trees

- 76 Although there would be some removal of trees and the landscape strategy has been assessed by the Councils Design and Landscape Officer, who acknowledges that the proposal is generally acceptable having confirmed that tree T9 a Sycamore, a frontage tree is to be retained. A Cedar within the site is to be removed as part of the proposal but it is confirmed that it is of little aesthetic value due to the works previously undertaken to it. The applicant has also agreed to open discussions with the Design and Landscape Officer to assess the overall landscape proposal and it is proposed to apply an appropriately worded condition to support this approach.

Ecology

- 77 Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity it encourages developers to provide an increase in appropriate natural habitat and ecological features, over and above that being affected, in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.
- 78 The ESO advises that there is an opportunity to ensure biodiversity net gain with this development. The initial finding of the ecological studies identify the potential for bats and birds using the site along with mammals such as hedgehogs. It is understood that bats forage on the site and that birds use it as a nest site. It is also used by Hedgehogs and potentially amphibians. As part of the proposal and to support biodiversity net gain it is proposed that appropriate conditions are applied.
- 79 A number of other matters were raised and in particular landscaping, which if sensitively done can further enhance the opportunities for wildlife, and these opportunities would be developed and explored through the use of the proposed landscaping conditions.
- 80 It is considered that there is a need to undertake mitigation measures to protect these species and as such details of the proposed mitigation strategy are to be sought via condition which will ensure compliance with Policy 17 of the Core Strategy and policies 1 and 38 of the Rushcliffe Local Plan Part 2,

Drainage

- 81 Residents have raised concerns about the drainage of the site which is a matter for Building Control and as the details of how that will be achieved are not known at this stage, including the run off of surface water, an appropriate condition is proposed requiring full details to be provided before commencement of development on site to ensure compliance with policy 18 Rushcliffe Local Plan Part 2

PLANNING GAIN

Affordable Housing

- 82 Policy 8 of the Core Strategy states that new residential developments within the borough are required to provide the specified level of affordable housing

(30% in the case of Ruddington) on sites of 5 dwellings or more or 0.2ha or more. Based on a development of 43 apartments, this would equate to 12.9 affordable units. The policy recognises that the provision of affordable housing should take into account scheme viability.

- 83 Policy 8, Part 5 sets out how the overall proportion and mix for affordable housing will be determined. It states that the ability to deliver affordable housing alongside other requirements, taking into account broad assessments of viability will be considered as part of this process. It goes on to state that where the findings of local assessments are disputed on a particular site, a financial appraisal of the proposal will be expected in order to determine an appropriate level of affordable housing.
- 84 An Affordable Housing and Viability Statement was submitted in support of the application. The Statement advises that it has been agreed in previous discussions with the Local Authority that provision of on-site affordable housing would be impractical and that an offsite contribution would be acceptable. It goes on to state that subject to viability, any affordable housing contribution should be by way of a commuted sum. The applicant's viability assessment concludes that the scheme is unviable assuming any s106 contributions and that there is no ability for the scheme to make any affordable housing contribution.
- 85 The Council has sought input from an independent viability assessor to verify these findings. The independent viability assessor disagreed with the findings of the submitted viability assessment and concluded that the scheme could viably make a contribution towards affordable housing (albeit not the full affordable housing commuted sum, of £226,700).
- 86 The applicant has agreed to make a financial contribution towards offsite provision. Having assessed the viability of the proposal it is accepted that the full contribution cannot be made and it is considered that the requirements of Policy 8 of the Core Strategy have been met in respect of affordable housing.

Health

- 87 A request has been made from the Nottingham Universities Hospitals NHS Trust for a financial contribution of £13,818 toward supporting additional service demand. This is requested on the basis that it is necessary for the developer to contribute towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each unit of the accommodation on/in the development. The request is being considered for its compliance with the Community Infrastructure Tests and further clarification is being sought on this point. The applicant has agreed to make this contribution and this would be secured through the Section 106 mechanism and it will be included if the request is found to be sound.

Planning Balance and Conclusion.

- 88 The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently

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

- 89 It is considered that there may be some slight (less than substantial) harm to the appearance of the Conservation Area but it is considered that the proposal is sympathetic to the character and appearance of the neighbouring buildings, adjacent Listed Building and surrounding Conservation Area by virtue of its scale, density, height, massing, layout and materials, an opinion supported by the Conservation and Design Officer, it would not lead to an over-intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy. As such it is considered that any harm would be outweighed by the public benefits of the scheme, of bringing back into use this unsightly vacant site whilst contributing to the provision of homes for the elderly, a sector where growth is needed within the borough.
- 90 The application was subject of pre-application advice and the scheme was submitted in general accordance with that advice. The applicant has worked positively and proactively with the Council throughout the application process to secure the scheme now for consideration. 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.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and 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 application details and following approved plans and documents:

Plan Ref: 30042RT PL002 – Site Plan/Roof Plan

Plan Ref: 30042RT PL003 - Site Plan/Ground Floor Plan

Plan Ref: 30042RT PL004 – Ground Floor Plan

Plan Ref: 30042RT PL005 – First Floor Plan

Plan Ref: 30042RT PL006 – Second Floor Plan

Plan Ref: 30042RT PL007 – Roof Plan

Plan Ref: 30042RT PL008 – North and East Elevations Sheet 1

Plan Ref: 30042RT PL009 – South and West Elevations Sheet 2

Plan Ref: 30042RT PL0010 - Courtyard Elevation Sheet 3

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Notwithstanding the details submitted, no development shall take place until a detailed landscaping scheme for the site, to be agreed with the Councils Landscape and Design Officer, has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

[In the interests of amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before work commences on site in order to identify any trees/natural growth that is to be retained as part of the landscaping scheme].

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

[To ensure existing trees are adequately protected during the development and to comply with policies 1 and 37 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that the trees/natural growth to be retained is appropriately protected before work commences].

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

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

Policies].

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

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

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

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

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

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

15. Prior to the commencement of any works on site, an Ecological Method Statement shall be submitted to and approved in writing by the Borough Council and Good practise construction methods should be adopted including:

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

to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.

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

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

16. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The plan shall have full regard to the Ecological Method Statement required by condition 15 above, and shall include:

- Access and parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing facilities;
- Measures to control the emission of noise, dust, dirt and vibration during construction;
- A scheme for recycling/disposing of waste resulting from construction works;
- Hours of operation (including demolition, construction and deliveries);
- A scheme to treat and remove suspended solids from surface water run-off during construction;
- An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;
- The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
- Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences; and
- The routing of deliveries and construction vehicles to/from the site, to limit where practicable approach to the site from the west along Bunny Lane, and any temporary access points.

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

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual amenity and environmental management to comply with Policy 1 of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing

on-site wildlife].

17. Prior to construction commencing on the plant room, shown on the approved plans to be adjacent Hunters Cottage, full details of the ground source heat pump, including noise levels associated with the plant and any necessary measures to mitigate against vibration, shall be submitted to and approved in writing by the Borough Council. If this information is inconclusive or incomplete then it will be necessary to undertake and submit the results of a full noise assessment, in accordance with BS 4142:2014: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties. Thereafter, the plant shall be installed, operated and maintained only in accordance with the approved details.

[In the interests of the amenities of the area and adjacent residential occupiers and to comply with Policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

Notes to Applicant

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

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

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

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

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