

# 19/01500/FUL

**Applicant** Mr & Mrs Fletcher

**Location** P J Fletcher And Sons Ltd, Builders Yard, Cropwell Road, Langar, Nottinghamshire, NG13 9HD

**Proposal** Demolition of existing offices, workshops and stores and erection of 4 two storey dwellings (Amended Description).

**Ward** Nevile and Langar

## THE SITE AND SURROUNDINGS

1. The application refers to the site of the former PJ Fletchers Building Yard, which is located in countryside to the south west of the village of Langar. The site is around 0.67 hectares in size and contains a collection of buildings, including workshops, stores and offices, with a surrounding yard area. The Building Yard has closed down and the site is no longer occupied.
2. The site is around 80 metres west of the closest houses marking the entrance to Langar, with an agricultural field lying in between.
3. The site is located within the designated Langar Conservation Area. The southern part of the site also lies within Flood Zone 2 and 3 of the Stroom Dyke.

## DETAILS OF THE PROPOSAL

4. Planning permission is sought for the re-development of the site to provide 4 detached dwellings with associated parking and amenity space.
5. The original application as submitted was for a scheme of 5 detached dwellings. However, the proposals were amended during the course of the application following advice that this level of development was considered to be too intensive and would not be supported.

## SITE HISTORY

6. Application ref: 96/00981/FUL - Retention of access road. Refused 6 January 1997
7. Application ref: 92/00757/T1P - Erection of workshop with ancillary offices. Approved 19 November 1992

## REPRESENTATIONS

8. Consultations were carried out in relation to the original plans submitted and the revised scheme.

## **Ward Councillor(s)**

9. The Ward Councillor for Neville and Langar (Cllr T Combellack) has objected to the proposal, due to concerns at the safety hazard presented by the development occurring at a site outside the 30mph zone. The access would be in the 60mph zone and the current pavement is on the opposite side of the road to the development. Cllr Combellack is of the opinion that the development should not go ahead unless the 30 mph sign is moved. Whilst the access may have been suitable as a builder's yard the new development would be domestic and children may have to cross the road to walk to school or the bus. Residents would have to cross the road to access amenities in the village. It is considered that this could be a real danger and unless this is addressed there is an objection to the proposal.
10. Following the provision of additional information and a Speed Survey in response to a request from the County Council Highways Officer, Cllr Combellack advised that this did not address the speeding issue although the proposed development would not be viewed unfavorably if traffic calming measures were implemented. The consultation comments from the Council's Planning Policy Officer were also noted.

## **Town/Parish Council**

11. In response to the original plans submitted, Langar cum Barnstone Parish Council resolved to submit a response of no objection, however, they wished to point out the increased danger from speeding traffic along this particular section of Cropwell Road and would recommend the relocation of the 30mph speed limit to a point west of the Bridge House/Langar Hall junction.
12. In response to the amended plans Langar cum Barnstone Parish Council also submitted a response of no objection but reiterated the original concerns raised in relation to highway safety.

## **Statutory and Other Consultees**

13. Nottinghamshire County Council as Highway Authority submitted comments in relation to the original plans submitted. These comments are summarised as follows:
14. In relation to the original plans submitted the Highway Authority identified a number of concerns in relation to the acceptability of the access point to the site. In terms of width it is considered suitable to serve the number of dwellings proposed. However, concerns were raised regarding the visibility out of the access. It was advised that the submitted plans indicated visibility splays which would be considered substandard for the proposed development.
15. It was advised that given the location of the site on the edge of the village, and proximity of the bend to the west, it would be possible that speeds near the proposed access are lower than 60 mph and therefore a reduced visibility criteria could be applied. In order for this to be considered acceptable it was advised that a speed survey demonstrating measured 85<sup>th</sup> percentile speeds, and the proposed reduced visibility splays plotted on a surveyed base plan which shows the actual locations of boundary features and other physical obstructions in the locale should be submitted.

16. Following the provision of a Speed Survey the following additional comments were received from the Highway Authority.
17. Further to their previous response, they advised that the speed survey provided by the applicant and revised highway access drawing which demonstrates visibility commensurate with measured 85<sup>th</sup> percentile speeds on Cropwell Road are achievable. In view of this the proposed access arrangements are considered to be acceptable and therefore approval is recommended subject to conditions to state that the access and parking areas should be completed prior to the development being brought into use.
18. In response to the consultation on the amended scheme the Highways Authority confirmed that there continued to be no objection to the scheme, subject to the previously recommended conditions.
19. The Borough Council Planning Policy Manager has made comments on the proposal. These are summarised as follows.
20. Relevant development plan policy considerations in this regard are Policy 3 of LPP1 (Spatial Strategy) and Policy 22 of LPP2 (Development within the Countryside).
21. The site is separated from the identifiable boundary of the settlement of Langar by a single greenfield site, the frontage of which is approximately 75 metres. This adjacent greenfield site is not considered to constitute a small infill plot as referred to under paragraph 6.11 of the justification text to Policy 22. It is therefore considered that the proposed site lies outside the settlement of Langar and Policy 22 would therefore apply.
22. Appropriate uses in the open countryside are set out under Policy 22 (2). Residential development for open market housing is not one of those acceptable uses. The proposal is therefore contrary to this policy. The status of the site as being previously developed has no bearing in relation to Policy 22.
23. Further to these considerations, the loss of employment use would need to be considered against Policy 15 of LPP2. Furthermore, the Council can identify, following the adoption of LPP2 (and its supporting evidence base), a five year supply of deliverable homes. Consequently, policies that would restrict housing, including Policy 22, remain extant and retain their full weight.
24. The proposal is therefore considered to be contrary to the development plan and should only be approved if material considerations exist to justify this.
25. The Borough Council Environmental Health Officer made comments on the initial plans submitted. These are summarised as follows.
26. Land Contamination - A phase 1 land contamination risk assessment has been submitted with the application. Section 11 of the report recommends remedial and verification actions that should be carried out prior to occupation of the completed dwellings, in particular, the capping of soft landscaping areas with a minimum of 600mm of clean material.

27. Air Quality - In line with national strategy and policy, it is recommended that suitable provision is made for the charging of electric vehicles within the development to prevent the development contributing to unacceptable levels of air pollution and to help to improve local environmental conditions. This is particularly relevant for this proposal as the occupiers of this development are likely to be very dependent on private means of transport to undertake their daily activities.
28. The Borough Council Conservation & Design Officer made comments on the initial plans submitted. These are summarised as follows.
29. The site is located within the Langar Conservation Area, however the existing buildings are expressly noted as ones which detract from the special architectural and historic character and appearance of the conservation area. The existing buildings are of no positive value to the character of the area and the site represents an opportunity for development to actively enhance the existing character of the conservation area.
30. Comments were provided on the layout initially proposed and the amount of parking and hard surfacing along the frontage. However, it was acknowledged that the proposed boundary hedge planting along the frontage would soften the hard surfacing for parking and given that the site in its existing use is dominated by hard surfacing, the layout as proposed would represent an enhancement beyond the existing situation.
31. The design of the properties have a more traditional rural character, far superior to the buildings currently on the site, and this would better harmonise with the special architectural and historic character and appearance of the conservation area. Conditions are recommended in respect of the facing and roofing materials and a landscaping scheme to cover details of both hard surfacing and means of planting for the means of enclosure along the site frontage.
32. It is concluded that the proposal, in both respects (the demolition of the existing and the proposed redevelopment) would actively enhance the special architectural and historic character and appearance of the conservation area achieving the higher objective described as being 'desirable' within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
33. There are nearby listed buildings in the form of Langar Hall (Grade II), and the parish church (Grade I) to the north, as well as the former village school (Grade II), however in all cases there are trees and tall landscaping features within intervening land to the south such that the existing and proposed development on this site has no impact upon the settings of these listed buildings insofar as their settings contribute towards their special significance or understanding of that significance thus achieving the desirable objective described in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
34. The Borough Council's Environmental Sustainability Officer has commented on the Protected Species Survey (undertaken May 2019). These are summarised as follows.

35. The survey is in date and, although it has been carried out outside the optimum survey season, surveys at this time can reveal historical use and habitats likely to support protect and priority species.
36. The site consist of buildings hardstanding, coarse grasses, perennial herbs, piles of building rubble, timber and materials and stored items and scrub (part of which was inaccessible and therefore un-surveyed), hedgerow and semi mature trees with a watercourse to one boundary. A possible Bat feeding roost was identified, however, the consultant ecologist stated no further surveys were required. The conservation status of European Protected Species should not be impacted by this development when mitigated.
37. Recommendations are made to ensure best practice working methods and the protection of the habitats and protected species possibly occupying the site and measures to improve biodiversity.
38. Nottinghamshire Wildlife Trust has commented on the Protected Species Survey (undertaken May 2019). These are summarised as follows.
39. They note that a Protected Species Survey (February 2019) has been carried out within the last 18 months and is therefore in date.
40. A possible Bat feeding roost was identified, with remains of 25-30 moth wings and a 'small number' of old bat droppings. However, the consultant ecologist does not recommend further surveys. Wild birds' nests were identified, including within buildings, but no Schedule 1 birds (e.g. barn owl) were found.
41. Additional survey effort could be employed, however, it is noted that the proposed mitigation at section 5 of the report should address potential impacts. It is requested that, if approval is granted, conditions are attached to a planning permission in relation to the implementation of the mitigation measures set out in the report.
42. The Trent Valley Internal Drainage Board advises that the Board maintained Stroom Dyke and Harby Road Feeder, open watercourses, exist in close proximity to the site. Byelaws and the Land Drainage Act would apply to the site. Information is provided in relation to the consents which may be required from the Board in relation to the development of the site.
43. The Environment Agency has reviewed the Phase 1 Land Contamination Risk Assessment (Castledine and Co, September 2018) submitted with the application. It was noted that the report identified two underground tanks on site; an infilled petrol tank and an existing diesel tank, but with no proposals to remove these tanks and remediate any contaminated ground beneath or around them. An initial objection was therefore made to the proposal. It was requested that details be submitted of proposals to remove the 2 underground tanks and provide validatory sampling data, to show there is no significant residual risk.
44. In relation to flood risk it was noted that the built development of this site is shown to be situated within flood zone 1, as referenced in the submitted plan 'Proposed block plan with Highways and Flood Zones' dated 1<sup>st</sup> May 2019. Therefore, the Environment Agency has no comments to make on the application from a flood risk perspective.

45. The Environment Agency made a subsequent response following review of new information submitted in the form of an Addendum to the Phase 1 Land Contamination Risk Assessment (Castledine and Co. 6th August 2019). It is advised that the Agency is satisfied with the proposal and the objection to the planning application was removed. A condition is recommended in respect of the submission of a verification report demonstrating that the remediation works have been carried out is submitted.
46. Historic England states that on the basis of the information provided it does not wish to make any comments on the application.

### **Local Residents and the General Public**

47. The application has been advertised by notices at the site. There are no direct neighbouring properties to notify. No public representations have been received in response to either the original or amended plans.

## **PLANNING POLICY**

### **Relevant National Planning Policies and Guidance**

48. 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. The following sections of the NPPF are relevant to this application:

Section 5 - Delivering a sufficient supply of homes.

Section 9 - Promoting Sustainable Transport.

Section 12 - Achieving well-designed places.

Section 15 - Conserving and Enhancing the Natural Environment.

Section 16 - Conserving and Enhancing the Historic Environment.

49. The Council also has duties under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the surrounding Conservation Area.

### **Relevant Local Planning Policies and Guidance**

50. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (2014) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). Also of relevance are any relevant Supplementary Planning Documents. Within these documents the following policies are considered relevant to this application.

51. Rushcliffe Local Plan Part 1: Core Strategy:

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.

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

Policy 1 - Development Requirements.

Policy 12 - Housing Standards.

Policy 15 - Employment Development.

Policy 18 - Surface Water Management.

Policy 22 - Development within the Countryside.

Policy 28 - Conserving and Enhancing Heritage Assets.

Policy 37 - Trees and Woodlands.

Policy 38 - Non-Designated Biodiversity Assets and the Wider Ecological Network.

Policy 40 - Pollution and Land Contamination.

53. The Rushcliffe Residential Design Guide SPD (2009) provides general guidance on the layout, form and design of development.

## **APPRAISAL**

54. The main considerations in determining this application are as follows:

- a. Principle of development
- b. Design and Appearance of the Proposed Scheme and the impact on the Langar Conservation Area.
- c. Residential amenity of future properties.
- d. Highways Matters
- e. Other Matters – Ecology, Environmental Health, Drainage

### Principle of Development

55. The application site is a redundant builders yard. The existing buildings on the site consist of two elongated workshop and store buildings, which have been extended in various sections over time. They are a mixture of brick, timber and metal framed buildings clad in a variety of materials. The roofs are covered in either fibre cement panels or corrugated metal sheeting. Located at the front of the site and attached to the front of the workshop is also an office building which is constructed from brick with a flat roof. All the buildings are in a poor state of repair.
56. Whilst the site lies close to the village of Langar it is not located within the settlement itself. As confirmed by the Council's Planning Policy Officer, the site is deemed to be located within open countryside. Policy 22 of the Local Plan Part 2 sets out acceptable development within the countryside. In accordance with this policy, whilst the re-use and adaptation of existing buildings for residential use can potentially be supported, the wholesale demolition of existing buildings and re-development of a site for new open market residential housing is not supported under this policy.
57. The existing buildings on the site are dilapidated and have no architectural merit. Whilst under policy 22 their conversion and re-use could be supported, it is considered in this case that a far superior development could be achieved by removing these dilapidated buildings from the site and building new residential properties which are in keeping with the rural character of the area.

It is considered that potentially significant benefits could be gained in terms of the visual amenity of the area.

58. Furthermore, the Langar Conservation Area extends out for some distance around the actual village and incorporates the application site. As highlighted by the Conservation Officer, the application site is noted within the Townscape Appraisal as having a negative impact. It is considered that a well-designed residential scheme would have the potential to considerably enhance the appearance of the Conservation Area and surrounding countryside. As discussed further below, it is considered that the proposed scheme achieves this aim. This is considered to be a material consideration, which should be given significant weight, providing justification for the proposed development, which would otherwise be deemed contrary to policy 22.
59. Notwithstanding this, policy 15 of the Local Plan Part 2 concerns the re-development of existing employment sites and this also needs to be taken into account. This policy states that planning permission should not be granted unless it can be demonstrated that there is no demand for the site or premises for its specified employment use and that the site is not viable for re-occupation.
60. In response to this policy, a letter from TDB Real Estates has been provided in support of the application. It confirms that the site and existing buildings have been surveyed and it is considered that substantial refurbishment would be required to comply with current Energy Efficiency Standards set out by the Government and provide a site which would suit most modern occupiers. It is considered that the business case for refurbishment is likely to be unviable as the level of rental income received would be unlikely to justify the capital expenditure required to get the buildings and site to a tenantable condition.
61. The report advises that there would be limited demand for B1 uses in the application site location and redevelopment for B2 or B8 use could potentially conflict with nearby residential properties and the village. Modern occupier requirements for B2 or B8 uses are also for far higher buildings, with clearance heights of 6 to 7 metres, and therefore extensions would be required which would have a more significant visual impact. It is generally concluded that the existing buildings have reached the end of their useful economic life and that redevelopment of the site is the only viable option.
62. Paragraph 4.7 of the supporting text to policy 15 states that the Council will consider releasing existing employment sites for non-employment uses only where they are no longer in demand. This will require evidence that they have been marketed for their intended employment purpose without success for a sufficient period of at least 12 months (although this may be varied on a case by case basis); and a financial appraisal to provide evidence that the premises are not economically viable for reoccupation or refurbishment for employment uses.
63. In respect of this it is acknowledged that the site has not been actively marketed for a period of 12 months. However, the letter report from TDB Real Estates argues that this would be likely to be a futile exercise, based on the issues identified with the site and their knowledge of the current market. No financial appraisal of the works required to refurbish the site have been provided, however, given the current dilapidated state of the buildings it would

appear reasonable to assume that the costs would be significant and that a commercial tenant would be difficult to obtain. It is therefore concluded, on balance, that the requirements of policy 15 have been satisfied to an acceptable extent.

64. A field of around 80 metres in width separates the application site from the edge of the village and the closest neighbouring properties. Granting permission for the re-development of the application site could be considered to result in this field becoming an infill site, potentially capable of further development under Core Strategy policy 3. However, it is important to stress that this policy only applies to 'small scale' infill sites and 'small gaps' within the existing built fabric of a village. A site of this size and location would not be considered to comply with this criteria.
65. Further residential development of the land between the application site and the existing edge of the settlement of Langar would therefore be deemed contrary to policy 22 and, without any compensatory benefits to visual amenity as is the case with this proposal, an application would be unlikely to be supported.
66. It is therefore concluded that, although not in strict accordance with policy 22 of the Local Plan Part 2, there are other significant material considerations and strong justification for the re-development of the application site. The proposed scheme would strongly accord with other aspects of policy and would be consistent with policy aims to make a positive contribution of the sense of place and also preserve and enhance the character and appearance of the Conservation Area. The site in its current form detracts from the visual amenity of the area. It would seem likely that the site would continue to deteriorate and that this impact would be exacerbated if alternative uses for the site are not found. It is therefore concluded that there is adequate justification to support the principle of development in this case.

#### Design and Appearance of the Proposed Scheme and the impact on the Langar Conservation Area.

67. It is proposed to remove the existing buildings from the site and redevelop the land to provide four no. 4 bedroom, two storey detached dwellings. All properties would face Cropwell Road, with plots 2 and 3 lying broadly to the rear of plot 1. The layout of the site has been significantly influenced by the need to keep all the built development within the Flood Zone 1 area and out of the areas of greater flood risk which lie to the south of the site. The number of houses was reduced from five to four during the course of the application in order to provide a more spacious development and it is now considered that the site can comfortably accommodate the proposed number of dwellings.
68. The footprint of each dwelling would be approximately 135 square metres and all would be two storey with small single storey elements off the side elevation. The dwellings on plots 1, 2 and 4 would all be identical in design. The only difference in plot 3 would be that the single storey element would be located off the eastern elevation, whereas on the other 3 plots it would be located off the western side elevation. In addition, plot 1 would also have a detached, double garage located close to the front boundary, in the north eastern corner of the site.

69. The proposed dwellings are fairly conventional in design. They would have intersecting two storey gables on both the front and rear elevations, single storey side projections and Oak framed porches. The plans indicate that the dwellings would be constructed from brick with clay pantiled roofs. Precise details of the materials would be requested for approval through a condition attached to any permission.
70. There is no built development immediately adjacent to the site but the scale, design and materials of the proposed dwellings are generally considered to be sympathetic to the local area, the Conservation Area Appraisal noting that the traditional materials of the area are orange/red brick, some buildings with decorative string courses and roofs dominated by orange pantiles. The Appraisal also notes that the application site lies within a special character area of farm houses and agricultural buildings set among small fields and paddocks. The design of the proposed dwellings is considered to be consistent with this character.
71. The new dwellings would all be set within good sized plots with rear garden areas which are well in excess of the 110 square metres recommended under the Residential Design Guide SPD. The plans also indicate the provision of three car parking spaces for each property.
72. The Conservation Area Appraisal also notes the frequent use of hedgerows, tree lines and grass verges as boundary treatments within this part of the Conservation Area. The hedgerows opposite and to the east of the application site are noted as important hedgerows within the Townscape Appraisal. The front boundary of the application site is also noted to contain some significant trees. A condition is recommended requiring a full landscaping scheme for the site for prior approval, however, it is noted that the site plan indicates a new native species hedge along the front and side boundaries of the site, with the existing hedge being retained along the rear, southern boundary and part of the front boundary. This boundary treatment should maintain the rural character of the area. A number of trees are also indicated on the proposed site plan, including on the front boundary.
73. The dwelling on Plot 1 would lie closest to Cropwell Road. It would be set back around 10 metres. The gable end of the pitched roof garage associated with this property would lie closer to the road, however, this is consistent with the buildings to the east which lie tight to the roadside. The Conservation Officer originally raised concerns in relation to the degree of hardstanding to the frontage of the site. However, the boundary hedgerow and landscaping should significantly soften the appearance of the development. Generally, it is considered that the resultant development would be far more visually appealing than the existing site.
74. The Council has duties under section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability to preserve or enhance the surrounding Conservation Area. It is considered that the re-development of the site would serve to enhance the Langar Conservation Area, a goal considered to achieve the desirable objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under that section of the 1990 Act. The proposal is also considered to accord with the aims of policies 10 and 11 of the Core Strategy and policies 1 and 18 of the

Local Plan Part 2 Land and Planning Policies document and should make a positive contribution to the public realm and sense of place and the character and appearance of the Langar Conservation Area

#### Residential Amenity of Future Occupiers.

75. Policy 1 of the Local Plan Part 2: Land and Planning Policies document states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties. In this case there are no existing neighbouring properties to the site and therefore only the amenity levels between the new dwellings needs to be taken into account.
76. In general, the properties are all within good sized plots with south facing rear gardens. The orientation and window arrangement of the dwellings means that there should be no undue overlooking between the properties above that which would be reasonably acceptable.
77. There would be a distance of at least 20 metres between the rear elevation of plot 1 and the front elevations of plots 2 and 3. The rear garden boundary of plot1 would lie closer but there would be boundary treatment and landscaping to screen this and given the size of the rear garden there should be access to plenty of areas of private amenity space.
78. It is considered that the overall scheme would provide a good standard of amenity for future occupiers. The proposal is therefore deemed to accord with Core Strategy policy 10 and policy 1 of the Land and Planning Policies document in terms of residential amenity of future occupiers.

#### Highways Matters

79. It is proposed to use the existing access to the site for the development. It is noted that the road at this point is subject to the national 60 mph speed limit. The County Highways Officer initially raised concerns in relation to the visibility from the access and advised that it was substandard for a road of this speed limit. However, during the course of the application, a Speed Survey and revised access plan was provided which demonstrates that visibility commensurate with measured 85<sup>th</sup> percentile speeds on Cropwell Road are achievable. The Highways objection was subsequently withdrawn. Conditions are recommended in relation to the construction of the accesses, driveways and parking areas prior to occupation of the dwellings.
80. It is noted that concerns have been raised by the Ward Councillor in relation to the safety of the access for residential development onto a 60 mph road and the possible dangers to pedestrians or children walking to school. There is a paved footpath into the village, however, this is on the opposite side of the road to the application site. It is acknowledged that it is not ideal, however, in isolation, and weighing up the other benefits of the scheme and the generally good visibility of the access, it is not considered that this alone would justify a reason for refusal of the scheme, particularly given the lack of any objection from the Highway Authority.
81. The plans indicate that for each dwelling at least 3 parking spaces are to be provided. This level of parking provision would be considered acceptable for

the scheme. A condition is also recommended requiring the installation of an electric vehicle charging point for each dwelling.

82. The proposal is therefore considered to be acceptable in terms of the highways impacts and in accordance with policy 1 of the Local Plan Part 2 Land and Planning policies document.

#### Other Matters – Ecology, Environmental Health and Drainage/Flood Risk Matters

##### Ecology Matters

83. A Protected Species Survey carried out by Andrew Chick, Ecological Consultant, has been submitted with the application. The buildings contained evidence of new and old bird nests and one of the buildings contained evidence of bat droppings, however, on a closer inspection no roosts were found and it was generally determined that, due to the construction of the building, it would have low roosting potential. No further survey work was recommended. In addition, no presence was found of any other protected species on the site and it was considered that the proposed development would not affect the nearby watercourse. Overall the site was deemed to be of low ecological value.
84. Reasonable Avoidance Measures and a Method Statement for working on site are provided within the report (Section 5.8), to minimise the impacts of the development on wildlife and the ecology of the area. A condition is recommended to require that these measures should be fully adhered to during construction.
85. In accordance with policy 38 of the Local Plan Part 2, all new development is expected to achieve net gains in biodiversity. The Survey report advises that this would best be gained through the provision of an 'ecological landscape management plan', which would recommend habitat creation on site to compensate for the works and to enhance the site for nature conservation and wildlife. It is considered important that ecological 'corridors' are maintained along the site boundaries and suggested that habitat creation could include the planting of native species-rich hedgerows along the northern and eastern boundaries and the planting of native trees within the proposed development. These measures are indicated on the proposed site plan and a condition is proposed for a full landscaping scheme to be submitted for prior approval.
86. In addition, the report suggests that biodiversity could be enhanced through the provision of new bat habitat, either through the erection of bat boxes around the site or the incorporation of features such as bat bricks within the new dwellings. It was also noted that the buildings are actively used by breeding Sparrows and to mitigate for their loss of habitat a minimum of 4 Sparrow boxes should be provided within the site. Conditions are recommended to set out how this compensatory habitat would be achieved.
87. The proposed development is therefore deemed to comply with policy 38. It is reasonably considered that the proposal would not result in any harm to protected species or habitats and has the potential to achieve net gains in biodiversity.

## Environmental Health Matters

88. A Phase 1 Land Contamination Risk Assessment by Castledine & Co Environmental Consultants has been submitted with the application. This was assessed by both the Environment Agency and the Council's Environmental Health Officer, with both parties recommending that a condition is added to the permission to state that a detailed land remediation scheme should be submitted to the Council for prior approval prior to the commencement of development. The Agent has agreed to this pre-commencement condition.
89. The submission of a construction management plan for approval prior to the commencement of development has also been requested. However, given that there is some distance to the closest neighbouring properties and plenty of space is available within the site for construction vehicles and the storage of materials, it is not considered that such a condition is reasonably required.
90. A condition to provide charging points on each dwelling for electric vehicles is added to the permission, along with a condition to state that the dwellings should be built to the higher optional technical standard for water consumption, in order to comply with Local Plan part 2 policies to reduce carbon and promote water efficiency.

## Drainage / Flood Risk Matters

91. The southern part of the application site lies within Flood Zones 2 and 3. This would include the rear garden areas of the dwellings on plots 2, 3 and 4. The actual properties would, however, be built within Flood Zone 1 and therefore the proposed development is not required to be subject to Sequential or Exception tests.
92. It is considered, however, that surface water drainage is an important consideration given the proximity of the higher flood zone areas. The application indicates that Soakaways would be used, which is a preferred sustainable urban drainage system for the management of surface water drainage and supported under Local Plan Part 2 policy 18. However, a condition is considered necessary in this case to ensure that infiltration testing is carried out and the land is satisfactory for soakaways. In the event that soakaways are not deemed appropriate for use, the condition would state that details of an alternative method of surface water drainage should be submitted for approval, in order to ensure that there would be no increased risk of drainage and flooding issues.
93. It would also be expected that new hard surfaced driveways and parking areas would be surfaced in a permeable material, details of which would be clarified under conditions relating to the landscaping of the site and construction of the access and driveways to the properties.

## Community Infrastructure Levy

94. The application involves a type of development which would be liable to make payments under the Community Infrastructure Levy, the amount attracted by the development has yet to be calculated.

## Conclusion

95. The application site is located within open countryside and its redevelopment to provide open market residential housing would not ordinarily be supported under current planning policy. However, the site has not operated as a Builder's Yard for some time and is currently vacant, with the buildings falling into disrepair and the site generally having an increasingly negative impact on the surrounding area and the character and appearance of the Langar Conservation Area. It is considered that the redevelopment of the site would enhance the character and appearance of the Conservation Area, an objective described as desirable in Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990 and that this factor should be given significant weight. It is therefore concluded that an exception to policy should be made and the redevelopment of the site for residential use permitted. The amended, proposed scheme for 4 new residential dwellings is now deemed to be appropriate in scale, layout and design and should provide a good standard of amenity for future occupiers. The application is therefore recommended for approval.
96. Negotiations have taken place during the consideration of the application to address concerns, and amendments have been made to the proposal to address the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation to grant planning permission.

## **RECOMMENDATION**

It is **RECOMMENDED** that the Executive Manager – Communities is authorised to grant planning permission subject to the following condition(s)

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, dated 1 May 2019  
Proposed Block Plan with Highways, dated 12 February 2019  
Plots 1, 2 & 4 Floor Plans and Elevations, dated 12 February 2020  
Plots 3 Floor Plans and Elevations, dated 12 February 2020  
Garage to Plot 1, dated 12 February 2020

[For the avoidance of doubt 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 Rushcliffe Local Plan Part 2: Land and Planning Policies.]

3. Prior to the commencement of development, a detailed land remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme

must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- a) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- b) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted to and approved in writing by the Local Planning Authority.
- c) All work must be carried out in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

[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 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Building regulations Part H, section 3 (3.30) have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved method installed prior to the occupation of the development.

[To ensure that an appropriate method of surface water drainage is installed and in the interests of flood risk management in accordance with policy 18, Surface Water Management of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No construction of the external walls of the development shall commence or roof covering added until specific details of the facing and roofing materials to be used on all external elevations are submitted to and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

6. No occupation of the dwellings hereby approved shall commence until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, showing details of all trees, hedgerows and other planting to be retained, a planting specification to include numbers, size, species and positions of all new trees, hedgerows and shrubs, details of proposed walls, fences and other boundary treatment, surface treatment of the open parts of the site, and a programme of implementation.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

[To ensure the provision of an appropriate landscape setting to the development in accordance with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. The development hereby approved shall be carried out in full accordance with the Reasonable Avoidance Measures described in section 5.8 of the Protected Species Survey at Fletcher's Yard, Cropwell Road, Langar, Nottinghamshire, NG13 9HD by Andrew P Chick, dated February 2019.

[To avoid harm to wildlife, including protected species and nesting birds, in accordance with policy 1 (Development Requirements) and policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

8. Prior to occupation of the dwellings hereby approved details of a scheme for the provision of compensatory habitat for bats and nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be erected on the site and retained for the lifetime of the development.

[To achieve a net gain in biodiversity, in accordance with policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy and policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. Occupation of the proposed dwellings shall not take place until details of the surfacing materials for the accesses, driveways and parking areas as indicated on the approved plan, Proposed Block Plan with Highways, dated 12 February 2019, have been submitted and approved in writing by the Local Planning Authority. The access should be surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary and drained to prevent the discharge of surface water from the driveway to the public highway. The approved details shall be installed prior to occupation of the dwellings hereby approved and shall be retained for the life of the development.

[To prevent deleterious material / surface water from being discharged onto the public highway, in the general interest of highway safety and to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

10. Occupation of the proposed dwellings shall not take place until the visibility splays set out in the approved plan, Proposed Block Plan with Highways, dated 12 February 2019 are provided. The visibility splays shall thereafter be retained for the life of the development.

[To ensure that drivers have an appropriate level of visibility when exiting the site, in the general interest of highway safety and to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

11. Any gates to be erected at the access point shall open inward only and be set-back no less than 5.0 metres from the highway boundary.

[To ensure that drivers can station their vehicles clear of the public highway whilst the gates are opened/closed, to comply with policy 1 of the (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

12. An Electric Vehicle Charging Point shall be provided for each dwelling hereby approved and installed prior to occupation and retained in that form thereafter for the lifetime of the development.

[To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change, in accordance with policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy].

13. 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].

## Notes to Applicant

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

The proposal makes it necessary to undertake works within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services on telephone 0300 500 80 80 to arrange for these works to be carried out.

Condition 13 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.

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.