

19/01771/OUT

Applicant Sharon Vincent & Stephen Harding

Location Pathways, London Lane, Willoughby On The Wolds

Proposal Construction of four new dwellings to side and rear of existing dwelling (Outline application with all matters reserved except for access).

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The proposed development site comprises part of the residential amenity space/rear garden of Pathways, London Lane, Willoughby on the Wolds. Pathways forms one-half of a traditional brick-built semi-detached pair of houses that date from circa 1950s. The dwellinghouse features an attached double garage on its northern (side) elevation that was constructed in the mid-1980s.
2. The linear site is approximately 92m in length and extends to approximately 1,995sqm. The site is bounded by existing residential properties to the north, south and west. Open fields lie immediately to the east, with residential properties beyond.
3. The site has a gentle 3m gain in height from front to back but is otherwise relatively flat. The northern and eastern boundaries are predominantly formed of established hedgerow. The southern boundary is a mixture of hedgerow and post and wire fence. The boundary to London Lane is a mixture of low brick wall and hedging.
4. Pedestrian and vehicular access is directly off London Lane.

DETAILS OF THE PROPOSAL

5. This application seeks outline planning permission for the construction of four residential dwellings to the side and rear of the existing dwellinghouse. All matters except for access (i.e. appearance, landscaping, layout and scale) are reserved for subsequent approval.
6. Whilst the application seeks outline planning permission, layout plans have been submitted for illustrative purposes. The layout plan shows a proposal to erect two detached two-storey dwellings and one 1½-storey dwelling to the rear of the existing garden, and a further detached two-storey dwelling to the side of the existing property, with frontage directly to London lane. This breaks down as follows:
 - Plot 1 – 3 bedroom dwelling of approx. 1,028 sq.ft
 - Plot 2 – 3 bedroom dwelling of approx. 1,348sq.ft
 - Plot 3 – 3 bedroom dwelling of approx. 1,348sq.ft
 - Plot 4 – 3 bedroom dwelling of approx. 1,294sq.ft

7. The layout plan shows that plots 1, 2, 3 and the original property, Pathways, would share a parking court providing two spaces per dwelling. There would also be a further two visitor spaces. A detached single garage and two parking spaces are shown to serve Plot 4.
8. The illustrative layout plan shows that each dwelling could be provided with adequate amenity space, the proposed new dwellings would have 11m long rear gardens (the garden to the 1½ storey dwelling would be 9.3m),
9. Both the new and existing properties would utilise a widened access off London Lane.
10. The existing hedges to the north and east boundaries are to be retained where possible. The boundary between the existing garden and the adjacent Goodacre Close would comprise a new 1.8m high fence. The existing eastern boundary to London Lane, which consists of a mixture of low brick wall topped with fencing and hedgerow, would be re-modelled and replaced with a low brick wall to suit the widened vehicular access.
11. Whilst matters of appearance are reserved, the applicant has indicated that the dwellings would be of traditional form with pitched roofs, gables, porches and bay windows with attention to the detailing of cills, lintels, chimneys etc.
12. During the course of determination, in response to concerns raised by statutory consultees and neighbouring occupiers, a revised layout plan incorporating changes to the siting/orientation of the proposed dwellings was submitted. Given the nature of the amendments, a full 21-day re-consultation was undertaken.

SITE HISTORY

13. 85/01855/N1P – Side extension to form additional garage – granted January 1986.

REPRESENTATIONS

Ward Councillor(s)

14. One Ward Councillor (Cllr Edyvean) objects to the proposal. His comments on the original plans are summarised as follows:
 - The proposed outline plan is over intensive and out of keeping with the surrounding area.
 - There are a number of trees shown for removal, some of which are said to not belong to the property in question.
 - It would appear that the electricity supply to neighbouring properties crosses the site and no provision is made for showing how this would be dealt with.
 - London Lane is the location of the village hall and parking frequently renders this into a single lane highway, the number of cars associated with this proposal would make entry onto the highway potentially dangerous.

- The village as a whole currently has a sewage system that is already overloaded, resulting in frequent discharges of raw sewage onto the main road and into the Kingston Brook, a problem known to Severn Trent, there should be no further new house builds in Willoughby until Severn Trent can verify that the sewage problem will be dealt with.
15. Following further consultation in respect of the revised plans and discussions with the Ward Councillor, Cllr Edyvean maintains his objection to the proposal expressing particular concern over the capacity of the sewage system in the village and the impact of heavy rainfall which causes the drains to overflow. He is concerned that although this issue first manifested about two years ago, Severn Trent have not yet approved any upgrades to the system. He states that he is unable to support any further new build developments in Willoughby until Severn Trent does something about the problem or can prove that the existing system is adequate.

Town/Parish Council

16. Willoughby Parish Council object to the proposal. Their concerns, submitted in respect of the originally submitted plans, are summarised as follows:
- Lack of clarity on provision of electricity supply to Dalcroft, which currently crosses the proposed development.
 - Indication that further tree removal will take place, some trees marked do not belong to the plot.
 - No provision to manage water run-off, adding to a road that already suffers from considerable standing water problems.
 - Removal of hedgerow at front of property will be detrimental to the character of the street scene.
 - No provision for household waste disposal, it would be unacceptable to have the number of bins required blocking the pavement.
 - Over intensive and out of keeping with the surrounding properties.
 - It would lead to highway dangers from the increased number of cars trying to exit a driveway onto a road where car parking for the village hall already renders the highway into a single lane.
 - The village sewerage system is already known to be inadequate with frequent issues of raw sewage being discharged onto Main Street and into the watercourse. We should ask that Severn Trent positively verify that they will upgrade the system for any further new developments.

Statutory and Other Consultees

17. Nottinghamshire County Council as Highway Authority do not object to the proposal subject to the imposition of suitable conditions regarding driveway surfacing, provision of vehicular access over a footway and visibility splays. Their response includes the following points to note:
- The proposal incorporates a shared private drive to serve a total of five dwellings, and the width detailed is acceptable. The access should be designed as a dropped kerb footway crossing, to maintain priority to pedestrians.

- Whilst layout is a reserved matter, it is noted that the indicative layout as detailed is considered acceptable in terms of parking and turning provision.
- Considering that the access drive is to remain private, refuse collection vehicles will not access the development, and refuse collection will take place from London Lane. A bin collection point will need to be provided within the site adjacent to the public highway to ensure bins do not cause an obstruction on the footway of London Lane. This matter will need to be addressed within the reserved matters submission.

18. Severn Trent Water have provided comments only on the proposal. Their response is summarised as follows:

- Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. No surface water to be discharge into the foul system by any means.
- Building Regulations section H recommends self-protection. If the development is likely to create a new low point in the network it is advised that they consider the use of non-return valves on their sewer connections to provide greater resilience to surcharge in the network and mitigate any flood risk.
- For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991.
- The following informative is suggested:
 - Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

19. The Borough Council's Conservation & Design Officer provided comments on the proposal. Their response is summarised as follows:

- From the illustrative layout what is essentially being proposed in a single hit is what has been created on the adjoining site (Westview) across several applications over 12 years (19/0253/FUL - 1 dwelling at rear of site, 14/00244/OUT and 14/02147/REM - 2 dwellings at rear and 07/01162/FUL, semi-detached pair of dwellings to side).
- Given what has been achieved on the adjoining site and that the proposal essentially mirrors this he would have no basis to raise concern or objection on design grounds. As with the adjoining

development there would be no prospect of the property at the rear being serviced by refuse vehicles and as such a bin collection point would need to be provided in some accessible location

- In terms of archaeology, the site is within what is identified as being the historic core of the settlement, however its position at the fringes of the historic settlement limits potential to archaeology associated with the agricultural hinterland of the settlement.
- For the neighbouring site, as development was brought forwards in 1's and 2's development was never of sufficient scale to justify archaeological conditions. With the proposal here being for 4 dwellings the scale being advocated at one time is more substantial, however potential would remain low and under the circumstances he would not advocate an archaeological condition.

20. The Borough Council's Environmental Health Officer has raised no objection subject to the imposition of conditions in respect of contaminated land and construction noise/dust.

21. The Borough Council's Environmental Sustainability Officer initially raised concerns regarding the lack of a Preliminary Ecological Assessment (PEA) and recommended that the application should not be determined until this was completed. A PEA was submitted by the agent on 11th September 2019. On receipt of this information, the Environmental Sustainability Officer raised no objection to the proposal subject to the imposition of suitable conditions. They noted that, given the sites historic use as an orchard, the opportunity to establish an orchard on part of the site should be taken, if possible.

Local Residents and the General Public

22. Objections have been received from four nearby occupiers. Three neutral responses (neither objecting to nor supporting the application) have also been received. The responses are summarised below (for ease of reference, responses have been split into those received in respect of the original plans and those received in respect of the revised plans).

23. Comments on the original plans:

- a. Electricity supply to Dalcroft currently crosses the corner of Plot 1. There is no mention of moving this supply. The telegraph pole is in an established hedge.
- b. The hedge adjacent to Dalcroft belongs to Dalcroft. The proposed buildings on Plots 1 and 2 are on the border. Access must be available to maintain this hedge which provides a habitat for wild birds.
- c. On the development side of the hedge on the border of Dalcroft there is a drainage ditch. There has been a number of issues with flooding on London Lane and there is no mention of what the plans are for this. In recent years there has been flooding in the corner of the development site where Plot 1 is situated.
- d. There is an Ash tree in the border with Dalcroft (by Plot 2) that is marked for removal. This tree does not belong to the development site and should not be removed.

- e. The proposed site is nearly opposite the village hall which is well utilised. The proposal has provision for up to thirteen vehicles and these will be turning into/out of the site in to what is quite often reduced to a single lane due to the number of parked cars.
- f. The application makes no provision for the storage of waste. If waste bins are left on the pavement this causes a health and safety issue – obscuring the view for vehicles pulling out and obstructing the way for pedestrians.
- g. Additional vehicles turning in or out of this new development will add traffic on the lane and will reduce the on-road parking options due to widening the existing access.
- h. The proposed development will potentially add to the on-road parking due to not enough proposed visitor parking for each new property.
- i. The speed and traffic survey did not take into account farm vehicles using London Lane for extended periods of time during harvesting. Extra traffic to the new development is going to add to existing problems with vehicle flow.
- j. Another access would be impractical and possibly dangerous.
- k. The additional water that will run onto London Lane from the proposed properties/hardstanding areas being built is going to add to the flooding issue.
- l. There doesn't appear to be enough room for oil/general delivery vehicles to access the properties or turn in the site.
- m. The outline plans show hedges being removed on the front boundary and being replaced by fencing, which will affect wildlife and dramatically change the existing look of London Lane.
- n. Not considered that because a development was granted for the neighbouring property that this should set a precedent for similar development.
- o. This development negatively affects existing properties on all four sides of the current boundaries.
- p. There is no provision for an oil tanker to be sited for each property. Does this limit the choice of heating method for future occupants?
- q. Neighbour not contacted personally despite their property directly overlooking the site.
- r. The existing plot has been disused for many years. In preparation for this application, extensive clearing of the plot has taken place, including removal of trees/ hedgerow thinning. This has affected wildlife and the site is more visible from neighbouring property.

- s. Plot 4 will be directly visible from neighbouring garden and a number of windows will overlook garden. The side elevation of Plot 2 will be visible from neighbouring house.
- t. Whilst accepting further housing development is necessary, it is of concern that the newly built properties on Goodacre Close have been let rather than sold.
- u. There has been a noticeable increase in noise and artificial light in this rural location.
- v. Fewer and smaller properties would ease concerns.
- w. Trees and hedges should be re-planted along the borders to help screen the properties and allow wildlife to return.
- x. The orientation/ layouts/ locations of windows of Plot 4 and Plot 2 should be revised to ensure overlooking is minimised and obscured.
- y. Plot 4 is only 10.9 meters from recently approved development on neighbouring plot in Goodacre Close 19/00253/FUL. The northern elevation on this dwelling has two windows in the roof trusses. Reassurance is sought that there is not going to be a privacy issue.
- z. The applicants cut down the 150-year old trees before putting in the application – this plot should be reserved as a village orchard.
- aa. Plot 4 seems to be of particular nuisance overlooking a number of properties. The building is also too close to neighbouring boundary fence and adjacent to a manège which is used for personal recreational use. The arena will be unsafe for use during construction of the site and could be unsafe to use following the construction of the site.
- bb. The wildlife report undervalues the contribution the site makes to wildlife.

24. Comments on the revised plans

- a. Note with interest the revised plans submitted, however no consideration has been given to previous concerns raised about privacy.
- b. Plot four is directly in line of sight with Orchard House and therefore will be a blight on property and its value.
- c. The proposal is so close to border with Orchard House, it would significantly affect privacy.
- d. Previously requested that plot four on the original plan had obscure glass to the rear to protect neighbouring privacy, but now the plan has been re-submitted to turn the building through 180 degrees, meaning that the front of the building would need obscure glass, which isn't really practical.

- e. If this application were to be granted a precedent would be set to allow further development to the rear of Dalcroft, which would also be totally unacceptable.
- f. Felt as though the applicant is over developing the site and that plot four should be removed completely.

PLANNING POLICY

25. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as the 'Core Strategy') and The Rushcliffe Local Plan Part 2: Land & Planning Policies (referred to herein as the 'Local Plan Part 2'). The National Planning Policy Framework (NPPF) is a material consideration in the determination of applications.

Relevant National Planning Policies and Guidance

26. 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.
27. Section 5 (Delivering a sufficient supply of homes) is relevant to this application. Paragraph 68 states that Local Planning Authorities should *"...support the development of windfall sites through their policies and decisions - giving greater weight to the benefits of using suitable sites within existing settlements for homes..."*
28. The proposal should also be determined in accordance with section 12 (Achieving well-designed places), particularly the criteria outlined in paragraph 127. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development.

Relevant Local Planning Policies and Guidance

29. 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.
30. Policy 3 of the Core Strategy outlines the distribution of development in the Borough during the plan period. The policy promotes urban concentration by directing the majority of future development towards the built-up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. The policy states that in other settlements development will be for 'local needs only' where it is envisaged that provision will be made on small scale infill plots.
31. Policy 10 requires all new development to be designed to make; a positive contribution to the public realm; create an attractive, safe, inclusive and healthy environment; reinforce local characteristics; and reflect the need to reduce the dominance of motor vehicles.
32. Policy 1 (Development Requirements) of the Local Plan Part 2 is relevant to the determination of this application. The policy seeks to ensure, amongst

other matters, that proposals do not result in significant adverse impacts on amenity, a suitable access can be provided and that proposals are sympathetic to the character and appearance of the surrounding area.

33. Policy 11 (Housing on unallocated sites within settlements) allows for housing development within settlements provided that, amongst other matters, the scale/location of development accords with the Council's Spatial Strategy, the proposal would not adversely affect the character/pattern of the area, residential amenity is protected and appropriate access and parking is provided. The Local Plan does not identify the settlement boundaries within which Policy 11 will apply. Nevertheless, paragraph 3.10 states that development to meet 'local needs' at 'other villages' will be limited to small scale infill development, exception site development and the allocation of land by neighbourhood plans. It goes on to state that "*small scale infilling is considered to be the development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area*".
34. The 2009 Rushcliffe Residential Design Guide sets out a number of issues that should be considered in respect of 'backland' development. These include access, connectivity to the surrounding settlement and the protection of residential amenity.

APPRAISAL

35. The development proposal has been submitted in outline form with all matters, except for access (i.e. appearance, landscaping, layout and scale) reserved for subsequent approval.
36. The main issues of relevance to the determination of this application are the principle of development on the site, impact on the character and appearance of the area, impact on residential amenity and access/highway safety matters. Concerns have been raised regarding flooding/site drainage and, as such, this matter has been given due consideration in the determination of the application.

Principle of Development

37. As a proposal for housing development on an unallocated site, the proposal falls to be determined under Policy 3 of the Core Strategy and Policy 11 of the Local Plan Part 2.
38. The proposed development site is located within the built-up part of Willoughby on the Wolds. Willoughby on the Wolds is not identified as an area for growth in the Core Strategy, instead falling into the category of 'other villages' where development will be for 'local needs only'. Paragraph 3.10 of the Local Plan Part 2 states that development to meet 'local needs' at 'other villages' will be limited to small scale infill development, exception site development and the allocation of land by neighbourhood plans. It goes on to state that "*small scale infilling is considered to be the development of small gaps within the existing built fabric of the village or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area*".

39. The application site is bounded by existing residential properties to the north, south and west. Open fields lie immediately to the east, with residential properties beyond. Taking account of its context, including the location of other residential properties in the immediate environs, the application site is considered to comprise a small gap within the existing built fabric of the village. Furthermore, in light of the site's position relative to the other built-up parts of the village and bearing in mind its relatively enclosed nature, it is considered that the site is capable of being developed without resulting in a harmful impact on the pattern or character of the area. The scale of the development is relatively minor and would not compromise the objectives of the Council's Spatial Strategy.
40. Overall, with reference to Policy 3 of the Core Strategy and Policy 11 of the Local Plan Part 2, it is considered that the principle of residential development on the site is acceptable subject to the proposal being found acceptable in respect of all other considerations, including impacts on the character and appearance of the area, residential amenity, access etc.

Impact on the Character and Appearance of the Area

41. The application is in outline with all matters, except for access, reserved for subsequent approval.
42. Whilst matters of layout are reserved for future consideration, the submitted illustrative site plan indicates that Plot 1 would be located towards the front of the site (adjacent to Pathways), Plot 2 and 3 would be located close to the central part of the site (adjacent to two modern properties that have been built to the rear of 'Westview') and Plot 4 would be located at the rear of the site (adjacent to an approved but not yet constructed two-bedroom dwelling to the southeast). In terms of impact on the pattern of development, whilst backland there is no strong rear build-line along this part of London Lane and there are other dwellings set back from the London Lane frontage occupying a similar build line to the proposed new dwellings.
43. In terms of scale, the application states that the four proposed dwellings would have three bedrooms and would be two-storey (Plots 1, 2 and 3) and 1.5 storey (Plot 4) respectively. It is considered that, with careful design, the site could accommodate the proposed dwellings without resulting in a cramped appearance and the detailed design would be assessed at the reserved matters stage. Whilst relatively narrow and linear in form, the proposed development plot is comparable in size to others on London Lane, including the plot immediately to the south.
44. The site has a gentle 3m gain in height from front to back but is otherwise relatively flat. The northern (side) and eastern (rear) boundaries are predominantly comprised of an established hedgerow, supplemented by trees in the north-eastern corner of the site. The south (side) boundary is a mixture of hedge and post and wire fence. The boundary to London Lane is a mix of low brick wall and hedging. The boundary treatments coupled with the existing residential properties to the north, south and west, results in the site appearing relatively enclosed. As a result, the proposed dwellings would be somewhat screened from the wider environs. Overall, subject to satisfactory details at the reserved matters stage, the dwellings would not be unacceptably prominent from the public realm or the open countryside to the rear.

45. To retain the sylvan appearance of the streetscene, the landscaping scheme for the site should include the reinstatement of hedgerow along the frontage of the property (outside of the required visibility splays). An informative is recommended to this effect.

Impact on Residential Amenity

46. The application site occupies a gap in the existing built fabric, surrounded by other residential properties on three sides. Due consideration is required in respect of potential overlooking/loss of privacy to the existing property, Pathways, and the nearest residential receptors to the north and south, as well as having regard to the amenity of future occupiers of the proposed dwellings.
47. As the application is in outline with all matters (except for access) reserved, the siting, design and external appearance of the proposed buildings does not form part of this application.
48. It is noted that concerns have been raised by nearby occupiers regarding potential for overlooking and loss of privacy. The location of windows are not known at this stage (this would be considered as part of a reserved matters application) but given the orientation/siting and separation distances between the proposed dwellings and the nearest residential receptors, it is not considered that impact on residential amenity is a fundamental constraint to the development of the site. The vegetation on the northern and eastern boundaries, which includes a number of trees to be retained, would partially screen the nearest receptors to the north. Further consideration of potential for overlooking would be a relevant factor at the detailed stage when position of windows and use of rooms would be known.
49. Given the size of the plot, it is considered that ample residential amenity and circulation space exists to serve both the existing dwelling and proposed new dwellings. The Site Plan indicates garden sizes that are in general accordance with the Residential Design Guide.
50. Subject to satisfactory details at the reserved matters stage, it is considered that development of the site for residential purposes would be achievable and would not lead to an unacceptable impact on residential amenity.

Access

51. The development proposal incorporates a shared private drive to serve a total of five dwellings (i.e. the host dwelling and four proposed dwellings).
52. It is noted that concerns have been raised by a number of nearby occupiers in respect of the safety of the proposed access and the impact of the proposal on traffic flow.
53. Nottinghamshire County Council as Highway Authority do not object to the proposal subject to the imposition of suitable conditions regarding driveway surfacing, provision of vehicular access over a footway and visibility splays. They note that, whilst layout is a reserved matter, the indicative layout as detailed is considered acceptable in terms of parking and turning provision. Finally, they advise that a bin collection point will need to be provided within

the site adjacent to the public highway to ensure bins do not cause an obstruction on the footway of London Lane. This matter should be addressed within the reserved matters submission.

54. Under paragraph 109 of the NPPF, development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Given the scale and nature of the development, it is not considered that the resultant highways would be 'severe'.
55. In light of the above and, bearing in mind that no objection is raised by the Local Highway Authority a reason for refusal on highways grounds could not be substantiated.

Flooding/ Site Drainage

56. The application site lies within Flood Zone 1 (i.e. land having a less than 1 in 1,000 annual probability of river or sea flooding). Furthermore, the maps which identify the risk from surface water flooding show that the site and the majority of the surrounding area is within an area at 'very low risk' of flooding.
57. Concerns have been raised regarding sewerage capacity in Willoughby on the Wolds and the impact that an additional four houses would have on this capacity. Councillor Edyvean commented that the sewage system is already overloaded, resulting in frequent discharges of raw sewage onto the main road and into the Kingston Brook, a problem known to Severn Trent. He goes on to state that there should be no further new house builds in Willoughby until Severn Trent can verify that the sewage problem will be dealt with. In light of these comments, the views of Severn Trent have been sought.
58. Severn Trent Water do not object to the proposal and have provided observations only. They commented that the disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. They go on to state that or the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991.
59. The Water Authority (in this case Severn Trent) has a statutory duty under Section 94 of the Water Industry Act 1991 to ensure that the public sewerage system operates in a satisfactory manner. Government guidance makes clear that controls under the planning and pollution control regimes should complement rather than duplicate each other. The applicant has indicated that surface water would be dealt with via a sustainable drainage system.
60. Bearing in mind that set out above and given that Severn Trent have not objected to the proposal, it is considered appropriate to deal with matters of site drainage/foul disposal at the reserved matters stage. A condition is recommended in this regard.

Other Matters

61. Concerns have been raised regarding the lack of provision for the storage of waste. The indicative plans show that each property would have a private amenity area where wheeled bins could be stored. However, this is an issue which could suitably be addressed at reserved matters stage when the intended layout of the development would be confirmed.
62. Issues have been raised in terms of the submitted Ecological Appraisal undervaluing the contribution that the site makes to local wildlife. The application site is a residential garden and is not considered to be ecologically significant. The Borough Council's Environmental Sustainability Officer has raised no objection to the proposal subject to the imposition of suitable conditions. It is not considered that a refusal on ecological grounds could be reasonably substantiated.
63. Concerns have been raised in terms of potential for disturbance on the adjacent ménage during and post construction. Some level of disturbance is an inevitable side effect of any development and although an advisory note regarding hours of construction can be included, potential for disturbance does not constitute a reason for refusal. Post construction, it is not considered that the proposed residential use would result in an unacceptable level of disturbance.
64. Concerns have also been raised regarding the potential repositioning of a telegraph pole, the lack of provision for oil tanks and the letting (rather than sale) of properties on Goodacre. These are not material planning considerations and are, therefore, not relevant to the determination of this application.

Conclusion

65. This application seeks outline planning permission for the construction of four residential dwellings to the side and rear of an existing dwellinghouse in the built-up part of Willoughby-on-the-Wolds. With reference to Policy 3 of the Core Strategy and Policy 11 of the Local Plan Part 2, the principal of development is considered acceptable.
66. Whilst concerns have been raised in respect of, but not limited to, the impact upon the character of the area, residential amenity, access, flooding, site drainage etc., for the reasons set out in the body of the report these are not considered to be fundamental constraints to development. This application seeks approval for the principle of development and access arrangements only. Matters relating to appearance, landscaping, layout and scale are reserved for future determination.
67. 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 to grant planning permission.

RECOMMENDATION

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

1. Application for approval of reserved matters must be made no later than three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of reserved matters, or in the case of approval of reserved matters on different dates, the final approval of the last such matter to be approved.

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

2. The development hereby permitted shall only be carried out in accordance with detailed plans and particulars relating to the following items and the development shall not be commenced until these details have been submitted to and approved in writing by the Borough Council:

- The siting, design and external appearance of the proposed buildings;
- A landscaping scheme for the site with details of the treatment proposed for all ground surfaces, including hard areas;
- Sections and cross sections of the site showing the relationship of the proposed development to adjoining land and premises;
- The finished ground levels for the site and floor levels of the dwellings relative to existing levels and adjoining land;
- The means of enclosure to be erected on the site;
- The provision of a refuse collection point within the site and adjacent to the public highway; and
- A scheme for surface water management and foul disposal.

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

3. This permission shall relate to the erection of no more than four dwellings.

[To clarify the extent of this permission and to prevent the overdevelopment of the plot in compliance with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

4. The dwellings shall not be occupied until the private drive has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

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

5. The dwellings shall not be occupied until the private drive access is fronted by a vehicle crossing constructed in accordance with the Highway Authority specification, and the redundant crossing has been reinstated, to the satisfaction of the Local Planning Authority.

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

6. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing ref. 11771 001 titled Initial Access Design, dated: 27/06/2019 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

[To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

7. In the event that any evidence of unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted for the approval in writing by the Local Planning Authority. Thereafter, the remediation scheme shall be implemented in full prior to the occupation of any dwellings.

[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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

[In the interests of residential amenity and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that appropriate measures are implemented during the construction phase to minimize the impact of noise, dust and vibration on nearby properties].

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

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

10. Prior to work commencing on site, a scheme for the disposal of surface water from the development shall be submitted to and approved by the Local Planning Authority. The scheme shall have regard for the drainage hierarchy, with preference for infiltration to the ground, unless this is not technically feasible, and full justification for the proposed method of disposal. Thereafter, the development shall be carried out in accordance with the approved scheme and the means of surface water disposal shall be provided prior to occupation of the dwellings.

[To ensure an acceptable means of surface water drainage and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

Notes to Applicant

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

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.

In order to retain the sylvan appearance of the streetscene, the landscaping scheme for the site should include the reinstatement of hedgerow along the frontage of the property (outside of the required visibility splays).

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

This Authority is charging for the discharge of conditions in accordance with revised fee regulations which came into force on 6 April 2008. Application forms to discharge conditions can be found on the Rushcliffe Borough Council website.

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable, and the amount payable will be calculated following approval of any subsequent Reserved Matters application. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area specified in the application, there may be sewers

that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Condition 9 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission. Guidance of this process and the associated requirements can be found in Approved Document G under requirement G2, with the requirements laid out under regulations 36 and 37 of the Building regulations 2010.

Consideration of this application has included details of the location and layout of the access to serve the proposed development. Notwithstanding the details shown on the submitted plans, the Highway Authority has specified that the access should be designed as a dropped kerb footway crossing, to maintain priority to pedestrians. With regard to works affecting the highway you are advised that Nottinghamshire County Council are the Highway Authority and it is suggested that you contact the Highways Area Office by telephoning 03005008080 for further information.