

**20/00619/FUL & 20/00620/RELDDEM****Applicant** Mrs Sarah Haynes**Location** The Orchard, Long Lane, Hickling, Nottinghamshire, LE14 3AG**Proposal**

- (i) 20/00619/FUL - Demolition of a bungalow and erection of Four 2 storey dwellings with access.
- (ii) 20/00620/RELDDEM - Demolition of The Orchard and associated outbuildings (retention of a single brick building).

**Ward** Nevile And Langar**THE SITE AND SURROUNDINGS**

1. The Orchard is a detached three bedroom dormer bungalow property set on an established plot within the rural settlement of Hickling. The property has historically been extended and includes materials of red brick, render and concrete tiles. The building is located to the centre of its plot with vehicular access from Main Street to the east, with ancillary accesses from Long Lane to the south. The western section of the site is an area of paddock which appears to have been used in association with the dwelling with clear pathways from the established patio and gardens of the residential site into the paddock area. The residential land and the paddock will collectively be referred to as 'the site'. Whilst 'the site' has been identified by the agent addressed to Long Lane, the primary dwelling known as 'The Orchard' is addressed to Main Street.
2. The site is bounded to the east by Main Street with the junction with Harles Acres broadly opposite. To the north of the existing residential site is a residential property and associated land known as Cromwell Field Farm, with land part of the Farmyard of Malt House Farm to the northern boundary of the associated paddock section of the site. To the west is further agricultural land whilst to the south runs a historic and unadopted road, Long Lane, which also acts as a public right of way (PROW) (Hickling Footpath 16). A number of properties lie to the south side of Long Lane, some of which are built up to the edge of the road as more historic properties such as Bramble Cottage, The Cottage and Burnetts, and some of which are set back from the road, built as 20<sup>th</sup> century infill development (Deepdale and Ashwood).
3. The site boundaries are largely marked by hedgerows which include lower managed features to the north, east and south of the existing residential site, with taller hedgerows to the paddock section of the site along the associated southern, western and northern boundaries.
4. As well as the existing dwelling, the site includes a number of other notable structures including a more historic brick and tile outbuilding to the north east of the site identified as a positive building in the conservation area appraisal. A dilapidated storage shed is located to the southern boundary of the paddock land which has fallen into a state of disrepair.

**DETAILS OF THE PROPOSAL**

5. This is a joint report for applications 20/00619/FUL, which seeks full planning permission for the demolition of the existing bungalow and erection of 4 two storey dwellings with access, and 20/00620/RELDEM, which seeks consent for relevant demolition of an unlisted building within a conservation area for the demolition of The Orchard (dwelling) and associated outbuildings (retention of a single brick building).
6. The proposal under consideration is revised from the initial submission. The scheme was revised on a number of occasions, resulting in the reduction from 5 to 4 proposed dwellings, changes to layout, access, appearance and scale, resulting in the submission of a suite of additional supporting information.
  - a) March 2020 – Original Submission
  - b) July 2020 (revised consultation) – full suite of new technical supporting information, changes to plot sizes, scale, layout and access design, any access from Long Lane removed.
  - c) September 2020 (revised consultation) – reduction from 5 to 4 dwellings, amended site layout and minor plot design changes.
7. It is proposed that the existing house and all other structures save the brick and tile outbuilding to the northern boundary of the site, east of the main dwelling, are demolished and removed from site.
8. It is proposed to erect 4 two storey three bedroom dwellings on the site, all accessed from a new private drive access onto Main Street to the east. The private drive would run parallel with the site's northern boundary and would provide access for residents and servicing to all proposed plots, with each unit provided with two off street parking spaces, and access to two shared visitor parking layby facilities on the private drive. Plots 1 and 4 would also have a detached garage as well as two parking spaces.
9. Plot 1 would be located towards the eastern site frontage and would face east towards Main Street, the remaining three plots would all be orientated to front and face towards the historic lane and public right of way to the south known as Long Lane. No access is proposed to or from Long Lane and the two existing access gates onto the lane are proposed to be closed off, with new hedgerow planting along the boundary to infill the gaps.
10. The proposed dwellings would be of cottage type design, with lower gabled roofs, chimney stacks, arched brick window headers, dentil courses, corbelling, storm porches of gabled or lean to type design and traditional material finishes of pantiles and red/orange brickwork to closely match those seen in the locality.
11. The scheme would include hedgerow boundaries within the site, and acoustic fences to the west and north where adjacent the farm, with the site plan identifying indicative landscaping proposals which include new hedgerows and tree planting across the site. As part of the scheme the existing unmanaged section of southern hedgerow would be reduced in height to no less than 1.8m. Biodiversity enhancements are also proposed.

12. The scheme is supported by the following technical documents:

- Air Quality Assessment
- Noise Assessment
- Agricultural Impact Assessment
- Historic Environment Desk Based Assessment
- Highways Report
- Flood Risk and Drainage Report
- Preliminary Ecological Appraisal
- Bat Emergence and Activity Survey
- Biodiversity Enhancement strategy
- Long Lane Hedge Management Note
- Design and Access Statement
- Planning Statement Response to initial concerns

### **SITE HISTORY**

13. 82/00245/EAST – Rear Extension to Bungalow/Demolish and Re-build Garage – approved.

14. 74/00167/EAST – Three Bedroomed House with Double Garage – approved.

### **REPRESENTATIONS**

15. This application was the subject of a significant number of comments and representations. The below details represent summaries only of the key issues and comments made, and the full comments of all consultees and members of the public are available to view on the public record on the Council's website.

### **Ward Councillor(s)**

16. The Ward Councillor (Cllr Combellack) initially commented that she did not object with the information to hand. Cllr Combellack later commented further clarifying that she was watching and reviewing the public comments and would provide a further full comment having reviewed all matters in due course.

17. Cllr Combellack later provided more detailed comments, raising concerns that Long Lane drops sharply down from the Hickling Standard, and as such surface water flows along and down Long Lane in rainfall events, damaging the surface of Long Lane and causing flooding issues on Main Street. The Councillor also raised concerns that the development of the paddock area to the western end of the site would result in the loss of a natural soakaway, and as such requested full consultations with relevant flood agencies and also referenced issues with sewer capacity.

18. Cllr Combellack later requested clarification on site levels due to concerns about the site being raised from Long Lane, and the scheme therefore towering over properties on the south side of the lane.

19. Cllr Combellack noted that the emerging neighbourhood plan must only be given minimal weight in the decision making process, and provided final comments on the initial consultation identifying the following concerns:

OFFICIAL

- a) No consultation with flood authorities, as such no informed assessment can be made and application must be refused.
  - b) Reiterated concerns of Para.18 of this report.
  - c) Long Lane is a narrow gravel way of width for barely one car, new dwellings would cause severe overlooking to properties on the south side of the lane and also loss of light.
  - d) Heights of new properties would be greater than existing due to modern building standards and land levels, and as such development would be overbearing to neighbours.
  - e) Relationship of Plot 1 and Burnetts - the gable of plot 1 would block light and create an oppressive relationship with windows at Burnetts. Plot 1 should be developed as a bungalow.
  - f) The front doors and postal addresses of plots 2 through 5 would be onto Long Lane, and as such the properties would be addressed to the lane, causing issues with deliveries using the lane and access suitability, and highway safety as there is no turning provision on this track.
  - g) Impact of traffic noise from the shared drive to neighbours at Cromwell Field Farm to the north.
  - h) The scheme would develop housing in close proximity to Malt House Farm where local residents report noise and odour issues. Introducing new residents even closer to the established farm could put pressure on the future operation and viability of the farm from complaints.
  - i) The design of the dwellings does not reflect local design or adhere to the design guide in the draft neighbourhood plan.
  - j) The destruction of the hedgerow along Long Lane would be harmful and contrary to conservation policies.
  - k) Development would considerably alter the appearance of this green, tranquil and rural footpath along Long Lane.
  - l) Light spillage from new windows will impact the amenities of the area.
  - m) The increased density of development gives an urban feel, and the level of developments (4 new dwellings) is significant for a parish of circa 200 dwellings. The scheme should be given the same attention as larger urban developments.
20. Following revisions to the scheme (July 2020), the Ward Councillor initially commented that the amendments were welcomed, however that further reductions in the ridge height of plot 1 were required to better respect the settings of heritage assets such as Burnetts and the cottages along Long Lane, aiding to maintain an open and rural character to the Long Lane entrance.
21. The Ward Councillor then confirmed whilst she understood the premise for a two storey house to plot 1, she felt it would darken and dominate the neighbour at Burnetts, and that overall the scheme represented overdevelopment of the site with amenity spaces at a premium. Cllr Combellack also confirmed she maintained concerns regarding flood risk and drainage.
22. Cllr Combellack also raised that she was chairman of the neighbourhood plan steering group, who had recently published a survey looking at the potential allocation of this site for residential in the development, and declared a non-pecuniary interest in the application.
23. Further comments were received from the ward councillor identifying that she endorsed the significant levels of concern raised by local residents.

24. Following further revisions to the scheme (September 2020), Cllr Combellack advised that she maintained her original objections, and fully supported the objections made by the entire village. Cllr Combellack voiced concerns that can be summarised as follows:
- a) It should be remembered that Hickling is a historic linear village characterised by green fingers of land drawing the countryside into the village.
  - b) The open aspect and well-loved view of Long Lane, leading to the Standard should not be lost.
  - c) The site is on raised ground, higher than Long Lane and the existing modest properties; it is also on an incline rising considerably above the level of Main Street and as such the properties will have significant prominence and be out of character and overbearing.
  - d) The planner's early intervention in the scheme resulted in a very urban linear design with their preference for a 2-storey house at the front of the site - a pastiche of buildings further down Main Street (poor design contrary to NPPF) to create a focal point as viewed from Harles Acres not giving consideration to the majority of views experienced as travelling along Main Street.
  - e) A bungalow to the frontage would be more in keeping, as with many bungalows seen in the area.
  - f) The proposed red brick house (plot 1), by its height and positioning opposite the Burnetts living quarters, will darken the entrance to Long Lane and be over bearing for the occupants of the Burnetts.
  - g) Existing properties at the entrance to Long Lane are historic, modest and low, set hard against the edge of the track. The proposal will therefore create a brick tunnel along the track instead of the leafy green lane as referenced by the Conservation Officer in an earlier comment. The removal of one dwelling does not reduce the tunnel effect created at the entrance to the Lane.
  - h) A golden opportunity is going to be lost here to develop low ridge height properties, bungalows or dormer houses, in a rural courtyard style in keeping with the village and its conservation area.
  - i) The scheme will not preserve the open nature of the site with a design typical of a suburban estate development. The scheme is clearly detrimental to the Conservation Area causing harm that would not be outweighed by public benefits.
  - j) The design of plots 2, 3 and 4 is poor with the building frontages addressing what will be a rear garden space to the south of the buildings. Side doors have been added from the driveways leading directly into living spaces which represents poor design, contrary design and amenity criteria.
  - k) Concerns raised about new accesses being made through the significant hedge on Long Lane, suggests a condition to prevent this.
  - l) The Conservation Officer has raised concerns regarding new outbuildings, and as such a condition removing permissive rights for outbuildings would be required.
  - m) Despite attempts to mitigate flooding, the significant areas of hardstanding would prevent the site acting as a soakaway as currently seen, and as such the scheme will result in additional surface water run-off, which could worsen existing surface water flooding issues along Main Street.

**Town/Parish Council**

25. Hickling Parish Council object to the proposed scheme, identifying the following concerns:
- a) Overdevelopment of the site, overcrowding and out of keeping with the area.
  - b) Overbearing and overlooking of properties to the north, east and south of the site.
  - c) Hickling is not a sustainable community for further development in terms of accessibility and facilities/amenities, and the scheme would require residents to use the private car.
  - d) The site represents an important open green space and the loss of this would have a detrimental impact on the Hickling conservation area.
  - e) The proposed dwelling ridge heights would dominate the surrounding area, causing harm to the setting of nearby buildings identified as key unlisted buildings in the conservation area appraisal including Burnetts and The Cottage. This relationship would be contrary to guidance contained in the Rushcliffe Residential Design Guide.
  - f) The site, particularly the western paddock, has high potential for protected species.
  - g) There are existing on street parking issues along this section of Main Street, it is unlikely the development will meet all of its own need, and as such the development may exacerbate existing on street parking concerns.
  - h) Deliveries would likely utilise Long Lane due to the front door accesses. This road is single lane, and has no turning facilities, and is therefore not appropriate for such use.
  - i) Pedestrian accesses onto Long Lane could cause vehicular conflicts with little safety margins.
  - j) The scheme fails to accord with emerging policy H13 of the Hickling neighbourhood plan.
  - k) The scheme would result in the loss of permeable ground on site which could increase the amount of rainwater run-off leading to an increased likelihood of flooding. The proposed development site currently allows a significant amount of rainwater soakaway which lessens the risk of flooding in this area of the village.
  - l) The walnut tree to the rear paddock should be retained and protected.
  - m) The parish do not object to the demolition of the dwelling subject to the approval of a sympathetic scheme to replace it.
26. Following revisions to the plans (July 2020) the Parish Council acknowledged the work done to try and address concerns, however they confirmed the revisions did not go far enough to address the previous objections. The issues identified can be summarised as follows:
- a) Number of houses remains too great and represents overdevelopment of the site.
  - b) A lower density scheme would be more in character with the village.
  - c) The scheme would harm the setting of the Grade II Listed Malt House Farm.
  - d) The design of the houses is unsympathetic to the street scene and rural/open character of Long Lane.

- e) Whilst heights have been reduced the dwellings would remain too high and overbearing to neighbours, resulting in loss of privacy.
  - f) The scheme would adversely affect the appearance of the conservation area through the development of this open space.
  - g) The Parish would prefer to see plot 1 as a bungalow.
  - h) The scheme would make insufficient parking provision.
  - i) Flooding from surface water is a significant issue to Hickling and the development of The Orchard would result in the loss of water storage, potentially worsening flood impacts through the village.
27. Following further revisions to the plans (September 2020) the Parish Council re-affirmed their objections, acknowledging the reduction in number of dwellings but identifying the scheme was still over intensive for the site, would still impact the street scene in a negative way, and result in loss of privacy to surrounding neighbours. The Parish Council recommend that the redevelopment of the existing house with an additional 2 bungalows may be looked upon more favourably. The Parish Council also confirmed they still had concerns over loss of permeable ground and the impact this may have on flooding.

### **Statutory and Other Consultees**

28. The Borough Council's Conservation Officer noted that The proposals involve the construction of 5 two-storey dwellings with access and the demolition of a late-20th Century dormer bungalow, extended in a later phase, set back from the road in a large mature plot in Hickling, Nottinghamshire. The Grade II listed Malt House Farm is found a short distance north of the property and the site is located in the Hickling Conservation Area. The site belongs to the settlements historical core; therefore, the proposed development has the potential to include heritage assets with archaeological interest.
29. In relation the demolition of the existing bungalow and other ancillary structures, the officer notes that the existing bungalow is not noted as a positive building within the Hickling Conservation Area appraisal and does not make a positive contribution to the special architectural and historic character and appearance of the Hickling Conservation Area. The officer notes that the timber shed adjacent to the red-brick outbuilding is marked in error as a positive building on the Townscape Appraisal and that the timber shed does not make a positive contribution to the area. Therefore, they conclude that the demolition of this timber shed, existing dwelling and the second dilapidated timber outbuilding found to the sites west would still preserve the special architectural and historic character or appearance of the area, as is described as a 'desirable' objective in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
30. The officer identifies that the red-brick store building on site which is likely to be an agricultural building re-purposed when the dwelling was constructed, is highlighted as a positive feature and its retention would preserve the special architectural and historic character or appearance of the conservation area, as is described as a 'desirable' objective in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The officer also notes that this building is identified in the Hickling Conservation Area Appraisal and Management Plan as a Building at Risk that would benefit from sensitive repair and/or renovation. The officer suggests traditional materials should be used in any repairs or renovations to this building and any remaining features be

retained wherever possible so that its original function may continue to be understood in the future.

31. The Officer identified the importance of the site boundary hedgerows, as identified in the conservation area townscape appraisal, confirming that these features aided in creating a more rural environment with important local views looking east and west along the sites southern boundary on Long Lane. The officer also identified important positive local buildings in proximity to the site including Burnetts and The Brambles which sit on the plot roadside boundaries.
32. In reviewing the scheme the officer confirmed they did not have significant concerns with the scheme, but identified that the density of development along Long Lane (Plots 2 through 5) seemed over intensive and would fail to protect the more open and rural character of the lane, causing some limited harm to the setting of the Grade II Listed Malt House Farm. The officer also suggested that setting the building line further back from Long Lane, and carefully reviewing building height was required, with the current heights suggesting development in excess of its existing neighbours. Of particular concern in this regard was plot 1 and its relationship with Burnetts, with a proposed taller ridge and wider footprint outcompeting the neighbouring positive building and detracting from its positive input into the character and appearance of the conservation area. As such the scheme would also fail to preserve the special historic and architectural character of the Hickling Conservation Area.
33. The proposed brick and tile finishes would be appropriate in principle subject to the approval of exact materials by conditions. The suggested close boarded fencing would need careful review and should not be positioned in any publicly prominent locations.
34. Following consideration of the revised plans (July 2020), the Borough Conservation Officer noted public concern expressed about the relationship of Plot 1 to 'Burnetts', a cottage identified as a key unlisted building in the Hickling Conservation Area Appraisal and Management Plan. The officer identified that 'Burnetts' is located directly opposite the proposal site on the other side of Long Lane and has an elevation fronting Main Street, and suggested they do not consider that Plot 1 would detract from 'Burnetts' and it would not compete with it.
35. The officer retained concerns that despite reduction in building widths and heights, and the removal of two garages, the scheme would still have an urbanising influence on Long Lane, and not protect the semi-rural character of the lane as currently experienced. The officer also noted the impact of close-boarded fences, and the potential for future desire for outbuildings to alter the character of the lane. The officer suggested a lower density development may address these concerns. The officer therefore concluded the scheme would not preserve the special interests of the Hickling Conservation Area, causing less than substantial harm to the heritage asset. The officer, however considered that the scheme would no longer cause any harm to the setting of any nearby listed buildings.
36. Following consideration of the further revisions to the plans (September 2020), the Conservation Officer confirmed that the reduction in the number of proposed dwellings from 5 to 4, had improved the scheme creating a considerably less crowded site. The officer identified that the space behind plot 1 has now

increased, which given the prominent corner it stands on, is an important improvement. They also note that the remaining three plots are now sufficiently well-spaced as to avoid creating a canyon effect on Long Lane, with the slight relocation to the west of plot 2 meaning that The Cottage would now have no built development directly opposite.

37. The Officer therefore concluded that the revised development would successfully preserve the character and appearance of the Hickling Conservation Area, with the scheme not harming the setting of the Grade II Listed Malt House Farm as the closest listed building, or any other listed buildings and their associated settings.
38. The Borough Council's Environmental Sustainability Officer (ESO) commented following the July 2020 revisions that the applicant has supplied a Bat and Ecology Survey report; note with reference to Hedge to Long Lane; follow up bat emergence and activity survey report and a Biodiversity Enhancement Strategy with surveys carried out in April and May 2020. The officer considered that these reports appear to have been carried out according to good practice and the surveys are in date.
39. The site consists of buildings, amenity grassland; species-poor neutral grassland; native hedgerow with tree; ornamental planting and disturbed ground. The officer summarised that no protected or priority species were found roosting on site, however bats were recorded foraging, and the site could provide terrestrial habitat for Great Crested Newts and potentially reptiles (both recorded within 1 km of the site), and for nesting and foraging wild birds and hedgehog activity.
40. One Site of Special Scientific Interest (SSSI) and four Local Wildlife Sites (LWS) have been identified within a 2km radius of the site, however, the officer considers that they are unlikely to be impacted by the works. The officer notes that the development provides opportunities for ecological enhancement, however, the current proposal provides a loss of approximately 412sqm of neutral grassland, which has not been compensated for. The conservation status of European Protected Species is unlikely to be impacted by this development provided mitigation is provided.
41. The officer recommended conditions and informatives covering the implementation of biodiversity enhancements, an ecological construction method statement, external lighting (bat sensitive), the use of locally prominent species in planting where possible and the adherence to good practice construction methods.
42. The Borough Council's Environmental Health Officer (EHO) initially commented raising no objections but suggesting conditions would be required to cover noise, contaminated land, and construction method statements.
43. In relation to the demolition, they raised no objection and recommended conditions regarding a demolition method statement, asbestos survey, and contaminated land.
44. Following consideration of the revised plans (July 2020) and the submission of new supporting noise and odour assessments, the EHO requested additional

information regarding the survey methodology and the assumptions made before they could assess the information.

45. Following consideration of the further revisions to the scheme (September 2020), the EHO reviewed evidence in the noise and odour reports, as well as comments made by the farm owner in the public domain and concerns raised by neighbours, and expressed concerns over ambiguity and inaccuracies in the submitted surveys, suggesting that, based on the information currently provided, they could not be sure that either the amenities of future residents would be safeguarded, or the operational viability of the Malt House Farm impacted.
46. Following the submission of revised noise and odour reports, as well as an agricultural report on the operations of Malt House Farm in December 2020, the EHO confirmed that the updated reports adequately addressed the previously identified concerns, subject to securing the mitigation for noise and odour as identified in each report, by condition. Conditions requiring a contaminated land report and construction management plan were also recommended.
47. The Borough Council's Landscape and Design Officer (Landscape Officer) notes previous works on the site under conservation are tree work notifications which related to decaying apple trees and a large multi-stemmed ash tree in the southern boundary hedge, likely an old hedgerow tree, which has regularly grown into the overhead telegraph wires directly adjacent.
48. The officer does not consider any trees on site are 'ancient' and whilst a number of trees are publicly visible, they are of low individual merit and as such are not of such public amenity value to warrant protection under a tree preservation order (TPO).
49. The loss of the apple trees to the eastern side frontage along Main Street could be readily mitigated through an appropriate landscaping scheme, however further review was required regarding the proximity of plot 4 and the retained ash tree in the southern hedgerow.
50. With regard to the hedgerows the landscape officer highlights that the southern boundary hedgerow alongside Long Lane is important to the areas rural characteristics. The retention of this hedgerow is welcomed. The officer also identified that a reduction in height of the western section of southern hedgerow would not be detrimental, identifying most agricultural hedges are kept between 1.2m and 1.8m, and that any taller hedges become challenging to maintain, with trees taking over and base planting thinning out. The Officer also identified that hawthorn responds well to hard pruning.
51. The officer finalised comments identifying that a note to applicant regarding nesting birds be appropriate, and that a full landscaping scheme be secured by condition, along with tree and hedgerow protection measures. The officer also noted that an indicative scheme would be welcomed as part of the application to ensure a quantum of replacement landscaping was acknowledged.
52. Following a site visit, the Landscape Officer issued further comments. It was confirmed that the southern boundary ash tree had previously been laid which has caused the twin stemmed regeneration, and that the tree has been topped in the past. The Officer however, remained content that the tree could be

retained with careful future management, and that the tree would not be unduly impacted by the plot 4 building line.

53. The officer revisited the issue of the western portion of the southern hedgerow, advising that a management plan will be required for the first 5 years of the development to bring the hedge into a manageable and maintainable state, but that this could be achieved. The officer recommended that the hedge be maintained at around 2 metres in height for the privacy of residents and the character of the area/footpath.
54. As part of the site visit, the officer also noticed a walnut tree to the north western corner of the site which the plot 5 garage would sit close to. Garage foundation designs would need to be conditioned to ensure there would be no significant impact on the long term health of the tree. The tree would also likely require a crown lift, which would need to be detailed in a future conservation area tree notification.
55. Following consideration of the revised plans (September 2020) the officer confirmed that the plot 4 garage had been moved a sufficient distance from the retained Walnut to the north western corner of the site so as to ensure the structure and its foundations would not impact the viability of this tree.
56. The officer reviewed the indicative landscaping plan, as shown on the site layout plan and considered it demonstrated how an appropriate mix of native hedging and tree planting could be delivered on site. A detailed scheme would still require attaining by condition. The officer also reviewed the hedgerow note dated 6<sup>th</sup> July 2020 and considered whilst it was not to be laid, it was to be reduced to a height to 1.8m, which was considered appropriate for a semi-native hedge. The officer suggested that the hedge could be gapped up with native species to help rejuvenate the feature.
57. The Borough Council's Waste and Recycling Officer commented that it was advisable that bins belonging to each property are stored within each property's grounds, and that if a shared drive is to be used, a collection point closest the highway will be required.
58. Nottinghamshire County Council as Local Highway Authority (LHA) initially raised numerous concerns with the scheme and recommended the application was deferred pending consideration of these additional matters. The issues raised can be summarised as follows:
  - a) No confirmation of visibility splays from the access have been provided.
  - b) The site red line will need to include Long Lane, as the dwellings would have pedestrian access to the track.
  - c) The LHA wish to see no intensification in the use of Long Lane, and therefore recommend no accesses are provided to the lane to ensure the additional potential vehicular usage associated with the site.
  - d) Whilst 2 spaces and a single garage per dwelling would be acceptable parking provision, the space sizes are currently substandard, and manoeuvring space needs tracking.
  - e) Visitor parking on Main Street would not represent any significant highway safety concern.
  - f) The re-use of the existing brick outbuilding as a refuse store is not likely to be appropriate due to the building's distance from the Main Street

boundary. A shared bin collection point closer the highway will be required.

- g) The developer must not alter the width of the Public Right of Way (PROW) along Long Lane, or change its surfacing without prior consent.
59. Following consideration of the revised plans (July 2020) the LHA confirmed receipt and review of the revised access position and layout and closure of accesses to Long Lane. Whilst the LHA note they would prefer properties not to be orientated towards Long Lane due to potential future desires to create access points, they are content the matter could be dealt with by an appropriate planning condition to prevent any access to Long Lane being made, pedestrian or otherwise. They also note the waste collection point to the site frontage would be appropriate, although carry distances should be checked with waste services, and that parking of two spaces per dwelling is adequate, although the provision of visitor spaces could be explored to limit the potential for any overspill onto Main Street. The LHA recommended 8 conditions should permission be forthcoming.
60. Following consideration of the further revised plans (September 2020), the LHA have raised no objections to the revised layout as shown on the proposed site plan revision H. The additional visitor spaces were welcomed. The LHA have suggested that should permission be forthcoming, conditions be applied to cover the following matters:
- No occupation until access provided and surfaced in a bound materials for first 5 metres;
  - No occupation until access provided with gradient no more than 1 in 20 for the first 5 metres and no more than 1 in 12 for the driveway's length, in accordance with details submitted and agreed;
  - No occupation until driveway fronted by a suitably constructed vehicular crossing;
  - No occupation until the existing access has been permanently closed and the footway reinstated;
  - No occupation until the accesses from the existing site to Long Lane have been permanently closed, with no future accesses permitted;
  - No occupation until the visibility splays as shown on drawing GA/327/01H have been provided, and maintained in future with no obstructions;
  - No occupation until the parking/turning/servicing areas have been provided, and shall be retained thereafter; and
  - No occupation until the access drive and parking/turning/servicing area has been constructed with provision to prevent surface water discharge to the highway, in accordance with details first submitted and agreed.
61. The LHA has also recommended informative notes regarding mud on the highway, permissions for works in the highway, and any alterations to the surfacing or width of Long Lane as a public right of way.
62. Nottinghamshire County Council as Lead local Flood Authority (LLFA) initially confirmed following the July 2020 consultations that they had no objections to the scheme. The LLFA confirmed that notwithstanding the significant concerns from residents, the surface water drainage plans for the site would be appropriate and would adequately manage the risks on site.

63. The County Archaeologist commented in September 2020, and advised the proposed development sits at the junction between two significant route ways and that while most of the historic mapping shows little development on the plot, some of the earliest mapping is ambiguous and the earthworks adjacent to the west indicate that there was formerly settlement in the immediate area. They note that given that most of the historic mapping shows the area as being orchard and pasture, this may indicate that the adjacent earthworks represent much earlier phases of the settlement and therefore there is a reasonable potential for this plot to preserve remains of an early date despite the modern development of part of the site.
64. The most appropriate way of dealing with the archaeological potential of this site would be through a programme of works known as 'strip, map and sample' which can be attained by way of appropriate planning condition.
65. Historic England confirmed they did not wish to comment but advised that the views of the Borough's specialist conservation and archaeological advisors be sought.
66. The Trent Valley Internal Drainage Board (IDB) provided their standing advice on the application, noting no IDB maintained watercourses are within the vicinity of the site but advising that the IDB's consent would be required for any works that would increase the flow or volume of water to any watercourse or culvert within the IDB's district (other than a main river for which the Environment Agency are responsible).

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

67. In response to the initial consultation, two comments neither in support nor objecting to the development were received, identifying they saw no reason for development not to go ahead so long as adequate facilities for surface water and foul drainage are made, but noting that lockdown means the site cannot be viewed objectively.
68. In response to the initial consultation 112 objections were received on behalf of 73 residents, including a letter from Roythornes acting as planning solicitors on behalf of a number of residents, with the concerns summarised as below:
  - a. Inability to have community consultation including Parish Council Meetings in the current situation with COVID19.
  - b. Objection as neighbours cannot have a site visit with the planning officials due to COVID19, which disadvantages their ability to respond meaningfully to consultation.
  - c. Continuing the planning process in the current national pandemic situation is 'a scandal' as residents are in lockdown, many without access to the internet and not going outdoors to see site notices etc.
  - d. Development overintensive for the site.
  - e. Development would intensify existing flooding issues along Main Street and Harles Acres, more hard surfacing and less land to act as a soakaway.

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- f. There is a collapsed drain under Main Street to the site frontage.
- g. Highway safety concerns with the access, conflict with neighbouring junctions, additional highway parking from site and additional traffic through the village.
- h. Inappropriate parking provision levels and parking sizes.
- i. Housing mix does not provide affordable homes for younger generations and the lack of bungalows is disappointing, aimed at wealthy families seeking to move into the village.
- j. The development would detract from the open nature of Long lane and would enclose the lane creating a suburban feel and harming tranquillity.
- k. The contrast between the new properties and the historic properties such as Burnetts would harm the conservation area.
- l. Concerned properties could be addressed to Long Lane, which may mean the lane is used for deliveries.
- m. What protections would be afforded to the hedgerows during construction and after? No new gates should be allowed under this application, or after.
- n. Long Lane, the site's hedgerows and the site support local wildlife populations.
- o. Overlooking of neighbours to the south along Long Lane.
- p. Loss of light to neighbours to the south along Long Lane.
- q. Overbearing impacts and loss of view of sky to neighbours to the south along Long Lane.
- r. New internal and external lighting would detract from the character of the area.
- s. General use and maintenance of new properties and gardens would introduce noise and disturbance that would negatively impact neighbours' amenities.
- t. Exact material details should be supplied for review, timber doors and windows should be used.
- u. Scale of development too great for a rural village, Hickling not a sustainable location for development.
- v. There is no identified local need as required by policy 3 of the core strategy.
- w. Impact on the development site from the dairy farm needs to be considered, Malt House Farm is a commercial dairy farm, it runs a robotic

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milking system which operates 24 hours a day, seven days a week, 365 days a year. Whilst always trying to keep disruption to neighbours to a minimum, noise from animals and machinery at unsociable hours is inevitable, concerns from the business owners over conflict of interest due to possible impact on future residents.

- x. Some neighbouring sites not plotted correctly on the site plan, and have extensions not shown.
- y. The site levels are raised, increasing the dominance of any development on Long Lane and the adjacent properties.
- z. The plot 1 property would be 2m taller than Burnetts, to the detriment of the character of the area.
- aa. Properties would be 2 feet taller than the existing bungalow.
- bb. Contrary to design and amenity guidance in the Rushcliffe Residential Design Guide and policy of the emerging neighbourhood plan.
- cc. The parking for The Cottage requires use of the existing access along Long Lane for The Orchard, the loss of this access would impact the accessibility of this neighbours parking area.
- dd. The paddock to the west of the orchard site was purchased as agricultural not residential land and there is no change of use application.
- ee. Loss of value to neighbouring property.
- ff. Damage to Long Lane from additional vehicular traffic from deliveries, and harm from noise and disturbance to neighbouring residents with windows facing the road.
- gg. Harm to the character and appearance of the Hickling Conservation Area and the tranquil setting of Burnetts, The Cottage and Bramble Cottage.
- hh. The neighbourhood plan identifies a need for 10 homes over 10 years, and 5 at once would seem contrary to this.
- ii. The positive view down Long Lane should be protected.
- jj. Waste collection would need to be considered.
- kk. Access for a fire appliance will need to be demonstrated.
- ll. Building regulations part M compliance and disabled parking requirements.
- mm. Queries over site ownership.
- nn. Queries over the accuracy of supporting documents including design and access statements.

- oo. Over reliance on neighbourhood plan policies which are only emerging and to be given minimal weight.
  - pp. Biodiversity and ecological impact has not been appropriately assessed, no tree surveys and no landscaping scheme.
69. Following the revisions in July 2020 a further 64 objections were received from 61 objectors. The new issues raised (in relation to the revisions, over and above issues already identified) can be summarised as follows:
- a. It is not understood how the hedge could be protected from future occupants making accesses etc, and it is important for wildlife.
  - b. The scheme does not offer any community benefit, like land for a tennis court etc.
  - c. Still overdevelopment of the site.
  - d. Side porches an ill-designed afterthought.
  - e. Plot 5 would be subject to considerable disturbance from the adjacent farm, and a 1.8m high hedge would not mitigate this.
  - f. The scheme does not identify the heights of existing properties along Long Lane for comparison.
  - g. Guidance suggests each unit should have between 2.75 and 3 parking spaces.
  - h. The scheme would still cause privacy issues with neighbours despite the minor set backs provided.
  - i. If the hedge along long lane is reduced to 1.8m it would not protect neighbours privacy.
  - j. A legal obligation should be made to prevent new openings being made in the southern hedge.
  - k. The realignment of the hedge along Main Street seems unnecessary.
  - l. The new timber fences for internal boundaries would exacerbate harm to the character of the area.
  - m. Caution urged over findings of noise and odour assessments give residents experience.
  - n. Plot 1 has moved closer to Burnetts, causing greater impact to this neighbour.
  - o. The drainage report should be disregarded as it only deals with the application site.
  - p. The scheme would not adequately deal with peak flow events and would cause greater flooding to Main Street.

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- q. The assessment of drainage is questioned in regards to how a betterment is possible with so much hard surfacing on site, and in relation to the drainage qualities of the existing land.
- r. Why is there no climate change report.
- s. The removal of garages to improve plot spacing demonstrates the overdevelopment proposed.
- t. The lack of external development will put the sites at risk of future permissive extensions and outbuildings.
- u. Questions still remain regarding local need and affordability.
- v. The parish have sought views on the allocation of the Orchard site under the neighbourhood plan for 4 properties, and threatens the Faulks site may not be deliverable, pushing residents towards adopting the orchard site.
- w. What will stop water running down the site drive being discharged to the road where flooding issues already exist?
- x. The drainage document has not surveyed upstream of the site and is based on best practice theory and does not account for existing inadequate drains in poor repair.
- y. There is no mention of drainage maintenance or a detailed specification of the tank sizes etc.
- z. Committee members should all visit the site and discuss the scheme with local residents before reaching a decision.
- aa. The noise report contains inaccuracies. The buildings referred to as workshops are actually used to house young stock all year including weaned calves who can make considerable noise.
- bb. To take noise readings when most stock is outside shows a lack of understanding of farm operations.
- cc. Concerns over the ownership of the hedge bordering the farm, which is considered to belong to the farm, and should not be removed.
- dd. All previous objections stand unaddressed, namely heritage, amenity, design, drainage, ecology and highways.
- ee. How will the hedge be managed at 1.8m in height?
- ff. Plot 1 dominates Burnetts and the Cottage, and impacts views down Long Lane.
- gg. Properties should not front a lane if they have no direct access.
- hh. The access location is unsafe.

- ii. The loss of the garages would cause greater on street parking pressures.
  - jj. Plot 1 should be reduced to a bungalow as advocated by the Ward Councillor.
  - kk. The appeal at the tearooms was recently turned down to protect tranquillity, and this is also a tranquil area worthy of protection.
  - ll. Loss of value to neighbouring properties.
  - mm. Impact on mental well-being of neighbours experiencing a change of circumstance.
70. Following the revisions in September 2020 a further 40 objections were received from 37 objectors. The new issues raised (in relation to revisions, over and above issues already identified) can be summarised as follows:
- a. 74% of residents who voted, rejected the idea of the application site being allocated for residential development in the emerging neighbourhood plan.
  - b. Still significantly over intensive.
  - c. House design fronting on to Long Lane baffling given no access.
  - d. Still significant privacy, lighting, overbearing and disturbance impacts on neighbours to north and south.
  - e. Other similar applications have been refused in rural villages for unsustainability.
  - f. The reduction in hedge heights will increase dwelling visibility and make any tunnelling effect greater.
  - g. Plot 1 still too close to Burnetts and the street scenes are not considered accurate, noted as 'pretty pictures'.
  - h. Still does not address fundamental issues of site layout.
  - i. All issues of drainage, noise, odour and highway safety still stand.
  - j. All issues of local need, housing mix and sustainability still stand.
71. One separate comment was received to the Relevant Demolition application identifying that the retention of the brick outbuilding was welcomed as it pre-dates the house, however the position of the access and density of development raised concerns. 3 further objections were logged against the relevant demolition application, with reasons and discussions relating to consideration of the 'full' application, on matters as already identified and summarised above.

## **PLANNING POLICY**

72. The development plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies

(LPP2). Other material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide (RRDG). Any decision should be taken in accordance with the adopted development plan documents.

73. This application also lies within the Hickling Parish where the Emerging Hickling Neighbourhood Plan represents a material consideration in the decision making process. The Neighbourhood Plan is currently subject to consultation and carries limited weight.

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

74. 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.
75. The NPPF includes a presumption in favour of sustainable development. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.
76. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
77. In paragraph 15 the NPPF states that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other

economic, social and environmental priorities; and a platform for local people to shape their surroundings.

78. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Section 5 - Delivering a Sufficient Supply of Homes
  - Section 6 - Building a strong, competitive economy
  - Section 9 - Promoting Sustainable Transport
  - Section 12 - Achieving well-designed places
  - Section 13 - Protecting Green Belt land
  - Section 15 - Conserving and enhancing the natural environment
  - Section 16: Conserving and enhancing the historic environment
79. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
80. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
81. The Community Infrastructure Levy Regulations 2010 (as amended) places the Government's policy tests on the use of planning obligations into law. It is unlawful for a planning obligation to be a reason for granting planning permission when determining a planning application for a development, or part of a development, that is capable of being charged CIL, whether or not there is a local CIL in operation, if the obligation does not meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

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

82. The Rushcliffe Local Plan Part 1: Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
- Policy 1: Presumption in Favour of Sustainable Development
  - Policy 3: Spatial Strategy
  - Policy 10: Design and Enhancing Local Identity
  - Policy 11: Historic Environment
  - Policy 17: Biodiversity
83. Under the Rushcliffe Local Plan Part 2: Land and Planning Policies, there are a number of relevant policies, pertinent to highlight in relation to the proposal.

- Policy 1 – Development Requirements
  - Policy 11 – Housing Development on Unallocated Sites within Settlements
  - Policy 12 – Housing Standards
  - Policy 18 – Surface Water Management
  - Policy 28 – Conserving and Enhancing Heritage Assets
  - Policy 29 – Development Affecting Archaeological Sites
  - Policy 38 – Non-Designated Biodiversity Assets and the Wider Ecological Network
84. The Emerging Hickling Neighbourhood Plan submission version (NP) was published in March 2021. Paragraph 48 of the NPPF identifies that Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)
85. As the plan is only at submission stage, the policies of the plan can only be afforded limited weight in the decision making process. The following policies from this plan are considered relevant and should be treated as material considerations:
- Policy H3 – Tranquillity
  - Policy H5 – Ecology and Biodiversity
  - Policy H6 – Trees and Hedges
  - Policy H8 – Features of Local Heritage Interest
  - Policy H9 – Local Design
  - Policy H10 – Housing Provision
  - Policy H14 – Housing Mix

## **APPRAISAL**

86. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
87. The main material planning considerations in the determination of this planning application are:

- The principle of development
- Housing Mix
- Design considerations
- Heritage considerations
- Archaeology
- Amenity considerations for neighbours/future occupants/general amenities
- Ecology
- Landscaping
- Flood Risk and Drainage
- Highways and Parking

### The Principle of Development

88. Policy 3 (Spatial Strategy) of the LPP1 defines how sustainable growth within Rushcliffe will be achieved over the plan period, with the policy outlining a strategy of urban concentration. The policy dictates that development be directed towards the most sustainable locations in accordance with the settlement hierarchy to ensure that development reduces the need to travel, promoting sustainable communities based on the services and facilities that are available in each settlement.
89. It ensures the sustainable development of Rushcliffe will be achieved through a strategy that promotes urban concentrations by directing the majority of development towards the built up area of Nottingham and the Key Settlements identified for growth of Bingham, Cotgrave, East Leake, Keyworth, Radcliffe on Trent and Ruddington. The text at 3.3.17 states elsewhere in the Borough, in other settlements, development will meet local needs only, which will be met through small scale infill development or on exception sites. For the purposes of this policy, this includes Hickling. It is not an established requirement under this policy that a local need survey is required to support applications within settlements, or that a local need is required to be directly demonstrated to support applications within 'other settlements', except where these are brought forward as exception sites.
90. There is no suggestion that the development sought represents a rural exception. It must, therefore, be assessed as to whether the development represents 'small scale infilling'. Paragraph 3.10 of the LPP2 helps define small scale infilling as the development of small gaps 'within the existing built fabric of the village' or previously developed sites, whose development would not have a harmful impact on the pattern or character of the area.
91. There have been queries over the redevelopment of the parcel of land to the rear (west) part of the site. This does not appear to have ever had planning approved for residential use, however, clearly from site visits this land has enjoyed a use associated with the Main site at The Orchard, with the land clearly separated from any wider land parcels by significant boundaries and connected to The Orchard through several access points.
92. The whole site is considered to lie within the Hickling limits to development as identified in the emerging neighbourhood plan. It is recognised that this cannot be afforded full weight, however in reviewing the site context, there is not considered to be any reason to raise any significant objection to the proposed

boundary location that would cast doubt on its longevity, and on balance the site is considered to lie within the reasonable settlement boundaries.

93. Given the considerations above that the site lies within the reasonable settlement boundaries of Hickling, it is considered that the principle of the redevelopment of the site for housing is acceptable and in accordance with the spatial aims of the development plan with the redevelopment of the existing residential land appropriate and the paddock to the western end of the site considered a small gaps within the built fabric of the village as highlighted above. The addition of 3 additional houses (redevelopment for 4 dwellings in total) would be considered as 'small scale' in the context of this village location.
94. Overarching local concerns that the settlement is not a sustainable location for development are noted, however policy 3 does allow for small scale infill development within 'other settlements' such as Hickling, and given the assessment as outlined above, the re-development of this site would not be considered to conflict with the spatial policies of the development plan which still seek to support an appropriate level of sustainable growth within these settlements.
95. It is noted that policy H13 of the emerging Hickling neighbourhood plan only allows for replacement dwellings on a 1 for one basis. This policy identifies a reason relating to the protection of the countryside, and it is unclear whether this policy applies only within the countryside or also within the settlement. If it applies within the settlement then the proposed development would not accord with this policy, however there would appear to be conflicts with both local and national policy in this regard which allows for the redevelopment of appropriate sites (in accordance with spatial strategies) subject to the schemes technical acceptability. As such, whilst the potential conflict with this policy is noted, given the limited weight afforded to the plan policies at this stage and the support offered by overriding local and national policies in terms of spatial principle, this is not considered an overriding constraint to development.

#### Housing Mix

96. The existing property on site is a three bedroom dormer bungalow. The scheme involves the demolition of this building.
97. Policy H14 of the Emerging Neighbourhood Plan sets out a desire for new housing schemes to demonstrate how they will meet the needs of older households and/or the need for smaller affordable homes, and to discourage larger 4+ bedroom homes. Policy 8 of the LPP1 seeks fundamentally to support the creation of mixed and balanced communities with all residential development to maintain, provide and contribute to a mix of housing tenures, types and sizes.
98. The scheme proposes the redevelopment of the site with 4 three bedroom detached homes. Local surveys as part of the neighbourhood plan identified a demand for bungalows, two bedroom and three bedroom properties, and as such the scheme would seek to meet part of the identified local demand.
99. The emerging policy (H14) of the neighbourhood plan makes a prescriptive argument that 3 bed dwellings with a floor area of more than a suggested '84sqm' threshold be carefully examined, and whilst this can be afforded

minimal weight, for the purposes of clarity the property layouts do not provide any significant opportunities to increase the number of bedrooms, and do not contain any unused spaces, simply providing modern open plan downstairs living spaces. As such, based on the scheme design and identified local market demand within the emerging neighbourhood plan, the scheme would be considered to deliver an appropriate housing mix that would not undermine the development of mixed and balanced communities, in accordance with the goals of policy 8 of the LPP1 and the aims of emerging policy H14 of the neighbourhood plan.

### Design and Appearance

100. The development proposes the loss of the existing bungalow. This property has little presence within the street, and has been subject to an unsympathetic previous extension which has detracted from the character of the original property. The loss of the existing dwelling would not result in any harm to the character and appearance of the area.
101. The scheme proposes the retention and enhancement of the existing boundary hedgerows and trees to the south, west and north, with new hedgerow to the east following the removal and realignment of the existing feature to allow for access improvements for both the site and Long Lane.
102. The scheme as revised proposes the construction of 4 detached dwellings of two storey scale and appearance. The properties would have a traditional rural appearance with a main linear form and low eaves with a gabled roof, including chimneys to either end, and centre gable brick features. Brick dentil courses and corbelling to the eaves are proposed, as well as arched window headers. Simple storm porches are also proposed with front door entrance features whilst windows would be of casement type. The use of brick (stretcher bond) and pantiles would also accord with the rural characteristics of the area, and exact finishes of all external materials could be secured by appropriate condition to ensure an appropriate final finish.
103. The scheme proposes a layout which seeks to positively address the public realm. Plot 1 would seek to create a positive feature to address Main Street and sit opposite Harles Acres as a new terminal vista. The two storey form closer to the road than the original property would be more in keeping with the traditional form and layout of properties in the area, with the building scale and height set lower than the neighbour to the south along Main street at Burnetts, and set further back so as not to compete with the positive historic character and forms of this neighbouring property. As such plot 1, with its design and layout, would be considered to compliment the traditional form, layout and characteristics of the area, making a positive contribution to the public realm and sense of place as desired by policy 10 of the Core Strategy.
104. The remaining 3 plots would face south and look to positively address Long Lane as a historic track and PROW. These properties would have front and rear gardens, with access from the side/rear taken from the proposed new shared access along the northern boundary of the site. Whilst the considerable concerns made in comments regarding the layout are noted, the use of an outward facing development type, addressing the Long Lane (if not taking direct access from it) is considered to represent a sensitive design that would respect the historic linear layout and form of the village.

105. Notable references have been made to the application site as a positive open space, and that the development would result in the overdevelopment of this space and loss of outlook. Policy 11 of the LPP2 does offer protection to sites which make a significant contribution to the amenity of the surrounding area by virtue of their character or open nature. The existing site is not undeveloped and does not represent any 'green finger' of countryside extending into the village core. These 'green fingers' as referred to in comments can be best identified on the Hickling Conservation Area appraisal, where positive open spaces and key views are identified and highlight the importance of the interaction of the countryside with the village core. The site is not an open space, and key views are only identified along Long Lane, where the southern boundary hedgerow is a key feature of importance.
106. The southern boundary hedges are undoubtedly a significant feature for users of the PROW along Long Lane, however whilst many comments have highlighted the open nature of the plot, it is officers opinion that this open plot does not make a significant contribution to the amenities of the surrounding area, and that the proposed development approach would represent a more traditional approach in keeping with the historic development of the village. Notwithstanding this, the frontage plot (plot 1) would have a 10m set back from Main Street, and 2.8m minimum set in from the boundary hedge along Long Lane, and as such views across the site frontage, and opening up and down Long Lane would be maintained on site approach from the north.
107. Long Lane has a mixed semi-rural character, with development along and built up to its boundary for the length of the application site. The northern boundary of the road, the southern boundary of the application site, does currently provide a more open and green character, a result of the existing property arrangement and boundaries.
108. The proposed development scheme, as revised, would retain and enhance the existing boundary hedge with Long Lane, and also add further tree planting to the boundary. Whilst the scheme would introduce 4 houses to the site, these traditionally designed dwellings would be well spaced, and would include positive frontage elevations facing towards, if set back from, Long Lane. The set back from Long Lane for the proposed plots fronting the lane would be between 7.2m and 8.7m, with the side elevation of plot 1 closer to Long Lane, set some 2.865m inside the boundary.
109. As now considered, the set back of the dwellings from Long Lane, along with the reduced development density and enhanced suggested landscaping would all go some way to securing a scheme that would be considered to sympathetically address Long Lane, providing positive frontage facades that would not be over dominant or overbearing on the street and narrow lane given the retained and enhanced landscaping and building setbacks. Whilst the scheme would change the current site outlook, the design would be considered appropriate to ensure the semi-rural character of the lane would be preserved.
110. It is noted that the site levels lie above those of Long Lane. Basic FFL have been provided for each dwelling, with plots 1 and 4 dug in slightly and closely matching the levels of the lane, and plots 2 and 3 slightly raised, closer to existing levels rather than the lower level of the lane. Given the boundaries and separation set back from the lane, the buildings would not be directly comparable to the existing developments along the south side of the lane and

as such the levels proposed are considered in principle appropriate, and would not result in any over dominant form of development. A condition requiring the submission and agreement of final levels across the site would, however, seem prudent.

111. Overall it is considered that the proposed building appearances, scale, and site layout would all respect and be sympathetic to the defining characteristics of the area, in accordance with policy 10 of the Core Strategy, policy 1 of the LPP2 and section 12 of the NPPF, responding to defining local characteristics and contextual factors as advocated within emerging policy H9 of the Hickling Neighbourhood Plan.

### Heritage

112. The concerns made in public comments regarding impacts on the Hickling Conservation Area, and local non-designated assets are acknowledged. The Borough Conservation Officer has, however, carefully reviewed the scheme and has reached the conclusion that, as revised, the scheme would preserve the special historic and architectural character of the Hickling Conservation Area, and not have a harmful impact the setting of any nearby Listed Buildings.
113. Save for the brick outbuilding on site, which is to be retained, the existing structures on site are not considered to represent any buildings of merit which add or input positively to the identified special historic and architectural character of the Hickling Conservation Area. As such, and as endorsed by the Borough Conservation Officer, the demolition of these existing buildings (save for the brick store) would not cause any harm to the character of the conservation area or the setting of any listed buildings.
114. The application site does not represent any highlighted 'positive open space' within the Conservation Area Townscape Appraisal. The site currently has green and permeable boundaries, which give Long Lane a semi-rural character, however the existing 1970's era bungalow set back in the plot is not in itself a feature or form of development which has responded to historic building forms and densities.
115. Significant local concern has been made regarding plot 1 due to its two storey form and positioning close to the junction of Long Lane and Main Street. The dwelling would be set some 10.6m back from the Main Street frontage and 2.8m in from the southern side of the site adjacent Long Lane at its minimum. The site levels and elevations have also been produced in a street scene and demonstrate that the plot 1 property would have an eaves height and ridge height marginally lower than that of Burnetts to the south. The property would have a traditional design, however, wouldn't seek to replicate the articulate Flemish bond brickwork as seen at Burnetts, instead proposing the use of a locally prominent brick to be reserved be condition in a more basic stretcher bond. Burnetts represents a positive unlisted building in the conservation area, however, following scheme revisions it is considered that the plot 1 property would not detract from or compete with the historic character of Burnetts.
116. Moving to Long Lane, the principle of buildings addressing the historic way is considered appropriate, and whilst the scheme would have a separate access, the development of the scheme with an apparent and public linear form, seeking to address existing and historic rights of way rather than creating suburban cul-

de-sacs is considered an appropriate response to the site context.

117. Following revisions, the development density has been reduced, with a lower density than seen on the southern side of Long Lane. The reduction in number of dwellings, and reduced, heights, widths and removal of garages has all reduced the amount of built form facing the Lane, retaining more simple forms and elevations rather than extended features, and improving the sense of open space between the proposed plots. Similarly, the plots have been moved back further from the Long Lane boundary. The Conservation Officer has concluded that the scheme has been amended to an extent where the scheme would not create any sense of overdevelopment or undue enclosure to the lane, successfully preserving the semi-rural character of the lane.
118. In this regard, the enhancement, gapping up and management of the boundary hedgerow along Long Lane will be significant. The scheme proposed for this hedgerow would allow for its retention and enhancement, with a number of new trees also suggested along the boundary, and overall, this feature would continue to represent a significant feature in the locality, with its value enhanced.
119. The concerns that future occupants could seek to remove the hedgerow (as existing occupants could), or create new accesses are noted. This is partly addressed in the highways section of this report, however, from a heritage perspective the subdivision of the plot adds greater risks to the hedgerow due to split ownerships, and the removal of the feature would cause significant harm to the character of the area. As such, a condition preventing the hedgerow from being removed is recommended.
120. The Main Street hedgerow would require realignment to improve visibility for both the proposed access and the existing access from Long Lane. The existing low managed hedgerow contains a mix of native and restocked ornamentals and would be directly replaced with a traditional native feature set marginally further back into the plot, and as such the development would secure an appropriate green frontage, protecting the important characteristics of the area. A condition preventing the erection of any gates to the access without the prior approval of the Borough Council would also seem necessary given the prominence of the location.
121. Concerns over permissive rights and the potential for outbuildings is noted, and the possible erection of further outbuildings and or fences across the site could impact the character and appearance of Long Lane and the wider conservation area. As such a condition confirming the dwellings 'principal elevation' is considered as elevations facing south and east, and removing permissive rights for any boundary treatments, is recommended. The dwelling roof designs do not allow great scope for roof extensions, whilst the sites conservation area location protects the scheme from permissive side extensions and larger rear extensions. Subject to this condition it is considered that future development could be adequately controlled to protect the character and appearance of conservation area.
122. The retained brick outbuilding is proposed to be retained for use as a bike store. The retention of this building would ensure it remains a positive feature in the conservation area, pre-dating the existing dwelling on site. It is considered necessary to condition the submission and agreement of a scheme of works for the appropriate repair and conversion of this building for use as a bike store for

the site.

123. Subject to the above, and following careful assessment, it is considered that, in line with the recommendations of the Borough Conservation Officer, the scheme proposed would successfully preserve the special architectural and historic character of the Hickling Conservation Area, and the setting of nearby Listed Buildings including the grade II Listed Malt House Farm. As such the scheme would be considered to meet the desirable criteria of both Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The scheme would also accord with policy 28 of the LPP2 and section 16 of the NPPF.

#### Archaeology

124. The County Archaeologist has provided detailed comments on the application. They consider that given the proposed development sits at the junction between two significant route ways, and that the earliest mapping is ambiguous, with identified earthworks adjacent to the west indicating that there was formerly settlement in the immediate area, the site retains a reasonable potential of preserved remains of an early date, despite the modern development of part of the site. The Desk Based Historic Environment Assessment by Trent and Peake Archaeology agrees that the site may contain archaeological remains of interest and suggests it may be appropriate to secure review by condition.
125. As such the County Archaeologist has recommended a pre-commencement condition requiring a 'strip, map and sample' programme of works. Subject to such a condition it is considered that the scheme would comply with policies 28 and 29 of the LPP2, with the archaeological interest and potential of the site of a level where a site strip, map and sample would be most appropriate, with any remains unlikely to be of any such importance that retention in situ be required.

#### Amenities of Future Occupants

126. In terms of amenities of future occupiers, all plots would be serviced with appropriate gardens sizes and parking. Plot 1 would have two parking spaces, a garage, and a rear garden of some 200sqm. Plot 2 would have a northern rear garden of 145 sqm as well as a large southern front garden also of 145sqm, with access to two dedicated parking spaces. Plot 3 would have a northern rear garden of 75sqm as well as a private front garden of some 110sqm, also with access to two private parking spaces, whilst plot 4 would have two parking spaces and a single garage, as well as a northern rear garden of some 130 sqm, and a 110 sqm front garden to the south. Whilst the gardens of plots 2 and 3 would not achieve the recommended minimum 10m garden depth, as advocated in the Rushcliffe Residential Design Guide, the garden sizes and orientations, with north and south spaces for each plot, are considered appropriate to ensure that each property would benefit from appropriate private amenity spaces to serve the requirements of future occupants.
127. The garden spaces would also achieve appropriate levels of privacy. The first floor side window at The Brambles lie some 9.6m (measured off plan) from the site boundary of plot 4, ensuring the window would not cause any overlooking. Plots 2 and 3 would largely sit opposite the existing bungalows of Ashwood and Deepdale which are set further back in their plots to the south side of the road.

128. The Cottage and Burnetts lie to the south side of Long Lane along the road boundaries close to plot 1, and part of plot 2 and whilst separation distances from first floor windows would be between 7.5m and 5.5m, given the boundary features, suggested new tree planting to the south, and the size of the garden areas, the neighbouring windows would not be considered to be any significant constraint that would significantly prejudice the amenities of future occupiers.
129. Matters of noise and odours from the neighbouring farming operation to the north west have also been raised and have been subject to significant and lengthy investigation. The latest noise and odour reports, as well as a report on the agricultural operations of Malt House Farm were received in December 2020. These matters are discussed further below.

#### Air Quality/Odour

130. The Odour assessment identifies that the Application Site is adjacent to Malt House Farm, a working dairy farm with 240 dairy cows and a limited number of dry cows, heifers and young stock, with which it shares a common boundary. The rearing of intensive livestock is classified as a 'moderately offensive' odour in the Environmental Agency's guidance. The report recognises in its introduction that, given the proximity of Malt House Farm to the Application Site, farm odours may have an effect on the Proposed Development, in particular plot 4 which is closest to the western end of the site boundary.
131. The Odour assessment has reviewed the planning history for the farm as well as information submitted by a member of the partnership of the farm. The closest potential odour source to the Application Site is the covered livestock shed (approximately 2,250m<sup>2</sup> in area) to the north-west, approximately 35m from the shared boundary. The report understands that the majority of the main herd at Malt House Farm are kept indoors throughout the year which represents approximately 85% of the herd and represents the milking cows. The remaining 15% are kept in the fields.
132. Details of farmyard manure generation are considered within the report, including manure types and storage locations. The farm has received no odour complaints in the last 5 years that have been logged with the Borough Environmental Health Team.
133. The report draws to conclude that the 'normal' and 'worst-case' assessments predict a negligible and slight adverse effect from odour respectively. The report confirms that The Institute of Air Quality Management guidance states; "*Where the overall effect is greater than "slight adverse", the effect is likely to be considered significant. This is a binary judgement: either it is "significant" or "not significant."*"
134. The report therefore finds that the overall impact of potential odour from Malt House Farm on the proposed development is considered to be not significant in both the 'normal' and 'worst-case' assessments and the application site is therefore considered suitable for the proposed end use.
135. The Borough EHO has raised no objections to this latest report and its conclusions. As such, whilst the concerns of the local population are noted, following significant technical evaluation, there is no technical evidence to support a conclusion that the new dwellings would be placed into an area that

is likely to result in unacceptable exposure to sources of pollution or risks to safety, as required under policy 40 of the LPP2 and under section 15 of the NPPF. Pollution and odour issues would therefore not be considered to cause any notable amenity issues for future occupants. In this regard the scheme would be considered compliant

### Noise

136. With regard to acoustics and potential noise impacts, the acoustic assessment identifies that main noise constraints for the site arise from traffic along Main Street, and the use and operation of Malt House Farm to the north and west. Road noise is identified as intermittent with on street parking often limiting speeds to lower than the 30mph limit.
137. The report finds the main centre of activity for the farm appears to be in the large central building from which machinery and livestock can be heard. It is understood that the building to the north are used to house young stock and that although these buildings are used all year round, they are at full capacity during the winter months.
138. Noise surveys were undertaken on site from Tuesday 12 to Tuesday 19 May 2020 and Wednesday 16 to Friday 18 December 2020 to determine the weekday and weekend diurnal (day to day) noise climate over a normal working week. Survey equipment was located close to the sites north western boundary which was considered the most at risk area of the site in terms of noise disruption from the farming operations. Further attended monitoring was also made from a position 5m back from the Main Street kerbside.
139. The report finds no significant constraints to development, and that whilst farming operations may vary across the year, the baseline from the May and December assessments leaves the predominant site noise as road noise and birdsong. Standard double glazing would achieve appropriate internal noise levels to all plots, and whilst internal levels would still be readily achievable with windows 100mm open and venting based on the survey findings, trickle vents are also proposed to allow venting with windows closed if required.
140. In terms of external areas, the erection of a 2m tall timber fence with gravel board is recommended to the west of plot 4, and north of plots 3 and 4, inside the existing hedgerows. Such features are identified to provide a significant betterment and would ensure the intermittent noise from the farm would not have any significant impacts on gardens.
141. The Borough EHO has again raised no objections with this latest assessment, and has recommended that the mitigation (fencing, glazing specification and vents) be conditionally controlled in the interests of amenity. Again, whilst the significant concerns of neighbours are noted with regard to proximity and operation of the farm, following investigations there appears no significant constraints in terms of acoustic disturbance that would cause any significant constraint to the amenities of future occupants, either internally or externally.
142. In this regard the scheme would be considered compliant with policy 40 of the LPP2 and section 15 of the NPPF.

Amenities of Neighbouring Residents

143. Significant concerns have been raised by neighbours relating to privacy, overbearing and overshadowing concerns, as well as noise and nuisance related to use of gardens, houses and deliveries.
144. Long Lane is an un-adopted road/track, with a well-established public right of way along its length running from Main Street up to the Hickling Standards. The building frontages along Long Lane are therefore considered as active frontages to this important and historic route, where public activity and access is expected and established.
145. Ground floor windows to plots are unlikely to generate concerns with established vegetation and the active road between sites, and whilst first floor windows generate potential for overlooking, the window arrangement includes a predominant use of bathrooms to first floor south elevations, with any such windows to be obscure glazed.
146. In carefully assessing these relationships, it is noted plot 1 includes no first floor side windows to the southern elevation, only one to the north which would be obscure glazed. Whilst concerns have been raised about the ground floor south facing bi-folding doors serving the dining room in plot 1, these features would be more than 15m from the closest first floor windows on Long Lane properties, with intervening hedgerows and proposed tree planting. As such these ground floor features would not be considered to raise any undue privacy concerns.
147. Plot 2 would have 2 south facing first floor windows in its front elevation, one serving a bathroom, and therefore obscure glazed, (western side) and one serving a bedroom (eastern side). The eastern window would be some 15m from the closest first floor bedroom window at The Cottage to the south, with an existing and to be retained hedgerow tree in the direct line of visibility. As such, this relationship would not be considered to raise undue concerns. This window would also be some 15m from the front boundary hedge of Ashwood. Whilst the neighbour comments about the use of this garden are considered, it must be assessed that this garden space for Ashwood represents a front garden area, with a private rear garden to the south of the property. Whilst undoubtedly the scheme would result in a change of outlook for the residents, along Long Lane in general, in assessing the impact of plot 2 and Ashwood, the separation distance is considered sufficient, and nature of the relationship across an active public access appropriate so that the scheme would not result in any significant or unacceptable loss of privacy.
148. Plot 3 proposes first floor windows either serving bathrooms or stairs and would sit behind the existing hedgerow Ash tree and would, as such, raise no overlooking concerns to properties to the south. Plot 4 would have two first floor windows in the south elevation, one to the eastern side serving a bathroom, and one to the western side serving a bedroom. The bedroom window would be some 19m from the secondary bedroom window in the side gable of The Brambles to the south, and as such given this separation, the scheme would not be considered to create any undue overlooking issues. The separation distances would also prevent any significant loss of privacy to the private garden of the Brambles, to which some limited snap views would be available down a corridor between the garage outbuilding to the east and the main dwelling.

149. In terms of the privacy of Cromwell Field Farm, only plot 2 would have a rear elevation directly looking towards this neighbouring property. The first floor rear elevation windows of this plot would be some 15m from the shared boundary, with additional boundary tree planting also proposed as well as in plot tree planting for plot 2. As such given the separation distances involved, and the size and layout of the neighbouring plot, the plot 2 dwelling would not be considered to cause any significant or unacceptable loss of privacy to Cromwell Field Farm.
150. In terms of overshadowing, the nature of the site due north of the neighbours on Long Lane, is such that the development would not result in any significant direct overshadowing impact to these properties. The dwelling to the north would also not receive any direct impact, by virtue of the 12m to 15m separation distances of any built development to the shared boundary of the plot.
151. In terms of possible overbearing impacts, the 6m deep 2 storey side gable of plot 1 would be closest to the north elevation of the rear wing alongside Long Lane serving Burnetts. This rear wing contains ground floor and first floor windows serving habitable spaces. The side gable of plot 1 would be some 9.8m at its closest from these windows, set behind a boundary hedgerow and set at a level matching and lower than the level of Long Lane. The gabled elevation would be notable in scale but would also contain detail such as ground floor windows with arched headers, a brick gable detail, eaves dentil coursing and corbelling. The elevation as such would have features of interest. Given the elevations depth (6m), the separation distances (9.8m min), and elevation design and roof form, it is not considered that this elevation would cause any significant overbearing impact on neighbouring windows. It is acknowledged the feature would produce a distinct change in outlook, however this change is not assessed to bring about significant overbearing concerns, with open spaces retained east and west of the side elevation.
152. The proximity of Plot 2 and The Cottage must also be carefully assessed. When utilising the suggested levels, building heights, site layout and separation, and incorporating a best assessed gauge of the internal levels at the cottage being some 450mm below adjacent ground level, the scheme would still pass the 25 degree guideline for site of sky. Given further intervening hedges and trees, it is not considered that the scheme would be overbearing towards existing residents at The Cottage.
153. The 29m separation distances between Plot 2 and Ashwood and the 26m separation between plot 3 and Deepdale opposite would be significant enough to prevent any potential overbearing concerns, with the 10m wide proposed dwellings separated by a 13m wide gap, softening previous concerns over a permanent run of built form having a significant combined impact. Whilst the proposed outlook from these neighbouring bungalows would represent a change to the existing view of the single dwelling within the plot, that view is not something which can be afforded any great weight in the decision making process.
154. Bramble Cottage sits side onto Long Lane and a secondary bedroom window is the main habitable room feature to this elevation. Given this is at first floor level, and a secondary feature set some 19m from the front elevation of the plot 4 property, this relationship would unlikely raise any undue concerns over overbearing impacts to this property. A kitchen window also exists in the north elevation of the single storey element of Bramble Cottage alongside Long Lane.

Given the retained hedgerow along the south of the application site, even following a management regime to maintain a 1.8m height, this feature would provide screening between the plots and prevent any undue overbearing relationship.

155. In terms of noise and disturbance the development would not result in any increase in the vehicular use of Long Lane which runs close to windows on a number of properties to the south. The site access road be located to the opposite side of the new dwellings and would run closer to the northern site boundary. The access location has been revised to a more central location within the site, running to the south side of the retained outbuilding before reaching a turning head towards the west of the site. This turning head would largely be located beyond the rear boundary of Cromwell Field Farm, south of land associated with Malt House Farm, with the small section adjacent the south western corner of the Cromwell Field Farm property site subject to a new 2m tall close boarded fence boundary. As such, the use of the access is not considered likely to raise any undue concerns of noise and disturbance impacts to neighbouring residents to the north.
156. Neighbour concerns of noise disturbance from the use and maintenance of gardens by future occupants would not be considered to raise any significant concerns, particularly given a long established access runs between the sites which is publicly accessible as a PROW.
157. Neighbours have also referenced disturbance from light pollution. The scheme proposes traditional style units with openings of traditional scale, not including any large areas of glazing. As such the scheme would not be considered to give rise to any significant light pollution impacts. External lighting could be adequately controlled by condition.

### Ecology

158. In terms of ecology, the scheme has been supported by an ecology survey, a bat survey, a biodiversity net gain assessment and a hedge management note. These surveys and reports have all been found valid and in accordance with best practice by the Borough ESO.
159. The ecology survey found the main dwelling to be of low to negligible potential for roosting bats, therefore requiring the production of a bat survey to determine whether or not the building was being used by bats. The other buildings were all identified as being of negligible roosting potential. The bat survey found no bats emerging from or associating with the building fabric, although bats were active in the area particularly along the southern hedgerow and western section of the site. As such the building demolition would not require to be covered by a European Protected Species Derogation Licence.
160. A bat dropping was located underneath a potential roost feature on the dwelling and as such a precautionary approach has been advised during demolition, with the southern soffits to be removed by hand and in the presence of a qualified and licensed bat ecologist. The ecology report also clarified that any exterior lighting should be bat sensitive, which could be appropriately controlled by planning condition.

161. The ecology report found the site to consist of habitats including amenity grassland; species-poor neutral grassland; native hedgerow; ornamental planting; allotment areas and bare ground. The site is also located within 100m of a pond which could support Great Crested Newts, whilst the site provides potential habitat suitable for nesting birds, grass snakes and hedgehogs.
162. The report advises that any building demolition and shrub removal takes place outside the bird nesting season. If this is not possible then an advanced check of vegetation shall be carried out by a suitably qualified individual. This could be appropriately controlled by planning condition. Amphibian and reptile precautions were also recommended which could be controlled through the submission of a construction environmental management plan. This could also cover the removal of the Cotoneaster and Cherry laurel plants, both of which are recorded as invasive species.
163. In terms of biodiversity enhancement, the scheme proposes the installation of bat tubes (one per property), the use of hedgehog gaps in fence lines, and the installation of a range of bird boxes including sparrow terraces (x4), and wooden bird boxes (x12) to suit a number of species. The implementation of these enhancements could be secured by condition, whilst the loss of neutral grassland habitat could be covered under the landscaping submission which is to be required by condition.
164. Policy 38 – ‘Non-Designated Biodiversity Assets and the Wider Ecological Network’ states that where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity. It is considered that the scheme can demonstrate it will appropriately preserve priority habitats and commit to generate a net gain for biodiversity, according also with the aims of policy H5 of the emerging neighbourhood plan.

### Landscape

165. In terms of landscaping, the Borough Landscape Officer does not object to the removal of the existing old apple trees and internal site planting, with the site external hedgerows to be largely retained, save for the Main Street frontage which will require realignment to increase visibility for both the new access and the Long Lane junction.
166. Following revisions to the site layout, the proposed developments would be sited a sufficient distance from any boundary trees to ensure the scheme would not impact upon the viability of these retained features. Tree and hedge protection measures will be required for retained features and could be secured by appropriate condition.
167. An indicative landscaping scheme has been submitted which suggests new native hedgerows across the internal site boundaries, to the Main Street frontage and for infilling the gaps to the Long Lane frontage. New tree planting is also indicated with suggested locations along Long Lane, Main Street, the northern site boundary and within the site. The landscape officer has agreed that this represents a quantum of landscaping that would be appropriate, and that a detailed scheme should be secured by appropriate condition.

168. The 'hedge note' identifies the southern hedgerow along Long Lane would appear to be a defunct native Hawthorn hedgerow which has been gradually infilled with various ornamental and other hedging species and now comprises an extent of mature ornamental shrub planting, formed of a mixture of native and non-native shrubs. The note suggests that the hedgerow be reduced to 1.8m in height (save for any trees to be retained), and suggests the hedge be stocked up with native species including blackthorn and Field Maple. The landscape officer does not object to this proposal, however in line with their original comments, a 5 year hedge management plan and detailed scheme to aid the hedges rejuvenation would be considered prudent and could be secured by condition.

### Highways and Parking

169. In terms of highways and parking, the revised scheme has been supported by a highways report with a re-positioned access demonstrating appropriate visibility splays of 2.4m by 43m and of appropriate width to allow two cars to pass at the entrance to the site. Whilst local comments have raised concerns regarding highway safety at the access point due to the proximity to Long Lane, Harles Acres and parked cars, the LHA have confirmed that the new access position and re-aligned hedgerow for visibility would ensure an appropriate site access that would not raise any significant highway safety concerns.
170. The three bedroom dwellings would all be provided with two off street parking spaces, whilst two properties would also benefit from separate detached single garages. This provision would be in accordance with the highway design guide in terms of residential parking provision. Over and above this, the site would also provide two visitor spaces in laybys to the northern side of the shared access road. As such the scheme would be considered to offer appropriate site parking provisions.
171. Local concerns regarding access to and from Long Lane are noted. The revised scheme has proposed all existing access points to Long Lane are closed off, and that the scheme does not provide even pedestrian gates to this boundary. An appropriate planning condition could seek to adequately protect the boundary hedgerow and prevent residents creating access through to Long Lane.
172. In light of the site not having access to Long Lane, the Borough Street Naming and Numbering Officer has confirmed that any new dwellings could not have an address on Long Lane. As such there should be no change to the existing use of Long Lane in terms of vehicular usage.
173. In terms of site servicing, a new bin collection point is proposed, set behind the boundary hedge to the Main Street site boundary, allowing refuse collections from Main Street. The site includes turning facilities for vehicles including home delivery vans and a fire appliance as demonstrated on the site tracking drawings.
174. The LHA have recommended a number of planning conditions which would seem pertinent, however it is proposed these conditions are re-phrased into a highways scheme for submission and approval rather than individual elements relating to gradient, surfacing and drainage etc.

175. The site access has not been tracked for the Borough refuse vehicle, with a waste collection point to the site access. The recommended carry distance for waste collections is 30m, however plots 2, 3 and 4 would all have a maximum circa 60m carry distance to the site access. Whilst this would be greater than the recommended carry distances, this would not be considered any significant amenity or servicing issue that would be reason for refusal, with residents still having access to appropriate collection points servicing the site.
176. Notwithstanding the above, in order to allow for some element of flexibility, a condition covering exact design and final location of the bin store is considered prudent, with the collection point, if designated, having the potential to be set back 25m from the highway into the site. This would allow the potential to minimise resident drag distances, within the tolerance of collection crew travel distances should it be deemed necessary.

### Flood Risk and Drainage

177. Significant flooding concerns have been raised during the course of the application. The site lies within flood zone 1, at the lowest risk of flooding from fluvial sources. In terms of surface water, the surface water flood maps indicate pooling can occur along Main Street and that flows can emerge down Long Lane. The application site is not identified as having a surface water flooding issue in itself. Notwithstanding this, the significance of local concern is understood, and the applicant has submitted a drainage strategy as part of the application in order to demonstrate how the site would be suitably drained.
178. The drainage strategy has been based on the original submission for five dwellings. As such the impermeable areas on site will be reduced from the figures quoted. The drainage strategy was based upon impermeable areas making up 40% of the site, with the remaining 60% landscaped (12% and 88% as existing).
179. It is identified that the site geology is predominantly low permeability clays and mudstones and, therefore, that a soakaway based discharge would not be feasible. The nearest watercourse is also some 230m away, beyond land outside the site's ownership and therefore unfeasible to access. As such the scheme proposes the use of an on-site attenuation tank that would store surface water run-off before releasing this to the public sewer under Main Street at a controlled rate of flow, limited to 5 litres per second. The scheme proposes elements of permeable paving to slow run off rates and increase water treatment before it reaches the attenuation tank, whilst identifying all houses should be served by a water butt.
180. The drainage report showcases that in terms of run off rates, in storm events greater than a 1 year event the scheme will provide a betterment in terms of run-off delivery rates to the drainage systems with a maximum flow to the combined sewer of 5 litres a second.
181. The Lead Local Flood Authority have endorsed the findings of the report and the proposed methodology, and notwithstanding the significant local concerns, have confirmed they have no objection to the details submitted.
182. The drainage scheme has sought to follow the drainage hierarchy, and has identified that existing soils are largely of low permeability unsuitable to act as

soakaways. The scheme has been demonstrated to show a betterment in terms of surface water capture and treatment and would limit run-off flows into Main Street to a greater extent than the existing site layout in significant storm events such as those which have historically caused local flood events.

183. A revised and final drainage plan could be required by condition given the further site layout revisions, however subject to this, the scheme would be considered compliant with policy 18 'Surface Water Management' of the LPP2 which identifies surface water drainage should be delivered in accordance with the drainage hierarchy, with solutions seeking to enhance biodiversity and existing green infrastructure/drainage features at a level proportionate with the scale of the site.
184. Issues over the ongoing management and maintenance of the local sewerage systems within Main Street is a matter for Severn Trent to be engaged over, outside of the planning process. Any new dwelling/development has a legal right to connect to the existing sewerage system for which there is a separate approval process which must be undertaken between the developer and Severn Trent Water.

#### Other

185. Following the noise and odour assessments which have been accepted by the Borough EHO and demonstrate acceptable working relationships between the proposed dwellings and the Malt House Farm can be expected, it is not considered that the scheme would risk the operational viability of the existing and longstanding farming operation at Malt House Farm.
186. The Borough Environmental Health Officer has requested that a condition be applied requiring a construction method statement to be submitted. Given the sites close proximity to neighbours this would seem reasonable and necessary in the interests of the amenities of the area.
187. The Borough Environmental Health Officer has also recommended that no works commence until such time as a minimum of a desk based contaminated land survey has been submitted to and approved by the local authority. Again, this would seem reasonable in order to protect the residential amenities of future occupants. With regard to the potential for asbestos, an informative note to applicant regarding the potential for asbestos and the requirements for specialist removal would seem most reasonable and proportionate, given the removal of this material is covered by separate legislation.
188. The LPP2 sets out in policy 12 that all new dwellings should meet the higher 'Optional Technical Housing Standard' for water consumption as Rushcliffe being an area that has been identified as having moderate 'water stress' (i.e. scarcity). It would therefore seem reasonable to condition the dwellings meet this standard, which will require any developers to notify building control who will in turn ensure the building meets the higher standards as part of their process. A note to applicant regarding this process would also seem reasonable.
189. In order to support air quality aims and the move to more sustainable modes of transport, a condition requiring the submission of a scheme to providing an electric vehicle charging point to each property is considered appropriate.

## Conclusions

190. Policy 11 - Housing Development on Unallocated Sites within Settlements - this policy recognises that Planning permission will be granted for development on unallocated sites within the built-up area of settlements 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;
  - d) the proposal would not result in the loss of any existing buildings considered to be heritage assets unless the harm is, in the case of designated heritage assets, outweighed by substantial public benefits or, in the case of non-designated heritage assets, the loss of significance to the asset is justified;
  - e) the proposal would not have an adverse visual impact or be unduly prominent from locations outside the settlement;
  - 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.
191. Given all the matters as considered through this report, and having assessed the development proposal against the policies set out in the development plan for Rushcliffe, including the overarching policy 11 for development of unallocated sites within settlements, the scheme is considered to be acceptable. Therefore, it is recommended that planning permission is granted, and that permission for relevant demolition of an unlisted building in a conservation area is also granted.
192. This application has been subject to pre-application advice. Further discussions have taken place during the consideration of the application in an attempt to resolve issues raised by interested parties, which has resulted in the submission of additional information. This has ultimately resulted in a favourable recommendation to the Planning Committee.

## **RECOMMENDATION**

- (i) 20/00619/FUL - 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:
    - Proposed Site Layout – ‘GA327-01H’ – Received 14/09/2020;
    - Proposed Plot 1 Plans– ‘GA327-03A’ - Received 06/07/2020;

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- Proposed Plot 1 Elevations – ‘GA327-04B’ – Received 06/07/2020;
- Proposed Plot 2 Plans– ‘GA327-05B’ - Received 14/09/2020;
- Proposed Plot 2 Elevations – ‘GA327-06C’ – Received 14/09/2020;
- Proposed Plot 3 Plans– ‘GA327-09B’ - Received 14/09/2020;
- Proposed Plot 3 Elevations – ‘GA327-10D’ – Received 14/09/2020;
- Proposed Plot 4 Plans– ‘GA327-11B’ - Received 14/09/2020;
- Proposed Plot 4 Elevations – ‘GA327-12C’ – Received 14/09/2020;
- Proposed Garage Plans and Elevations – ‘GA327-13C’ - Received 14/09/2020; and
- Proposed Street Scene Elevations – ‘GA327-14D’ – Received 14/09/2020;

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

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting, in the interests of amenity 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 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No operations shall commence on site until a construction and demolition method statement detailing techniques for the control of noise, dust and vibration during construction, along with a construction access strategy and site materials storage strategy has been submitted to and approved by the Local Planning Authority. Thereafter the works shall only be carried out in accordance with the approved method statement.

[This condition is pre-commencement to ensure adequate controls are in place prior to works starting in order to protect the amenities of the area and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. No operations shall commence on site (including demolition) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP will build upon the recommendations of the submitted Ecological Appraisal, bat survey and recommendations of the Borough Environmental Sustainability Officer. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

[This is a pre commencement condition to ensure that ecological matters are adequately considered at an early stage and 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 Policy 17 of the Rushcliffe 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].

6. Notwithstanding the Historic Environment Desk-Based Assessment by Trent and Peake Archaeology submitted with the application the development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a Written Programme of Archaeological Investigation (WPAI) has been submitted to and approved in writing by the Local Planning Authority. The WPAI must include the following:

- a methodology for site investigation and recording of archaeological items and features;
- a timetable for carrying out such investigations on the site;
- a programme for post investigation assessment;
- provision for the analysis of the site investigations and recordings;
- provision for the publication and dissemination of the analysis and records of the site investigations;
- provision for the archive deposition of the analysis and records of the site investigation;
- nominate the qualified archaeologist or archaeological group who will undertake the works set out in the WPAI.

The development hereby permitted must be carried out and completed in accordance with the approved WPAI.

The development hereby permitted must not be occupied or brought into use until a written report detailing the results and post investigation assessments of any archaeological works that have been undertaken on the site has been submitted to and approved in writing by the Local Planning Authority.

[This is a pre-commencement condition to ensure that any archaeological items and/or features are recorded in a manner proportionate to their significance and to make the recorded evidence (and any archive generated) publicly accessible, having regard to Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); and Policies 28 (Historic Environment: Conserving and Enhancing Heritage Assets) and 29 (Development Affecting Archaeological Sites) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (February 2019)].

7. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a written report of the findings of a Preliminary Risk Assessment (PRA) of the nature and extent of any contamination affecting the site, whether or not it originates from the site, has

been submitted to and approved in writing by the Local Planning Authority. The PRA must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM). As a minimum the PRA must include the following:

- i. a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses;
- ii. the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface;
- iii. the development of an initial 'conceptual site model' (CSM) which identifies and qualitatively assesses any potential source – pathway – receptor (contaminant) linkages;
- iv. basic hazard assessment identifying the potential risks from any contaminants on:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - Adjoining land;
  - Ground and surface waters;
  - Ecological systems;
  - Archaeological sites and ancient monuments.
- v. Recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.

Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority.

Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:

- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
- the proposed remediation objectives and criteria; and,
- a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of

any necessary waste management documentation.

[This is a pre-commencement condition to ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 178 and 179 of the National Planning Policy Framework (February 2019)].

8. No operations shall commence on site until a detailed foul and surface water drainage scheme building upon the drainage strategies identified within the 'Flood Risk and Drainage strategies Report - Soakaway Solutions - HIC/REP/001 – Rev A' has been submitted to and approved in writing by the Borough Council. The development shall only be carried out in accordance with the approved schemes, which shall thereafter be maintained throughout the life of the development.

[This is pre-commencement to ensure the proper drainage of the site, and that the measures can be incorporated into the build, and to accord with the aims of Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy, and Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. No operations shall commence on site until finished site and floor levels, including cross sections and levels for the landscaped areas have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall only be implemented in accordance with the finished site levels so agreed.

[This condition is pre-commencement given the agreement of finished levels will need to be resolved prior to any excavation taking place. The condition is required 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].

10. The development hereby permitted shall not proceed beyond foundation level until details (including samples where appropriate) of all materials to be used on all elevations of the buildings, including details of fenestration and any architectural details, have been submitted to and approved in writing by the Borough Council. The development shall only be undertaken in accordance with the materials and details so approved.

[To ensure the appearance of the development is satisfactory and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) 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].

11. The development hereby permitted shall not proceed beyond foundation level until a detailed hard and soft landscaping scheme for the site has been

submitted to and approved in writing by the Borough Council. The submitted scheme shall be in general accordance with the indicative landscaping layout as shown on the approved site layout plan, shall have regard to the requirements of the biodiversity enhancement strategy required by condition 11 and also the requirement to gap up and rejuvenate the southern hedgerow, including the following minimum details:

- Detailed planting plans;
- The treatments proposed for all ground finishes, including hard and soft landscaped areas;
- Details of all boundary treatments; and
- Planting schedules, noting the species, sizes, numbers and densities of plants.

The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development and managed thereafter in accordance with the approved maintenance schedules. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. The development hereby permitted shall not proceed beyond foundation level until an updated Biodiversity Enhancement Strategy has been submitted to and approved by the Borough Council. The updated assessment shall build upon the commitments made within strategy report by 'BJ Colins Protected Species Surveyors' dated June 2020, taking account of the revised site layout, and making provision for the mitigation of the loss of neutral grassland.

The approved scheme of hard fittings such as bat and bird boxes shall be implemented prior to the occupation of any dwelling, with any landscaping based enhancements included as part of the detailed landscaping scheme required under condition 10.

[In the interests of amenity and biodiversity and to comply with Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. The development hereby permitted shall not proceed beyond foundation level until a scheme for the provision of Electric Vehicle Charging Points (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type and location of the proposed EVCP apparatus. The dwellings hereby permitted must not be first occupied until the EVCP has been installed in accordance with the approved details. Thereafter the approved EVCP must be retained on the site in perpetuity.

[To promote a reduction of carbon emissions within the Borough and ensure that the development does not exacerbate poor air quality having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

14. The development hereby permitted shall not proceed beyond foundation level until a scheme for the restoration, repair and conversion of the retained brick outbuilding to a communal bike store has been submitted to and approved by the Local Planning Authority. The scheme must include the following details:
- Floor Plans and Elevations for the building as existing and as proposed;
  - A structural report identifying any necessary repairs required to the building;
  - A scheme of works for the conversion of the building and any necessary repairs; and
  - Details of long term building management/ownership;

No dwelling shall be occupied until such time as the approved scheme of works for the outbuilding has been completed and the structure made available for use. The structure shall thereafter be managed, maintained and retained available for the use of residents for the lifetime of the development.

[To ensure the appearance of the development is satisfactory and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) 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].

15. The development hereby permitted shall not proceed beyond foundation level until a scheme for access works and stopping up has been submitted to and agreed by the local planning authority. The scheme of works shall include the following details and information:
- The use of a hard surfaced and bound material for the first 5m behind the highway boundary;
  - Access road gradients showing provision of a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, and never exceeding 1:12 thereafter;
  - A scheme for the appropriate drainage of the access driveway/parking/turning areas to prevent the unregulated discharge of surface water from these areas to the public highway;
  - Specification for the new dropped kerb vehicular crossing;
  - A scheme for the stopping up of the existing site access to Main Street including the reinstatement of the footway; and
  - A scheme for the stopping up and permanent closure of the existing accesses onto Long Lane.

The development shall be constructed in accordance with the approved scheme of works and these provisions shall then be maintained in such condition for the life of the development, with the parking/turning/servicing areas not to be used for any purpose other than parking/turning/loading and the unloading of vehicles.

[In the interests of highway safety and to ensure compliance with Policy 1 (Development Requirements) and policy 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. Prior to occupation of any of the dwellings hereby approved, a hedgerow management scheme in relation to the hedgerow running along the southern boundary of the site shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall detail any new planting required within the hedgerow for gapping up and rejuvenating the hedgerow, the height at the western end of the hedgerow shall be reduced to and maintained at between 1.8m and 2.2m following completion of the development and details of how the ongoing maintenance of the full hedgerow at the agreed height is to be managed. The southern boundary hedgerow shall thereafter be maintained and managed in accordance with the approved details for the first 5 years following first occupation of the development.

[To ensure the hedgerow is preserved for the lifetime of the development in the interests of the visual amenity of the area and the character and appearance of the landscape and adjacent Conservation Area, in accordance with policies 1 (Development Requirements), 22 (Development within the Countryside) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Borough Local Plan Part 2 : Land and Planning Policies].

17. Prior to the use commencing, final details of the siting, external finish and design of the proposed bin store shall be submitted to and approved in writing by the Borough Council. The bin store shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development.

[To protect the amenities of the area and to comply with policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) 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].

18. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. GA327/01H are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m metres in height.

[In the interests of highway safety and to ensure compliance with Policy 1 (Development Requirements) and policy 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

19. The development shall not be brought into use until the existing site access on Main Street that has been made redundant as a consequence of this consent has been permanently closed and the access crossing reinstated as footway in accordance with details first submitted to and approved in writing by the Local Planning Authority.

[In the interests of highway safety and to ensure compliance with Policy 1 (Development Requirements) and policy 11 (Housing Development on Unallocated Sites within Settlements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

20. The development shall not be brought into use until such time as the acoustic mitigation measures as detailed under section 8 of the submitted acoustic report produced by 'Hoare Lea', revision 4, dated 20<sup>th</sup> December 2020 have been fully implemented.

[To ensure that future occupiers of the development hereby approved are not adversely affected by unacceptable noise pollution from *the adjacent agricultural use* having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

21. Prior to the installation of any external lighting, details of any such lighting shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance. Any submission must have regard to guidance for bat sensitive lighting guidance. The lighting shall be installed only in accordance with the approved details and maintained thereafter.

[To protect the amenities of the area and to comply with Policies 1 (Development Requirements) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

22. 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].

23. No removal of hedgerows, trees or shrubs shall take place between the beginning of March and the end of September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any written confirmation should be submitted to the local planning authority.

[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].

24. For the purposes of Schedule 2, Part 1, 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) and for the avoidance of doubt, the south elevations of plots 2, 3 and 4 shall be considered as the buildings 'principal elevation'.

[The development is of a nature whereby future development of this type should be closely controlled, for the avoidance of doubt 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].

25. The following windows shall be permanently obscure glazed to level 5 of obscurity and fitted with restrictors so as to limit opening to no more than 100mm, save for emergency access and egress:

- Plot 1 – First Floor North Elevation – En-suite;
- Plot 2 – First Floor South Elevation – Bathroom;
- Plot 3 – First Floor South Elevation – Bathroom & En-suite;
- Plot 4 – First Floor South Elevation – Bathroom;

These windows shall be retained to this specification for the lifetime of the development.

[To minimise overlooking and loss of privacy to neighbouring property and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

26. 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 alterations to or creation of new windows to the south elevations of plots 2, 3 and 4 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 Rushcliffe Local Plan Part 2: Land and Planning Policies].

27. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no fence, wall, or other built form seen as a means of enclosure including any gates to the site access, other than those shown on the approved plans and approved under condition 10 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 Rushcliffe Local Plan Part 2: land and Planning Policies].

28. The southern boundary hedgerow alongside Long Lane shall be managed and maintained at a height of no less than 1.8m (once established at this height for sections to be planted) for the lifetime of the development, and there shall be no removal of any section of this hedgerow or new access (pedestrian or vehicular) created from any plot directly onto Long Lane at any time.

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area, to protect the amenity of neighbours and in the interests of highway safety in accordance with

Policies 10 (design and amenity Criteria), 11 (Historic Environment) and 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy and policies 1 (Development Requirements), 11 (Development on Unallocated Sites within Settlements), 28 (Conserving and Enhancing Heritage Assets) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) 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/>

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.
- No works or storage of materials or vehicle movements should be carried out adjacent to the ditch.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- 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

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

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel:

0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

Condition 20 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 development makes it necessary to construct a vehicular crossing over a footway of the public highway, together with reinstatement of redundant access. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 or at licenses@viaem.co.uk to arrange for these works to take place.

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

A Public Footpath is situated upon Long Lane. The developer must retain the existing width of Long Lane and not impact or change the surface of it without prior authorisation from the rights of way team. The public footpath must be kept available at all times.

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.

(ii) 20/00620/RELDEM - It is RECOMMENDED that planning permission for relevant demolition in a conservation area 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. This permission solely relates to the demolition as shown as required on the following approved plans:

- Existing Plans – 'MSH-BWB-00-ZZ-M2-G-0001' - Received 13/03/2020

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

only be carried out in accordance with the approved method statement.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing. To protect the amenities of surrounding residents and to comply with Policy 1 (Development Requirements) and Policy 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Prior to the commencement of demolition, a method statement detailing the methods by which existing trees on the site will be protected, shall be submitted to and approved by the Borough Council. The demolition works shall only be carried out in accordance with the approved method statement.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to demolition commencing. To protect the health of existing trees and to comply with Policy 37 (Trees and Woodland) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. If the demolition of the bungalow does not take place within 12 months of the date of this decision, an additional survey to determine if bats are roosting within the building shall be carried out, and the results and recommendations of which shall be submitted to the Borough Council for approval. The demolition of the bungalow shall thereafter be carried out in accordance with the recommendations as set out in the approved additional bat survey.

[To ensure that protected species and their habitats are not harmed as a result of the development, in accordance with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

### **Notes to Applicant**

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council on 0300 500 80 80 or at <https://www.nottinghamshire.gov.uk/waste-and-recycling/recycling-and-disposing-of-waste/asbestos-disposal-booking>