

**20/03285/FUL****Applicant** Mr Kevin Hard**Location** 21 Kendal Court West Bridgford Nottinghamshire NG2 5HE**Proposal** Demolition of Bungalow and Erection of 7 dwellings with associated Parking (Resubmission of 19/00791/FUL)**Ward** Abbey

## THE SITE AND SURROUNDINGS

1. This application relates to a mid to late 20<sup>th</sup> century suburban bungalow with a detached garage and private garden served by a private vehicular access from Radcliffe Road shared with a detached house and 6 blocks of maisonettes with garage blocks and communal parking & amenity space. The site also includes within the area edged red on the site and location plan the access from Radcliffe Road.
2. The Grantham Canal and towpath (which is a Local Wildlife Site) is adjacent to the northern boundary, with the rear gardens of properties on Rutland Road on the opposite side of the canal, and there is a three storey block of flats (Spring Court) close by to the south on Radcliffe Road. The wider area is characterised by predominantly Victorian and interwar suburban residential properties.
3. The site is located within and on the edge of the built up part of West Bridgford with open Green Belt countryside adjacent to the eastern boundary.
4. The site is within Flood Zones 2 and 3 on the Environment Agency's Flood Zone maps, although it is within an area which benefits from protection from flood defences along the River Trent.

## DETAILS OF THE PROPOSAL

5. The application seeks full planning permission for the demolition of the bungalow and the erection of 7 terraced dwellings within two blocks. The western block (Block 1) would accommodate 4 two bedroom properties with nine parking spaces to the front and a bin store to the side. The eastern block (Block 2) would accommodate 3 two bedroom properties, and the easternmost property would have a private garden. Except for the easternmost dwelling, bedrooms and bathrooms would be on the ground floor with living/dining rooms and kitchens on the first floor.
6. The siting of the dwellings would be slightly staggered, and the design and appearance would be a combination of traditional and contemporary with pitched roofs and large contemporary openings. The rear (north) elevations facing the canal would incorporate ground and first floor 'Juliet' balconies, and there would be flat roofed canopies above the front entrances. Each dwelling would have an individual dual pitched roof with gables facing the front and rear

elevations, and the rear elevation gables would incorporate bat boxes. Block 2 would incorporate a lower side projection to provide additional ground floor living accommodation to the easternmost dwelling, with an almost fully glazed eastern elevation and steps down to the private garden.

7. In order to minimise flood risk to future occupants, the ground floor levels would be 1220mm above ground level, with steps to the front entrances.
8. The materials would be facing (red & brown) brickwork and black aluminium cladding panels for the walls, grey aluminium for the canopies, and dark grey standing seam zinc for the roofs. Tarmac and block paving would be used for hard surfaced areas.
9. The plans also indicate landscaping including a native hedgerow along the northern boundary with the canal. A Flood Risk Assessment & Drainage Strategy has also been submitted.
10. As a result of comments from the Design & Landscape Officer and Waste & Recycling Officer, revised details have subsequently been submitted showing additional species to the proposed hedgerow, and amendments to the proposed bin store.

## **SITE HISTORY**

11. Permission was refused for demolition of the bungalow and erection of 10 apartments with associated parking and an appeal was subsequently dismissed in 2018 (ref. 17/02658/FUL).
12. Permission was refused for demolition of the bungalow and erection of 10 dwellings with associated parking (revised scheme) in 2020 (ref. 19/00791/FUL).

## **REPRESENTATIONS**

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

13. One Ward Councillor (Cllr Buschman) objects on grounds that there is no serious change to the application.
14. One Ward Councillor (Cllr Gowland) objects on grounds summarised as follows:
  - a. Cllr Gowland is actively in favour of building on brown field sites and comments that it is a pity that this application keeps coming back in an unacceptable form, and it would be good for everyone if a sensible plan could be brought forward which was acceptable to all. She hasn't met anyone she thinks who is against the principle building on this site.
  - b. The site is regularly flooded and the proposed development has been lifted presumably to stop it from flooding, but it is covering much existing green soakaway which will increase the risk of flooding to neighbours. The Ward Councillor wonders if the drains are adequate and who manages the drains running across the cul-de-sac. The previous plan noted emergency procedures comments about the difficulty of

evacuating and large number of residents in case of flood. The Ward Councillor can't see that this has materially changed (the numbers of residents will not be that much lower). The County Council have declined to comment on the flood risk but the Ward Councillor notes the map that suggests that the risk of flooding on Regatta Way by the football ground is a 1:100 year event for 20-50% increase in risk due to climate change, and it was flooded on 8 February.

- c. Crossing this part of Radcliffe Road is particularly dangerous due to the curve in the road, and it is impossible to believe that there would not be an increased risk of accidents with more people turning out of Kendal Court on to this major artery. Parking is also an issue and people currently park along the side of the estate which is within the rights of the residents as this is a private road. If this parking is lost there is a chance of grid lock on the cul-de-sac in the mornings as people try to turn around to go to work. Although the parking provision has improved compared to the previous plan, it is still inadequate. Where will residents of the new houses and visitors park given that, as the Ward Councillor, understands, they are not allowed to park on the private road.
- d. The proposed buildings go too close to the canal bank and will upset the rewilding that is occurring along there. This is a heavily used recreational space linking a number of other recreational areas. Clarification is required on the loss of habitat for bats. It is very unfortunate that a very large tree has already gone from the cul-de-sac which would have been home to a whole ecosystem. The Ward Councillor realises this is unrelated but comments that we need to retain green corridors through built up areas for ecology and humans.
- e. The houses are now taller than the previous flats, and the Ward Councillor assumes that this is to avoid flooding. The buildings are too tall and they will still be overbearing on the neighbouring properties, and residents standing at their front doors will be looking down on their neighbours. The new design will still lead to loss of light and cause loss of amenity. The end property is a chaotic design, with a very large window overlooking neighbouring gardens, and an ugly blank wall facing properties opposite the new block on Kendall Court and the canal. There is a ridiculously small space between the building and the hedge which clearly does not amount to a garden, and it seems highly likely that this space will become neglected leading to rubbish build up next to this public space and increased risk of vermin. There is no amenity space and residents would have to walk about 120m via the very busy and noisy Radcliffe Road to reach the canal bank.
- f. Why are the houses inverted? It is assumed this isn't a planning issue but suspect the designer thinks the downstairs will be too dark.
- g. The Ward Councillor comments that the applicant has delivered a leaflet which seems to suggest that the proposal will be more attractive from the canal than the existing maisonettes. The Ward Councillor considers that this is a bit harsh on the residents of Kendal Court but, from ground level, the view will be of a brick wall with these new properties which the Ward Councillor imagines most people will not feel is preferable to the maisonettes. The leaflet also says that these will be ECO homes and

the Ward Councillor comments that she may have missed it but cannot see anything about that on the plans and asks if there is space for sufficient proper insulation.

15. Two adjacent Ward Councillors (Cllr S Mallender and Cllr R Mallender) object on grounds summarised as follows.
  - a. The proposal is not substantially different in massing or number of dwellings to the previous applications, the first of which was rejected by the planning committee and by the Planning Inspector at an appeal.
  - b. The buildings are out of scale and character with the appearance of the quiet rural aspect of the canal and its surroundings which would detrimentally affect the amenity of many residents of Lady Bay and elsewhere who come to enjoy a quiet green space.
  - c. Loss of amenity to residents of Kendal Court and Rutland Road whose houses back on to that part of the canal, and the proposal is overbearing and would result in overlooking/loss of privacy and loss of light.
  - d. The canal is long-disused and has become a haven for wildlife that would suffer disruption and disturbance during construction. The hedge forming the boundary of the site removed prior to the previous application has been replanted by the Canals & Rivers Trust with the help of local volunteers from the Friends of Lady Bay Canal, and this newly planted hedgerow may be damaged or removed. The proposed development is designed to be right on the edge of the tow path, leaving no room for wildlife.
  - e. The proposal is likely to generate a greater parking requirement than the parking spaces provided and, unless a condition is added to limit vehicle ownership, this will result in considerable additional vehicle movements within a very small area, especially taking into account that the site is currently a single bungalow. Radcliffe Road is congested at peak times and a dangerous manoeuvre leaving or entering Kendal Court and causes a road safety concern for pedestrians and cyclists.

### **Statutory and Other Consultees**

16. The Borough Council's Environmental Sustainability Officer comments that ecological assessments provided to support application ref. 19/00791/FUL identified the presence of features suitable to support roosting and foraging bats (although no bats were using the features at that time), and has potential impacts on the adjacent Grantham Canal Local Wildlife Site (LWS). He notes that the survey is in date until May 2022. The site also has potential to support nesting birds, reptiles, hedgehogs and badgers. The favourable conservation status of protected species is unlikely to be impacted by the development, and the development provides opportunities for ecological enhancement including strengthening of the boundary with the LWS with a native vegetation buffer.
17. The Borough Council's Design & Landscape Officer comments that the application proposes a minimum distance between the alignment of the hedge and the building of 1m. For a hedge to form a reasonable screen it needs to be around 1m wide (0.5m either side of the centreline) which would give just

enough space between the hedge and the building to allow for maintenance. It might be preferable for the hedge to be managed as a whole and, given that hedges within or adjacent to residential properties cannot be protected, it would be prudent to use a condition to ensure retention and maintenance.

18. The application appears to propose an 'instant' hedge with 2m tall specimens at seven per metre which would create a reasonable screen that would thicken up with time. He thinks the hedge which was removed was predominantly Hawthorn, but this would be a good opportunity to introduce some additional species in the hedge to enhance biodiversity, such as 70-80% Hawthorn, with 20-30% made up of Hazel, Holly and native Dogwood/Privet etc. Some planting is shown to the front of the site so a landscaping condition would be required which should include replacing any plants that die within 5 years of completion.
19. The Borough Council's Environmental Health Officer has no objection. However, conditions are recommended to ensure the submission and approval of a contaminated land report and, where contamination exists, a remediation report and validation statement; the submission and approval of details to require existing soils and any soil or forming materials to be brought on to site for use in garden areas, soft landscaping, filling and level raising are tested for contamination and suitability for use on site; and the submission and approval of a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction. Notes to applicant are also recommended relating to construction times and, if required, the location of a crusher as far as possible from nearby properties.
20. The Borough Council's Waste & Recycling Officer comments that the development would require two residual waste and three recycling containers. He has concerns that the back wall of the bin storage area is the wall of a dwelling and on collection days this would be an annoyance to occupants from movement and banging of containers against the wall. He considers that there needs to be a physical barrier on the edge of the adjacent path to prevent damage to property, and can foresee the doors to the bin store being a hindrance when removing and returning containers, and considers that the configuration of doors is not acceptable. He has subsequently commented that the revised details address these comments.
21. The Nottinghamshire County Council as Lead Local Flood Authority comment that, as a statutory consultee, they should only be consulted on major developments with regard to surface water drainage. Having considered the scale of this application they believe that they are not required to respond to the application and, as such, they will not be making any bespoke comments. However, with respect to application ref. 19/00791/FUL, they raised no objection subject to a condition requiring the submission and approval of a Surface Water Strategy based on the principals of the submitted Flood Risk Assessment.
22. The Nottinghamshire County Council as Highway Authority comment that the proposed development would be served off of a private road and requires no works within the public highway to facilitate access. The distance of the plot from the highway coupled with controlled parking in the area means that any overspill parking is unlikely to affect the safe operation of the highway. In terms of traffic generation, the additional traffic generated on the local network is

anticipated to be negligible when compared to the existing flows on Radcliffe Road. In view of the above, there is no highway safety objection.

23. The Nottinghamshire County Council as Strategic Planning Authority comment that, as the proposed scheme is now only for 7 dwellings, it would fall below the threshold for which the County Council can request planning obligations, and therefore, they do not have any strategic policy comments to make.
24. The Environment Agency comment that the proposed development will only meet the requirements of the National Planning Policy Framework if the measures detailed in the Flood Risk Assessment relating to finished floor levels, flood warnings for occupants and an evacuation plan are implemented and secured by way of a condition on any planning permission.
25. They also comment that, in accordance with the National Planning Policy Framework (NPPF), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and that it is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. The proposed development is appropriate provided that the site meets the requirements of the exception test. Their comments relate to the part of the exception test that demonstrates the development is safe, and the LPA must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk.
26. Severn Trent Water (STW) comment that it is proposed to connect foul and surface water drainage to the public sewer which will be subject to a formal section 106 sewer connection approval, and they advise that surface water proposals should be discussed with the Lead Local Flood Authority for their requirements or recommendations regarding acceptable disposal methods or flow rates.
27. They also advise that there is a public sewer located within the application Site which has statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003, and that consent is required to build close to, directly over or divert a public sewer. The applicant is advised to contact STW to discuss the proposals and STW will seek to provide assistance in obtaining a solution which protects both the public sewer and the proposed development.
28. The Canals and Rivers Trust note that a significant factor in the refusal of the previous schemes and appeal decision was the harmful impact that the development would have on the character and appearance of the Grantham Canal, and particularly the dominating and urbanising effect it would have as a consequence of the massing created by the width and height of the development.
29. They comment that this revised development would also be a prominent feature along this stretch of the canal which has a semi-rural character as it approaches the edge of the built-up part of West Bridgford, although the site still adjoins existing housing to the south and west and faces the rear gardens of houses on Rutland Road. They acknowledge that, whilst the houses to the north of the canal are generally set well back from it, on the towpath side at this point, the houses and bungalow on the application site tend to be closer.

30. They also comment that the current scheme sits on a very similar footprint to those previously refused, and the two buildings are set a similar overall distance from the canal towpath. The design now proposed appears to be at least partly inspired by traditional canal side storage buildings, with the roofs orientated with ridges at right angles to the canal and gables facing the canal. This approach does help to break up some of the massing of the buildings, but their footprint remains very close to the boundary adjoining the canal towpath and this significantly reduces any gains achieved by reducing the massing of the buildings through making changes to the roof scape. Whilst the design of the current scheme represents an improvement, they remain unconvinced that the changes from previous iterations adequately address the impact on the canal arising from the construction of two relatively substantial buildings in such close proximity to the canal-facing boundary.
31. They refer to a former mature hedge along the northern site boundary with the towpath which was removed in late 2017. There remains some doubt over the ownership of the former hedge along the boundary with the canal and they acknowledge that the exact location of the boundary is a matter to be agreed between the Trust and the Applicant. Whilst they appreciate that this is not a material planning consideration, they are concerned that there is a lack of clarity as to the location of the newly planted hedge in relation to the application site red line boundary on the submitted plans. They consider that the treatment of the canal-facing boundary is a matter of some importance, as it will have a bearing on the impact of the development on the character and appearance of the canal corridor as well as potentially affecting the biodiversity value of the Grantham Canal Local Wildlife Site (LWS). Whilst there may be scope to retain the existing planting and even reinforce it with additional hedge planting within the application site, the proximity of the proposed buildings presents a risk that the existing planting will be adversely affected and that it, together with any additional planting, will not thrive in such an overshadowed location which could harm the biodiversity value of the Grantham Canal LWS.
32. They comment that there is a risk that construction operations close to the canal, particularly excavations associated with foundation construction, could create land instability which might adversely affect the structural integrity of the canal. Land stability is a material planning consideration, and they consider, therefore, that the detailed design and means of construction of the foundations for the proposed development are secured via a planning condition.
33. Cental West Bridgford Community Association object and comment that, although there are some discernible changes in this application compared with previous ones, particularly the reduction in height of the western block, in many respects it is significantly similar and still fails to address most reasons the Inspector gave for dismissing the appeal in 2018 (in relation to siting, scale and design/appearance). They do not, therefore, see that granting permission for this application could be justified.
34. They comment that, both the appeal inspector and The Canal & River Trust in responding to the current application, cite its detrimental effect on the semi-rural character of this canal as a major reason why the proposed development is unacceptable. The location of the site at the edge of the built-up area is a reason why its semi-rural character should be strongly protected. The site is a Local Wildlife Site, much treasured by the community as a green line and oasis

providing relief from the largely urban character of the business area and river crossings nearby.

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

35. 192 written representations raising objections and 32 supporting the application have been received predominantly from West Bridgford, with 1 objection letter on behalf of leaseholders of Kendal Court. A number have also been received from other parts of Rushcliffe including Radcliffe on Trent, and from outside Rushcliffe including Nottingham, Southwell, Matlock and as far as West Yorkshire and North Devon. A further 80 written representations raising objections have no specific address but claim to be from Kendal Court/Lady Bay/West Bridgford (the full comments are available on the website).
36. The objections can be summarised as follows:
- a. The development is too large and close to the canal and the three storey building is too high and intrusive and would be overbearing, and would have an adverse impact on the character of the area.
  - b. The dwellings have no particular merit in terms of design or amenity.
  - c. Loss of green space and negative impact on the enjoyment of the canal and tow path as a green corridor which is a valuable leisure facility and place of beauty.
  - d. Overshadowing and loss of light & privacy, and an oppressive outlook and loss of views for existing residents or Kendal Court and on the opposite side of the canal.
  - e. Would result in more traffic, accidents and congestion where there are already parking problems, and there would be no parking for visitors which would impact on residents of Kendal Court and surrounding streets. Residents/visitors would no longer be able to park along the site boundary, and there would also be restricted access for emergency vehicles and bin lorries.
  - f. Negative impact on a wide variety of wildlife around the canal during construction and from light & noise pollution once occupied, and it cannot be expected that the proposal would sufficiently provide the appropriate mitigation to deliver a net gain to biodiversity, and would certainly not compensate for the harm caused to the Grantham Canal.
  - g. The foundations required for the buildings would affect the integrity of the canal banks and tow path.
  - h. Potential increase in flooding and pressure on existing drainage/sewage facilities where there are already issues with blockages and excess surface water.
  - i. Nothing to support the claim that the proposed housing is 'eco'.
  - j. Doesn't meet the local housing need for bungalows.

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- k. Over intensive development of the site and too high density for the area.
- l. In these times under COVID it is important that people have private outside space; however, there would be very limited external usable space and it would be much more suited for a city centre rather a semi-rural location.
- m. Not a brownfield site as there has never been an industrial building on it.
- n. An improvement on previous proposals, but isn't substantially different and doesn't address previous refused applications.
- o. Would ruin the feel of community.
- p. The granting of this application could lead to others being approved on the same basis.
- q. Noise and disturbance during construction and potential danger for users of the tow path.
- r. Decrease in the current value of properties on Kendal Court.

37. The comments in support can be summarised as follows:

- a. The current bungalow and views of the houses behind the proposed development aren't very attractive, and the design of the development is visually more appealing and well considered and should enhance the area.
- b. Would not be overbearing, intrusive or detrimental to the canal and tow path.
- c. No intrusion of privacy to the canal tow path.
- d. Residents who live in Lady Bay should expect to have building around them. It's not a rural area.
- e. Need for more small properties, starter homes and homes for single people and young families, and additional residents would be helpful to local shops and pubs.
- f. The fact that these are eco-houses sets a good example for how we as a society should be trying to deal with widespread lack of housing.
- g. Other than temporary noise disturbance during development, wildlife shouldn't be significantly impacted.
- h. The area is not one of outstanding natural beauty, it is already developed.
- i. Modest developments like this are positive steps for continued evolution of Lady Bay.

## **PLANNING POLICY**

38. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP2).
39. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guide (PPG).
40. The Borough Council's Residential Design Guide (RRDG) is also relevant.

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

41. The National Planning Policy Framework 2019 (NPPF) includes a presumption in favour of sustainable development and states that, for decision-taking, this means approving development proposals that accord with the development plan without delay.
42. There are three overarching objectives to sustainable development: economic, social and environmental.
43. Chapters 12 (Achieving well designed places), 9 (Promoting Sustainable Transport), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) and 17 (Biodiversity) are relevant to the consideration of the proposal.
44. The National Planning Practice Guidance (NPPG) on flood risk and coastal change is also relevant.

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

45. The following policies in LPP1 are considered to be relevant to this proposal:
  - Policy 2 - Climate Change
  - Policy 3 - Spatial Strategy
  - Policy 8 - Housing Size, Mix and Choice
  - Policy 10 - Design and Enhancing Local Identity
  - Policy 16 - Green Infrastructure, landscape, parks and open space
46. The following policies in LPP2 are considered to be relevant to this proposal:
  - Policy 1 - Development Requirements
  - Policy 11 - Housing Development on unallocated sites within settlements
  - Policy 17 - Managing flood risk
  - Policy 18 - Surface Water Management
  - Policy 34 - Green Infrastructure and Open Space Assets
  - Policy 38 - Non-designated biodiversity assets and the wider ecological network

## APPRAISAL

### Principle of development

47. The site is located within the built-up area within a highly sustainable location, close to services/facilities and public transport links. In terms of the strategy for delivery of housing within the Borough in policy 3 of the Core Strategy, the site is at the highest level of the locational hierarchy. In addition, policy 11 of Local Plan Part 2 states that permission will be granted for development on unallocated sites within the built-up area of settlements subject to compliance with a number of criteria.
48. The site has a long established residential use, although it is considered that the existing bungalow does not have any particular architectural or historic merit. Whilst the comments in the written representations relating to a shortage of bungalows are noted, a refusal on grounds of the loss of one bungalow could not be justified.
49. In view of the above, it is considered that redevelopment of the site for residential purposes is acceptable in principle.

### Siting, scale & design/appearance and impact on the character of the surroundings

50. The social and environmental objectives of the NPPF refer to creating a high quality built environment, and protecting and enhancing our natural, built and historic environment.
51. Chapter 12 (Achieving well designed places) of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
52. Policy 10 (Design and Enhancing Local Identity) of the LPP1 states that all new development should be designed to make a positive contribution to the public realm and sense of place, create an attractive, safe, inclusive and healthy environment and reinforce valued local characteristics.
53. Policy 1 (Development Requirements) of LPP2 states permission for new development will be granted provided that the scale, density, height, massing, design, layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area, and would not lead to an over intensive form of development.
54. The Rushcliffe Residential Design Guide states that building designs should contribute to an active and attractive street environment. A positive design approach to the local context does not mean a repetition of what went before. Fenestration, the proportions of the building and use of related materials are all design matters that should take their lead from the neighbouring properties. Contemporary and innovative solutions which successfully address all of these issues are to be encouraged.

55. Kendal Court comprises 6 blocks of late 20<sup>th</sup> century two storey maisonettes with garage blocks, communal parking areas and amenity space served by a private vehicular access road. The built environment is "of its time" and has little architectural or urban design merit. The application site comprising a bungalow with private parking, garage and garden is somewhat of an anomaly within this setting. Adjacent to the west of Kendal Court are 69 Radcliffe Road, an early 20<sup>th</sup> century villa type house, and The Canal House, an early 21<sup>st</sup> century dwelling of traditional design within the original garden of no. 69. Both dwellings are immediately adjacent to the canal tow path.
56. Application ref: 17/02658/FUL which proposed two blocks of apartments with 3 storey accommodation and a maximum of 11.7m, was refused partly on grounds that the scale, height and massing of the buildings would be excessively dominant and would result in over intensive development of the site, and would be out of character with the area.
57. The Inspector who determined the subsequent appeal considered that the "*3 storey development would fill much of the plot that would create a massing of development that would be at odds with the 2 storey residential properties which stand within more spacious grounds which dominate the character of the area*", and would represent "*over development in the context of its immediate surroundings within Kendal Court.*"
58. The Inspector commented that the development would be located very close to the towpath and, "*...as a consequence of the massing created by its width and height would create a dominating urbanising effect in contrast to, and exacerbated by its edge of countryside location.*" The Inspector considered that landscaping in the form of a hedge would "*...only go some way in softening the impact of the development given the striking height of the building when viewed in close proximity from the towpath.*"
59. The Inspector also noted that, whilst there are other buildings located close to the towpath in the vicinity of the site, they benefit from being orientated differently or located on a bend in the canal, and are set further back from the canal than the proposal and are in many cases screened by vegetation.
60. Application ref: 19/00791/FUL, which proposed two and three storey accommodation with a maximum height of 10.3m, was refused on grounds that the siting and scale of the buildings would have a significant oppressive and overbearing impact upon both the Kendal Court street scene and environment experienced along the Grantham Canal tow path.
61. The siting/footprint of the two buildings now proposed would be very similar to the previous proposals, although the number of units has been reduced and seven dwellings are now proposed. The majority of both buildings would be the same height at 8.7m, although the eastern block would have a lower section which would be 6.9m in height. At the highest point the buildings would be 1.6m lower than the highest building proposed under application ref: 19/00791/FUL, and 3m lower than under the application refused and dismissed at appeal, ref: 17/02658/FUL, and would be of a comparable height to the maisonettes on Kendal Court (8.4m), 69 Radcliffe Road & The Canal House, and other two storey dwellings which predominantly characterise the wider area.

62. The design/appearance and massing has also been significantly changed. The buildings proposed under application ref: 17/02658/FUL and the eastern block under application ref: 19/00791/FUL were contemporary three storey apartment buildings, although the western block under the latter application was a terrace of dwellings of a similar form as proposed in the current application. Two blocks of terraced houses are now proposed, each with an individual dual pitched roof, with gables facing the front and rear elevations, and large contemporary openings. As the Canal and Rivers Trust notes, it appears that the roof design and form is inspired by traditional canal side storage buildings. The roof form, with individual gables to the front and rear elevations, together with the staggered footprint, would also help to address the concerns regarding massing relating to the previous proposals when viewed from Kendal Court and the canal tow path.
63. The two buildings would extend for around 55m along the canal frontage (including a gap of 4.5m between the buildings) and the development would be visible for some distance from along the canal either side of the site, changing the character of this section of the canal. However, there is not an absence of built development adjacent to the canal in the vicinity, with 69 Radcliffe Road & The Canal House nearby to the west and, at 9.8m and 9.3m in height, these building are higher than the proposed development. Having regard to the above, it is considered that the siting, scale, massing and design/appearance of the proposed buildings would not result in an unacceptable urbanising or dominating impact on the canal environment in this location, and the proposed hedgerow along the tow path frontage would help to soften the visual impact.
64. In view of the above, it is considered that the siting, scale, form, massing and design and appearance would be sympathetic to the character of the surroundings, and that the development would add to the quality of the area. Further details of external materials can be required by condition.

#### Amenity considerations

65. Chapter 12 (Achieving well designed places) of the NPPF states that planning policies and decisions should ensure a high standard of amenity for existing and future users.
66. Policy 8 (Housing Size, Mix and Choice) of the LPP1 states that all residential developments should contain adequate internal living space, and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants.
67. Policy 10 (Design and Enhancing Local Identity) of the LPP1 states development will be assessed in terms of its treatment of the impact on the amenity of occupiers or nearby residents.
68. Policy 1 (Development Requirements) of LPP2 states permission for new development will be granted provided that there is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated; is not overbearing in relation to neighbouring properties, and would not lead to undue overshadowing or loss of privacy.

69. The Rushcliffe Residential Design Guide (RRDG) includes guidance on separation distances and garden sizes, and sets out circumstances where exceptions to the guidelines may be acceptable, such as a site being in close proximity to public open space or open countryside.
70. Applications ref: 17/02658/FUL and 19/00791/FUL were refused partly on grounds that, by reason of its excessive height, scale and massing, the development would have an undue overbearing impact on neighbouring properties, particularly 9-12 and 13-16 Kendal Court, causing loss of outlook and light to habitable rooms.
71. The Inspector who determined the appeal into application 17/02658/FUL considered that the western block would “...create a restrictive and oppressive outlook” for the occupiers of 9-12 Kendal Court which include large living room windows to the front elevations facing the application site. However, the inspector did not consider that there would be any undue loss of light to these habitable rooms.
72. During consideration of the subsequent application (19/00791/FUL), it was concluded that, due to the reduction in height of the western block from 11.7m to 8.5m and separation distance of 16m, there would be no significant overbearing impact or detrimental impact on the outlook of the occupiers of 9-12 Kendal Court. It was, however, concluded that, with a height of 9.7m and a separation distance of 10m, the eastern block would significantly harm the outlook of occupiers of 13-16 Kendal Court.
73. The part of the western block now proposed which would directly face 9-12 Kendal Court would have a ridge height of 8.7m. There would be a separation distance of 16m to the closest part of the proposed building and, due to the staggered footprint, 16.8m to the westernmost proposed dwelling. Whilst the ridge would be 0.2m higher, with a change in the roof form from a continuous roof slope along the front elevation to individual gables now proposed, the massing would be lessened.
74. With respect to the impact on 13-16 Kendal Court, the height of the lower section of the eastern block would be 6.9m (2.8m lower than previously), and the eastern end of the building has been re-positioned 3.4m to the west. 13-16 Kendall Court would also not directly face the proposed building.
75. In view of the above, it is considered that there would be no significant overbearing impact or detrimental impact on the outlook of the occupiers of 9-12 and 13-16 Kendal Court.
76. Due to the siting, scale, massing and design of the proposed buildings and distance from 22-25 Kendal Court to the west of the site, and properties on Rutland Road on the opposite side of the canal, it is considered that there would be no significant adverse impact on the amenities of any other adjacent or nearby properties.
77. With respect to the amenity of future occupiers, it is considered that the proposed dwellings contain adequate internal living space. It is acknowledged that only one dwelling would have a private garden. The RRDG includes guidance on garden sizes, depending on the type of dwelling (terraced, semi-detached, detached) and the number of bedrooms, and sets out circumstances

where exceptions to the guidelines in terms of the size of gardens may be acceptable. In this case, the site is in a context of maisonettes which have independent entrances and communal amenity spaces, and the six proposed dwellings without gardens would benefit from an extensive outlook over and along the canal from first floor living rooms. Occupants would also have easy access to public open space and open countryside. In view of this, it is considered that a refusal on grounds of lack of private gardens could not be justified.

78. The boundary of the private garden of the easternmost dwelling would be 9m from the front elevation of 13-16 Kendal Court. Whilst this is less than the 10m indicated in the RRDG, it is considered that it would be adequate in this instance to prevent any undue overlooking/loss of privacy.

#### Flood risk and drainage

79. Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. Applications for some minor development and changes of use should not be subject to the sequential or exception tests. However, a site-specific flood risk assessment should be provided for all development within Flood Zones 2 and 3.
80. The submitted Flood Risk Assessment provides evidence of the Sequential Test being applied. It explains that, as part of the sequential test a pragmatic approach to viability, sustainability and availability of alternatives, whilst also considering that an alternative location would have to provide an equivalent or better level of flood protection. The Sequential Test focuses on the Strategic Housing Land Availability Assessment (SHLAA) results published on the Council's website. A potential thirty-four sites were identified within the SHLAA for West Bridgford. This figure was reduced once sites which were to be delivered beyond five years were removed and reduced further once sites which had already commenced under other permissions were removed. Eighteen sites remained. From this list, sites which could accommodate far more dwellings than proposed and sites which were for single plots only, were removed. This left eight sites available. Of these eight sites, six offered no betterment in terms of their flood risk vulnerability and the remaining two were in locations where land values would not deem a scheme such as the current proposal to be viable. Officers are not aware of any obvious reason to discount this approach, and accept that the Sequential Test is passed.
81. The NPPF states that for the Exception Test to be passed it should be demonstrated that: a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce the overall flood risk. It also states that both elements should be satisfied for the

development to be permitted.

82. In relation to a), the Government's supporting advice states that Local Planning Authorities should have regard to the objectives of their Local Plan's Sustainability Appraisal framework and the sustainability objectives of the Local Plan. The Sustainability Appraisal identified that the key objective in relation to housing was to ensure that the housing stock meets the housing needs of Rushcliffe. One of the spatial objectives identified within the Rushcliffe Local Plan Core Strategy is to manage an increase in the supply of housing to ensure local housing needs are met, brownfield opportunities are maximised, regeneration aims are delivered, and to provide access to affordable and decent new homes.
83. The development would provide seven new dwellings and a net gain of six dwellings, which could be argued to bring about economic and social benefits for the local community. It is an urban site in a highly sustainable location and an area prioritised under the Local Plan for new housing development. The proposal could therefore provide wider sustainability benefits to the community.
84. In terms of preventing flood risk elsewhere, it is noted that the building footprint would increase through the loss of a modest bungalow and garage and the erection of these two larger blocks. However, as the flood risk assessment points out, the increase is not substantial given the totality of the River Trent catchment which effects this area. The impact through this development in this regard would be considered to be negligible.
85. In relation to b), the proposed finished floor levels would ensure that the development would be safe for its lifetime taking account of the vulnerability of its users.
86. In view of the above, it is considered that the Sequential Test and Exception Tests have been passed.
87. The NPPF explains that developments should be brought forward in accordance with the SUDS hierarchy as follows and this is how surface water is ideally dealt with: a) infiltration drainage such as swales and soakaways; b) an open Watercourse, river or ditch; c) a surface water sewer; and d) a combined sewer.
88. Policy 2 (Climate Change) of the LPP1 requires all new development to incorporate measures to reduce surface water run-off, and the implementation of Sustainable Drainage Systems into all new development will be sought, unless it can be demonstrated that such measures are not viable or technically feasible.
89. Policy 17 (Managing flood risk) of LPP2 states that planning permission will be granted in areas where a risk of flooding or problems of surface water exist provided that it does not increase the risk of flooding on the site or elsewhere.
90. Policy 18 (Surface Water Management) of the LPP2 states that permission will be granted for development which is appropriately located, taking account of the level of flood risk and which promotes the incorporation of appropriate

mitigation measures into new development, such as sustainable drainage systems.

91. The Flood Risk Assessment and Drainage Strategy provided with the application seeks to demonstrate that the hierarchal approach referred to in the NPPF has been applied in this instance and the most appropriate method selected. In this instance, infiltration is not considered to be suitable due to the ground conditions and high water table in the area and the absence of a watercourse on the site or at its boundaries suitable to take surface water would rule out this option. Therefore, it is intended to discharge flows at an attenuated route to the surface water sewer. The County Council as Lead Local Flood Authority had no objection to the previous application subject to a condition requiring the submission and approval of a surface water strategy based on the principals of the submitted Flood Risk Assessment, and it is considered that such a condition is necessary with respect to the current application.

#### Highway safety and parking

92. Chapter 9 (Promoting Sustainable Transport) of the NPPF states that in assessing applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
93. It goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
94. Policy 1 (Development Requirements) of LPP2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with the advice provided by the Highway Authority.
95. The proposed development would be accessed from Radcliffe Road via the existing private access drive which serves the properties on Kendal Court. Parking on Radcliffe Road, immediately outside the entrance to Kendal Court, is restricted by double yellow lines and provides no on street parking. The proposed development would provide 9 parking spaces to serve the entire development. The dwellings would have two bedrooms each and, given the sustainable location close to local services/facilities and public transport links, the proposed level of parking is considered to be acceptable to serve the development.
96. Officers have noted that cars are often parked in Kendal Court along boundary with the application site. If the development was constructed, vehicles would no longer be able to park in this location as they would block access to the parking spaces to be provided in connection with the development. However, it must be noted that these aren't currently designated spaces and the land is

privately owned. Whilst this may cause an inconvenience to the residents who currently park in this location, it would not cause any detriment to highway safety as overspill parking would not take place due to the presence of the yellow lines at the entrance to the site.

97. There appears to be adequate visibility at the entrance to the site with Radcliffe Road, and it is not considered that the relatively low level of traffic likely to be generated by the development proposed would cause any significant congestion locally.
98. In view of the above, and the comments of County Council as Highway Authority, it is considered that the proposed development would not result in any significant adverse impact on highway safety. Furthermore, in the absence of an objection from the Highway Authority, a refusal on highway safety grounds could not be justified.

### Ecology

99. Policy 17 (Biodiversity) of the LPP1 states that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.
100. Policy 38 (Non-designated biodiversity assets and the wider ecological network) of LPP2 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. Outside of the Biodiversity Opportunity Areas, developments should, where appropriate, seek to achieve net gains in biodiversity and improvement to the ecological network through the creation, protection and enhancement of habitats, and the incorporation of features that benefit biodiversity.
101. The Borough Council has a legal duty when determining a planning application for a development which may have an impact on protected species. The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc) Regulations 1994, contain three tests which Natural England must apply when determining a licence application. This licence is normally obtained after planning permission has been obtained. However, notwithstanding the licensing regime, the Planning Authority must also consider these tests when determining a planning application. A Planning Authority failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations. The three tests are:
  - a. the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
  - b. there must be no satisfactory alternative; and
  - c. favourable conservation status of the species must be maintained.
102. In this case the Environmental Sustainability Officer noted that the site has features suitable to support roosting and foraging bats (although no bats were using the features at that time), and has potential impacts on the adjacent Grantham Canal Local Wildlife Site (LWS). The site also has potential to support nesting birds, reptiles, hedgehogs and badgers. He considers that the favourable conservation status of protected species is unlikely to be impacted

by the development, and the development provides opportunities for ecological enhancement including strengthening of the boundary with the LWS with a native vegetation buffer. It is, therefore, considered that it is not necessary to apply the tests in this instance. However, it is considered that a condition is necessary to require bat roosting and bird nesting boxes to be incorporated into the development, and for the proposed hedgerow along the boundary with the canal to be provided and retained.

#### Impact on the Grantham Canal

103. Policy 16 (Green Infrastructure, landscape, parks and open space) of the LPP1 seeks to deliver, protect and enhance green infrastructure including the Grantham canal corridor.
104. Policy 31 (Sustainable Tourism and Leisure) of LPP2 states that the Council will resist planning applications which will have a significant adverse impact on tourist and leisure facilities, with particular protection applied to valued attractions such as the Grantham Canal.
105. Policy 34 (Green Infrastructure and Open Space Assets) of LPP2 states, Green Infrastructure assets, including Grantham Canal, will be protected from development which adversely affects their green infrastructure function (or their contribution to a wider network) unless the need for the asset is proven to no longer exist and the benefits of development, in that location, outweigh the adverse effects on the asset.
106. As acknowledged at paragraph 63 above, the development would be visible for some distance from along the canal either side of the site, changing the character of this section of the canal. However, there is not an absence of built development adjacent to the canal in the vicinity, with 69 Radcliffe Road & The Canal House nearby to the west and, at 9.8m and 9.3m in height, these buildings are higher than the proposed development. The site boundary with the canal represents a very small section of the canal, and immediately adjacent to the east of the site, the canal is within open countryside with very little built development in close proximity for many miles. The proposed boundary hedgerow would soften the impact of the development, and should compensate for the loss of the former hedgerow.
107. In view of the above, it is considered that there would be no significant adverse impact on the Grantham canal and its amenity value as a tourist/leisure facility and Green Infrastructure Asset. However, in view of the comments from the Canal and Rivers Trust relating to a potential impact on structural integrity of the canal, it is considered that the detailed design and means of construction of the foundations for the proposed development needs to be subject to a condition.

#### Other matters

108. Unlike the previous application where ten residential units were proposed, which is the threshold for seeking developer contributions, as only seven dwellings are now proposed, no developer contributions are sought. However, the development would be liable for payments under the CIL.

109. In view of the scale of the development and proximity to properties on Kendal Court, it is considered that a condition is necessary to ensure the submission, approval and implementation of a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction.
110. The fear of a development setting a precedent for future similar developments cannot be used to resist development, and every case has to be considered on its own merits. The impact of development on property values is not a material planning consideration.
111. The application was not subject to pre-application discussions, however, revised/additional information was submitted during processing of the application resulting in an acceptable scheme and a recommendation to grant planning permission.

## **RECOMMENDATION**

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

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

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

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

- 740 001 Revision G
- 740 002 Revision N
- 740 003 Revision N
- 740 004 Revision J
- 740 005 Revision B

[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. The development shall not commence until a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction works has been submitted to and approved by the Borough Council, and the construction of the development shall be undertaken in accordance with the approved details.

[The condition needs to be discharged before work commences on site to ensure that appropriate measures are in place during the construction phase and it is important to agree these details in order to minimise the impact on adjacent and nearby residents during demolition and construction of the development, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Before development is commenced, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. As a minimum, this report will need to include a Desktop Study documenting historical uses of the site and its immediate environs, site specific interpretation and a conceptual site model explaining results. Where the Desktop Study identifies potential contamination a Detailed Investigation Report will also be required, including a site investigation documenting the characteristics of the ground, an evaluation of all potential sources of contamination and a risk assessment, together with an updated conceptual model. In those cases where a Detailed Investigation Report confirms that contamination exists, a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required. All of these respective elements of the report will need to be submitted to and approved in writing by the Borough Council, prior to development commencing, and the development shall be carried out in accordance with the approved details.

[To ensure sure that the site when developed is free from contamination in the interests of public health and safety, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. This condition needs to be discharged before work commences on site to ensure that any contamination is identified and dealt with during the construction phase].

5. No development shall take place until a Method Statement detailing the means of construction of the buildings hereby permitted, including the design and means of constructing foundations and any other proposed earthmoving and excavation works required in connection with its construction, has first been submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify whether any stand-off distances for operation of construction plant and machinery need to be established to protect the adjacent Grantham Canal and towpath. The development shall thereafter only be carried out in accordance with the agreed Method Statement.

[In the interests of minimising the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which would adversely affect the structural integrity of the adjacent Grantham Canal and towpath, in accordance with the advice and guidance on land stability contained in paragraphs 170 and 178 of the National Planning Policy Framework and in the National Planning Practice Guidance. It is necessary to agree the Method Statement before development commences as it is required to ensure that all development and construction operations take full account of these matters from the outset].

6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment & Drainage Strategy, ref. 17-0533/FRA/Rev B, January 2021 by BSP Consulting has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

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- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Include provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.

[This information was not submitted with the application and the condition needs to be discharged before work commences on site in order to ensure that adequate surface water management is incorporated into construction of the development and flood risk is not increased, and to comply with policy 18 (Surface water management) of the Rushcliffe Local Plan Part 1: Core Strategy].

7. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 17-0533/FRA/Revision B by BSP consulting dated January 2021 and the following mitigation measures:
- Finished floor levels (FFL) are set at 24.27 mAOD in line with the FRA section.
  - Occupants of the site sign-up to flood warnings.
  - Identification and provision of safe route(s) into and out of the site to an appropriate safe haven must be provided and maintained in perpetuity.
  - A flood evacuation plan is produced and followed by occupants of the site in line with FRA section 4.4 and Appendix G.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

[To ensure that occupants are safe for the lifetime of the development and to comply with policy 17 (Managing flood risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. Construction of the development hereby permitted shall not proceed beyond damp proof course until details of facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council, and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

9. None of the dwellings hereby permitted shall be occupied until the parking areas have been provided which shall be retained available for parking at all times for the lifetime of the development.

[To ensure that sufficient off street parking is provided and retained in the interests of highway safety, and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

10. The proposed hedgerow along the boundary with the Grantham canal shall be planted in the first tree planting season following the substantial completion of the development in accordance with the specification shown on the application plans, and shall be retained at a high no less than 2m. 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 to comply with policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

11. The development shall not proceed above foundation level until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. 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 to comply with policy 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core strategy, and policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

12. The development shall not proceed above foundation level until a scheme for the provision of bat roosting and bird nesting boxes within the construction of the development has been submitted to and approved by the Borough Council.

Thereafter the development shall be carried out in accordance with the approved details and the bat roosting and bird nesting boxes shall be retained for the lifetime of the development.

[To ensure the incorporation of features that benefit biodiversity, and to comply with 38 (Non-designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

13. Notwithstanding the provisions of Schedule 2, Part 1 Class A - D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwellings including no alteration to or insertion of windows other than those shown on the plans, without the prior written approval of the Borough Council.

[To safeguard the reasonable residential amenities of adjoining properties and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

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

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

15. The dwellings hereby approved shall not be constructed above damp proof course level until a scheme for the provision of an electric vehicle charging point for each dwelling has been submitted to and approved by the Borough Council. Thereafter, unless it has been demonstrated that the provision of electric vehicle charging points is not technically feasible, each dwelling shall not be occupied until it has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the approved scheme. The electric vehicle charging infrastructure shall thereafter be retained and maintained for the lifetime of the development.

[To ensure that the development is capable of promoting sustainable modes of transport and to comply with Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

### **Notes to Applicant**

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

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

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

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

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

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

Your attention is drawn to the advice and requirements of Severn Trent Water which can be viewed on the Borough Council's website.

Condition 14 requires the new dwelling 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.