

20/02806/FUL**Applicant** Kempson Rose LLP**Location** Kempson Court Kempson Street Ruddington Nottinghamshire**Proposal** Demolition of existing commercial units and replacement with 4no. new dwellings, including resurfacing works to street (Resubmission)**Ward** Ruddington**THE SITE AND SURROUNDINGS**

1. The application site comprises a broadly 'L' shaped single storey commercial building which opens onto a concrete forecourt and parking area. There is a separate small single storey building to the front of the site. Both buildings are faced in cream render with a concrete tile pitched roof. The front boundary treatment comprises a circa 1.65 metre high rendered wall with a sliding gate providing vehicular access. The site is located off the end of Kempson Street, a cul-de-sac which is a private shared road leading from High Street. The immediate streetscene along Kempson Street and at the junction with High Street comprises predominantly of two storey brick terraced properties.
2. The commercial units fall outside of but immediately adjacent to the Ruddington Conservation Area, Kempson Street itself falls within the conservation area.

DETAILS OF THE PROPOSAL

3. The application seeks planning permission for the demolition of the commercial units and the erection of two pairs of semi-detached dwellings containing a total of four, two-bedroom units. The dwellings would be two storey in appearance although units 1-3 would have second floor accommodation in the roofspace. Each pair of dwellings would feature a single storey rear projection. The main roof would have a ridge height of 8.6 metres and an eaves height of 5.5 metres.
4. Units 1 - 3 would feature one undercroft parking space each, unit 4 would have a front parking space located at the end of the cul-de-sac. The dwellings would be faced in brick with a rendered first floor on the rear elevation and a metal seem pitched roof. The front elevation would feature projecting first floor windows that would be angled to face diagonally across Kempson Street. The application also proposes the resurfacing of the section of the road at the end of Kempson Street, across the frontage of the site.

SITE HISTORY

5. 8/K2/76/C/709 - Erect single storey office block to replace existing. Approved in 1976.

6. 8/K1/77/D/668 - Use premises as garage and showroom with alterations to existing building to form showroom. Approved in 1977.
7. 99/00662/FUL - Erect detached house. Approved in 1999.
8. 05/00401/FUL - (Demolish Workshop); Construct two storey house and attached double garage. Approved in 2005.
9. 14/02570/FUL - Repairs and refurbishment of workshop units; part demolition of wall to provide wider access. Approved in 2015.
10. 15/01323/COU - Change of use of unit 1 to sun-bed salon. Approved in 2015.
11. 16/00238/FUL - Change of use of Unit 3 to furniture and soft furnishings showroom. Approved in 2016.
12. 20/01538/FUL- Demolition of existing commercial units and replacement with 4no. new dwellings, including resurfacing works to street. Withdrawn.

REPRESENTATIONS

Ward Councillor(s)

13. One Ward Councillor (Cllr Walker) objects to the proposal on the basis that the resubmission is still over-intensive for the site. Parking around Ruddington and Kempson Street is a problem and this development with its inadequate parking provision will only add to it. The height of the plans will also impact the light and privacy for those living around the site. The repaving of the road is welcomed but it sounds like it has not been properly communicated to the residents who also have ownership rights.
14. Cllr Walker has subsequently provided further comments declaring a non-pecuniary interest as she previously occupied one of the units on the site in connection with her business, however, she remains of the view that the current scheme is over-intensive.
15. One Ward Councillor (Cllr Dickman) supports the application, commenting that the existing buildings are dilapidated and not fit for purpose, the proposed development is generic to the village, embraces electric vehicle charging and addresses the issues of height and overlooking. The issues of traffic will be mostly addressed as the builder's yard and beauty parlour along with their customers have successfully relocated in the village. The proposed development, when finished should ensure that Kempson Street will become a quieter cul de sac. A Flemish brickwork façade with lighter headers and lintels over the windows would be desirable.

Town/Parish Council

16. Ruddington Parish Council object to the proposal on the grounds that it is too intensive for the location, makes inadequate parking provision and the height of the development is excessive compared with surrounding properties which would lead to it dominating over them.

Statutory and Other Consultees

17. Nottinghamshire County Council as Highway Authority consider that the proposal is unlikely to result in a material change in traffic movements compared to the existing commercial use. The level of parking provision is low and may result in additional on-street parking on Kempson Street and the surrounding area. It is however noted that the existing industrial units are likely to generate some degree of on-street parking which would be removed as a result of the proposal. The proposal is considered unlikely to materially change the current situation. Traffic Regulation Orders are in place on the surrounding highway to prevent indiscriminate parking, and as such, any overspill parking on the public highway is considered unlikely to result in a highway safety concern. The amenity impact of insufficient parking on local residents should be considered.
18. The Borough Council's Environmental Health Officer does not object to the application, subject to a number of conditions requiring the submission of a construction method statement, sound insulation scheme, contaminated land report, and the testing of any imported soils.
19. The Borough Council's Conservation Officer comments that the site is outside of the Conservation Area, and the existing building may be demolished without benefit of planning permission. The proposed new dwellings would have a negligible impact on the character and appearance of the setting of Ruddington Conservation Area by virtue of their location, their limited visibility from the public realm within the Conservation Area, and the inoffensiveness of their design.
20. The Borough Council's Environmental Sustainability Officer notes that the building appears in good condition providing negligible opportunity for protected species to utilise the buildings. The yard is almost exclusively concrete, other than a semi-mature tree to the corner which is unlikely to provide habitat for bats, but could support nesting wild birds. An ecological survey is therefore not considered necessary. The development provides opportunities for ecological enhancement. The favourable conservation status of Protected Species is unlikely to be impacted by this development. A number of recommendations are set out in the consultee response.

Local Residents and the General Public

21. Representations objecting to the proposal have been received from 10 neighbours/members of public with the comments summarised as follows:
 - a. Overbearing impact
 - b. Negative visual appearance of angular first floor windows.
 - c. Loss of privacy to neighbouring properties to the front and rear. The angled windows would still result in overlooking.
 - d. Overshadowing impact.

- e. Inadequate parking provision. Would likely result in 2 cars per dwelling not 1 car as suggested. Limited parking options elsewhere in the village for residents.
- f. Increased on street parking could compromise access for refuse vehicles and emergency access. Increased on-street parking would further restrict manoeuvring.
- g. Parking an issue in Ruddington - would cause parking issues for existing and proposed residents.
- h. Reduction in road width will make manoeuvring difficult.
- i. The applicant proposes resurfacing of road but Kempson Street is a private road, does not appear the various owners have been consulted.
- j. Applicant proposes solar PV and air/ground- source heat pumps but this is not shown on the plans.
- k. Lack of electric charging points.
- l. Noise and disturbance from four additional households.
- m. Site is not large enough for 4 properties, over-intensive.
- n. Site on a dead- end with no sufficient turning space.
- o. Appearance not in keeping.
- p. Height overly tall.
- q. Proposed rear boundary fence - maintenance liabilities for neighbour.
- r. Proposed tree planting - impact on the garden of the neighbouring bungalow including overshadowing.
- s. Loss of light to neighbouring properties.
- t. Plans have not significantly changed from the previous application. A reduction in the scale and/or number of units would be more appropriate.
- u. Fence height with 12 Kirk Lane insufficient to maintain privacy.
- v. Construction work will compromise parking/delivery access to No. 12.
- w. Adjacent to the conservation area.
- x. Angled windows now result in greater overlooking of the garden of 2 Kirk Lane.
- y. Noise and dust impact.
- z. Increased risk of road traffic accidents.

- aa. Concern buildings are being built for rental income.
- bb. Bats are often seen around the building.

PLANNING POLICY

22. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) (2014) and the Local Plan Part 2: Land and Planning Policies (LPP2) (2019). Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009). The emerging Neighbourhood Plan (NP) for Ruddington has been submitted to the Borough Council and has been the subject of consultation which ended on 18 December 2020 and is pending examination. The NP will not form part of the development plan and carry full weight until such time that it has been subject to a referendum and formerly adopted.

Relevant National Planning Policies and Guidance

23. The relevant national policy considerations for this proposal are those contained within the 2019 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 proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. 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. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
24. As the site is located adjacent to the conservation area, the proposal falls to be considered under section 16 of the NPPF (Conserving and Enhancing the Historic Environment). Paragraph 194 of the NPPF states that any harm arising to a designated should require clear and convincing justification. Where a development would lead to substantial harm to, or total loss of, a designated heritage asset, then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the criteria under paragraph 195 can be satisfied. Where a development would lead to less than substantial harm then under paragraph 196 this harm should be weighed against the public benefits of the scheme.
25. Further to this, when considering applications for development within a Conservation Area, the Borough Council has a duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to preserving or enhancing the character and appearance of the conservation area. This statutory duty does not extend to development which is adjacent but not within the designated area, although it is necessary to consider the impact on the setting of the Conservation Area.

Relevant Local Planning Policies and Guidance

26. The LPP1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal falls to be considered under Policy 10 of the LPP1 (Design and Enhancing Local Identity). Development should be assessed in terms of its treatment of the criteria listed under paragraph 2 of this policy.
27. In considering the sustainability of the location for development, the proposal falls to be considered under LPP1 Policy 3 (Spatial Strategy). This policy identifies the settlement hierarchy for sustainable development which should be focused on the main built up area of Nottingham and six Key Settlements identified for growth. Ruddington is identified as one of the settlements for growth. LPP1 Policy 8 (Housing Size, Mix and Choice) states that residential development should provide a mix of housing tenures, types and sizes.
28. LPP1 Policy 5 (Employment Provision and Economic Development), paragraph 8 states the need to retain viably employment sites and to release poor quality, underused and poorly located employment sites for other purposes.
29. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2, specifically the following criteria: 1) ensuring there is no adverse impact on neighbouring amenity from activities on site or traffic generated; 2) ensuring a suitable means of access without detriment to highway safety, with parking in accordance with Highway Authority requirements; 3) providing sufficient ancillary amenity and circulation space; 4) ensuring the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy. The proposal also falls to be considered under Policy 11 of the LPP2 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted subject to compliance with the criteria listed under part 1 of this policy.
30. As the proposal would result in the loss of an employment use, it falls to be considered under LPP2 Policy 15 (Employment Development). The proposal falls to be considered under Policy 28 of the LPP2 (Conserving and Enhancing Heritage Assets).
31. The Rushcliffe Residential Design Guide (2009) sets out guidelines for minimum garden size standards, whereby semi- detached dwellings should be served by a private garden space of 90sqm, or 55sqm for a 1-2 bed dwelling. Where this cannot be achieved, it should be demonstrated why a smaller garden size is appropriate.
32. The Ruddington Neighbourhood Plan is still emerging and carries limited weight. The following policies are considered relevant:
 - Policy 1 – Sustainable access
 - Policy 6 – Housing mix

- Policy 11 – Traffic and new development
- Parking and servicing
- Policy 13 – Conservation areas
- Policy 19 – Ruddington Design Guide
- Policy 20 – Sustainable design
- Policy 22 – Biodiversity in new developments

APPRAISAL

33. The proposal falls to be considered under LPP2 Policy 11 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted for development on unallocated sites subject to compliance with the criteria listed under part 1 of this policy. Of specific relevance are criteria a, b, c, f, and g whereby planning permission will be granted provided:
- a. the proposal in terms of scale and location is in accordance with Local Plan Part 1: Core Strategy Policy 3 (Spatial Strategy);
 - b. the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials;
 - c. the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;
 - f. the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
 - g. appropriate provision for access and parking is made.
34. In terms of the principle of development as set out in criteria a) above, the site falls within the built-up area of Ruddington which is a key settlement identified for growth and therefore a residential development in this location would be in accordance with CS Policy 3 (Spatial Strategy) and acceptable in principle.
35. In terms of residential amenity, the main 2/3 storey element of the dwellings would be between 9.4 and 11.5 metres from the rear boundary with 37 High Street, the single storey rear projections would reduce the distance to between 5.6 and 7.2 metres from the rear boundary.
36. The neighbour at No. 37 comprises a bungalow which is set back from the boundary with the application site by a narrow garden. The separation distance between the bungalow and the site boundary is circa 3.5- 4.2 metres. The elevation facing the application site features windows serving habitable rooms. There is a conservatory which projects close to the site boundary.
37. The proposed dwellings would not result in a significant direct overshadowing of No. 37 given the position of this neighbour to the south of the application site. In terms of overshadowing impacts, the current commercial building is sited directly on the boundary with No. 37, thus the rear windows of this neighbour currently face directly onto the rear wall and roof slope of the commercial building, which measures c.2.2 metres to the eaves and 4.5 metres to the ridge relative to the ground level of this neighbour. The application proposes a 1.7 metre high timber fence on the boundary with No. 37 in place of the commercial building. The replacement fence would therefore have a lesser overbearing impact than the current situation.

38. The applicant has provided a cross-section of the site which shows that the ground level of the application site is approximately 0.9 metres lower than the garden of No. 37. To assess whether there would be an overbearing impact on No. 37, a line of sight drawn at an angle of 25 degrees from the head of the rear windows in the neighbouring property is shown on the site section. The proposed buildings do not intersect this line and it is considered the proposal would not therefore be overbearing on this neighbouring property to an extent that would justify refusal of planning permission.
39. To understand the potential impact on the rear garden of No. 37, a further measurement of the line of sight was calculated from the top of the proposed rear boundary fence. This shows that the roof of the proposed dwellings would still not impact upon this line of sight, indicating that the development would not have a detrimental overbearing on this neighbouring rear garden space. Given the separation distance and change in levels, it is not considered that there would be an undue overbearing impact on this neighbour.
40. The proposed dwellings would feature first floor rear windows and second floor roof lights in the rear elevation. The roof lights would be raised 1.7 metres above the internal floor level and would not result in overlooking. The distance between the first floor rear windows and No. 37 would fall below the minimum separation distance guidelines set out in the Residential Design Guide. The proposed dwellings would however sit at a lower land level than this neighbour, with the proposed boundary fence providing a degree of screening. It is not considered that there would be a harmful direct overlooking impact on this neighbour.
41. The front elevation of the dwellings would feature angled first floor windows that would face diagonally across Kempson Street rather than directly towards the terrace of properties opposite at Nos. 2 - 10 Kirk Lane. The separation distance between the proposed dwellings and this terrace would be approximately 24 metres. Some of the dwellings feature two storey rear extensions although the minimum separation distance between the first floor windows of these properties and the proposed dwellings would be approximately 20 metres. The angled nature of the proposed first floor windows would limit the direct overlooking of the rear gardens of the properties opposite. It is not considered that there would be an undue overlooking of these neighbours.
42. The existing building is located directly on the side boundary of 12 Kirk Lane, running along the boundary with the neighbouring rear garden for a length of approximately 19 metres. The proposed development would form an 8.6 metre high side gable, although the main dwelling would run parallel to the boundary for approximately half the depth of the current building. The dwelling would be set a minimum of 1.7 metres from the side boundary. Given the current situation and the proposed distance from the boundary of the new dwellings, it is not considered that there would be an undue overbearing or overshadowing impact on this neighbour. Unit 4 would feature a ground and first floor window in the side gable, but these would both serve bathrooms rather than habitable rooms and therefore would not result in an unacceptable loss of privacy.
43. The property to the west at Orchard House is a commercial property with a beauty salon across both floors. The proposed dwellings would partly abut the rear car park serving these business premises. Part of the site, and the

buildings to be demolished, immediately adjoin the garden of 31 High Street. The proposed layout of the development would result in the rear garden of plot 1 adjoining the garden of 31 High Street and in view of the location of the proposed buildings relative to the garden area to this property, it is not considered that the proposal would result in any overbearing or unacceptable overlooking impacts.

44. The existing buildings immediately abut the eastern, southern and part of the western boundary of the site, therefore, the demolition of the buildings would remove the walls that effectively form the boundary of the site with the neighbouring properties. In the circumstances, a condition is recommended requiring the provision of boundary treatment, to first be agreed with the Council.
45. Kempson Court is located outside of, but immediately adjacent to the Ruddington Conservation Area, whilst Kempson Street itself is within the designated area. The site is located off the end of a private road and the visibility of the proposed dwellings from the public realm, principally the High Street would be limited. The street scene is characterised by two storey brick terraced properties and the overall scale and built form would not appear at odds with the character of the streetscene. By way of comparison, the eaves height of the proposed dwellings would be broadly the same as the Conservative Club buildings on the corner of Kempson Street, with a ridge height approximately 0.6 metres higher than these buildings. The application proposes a contemporary design whilst retaining some elements that would reflect the surrounding character such as the red brick facing and standard pitched roof form. Given the high standard of design and limited visibility of the site from the public realm, it is not considered that the proposal would result in harm to the setting of the conservation area.
46. Kempson Street itself is included within the application site and is also within the conservation area. The proposals include the resurfacing of the section of Kempson Street in front of the site. This section of the road currently has a concrete finish and it is proposed to resurface this area in tarmac. It is considered that this work would have a neutral impact and would therefore preserve the character and appearance of this part of the conservation area and would achieve the objective described as desirable under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
47. In terms of highway considerations, the previous application (ref: 20/01538/FUL) proposed two sets of two-bedroom properties and two sets of three-bedroom properties. The Highways Authority commented on that previous application raising concerns regarding insufficient parking provision, noting that the Nottinghamshire Highway Design Guide requires a minimum of 2 parking spaces for any three-bedroom properties. The current application proposes solely two- bed dwellings, therefore generating a lower demand for parking. The site is in a central location close to services and public transport links.
48. The Highway Authority comment that the parking provision on the current application is still considered low, which could result in additional on-street parking. They note however that the existing commercial units are likely to generate some overspill on-street parking demand beyond the courtyard parking area, and therefore it is not considered that the proposal would

materially change the existing situation. The surrounding adopted public highways are subject to Traffic Regulation Orders to prevent indiscriminate parking and therefore it is not considered that any overspill parking would result in a highway safety impact. Kempson Street is a private road therefore falling outside of the jurisdiction of the Highways Authority. It was noted from on-site observations that most of the road appears to be subject to privately imposed parking restrictions which appear to restrict on- street parking.

49. Wheelie bin storage would be provided for each of the properties. Stores would be provided in the undercroft areas of units 1-3 with a bin store to the side of unit 4. These would be serviced by the existing refuse collection arrangement for Kempson Street.
50. The internal floor area of each dwelling would be in excess of the minimum internal floor space standards set out in the Nationally Described Space Standards. The rear gardens would measure between 42 - 55 sqm, with the gardens serving units 2-3 falling short of the guideline minimum garden size of 55 sqm set out in the Rushcliffe Residential Design Guide. It is not considered that this shortfall is significant or that given the central location of the site within the built-up area, the private south-facing nature of the gardens, and the comparable garden sizes in the vicinity, this issue would justify refusal of the application. It is not considered that the proposal would result in an over-intensive development of the site.
51. The proposal would result in the loss of an employment use. Policy 15 of the LPP2 states that planning permission will not be granted for the redevelopment of employment sites for non-employment purposes unless it can be demonstrated that there is no demand for the specified employment use; the site is not viable for re-occupation; and the proposed use would not cause a significant adverse impact on nearby residents.
52. The original commercial building was constructed as a car workshop. The submitted planning statement states that since the units were refurbished there has been little demand for the intended commercial use. The units are currently used for a hair salon, car finding business, occasional office/storage for a small building contractor and small business office. Unit 5 is unlet and used as storage by the applicant. The Planning Statement sets out that the applicant is currently making a loss due to the units not being used as envisaged. Kempson Court is not an allocated employment site and therefore given the identified viability issues, it is not considered that the loss of the units would be contrary to Policy 15 of the LPP2.
53. The application includes proposals to resurface the section of shared private road in front of the site and to construct a footpath with a dropped kerb edge running along the frontage of the site. Issues relating to the maintenance of the private road are a private legal matter.
54. The existing building was repaired and refurbished following approval in 2015 (ref: 14/02570/FUL) and is therefore in good condition. It is therefore considered to provide a negligible opportunity for roosting bats. The buildings face onto a concrete forecourt with no vegetation other than a tree to the corner of the site. The site is within a built-up area. The site as a whole is not considered a suitable habitat for protected species. The Environmental Sustainability Officer considers that a preliminary ecological assessment is not

necessary in this instance. His comments set out a number of recommendations including opportunities for ecological enhancement and biodiversity net gain, for example bat boxes/ bricks and bird boxes.

55. The application was accompanied by a Planning Statement which includes a section on the sustainability credentials of the scheme, indicating that basic Passivhaus principles have been used to inform the development and building form and orientation of the buildings on the site. Energy efficiency measures are also proposed, including reducing the embodied energy in selected materials to limit the carbon intensity of the development, installation of photovoltaic panels, sustainable waste management and location close to local facilities to reduce reliance on the private car. The plans do not include details of the size, location etc of the proposed photovoltaic panels, however, given the orientation of the proposed buildings, the panels would most likely be located on the rear roof slope, as indicated in the Planning Statement. Therefore, the panels would not be visually prominent from the public realm. Nevertheless, a condition is recommended requiring the submission of further details of the photovoltaic panels prior to their installation on the buildings.
56. The Environmental Health Officer has recommended a number of conditions including limitations on hours of construction work and deliveries and also requiring the submission of a sound insulation scheme for the dwellings to reduce the transmission of noise from external sources. The scheme involves development of a relatively small scale and it is not considered that a condition seeking to limit the hours of construction etc would satisfy the tests for the use of conditions, including the requirement that conditions must be necessary and reasonable. Instead, it is recommended that the standard note to applicant regarding working hours is included on any decision notice. If any issues arose during the construction phase, such as disturbance at antisocial hours, this would be a matter for the Environmental Health team to investigate. With regard to the requirement for the submission of a sound insulation scheme, the Environmental Health Officer has confirmed that he would not expect this to include measures that would exceed the requirements under the Building Regulations. Therefore, such a condition would not again satisfy the 'necessary' test.
57. The proposal was subject to pre-application discussions with the architect and advice was offered on the measures that could be adopted to improve the scheme and address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in a recommendation to grant planning permission.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 190730-001.02 (Site Location Plan), 190730-005.06 (Block Plan), 190730-002.06 (Layouts- Proposed), and 190730-006.05 (Elevations- Proposed), received on 11 November 2020.

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

3. No construction shall take place above damp course level until details of the facing and roofing materials have been submitted to and approved in writing by the Borough Council. The Development shall then be carried out in accordance with the approved details.

[To ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. 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 interest of neighbouring amenity and to comply with 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 measures are in place during the construction phase to safeguard against potential impacts].

5. Prior to the commencement of development, a Contaminated Land Report shall be submitted to and approved by the Borough Council. As a minimum, this report will need to include a Desktop Study. Where the Desktop Study identifies potential contamination, a Detailed Investigation Report will also be required. In those cases where the Detailed Investigation Report confirms that "contamination" exists, a remediation report and validation statement will also be required, to be submitted to and approved by the Borough Council prior to the commencement of development. Thereafter, the development shall be carried out in accordance with the requirements of the statement,

[To ensure that the site, once developed, is free from contamination and to protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This is a pre-commencement condition as this matter needs to be addressed before work commences on site to inform any measures that may need to be taken during the construction phase].

6. The existing soils and any soil or forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Contamination testing should take place within UKAS and MCERTS accredited laboratories, unless otherwise agreed with the Borough Council. Laboratory certificates shall be submitted to and approved in writing by the Borough Council prior to any soil or soil forming material being imported onto the site. Details of the source and type of the imported materials and the estimated amount to be used on the site are also required to be submitted.

[To ensure that the site, once developed, is free from contamination and to protect the amenities of neighbouring residential properties and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. The development shall not be brought into use until the parking areas have been constructed in accordance with drawings 190730-005.06 and 190730-002.06, provided available to use, and surfaced in a hard-bound material for a minimum distance of 5m from the rear of the highway boundary. The drives shall each be fronted with a suitably constructed dropped kerb access in accordance with Highway Authority standards. The external drive serving unit 4 shall be drained to prevent the unregulated discharge of surface water onto 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 and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Prior to the development being brought into use, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancements shall be implemented prior to the development being brought into use and shall thereafter be retained for the lifetime of the development.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy].

9. Prior to the occupation of any dwelling, details of all boundary treatment shall be submitted to and approved in writing by the Borough Council. The submitted scheme shall include a boundary fence with a minimum height of 1.7 metres to the rear boundary of the site, as indicated on drawing 190730-006.05. The boundary treatment shall be erected in accordance with the approved details prior to the occupation of any dwelling. Thereafter the approved boundary treatment shall be retained for the lifetime of the development.

[In the interest of the amenities of future occupiers and the character and appearance of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. Notwithstanding the provisions of Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: Land and Planning Policies].

11. Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no sheds, buildings or structures shall be erected on the site without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with Policy 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Local Plan Part 2: Land and Planning Policies].

12. The dwellings hereby permitted shall be designed 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 Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. The development hereby permitted shall not proceed above foundation level until a scheme for the provision of electric vehicle charging points shall be submitted to and approved by the Borough Council. The scheme shall provide details of the provision of electric vehicle charging points to serve the development on site. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, the use shall not commence until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the agreed scheme and the apparatus shall be retained for the lifetime of the development.

[To promote sustainable modes of transport and to comply with policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. Prior to the installation of any solar panels on the dwellings hereby approved, details of their size, number and location on the building(s) shall be submitted to and approved in writing by the Borough Council. Thereafter, the solar panels shall be installed and maintained in accordance with the details as approved.

[In the interest of the amenities of the area 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].

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/>

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.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

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

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

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.

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

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

If a complimentary ventilation scheme is required, then this scheme shall be designed to ensure that the windows can remain closed. This will retain the integrity of the noise insulation scheme, whilst ensuring the provision of the ventilation required by the Building Regulations. The upper limit for living rooms shall be an LAeq, 16h of 35dB, and for bedrooms an internal LAeq,8h of 30dB and an LAm_{ax} of 45dB. Furthermore, the Noise Rating Curve of 30 shall not be exceeded in any octave band.

- A demonstrated biodiversity net gain should be provided where possible as recommended by CIRIA (2019) Biodiversity Net Gain – Principles and Guidance for UK construction and developments, with the means to implement in the long term, supported by a simple Landscape and Ecological Management Plan (LEMP) and agreed by the local planning authority.
- An ecological construction method statement incorporating reasonable avoidance measures (RAMs), should be agreed and implemented including the good

practice points below.

- The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> for advice and a wildlife sensitive lighting scheme should be developed and implemented.
- Permanent artificial bat boxes / bricks and wild bird nests (including Swallow/swift cups and sparrow terrace / boxes) should be installed within / on buildings.
- Any existing hedgerow / trees should be retained and enhanced, any hedge / trees removed should be replaced. Any boundary habitats should be retained and enhanced.
- Where possible new trees / hedges should be planted with native species (preferably of local provenance and including fruiting species). See <https://www.rushcliffe.gov.uk/conservation/trees/hedges/landscaping/landscaping-and-tree-planting/planting-on-new-developments/> for advice including the planting guides (but exclude Ash (*Fraxinus excelsior*)).
- Good practice construction methods should be adopted including:
 - Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
 - Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.
 - No works or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas (including ditches).
 - All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
 - Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
 - Root protection zones should be established around retained trees / hedgerows so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
 - Pollution prevention measures should be adopted
 - It is recommended that consideration should be given to climate change impacts, energy efficiency, alternative energy generation, water efficiency, travel sustainability (including electric vehicle and cycle charging points and cycle storage), management of waste during and post construction and the use of recycled materials and sustainable building methods.

Condition 12 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

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requirement as a condition of their planning permission.