

20/00719/FUL**Applicant** Churchill Retirement Living**Location** Land At Manor Park Ruddington Nottinghamshire NG11 6DS**Proposal** Erection of 43 no retirement apartments for older people, guest apartment, communal facilities, access, car parking and landscaping (resubmission)**Ward** Ruddington**THE SITE AND SURROUNDINGS**

1. The site is located in the Ruddington Conservation off Manor Park, a private road maintained by residents. This is a vacant brownfield site which extends to approximately 0.32ha, and formerly accommodated Orchard House Retirement Home, which has now been demolished. The site boundaries are defined from Manor Park Road to the north by a stone wall, 1.8m high close boarded fence and hedges. The East boundary with Coppertop is defined by a 1.8m high panel fence. The rear wall of Hunters Cottage abuts the site on the northwest boundary. The West boundary is a 1.8 - 2m high metal hooped topped fence. The site has no physical boundary with Manor Park Green to the south, which is a small wooded copse. The site in the main is covered in demolition rubble with a small asphalt area by the entrance. There are a number of mature trees on the site along with some self-set scrub. There are no TPOs on the site, although all trees benefit from a degree of protection by virtue of the Conservation Area designation. The site is relatively flat, with some undulations, although it rises from the entrance.
2. The area is characterised in the main by large Edwardian detached dwellings, mainly two storey in height, set within large gardens. Located close to the centre of Ruddington, the site has ready access to most facilities.

DETAILS OF THE PROPOSAL

3. Planning permission was granted under planning reference 19/01616/FUL for the redevelopment of the site to provide 43 retirement apartments including communal facilities, access, car parking and landscaping. The current application is a resubmission which proposes the following changes from the previously approved plans:
 - Reposition substation to site of the previously approved buggy store
 - Proposed buggy store in place of the previously approved plant building
 - Changes to the layout of the 21 space car park
 - Changes to landscaping
 - Reposition ground floor door serving living room 03.

The previous permission proposed financial contributions towards off-site affordable housing provision. The current application sought to avoid payment of this financial contribution on viability grounds. An

independent financial review has been carried out and negotiations have taken place with the applicant as detailed in the appraisal section of this report.

4. There would be no other material changes to the proposed apartment building, comprising a 3 storey building faced in a mix of red brick, ivory render and black mock Tudor panelling. Vehicular access to the development is proposed to be off Manor Park.
5. The proposed development would include an amenity space in the form of a communal garden area, which would be maintained in perpetuity by the management company. This area of communal garden would be located in the centre of the site and around the periphery of the proposed development.

SITE HISTORY

6. 94/00905/FUL - Change use of main building from rest home to single dwelling unit; form 2 additional flats; convert outbuildings to 2 additional dwellings – Approved in 1994.
7. 99/00620/COU - Change of use to offices – Approved in 1999.
8. 07/01943/FUL - Construct 3 storey building (plus basement) to provide 40 units of housing care (C2 use) with communal facilities/parking provision (revised proposals); new cycle and mobility scooter store. Approved in 2008.
9. 19/01616/FUL- Erection of 43 no retirement apartments for older people, guest apartment, communal facilities, access, car parking and landscaping. Approved in 2020.

REPRESENTATIONS

Ward Councillor(s)

10. One Ward Councillor (Cllr Walker) objected to the application, raising concerns regarding the change in density. There are density contradictions on the plans that need scrutiny to understand what the real density is. Concern over the developer's obligation for affordable housing as stated in the Local Plan Part 2, the developer is making no provision for affordable housing, which RBC states should only be offset by a financial contribution in exceptional circumstances. There is no explanation of why the developer has reduced this contribution from £25K to £15K despite this new plan proposing an additional 6 dwellings on top of the already approved plan.
11. Objection to the height of the proposed complex which would be the tallest building in Ruddington, overtaking the historic church which has been the tallest for hundreds of years. The site is located on an un-adopted road, the road and pavements are not to the same standard as adopted ones, presenting a potential hazard for the future residents of this proposed retirement home. The developer has not yet approached the residents' association to discuss how they intend to make their contribution.
12. The Ward Councillor submitted further comments on 4 March 2021 maintaining their objection as the developer has not contacted Manor Park Residents

Association for permission to use the private road, which appears to be a disregard for residents.

13. Following further discussions with officers the Councillor continues to have concerns about the height of the building and the access road, and in particular the legacy that the proposal will have on the skyline. Nonetheless the Councillor recognises that these issues are unchanged from the previously approved application and as such withdraws the objection.
14. One Ward Councillor (Cllr Gaunt) objects to the application, raising concerns that the building would be the largest in Ruddington and sited on the highest point in the village, exceeding the church. The road is very busy in the mornings/evenings as the only vehicular access to the primary school, the existing on-street parking situation would be compounded by extra traffic into the development. Disabled access is a major issue as the current gravel pavement is not adequate or safe even for elderly pedestrians let alone those with mobility issues. Many will be forced to walk on the road. There is a lack of changes from the previous application, mainly aimed at reducing affordable housing contributions which is unacceptable. The proposal would add to wider traffic issues in and out of Manor Park and along Wilford Road. He notes previous objections of Cllr Walker, the Parish Council, and local residents have not been met, these are detailed in his consultee response.

Town/Parish Council

15. Ruddington Parish Council object to the application. The height of this building in relation to its surroundings will have a detrimental effect on the conservation area and listed buildings nearby. There is insufficient parking provision allowed for. The developer should be made to pay towards offsite affordable housing as this is something that is sorely lacking in Ruddington, if they are unable to do so, then the development should not proceed. The Parish Council also requests contributions to additional medical facilities and a new community building.

Statutory and Other Consultees

16. The Nottinghamshire County Council as Highway Authority does not object, noting that the application is a resubmission with no change to unit numbers. The number of parking spaces proposed is consistent with the approved scheme. With regard to the amended layout, it is noted that the two spaces located to the east end of the car park will be difficult to manoeuvre in/out of. It is recommended that this aspect of the layout is reconsidered in line with the Nottinghamshire Highway Design Guide. This however relates to internal operation of the site and would not impact on the public highway. The other proposed changes would not impact on highway interests.
17. The NHS Nottingham West CCG request a Section 106 contribution set at £600 per 1 bed and £920 per 2+ bed apartment. Any contribution for this development would be put towards extending Ruddington Medical centre further or increasing capacity at neighbouring practices.
18. Nottinghamshire County Council's Archaeology Officer recommends 'strip, map and sample' archaeological investigation of the site, and recommends that a written scheme for investigation is secured by way of a condition. It should

however be noted that an archaeological condition was not considered necessary on the previous application. This matter is covered in the appraisal section of the report.

19. Nottinghamshire Wildlife Trust note that a preliminary ecological survey has been carried out, they are generally satisfied with the methodology and conclusions of the report. No reptiles were found and no evidence of tree bat roosts were found but there are a number of recommendations in the reports that should be secured in full through use of planning conditions, should the application be approved as detailed in the consultee response.
20. The Borough Council's Design and Landscape Officer considers that the landscaping proposal remains appropriate.
21. The Borough Council's Conservation Officer notes that the proposal is no different in terms of its visual impact, from the approved 2020 application. There have been no substantive changes either in the visual impact of the proposal or in conservation guidance. As such, there is no reason to depart from the Borough's conclusions on the previous application, i.e. that the proposed development would preserve the character and appearance of the Conservation Area, and would not harm the significance of the other heritage assets in whose wider settings the proposed development would be experienced.

Local Residents and the General Public

22. 14 written representation have been received in objection to the application with the comments summarised as follows:
 - a. Insufficient parking.
 - b. Building too large/too high.
 - c. Not in keeping with Manor Park Conservation Area.
 - d. Size and position at odds with surrounding.
 - e. Lack of road, parking and pedestrian infrastructure to support 40 dwellings.
 - f. Disruption and safety impacts during long building process, impact of construction parking/traffic during school pick up/drop off times.
 - g. Density of development is too high.
 - h. Overbearing impact on neighbours due to height and elevated site.
 - i. Loss of neighbouring privacy.
 - j. North elevation should be set back and/or reduced in height.
 - k. Street unsuitable for those with mobility issues to access shops/services.

OFFICIAL

- l. Intrusive impact on village centre, highest structure in the village.
- m. Cedar/Scott Pine to be removed is an ancient tree which enhances skyline. Removal of trees would increase impact on neighbours.
- n. Current water mains/hydrant provision insufficient for a fire emergency. Distance from water main in excess of fire brigade guidelines.
- o. Traffic survey appears inaccurate.
- p. Insufficient parking space provision for residents and staff.
- q. No reference to payment of private frontage fees.
- r. Unclear how construction damage to private road/paths would be dealt with.
- s. On street parking impact on emergency vehicle access.
- t. Concern regarding loss of mature trees, how will this be offset?
- u. Site has become overgrown- impact on wildlife and vegetation.
- v. Bats nesting on vacant site.
- w. Concern whether drainage would be sufficient.
- x. Query accuracy of cross section plans.
- y. Resubmission is so the developer can avoid affordable housing contributions.
- z. Increased on- street parking, safety implications, traffic implications.
- aa. There is now a 5-year housing land supply, which was previously not the case, therefore the NPPF should no longer override local factors.
- bb. Tree referred to as T16 is not to the NE of site, it is a copper beech 40m outside southern side.
- cc. Previous submissions gave a larger site area, this has changed to a smaller area and an increased number of units.
- dd. New design would exceed height of Grade 2 listed ST Peters Church and Old Manor House, impact on listed buildings.
- ee. Conservation Officer previously deemed it essential for the new building to be lower than existing listed buildings and not to project northward. Unclear why the building cannot be set back further
- ff. It was understood any building had to stay on the previous footprint.
- gg. Proposed changes should be a minor amendment.

- hh. Overshadowing of neighbours.
- ii. Noise and disturbance impacts.
- jj. The proposal does not consider Historic England Advice Note 1 on Conservation Area Appraisal, Designation and Management.
- kk. Must pay S106 and contribute to Manor Park.
- ll. Revised plans lack mitigating tree planting.
- mm. Wildlife impact of development.
- nn. Height of substation and buggy store is unclear.
- oo. Query whether timber cladding of substation is a fire risk.
- pp. Impact of heavy machinery on structural integrity of neighbours.
- qq. Impact on Victorian sewer system.
- rr. Impact of parking on Hunters Cottage - noise and fumes.
- ss. Provision should be made for maintenance access to Hunters Cottage.
- tt. Visibility of bins in road and proximity to Hunters Cottage.
- uu. Pedestrian and disabled access is needed at both ends of the site.

PLANNING POLICY

23. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) (2014) and the Local Plan Part 2: Land and Planning Policies (LPP2) (2019). Other material considerations include the National Planning Policy Framework (NPPF) (2019), and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

24. The relevant national policy considerations for this proposal are those contained within the NPPF (2019) and the proposal shall be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay. The proposal falls to be considered under section 12 of the NPPF (Achieving well-designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

25. As the site falls within a conservation area and in the vicinity of listed buildings, the proposal falls to be considered under section 16 of the NPPF (Conserving and Enhancing the Historic Environment). Paragraph 194 of the NPPF states that any harm arising to a designated should require clear and convincing justification. Where a development would lead to substantial harm to, or total loss of a designated heritage asset (listed buildings), then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the criteria under paragraph 195 can be satisfied. Where a development would lead to less than substantial harm, under paragraph 196 this harm should be weighed against the public benefits of the scheme.
26. Further to the requirements of the NPPF, the Borough Council has a duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special regard to be paid to the desirability of preserving listed buildings, their setting or features of special architectural or historical interest that they possess; and special attention to be paid to preserving or enhancing the character and/or appearance of the conservation area.
27. Other relevant sections of the NPPF are:
- Section 5 (Delivering a sufficient supply of homes)
 - Section 8 (Promoting healthy and safe communities)
 - Section 9 (Promoting sustainable transport)
 - Section 14 (Meeting the challenge of climate change, flooding and coastal change)
 - Section 15 (Conserving and enhancing the natural environment)

Relevant Local Planning Policies and Guidance

28. The following policies in the LPP1 are relevant:
- Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 3 - Spatial Strategy
 - Policy 8 - Housing Size Mix and Choice
 - Policy 10 - Design and Enhancing Local Identity
 - Policy 11 - Historic Environment
 - Policy 17 - Biodiversity
29. Policy 1 of the LPP1 reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Following on from this Core Strategy policy 3 sets out the spatial strategy for the sustainable development of Rushcliffe. It supports a policy of urban concentration through a settlement hierarchy to determine where development would be considered sustainable.
30. Policy 8, Housing Size, Mix and Choice, states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities.

31. Policy 10 (Design and Enhancing Local Identity) states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed in terms of the criteria listed in section 2 of policy 10. Of particular relevance to this application are the following:
 - 2a) The structure, texture and grain, including street patterns, plot sizes, orientation and positioning of buildings and layout of spaces;
 - 2b) The impact on the amenity of occupiers or nearby residents;
 - 2h) The potential impact on important views and vistas within the landscape; and
 - 2i) The impact on the setting of heritage assets.
32. LPP1 policy 11, Historic Environment, states that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.
33. LPP1 policy 17, Biodiversity, aims to protect and increase the biodiversity of Rushcliffe, including protected habitats and species.
34. The following policies in the LPP2 are relevant:
 - Policy 1 - Development Requirements
 - Policy 17 - Managing Flood Risk
 - 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
35. LPP2 Policy 1 (Development Requirements) sets out a general criteria which new development should meet. Of particular reference to this application are the following paragraphs of this policy:
 - (1) There should be no significant adverse effect upon 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.
 - (2) A suitable means of access should be provided for the development without detriment to the amenity of adjacent properties or highway safety. Sufficient parking provision should also be provided in line with Highways advice.
 - (3) Sufficient space should be provided within the site to accommodate the proposal together with ancillary amenity and circulation space.
 - (4) The scale, density, height, massing, design, layout and materials of proposals should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area; that they do not lead to an over-intensive form of development; and that they are not overbearing in relation to neighbouring properties, and do not lead to undue overshadowing or loss of privacy.
 - (5) Appropriate noise attenuation should be achieved and light pollution minimised.

- (6) There should be no significant adverse impact on wildlife habitats. Where possible the application should demonstrate a net gain in terms of biodiversity.
 - (7) There should be no significant adverse impact on landscape character.
 - (9) There should be no significant adverse effect on any historic sites and their settings including Conservation Areas and Listed Buildings.
36. Policy 17, Managing Flood Risk, sets out where planning permission will be granted in areas where a risk of flooding exists.
37. Policy 18, Surface Water Management, states development must, at an early stage in the design process, identify opportunities to incorporate a range of deliverable Sustainable Drainage Systems, appropriate to the size and type of Development and take account of the level of flood risk.
38. Policy 28, Conserving and Enhancing Heritage Assets. This sets out a criteria against which proposals affecting heritage assets will be considered, including whether the proposal would preserve or enhance the character and appearance of the heritage asset, by virtue of siting, scale, building form, massing, height, materials and quality of detail and would be sympathetic to the character and appearance of the asset and any features of special historic interest, architectural, artistic or archaeological interest that it possesses.
39. Policy 29, Development affecting Archaeological Sites. This advises on the treatment of applications on sites of known or suspected archaeological interest, including the provision of appropriate archaeological assessments.
40. Policy 38, Non-Designated Biodiversity Assets and the Wider Ecological Network, seeks to preserve and restore priority habitats and protect priority species in order to achieve net gains in biodiversity.
41. Ruddington Parish Council has submitted the draft Ruddington Neighbourhood Plan to Rushcliffe Borough Council in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The plan has been subject to a consultation exercise and the Examiners final report is expected imminently. As the plan has yet to be adopted it carries limited weight in the determination of any applications. Of relevance to this application is Section 8 (Housing policies), Section 10 (Heritage policies) and Section 12 (Design and sustainability policies). Part of the Design Code relates to major and strategic developments.

APPRAISAL

42. The material planning consideration in this particular application to be assessed are as follows:
- a) Principle of development;
 - b) Design and impact on the character of the surrounding area;
 - c) Impact on residential amenity;
 - d) Highways and Parking;
 - e) Impact on trees;
 - f) Ecology; and
 - g) Planning gain

Principle of development

43. The starting point for the determination of any proposal is the Development Plan. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (Core Strategy) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (Local Plan Part 2).
44. Other material planning considerations include Government guidance in the National Planning Policy Framework (NPPF) and National Planning Practice Guide (NPPG).
45. Policy 1 of the LPP1 reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. Following on from this LPP1 policy 3 sets out the spatial strategy for the sustainable development of Rushcliffe. It supports a policy of urban concentration through a settlement hierarchy to determine where development would be considered sustainable. Ruddington is one of the settlements where development is considered sustainable and Policy 8 of the LPP1 also seeks to secure a mix and choice of housing in tenure, type and size in order to create balanced communities and the provision of this type of accommodation supports that aim.
46. The application site is a previously developed (brownfield) site, which previously had the benefit of planning permission for care apartments, in the built-up part of Ruddington and occupies a prominent site within the conservation area, with access to local facilities and public transport. The previous planning permission for the erection of 43 retirement apartments for older people, guest apartment, communal facilities, access, car parking and landscaping granted in February 2020 remains extant. Therefore, it is considered that the principle of development of this site is accepted.

Design and impact on the character of the surrounding area.

47. The current proposal is a resubmission of the previously approved scheme with relatively minor amendments to the proposal, comprising as follows:
- Reposition substation to site of the previously approved buggy store
 - Proposed buggy store in place of the previously approved plant building
 - Changes to the layout of the 21 space car park
 - Changes to landscaping
 - Reposition ground floor door serving living room 03.
48. Therefore, the location, design, appearance and height of the main building remains unchanged.
49. The Design and Access Statement states that *“the development proposal has evolved as a result of pre-application engagement with the Local Planning Authority and the general public and that the design of the proposal has had full regard to the character of the area, neighbouring amenity and the scale and design of neighbouring buildings in the vicinity of the site, both proposed and existing.”* The design of the proposal is to be judged against the aspirations of local and national policies including:

- a) Integrate well with the surroundings in terms of scale, siting and design;
 - b) Be in keeping with the character of the area and be of local distinctiveness;
 - c) making a positive contribution to the public realm and creating a sense of place;
 - d) Incorporate materials that are in keeping with the locality;
 - e) Utilise energy efficient building types;
 - f) Provide a safe and secure environment;
 - g) Conserve local character and distinctiveness, and create a sense of place;
 - h) Make the most efficient use of the land available; and
 - i) Provide dwelling types that are appropriate to the mix of the area, whilst meeting the needs and demands of older people.
50. In terms of the proposals impact, the Conservation Officer comments that the proposal is no different, in terms of visual impact, to the scheme approved under 19/01616/FUL and there has been been no substantive changes either in the visual impact of the proposal or in conservation guidance. The conservation officer commenting on this previous application acknowledged that the site is not at all apparent from Vicarage Lane and Church Street to the south, and from within the site, the parish church, which is comparatively nearby, is not visible beyond a screen of tall and mature trees.
51. Whilst the site itself if not currently visible from the public realm of Manor Park beyond limited visibility around the access point, the proposed building would be far more visible owing to it being three stories in height, comparable to both South manor and to Orchard House (the building which previously occupied the application site).
52. Prior to the 2020 approval, planning permission was previously approved for a three storey building on the site in 2008 (07/01943/FUL) to provide 40 units of use class C2 'housing with care'. The currently proposed building would be three storeys and of a similar footprint to that previous approval. This previous scheme proposed a contemporary flat roof design with a maximum roof height of 9.5 metres. The current proposal by virtue of its predominantly pitched-roof design would have a maximum ridge height of 12.2 metres. Whilst the maximum roof height would be greater than the 2008 approval, the eaves and thus the vertical walls (excluding the gables) would be 1.7 metres lower than the 2008 approval. A cross section plan is included in the submission to show the context of the applicant site and surrounding properties, this shows the highest part of the ridge to be approximately 2 metres higher than that of South Manor with a half a metre lower eaves compared to this neighbouring property. The proposed building would not exceed the height of the numerous chimneys which add visually to the total height of The Manor and the two buildings will be far enough apart that the higher ridge would not be readily apparent.
53. The building would be another large detached building within Manor Park and although close to the Listed Manor, it is considered that the proposal would not detract from, nor compete with the significance of the Manor as a listed building.
54. The northeast corner in particular would be prominent in the public realm and some effort has been focused here to ensure that the detailing and character of this part of the design would fit in with the character of Manor Park. The most

public, north facing elevation achieves great articulation via the recessed courtyard which allows the main entrance to be readily legible as a feature.

55. The developer has taken the decision to use a design and a palette of materials which reflects the character of Manor Park, as opposed to a more modern style, as in the previously approved 3 storey flat roofed structure. In this respect the proposal is considered acceptable.
56. In his concluding remarks on the 2020 approval, the Conservation Officer commented that *“the scheme as proposed would achieve the standard of 'good design' advocated within the NPPF and would not harm either the settings of nearby listed buildings insofar as their settings contribute towards and inform their special architectural and historic significance, or the special architectural and historic character and appearance of the Ruddington Conservation Area as are described as 'desirable' objectives within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (respectively).”* As there is not material change to the main building from the 2020 approval, it is maintained that the proposal would not result in harm to any designated heritage assets or their settings or significance.
57. The main visual changes from the 2020 approval would comprise the relocation of the substation along with changes to the parking layout and landscaping. The buggy store would be relocated to the position previously intended for the plant room building, and the substation would be sited in place of the proposed buggy store building, thus resulting in the reduction in the number of structures to the front of the main building. The overall appearance of the revised development would be virtually identical to the previous scheme. It is not considered that the changes that are proposed would result in harm to the heritage assets. The proposal would serve to preserve the setting of listed buildings in the vicinity; and preserve the character and appearance of the conservation area, as objectives described as desirable within sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under those sections of the 1990 Act.
58. The proposed building would be prominent within the street scene, but its design and appearance would not be so imposing or have such an adverse impact to justify a refusal of the development. It is considered that Policies 10 and 11 of the Core Strategy, Policies 1, 28 and 29 of Rushcliffe Local Plan Part 2 and Section 12, para 127 within the National Planning Policy Framework have satisfactorily been met and the proposal in terms of design and impact on the character of the surrounding area is considered to be acceptable.
59. Matters relating to the density of development have been raised during the course of the application. The applicant has clarified that the site area is 0.32ha, therefore the density of development would be 134 dwellings per hectare. The application proposes 3 more units when compared to the 2008 permission. The Technical Housing Standards - Nationally Described Space Standards provides an indicator of the intensity of development. The apartments would comply with the respective minimum internal floor space standards for one or two bed apartments. The proposal is not considered to be an over-intensive development of the site and, in any event, in view of the extant permission for a virtually identical proposal, this would not give rise to grounds which would justify the refusal of the current application.

Impact on residential amenity

60. Concerns have been raised from the occupier of adjacent properties about overlooking and loss of privacy. With regard to Copper Top, this property is located to the east of the proposal site and their existing building would be 22.99m from the proposed building at its nearest point. The revised scheme proposes some tree and hedgerow planting providing additional screening. That property is orientated so the principal elevation faces onto the highway. There are upper floor side windows that face the application site, however the separation distance coupled with the proposed tree screening would limit any direct overlooking. A 1.8 metre high fence is also proposed along the common boundary which would provide additional protection at ground floor level.
61. The current application proposes a buggy store in place of the previously proposed plant room, located close to Hunters Cottage to the west of the site. The substation would be sited in place of the previously proposed buggy store. As with the previous scheme, these structures would screen the main building from the ground floor windows, negating any overlooking. The rear elevation of Hunters Cottage immediately abuts the boundary with the application site and contains two windows serving rooms at ground floor within the property (appear to serve a study and bathroom). Due to the changes in level from the roadside through the site, these windows are located just above ground level within the application site. No details of the substation or buggy store have been provided and those details will be required by condition.
62. The neighbouring property has queried whether there would be access for maintenance. This is a private legal matter between the parties, but the details submitted in the form of the site plan do not appear to hinder access.
63. South Manor is located to the west of the site and the proposed building would be in excess of 22m away from the property. There are existing trees which are proposed to be retained with new planting added between the two properties, it is therefore considered that the screening along with the separation distance would ensure that there is no detrimental overlooking.
64. As the Residential Design Guide highlightst, in line with Government Guidance, it is recognised that privacy can be achieved in many different ways and techniques. It is considered that the screening of the building and its orientation would ensure that there is no detrimental impact on the neighbouring properties.
65. It is considered that the proposal is compliant with the requirements of Core Strategy policies 1 and 10 and Policy 1 of the Rushcliffe Borough Local Plan Part 2.

Highways and Parking

66. The current application proposes a revised parking layout, however a total of 21 spaces would be provided as per the 2020 approval. This would represent approximately 1 for every 2 units or 0.49%. As part of the transport assessment (TA) the applicant has produced an analysis of existing similar operations which demonstrates that the average demand for parking spaces in this form of development is approximately 0.42 spaces per unit.

67. The Highway Authority have assessed the TA and are satisfied with the content and, as such, taking the above into account are satisfied that 21 spaces are adequate. Should parking occur on the road which creates problems, that would be a private matter. They note that with regard to the amended layout, there are two spaces that may be difficult to maneuver in and out of. This is however an internal matter and there is sufficient maneuvering and circulation space within the site so as not to result in a highway safety impact.
68. The matter of maintenance of the private road is not a material planning consideration, but a private matter, although the applicant has confirmed that they will meet any legal obligation required by title.
69. A further concern has been raised in respect of the potential for conflict between construction vehicles and school children and parents using the road to gain access to the school. This matter can be controlled via an appropriately worded condition restricting movement of vehicles associated with the construction period to outside peak school drop off and collection times.
70. Having judged the proposal against the Rushcliffe Borough Local Plan Part 2 Policy 1, the proposal is considered acceptable in terms of highway requirements.

Impact on trees

71. The Design and Landscape Officer has confirmed that he is satisfied with the revised landscaping strategy. The proposal would require some tree removal, including a Cedar within the site which was previously determined to have little aesthetic value due to the works previously undertaken to it. As per the previous application, a mature Sycamore located on the frontage (tree T9) is to be retained.

Ecology

72. Biodiversity Net Gain is an approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity developers are encouraged to provide an increase in appropriate natural habitat and ecological features, over and above that being affected, in such a way it is hoped that the current loss of biodiversity through development will be halted and ecological networks can be restored.
73. The Environmental Sustainability Officer advises that there is an opportunity to ensure biodiversity net gain with this development. The initial finding of the ecological studies identify the potential for bats and birds using the site along with mammals such as hedgehogs. It is understood that bats forage on the site and that birds use it as a nest site. It is also used by Hedgehogs and potentially amphibians. As part of the proposal and to support biodiversity net gain it is proposed that appropriate conditions are applied.
74. A number of other matters were raised and in particular landscaping, which if sensitively done can further enhance the opportunities for wildlife, and these opportunities would be developed and explored through the use of the proposed landscaping conditions.

75. It is considered that there is a need to undertake mitigation measures to protect these species and as such details of the proposed mitigation strategy are to be sought via condition which will ensure compliance with Policy 17 of the LPP1 and policies 1 and 38 of the LPP2.

Drainage

76. Residents have raised concerns about the drainage of the site. In terms of foul drainage, this would fundamentally be a matter for Building Control and details of how that will be achieved are not known at this stage. In terms of surface water run off, the site is located within flood zone 1 on the flood risk maps for fluvial flooding and is therefore in an area at lowest risk from flooding. Similarly, the surface water flood risk maps show that the site is in an area at low risk from surface water flooding. An appropriate condition is proposed requiring full details to be provided before commencement of development on site to ensure compliance with policy 18 of the LPP2.

Archaeology

77. The County Council's Archaeological Officer recommends that an archaeological investigation of the site is secured by way of a condition. It should however be noted that this was not required as a condition on the approved 2020 application which could still be implemented. The Conservation Officer on that application commented that: *"A large portion of the site has been previously developed and as a result no archaeological conditions were considered necessary in relation to the 2007 permission, it being considered that the vast majority of the proposed development would only encounter previously disturbed ground with no archaeological potential despite the sites location within the historic core of the village. I would suggest this view remains sound in light of the latest proposal and I would not advocate any archaeological conditions or requirements"*.
78. Based on the above considerations, it is not considered reasonable or necessary to request an archaeological scheme of investigation on the current application.

Planning Gain

79. The previous application was approved subject to a S106 agreement securing contributions toward the provision of affordable housing (£226,700) and the NHS Hospital Trust (£13,818). The current application initially sought to omit the affordable housing contribution on grounds of scheme viability, this matter is discussed further below.

Affordable Housing

80. Policy 8 of the LPP1 states that new residential developments within the borough are required to provide the specified level of affordable housing (30% in the case of Ruddington) on sites of 5 dwellings or more or 0.2ha or more. Based on a development of 43 apartments, this would equate to 12.9 affordable units. The policy recognises that the provision of affordable housing should take into account scheme viability.

81. Policy 8, Part 5 sets out how the overall proportion and mix for affordable housing will be determined. It states that the ability to deliver affordable housing alongside other requirements, taking into account broad assessments of viability will be considered as part of this process. It goes on to state that where the findings of local assessments are disputed on a particular site, a financial appraisal of the proposal will be expected in order to determine an appropriate level of affordable housing.
82. Through discussions with the Local Authority, it was established under previous application 19/01616/FUL that provision of on-site affordable housing would be impractical and that an offsite contribution would be acceptable, to be provided by way of a commuted sum. A revised Affordable Housing and Viability Statement has been submitted as part of the current application, dated March 2020. It considered that there are revised build costs to be taken into account, stating that there has not been an uplift in values due to economic uncertainties and the coronavirus pandemic. Thus, the viability statement concluded that as the residual value of the scheme is less than the benchmark land value, the scheme cannot make a contribution to affordable housing.
83. The Council sought input from an independent viability assessor to verify these findings. The independent viability assessor disagreed with the findings of the submitted viability assessment and concluded that the scheme could viably make a contribution towards affordable housing, albeit not the full commuted sum of £226,700 originally secured through the S106 associated with the previous approval. Having considered the combined effects of a slow-down in retirement home sales due to the COVID 19 pandemic, and the removal of ground rent income (consistent with Government guidance regarding the future of ground rents in relation to retirement housing), it concludes that the applicant's proposed reduced total S106 contribution of £117,531 is appropriate, if attached to a time limited consent. Of this figure, £87,251 would be to cover off-site affordable housing and £30,280 would be towards health care provision.
84. The applicant has agreed to this reduced financial contribution. Having assessed the viability of the proposal and the impact of the pandemic, it is accepted that the full contribution cannot be made, and it is considered that the requirements of Policy 8 of the Core Strategy have been met in respect of affordable housing.

Health

85. The NHS Nottingham West CCG request a Section 106 contribution set at £600 per 1 bed and £920 per 2+ bed apartment. Any contribution for this development would be put towards extending Ruddington Medical centre further or increasing capacity at neighbouring practices. This equates to £30,280 contained within the contributions detailed above.

Planning Balance and Conclusion.

86. The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. It is

recognised that there is an increase in the ageing population and that there is a growing market need to provide appropriate accommodation across a range of tenures to cater for this increase. It is also recognised that specialist retirement accommodation has a part to play in meeting housing need, particularly as it can result in freeing up larger family homes. This need for a variety of housing types weighs in favour of the proposal in the planning balance.

87. It is considered that the proposal is sympathetic to the character and appearance of the neighbouring buildings, adjacent Listed Building and surrounding Conservation Area by virtue of its scale, density, height, massing, layout and materials, an opinion supported by the Conservation and Design Officer, it would not lead to an over-intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy. The scheme would provide public benefits by bringing back into use this unsightly vacant site whilst contributing to the provision of homes for the elderly, a sector where growth is needed within the borough.
88. The previous application ref: 19/01616/FUL was subject of pre-application advice and the scheme was submitted in general accordance with that advice. No pre-application advice was sought prior to the submission of the current application. The scheme however is considered acceptable and notwithstanding matters of viability, no other discussions or negotiations with the applicant or agent were considered necessary.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Transformation is authorised to grant planning permission subject to the prior signing of a Section 106 agreement and the following conditions

1. The development must be begun not later than 28 February 2023.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004. The time limit is less than the standard three years due to the viability considerations associated with the application].

2. The development hereby permitted shall be carried out in accordance with the application details and following approved plans and documents:
 - JBA 19 - 111 - SK01 (Landscaping Strategy)
 - 30042RT - PL101 (Site Location Plan)
 - 30042RT - PL102 (Site Plan/ Roof Plan)
 - 30042RT - PL103 (Site Plan/ Ground Floor Plan)
 - 30042RT - PL104 (Ground Floor Plan)
 - 30042RT - PL105 (First Floor Plan)
 - 30042RT - PL106 (Second Floor Plan)
 - 30042RT - PL107 (Roof Plan)
 - 30042RT - PL108 (North and East Elevations Sheet 1)
 - 30042RT - PL109 (South and West Elevations Sheet 2)
 - 30042RT - PL110 (Courtyard Elevations Sheet 3)
 - 30042RT – PL120/1 (Contextual Elevation)

Received on 26 March 2020;

- And JBA-19-111-02 Rev A (Detailed Soft Landscape Proposals), received on 15 January 2021.

[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. Each unit of the development hereby permitted shall be occupied only by:
- a) persons over 60 years of age;
 - b) persons living as part of a single household with such a person or persons;
 - c) persons who were living in the unit as part of a single household with such a person or persons who have since died.

[In order to support the considerations of the viability assessment which effectively reduced the level of financial obligations required from this development based on the demographic of the proposed occupiers and subsequently to prevent the sale of these units on the open market to any individual and to comply with policy 43 (Planning obligations Threshold) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The development shall not be brought into use until facilities for the disposal of foul and surface water drainage have been provided, in accordance with details previously submitted to and approved in writing by the Borough Council.

[To ensure that adequate drainage facilities are provided in connection with the development and to comply with policy 18 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

5. Prior to the installation of security lighting/floodlighting, 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 such scheme shall have regard to The Bat Conservation Trust Bats and artificial lighting guidance note (2018). The lighting shall be installed only in accordance with the approved details and retained as such for the life of the development.

[To protect the amenities of the area, non-designated biodiversity assets and the wider ecological network in compliance with policies 1 and 38 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

6. Before the use is commenced, a scheme providing for the adequate storage of refuse from this use shall be submitted to and approved in writing by the Borough Council. The agreed details shall be implemented before the development is brought into use and thereafter retained for the lifetime of the development in accordance with the approved details.

[To protect the amenities of the area and to comply with Policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

7. The proposed access road, service areas and car parking areas shall be provided in hard wearing materials in accordance with details submitted to and approved in writing by the Borough Council and the car parking spaces shall be clearly marked out, before the development is first occupied. The approved access, service and parking areas shall be retained for that purpose thereafter for the life of the development.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

8. During the construction phase there shall be no delivery/collection of goods, materials or arrival/departure of personnel visiting/working on the site during the hours the James Peacock Infant and Nursery School is open for the dropping off and collection of pupils (8:00 am till 9:00am and 3:00pm until 4:00). Details of the management of which shall be submitted to and approved in writing by the Borough Council prior to the commencement of any development of the site. The approved management plan shall be implemented in full and adhered throughout the construction phase of the development hereby approved.

[In the interest of highway safety and to comply with policy1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies. The management of deliveries to the site needs to be agreed before work commences on site to ensure appropriate measures are in place during the construction phase].

9. The landscaping scheme hereby approved shall be carried out in accordance with drawing JBA 19-111-02 (Detailed Soft Landscaping Proposals), received on 15 January 2021. The scheme shall be carried out in the first tree planting season following the substantial completion of the development and 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.

[In the interests of amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

10. No operations shall commence on site until the existing trees and or hedges which are to be retained have been protected in accordance with PL003 Rev B- Tree Protection Plan and this 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.

[To ensure existing trees are adequately protected during the development and to comply with policies 1 and 37 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

11. The development hereby permitted shall not proceed above foundation level until details of the 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 a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies].

12. The development shall only be carried out in accordance with details of finished ground and floor levels in relation to an existing datum point, existing site levels and adjoining land which shall be submitted to and approved in writing by the Borough Council before the development commences and the development shall only be undertaken in accordance with the details so approved.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Local Plan Part 2 – Land and Planning Policies. This condition needs to be discharged before development commences to ensure that the development can be undertaken having regard to the existing and intended finished ground and floor levels].

13. Prior to their construction, full details of the proposed Substation and Buggy Store shall be submitted to and approved by the Borough Council and the buildings will be thereafter constructed in accordance with the approved details.

[To ensure a satisfactory development in the interests of visual amenity and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 – Land and Planning Policies].

14. Prior to the development progressing beyond ground floor slab level, a statement of Biodiversity Net Gain from the development shall be submitted to the Borough Council for approval. Any approved mitigation and enhancement scheme, which must include installation within buildings and on retained trees (including Swallow/swift and sparrow cups/boxes) and hedgehog corridors, shall thereafter be implemented prior to the first occupation of any unit and retained for the lifetime of the development.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

15. Prior to the commencement of any works on site, an Ecological Method Statement shall be submitted to and approved in writing by the Borough Council and Good practise 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 sensitive areas, including ditches.
 - All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.

- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.

Any approved scheme shall be adhered to thereafter until the development is complete.

[To ensure that adequate compensatory measures are carried out and to comply with policy 17 of the Core Strategy and policy 38 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

16. No development shall take place until the details of a Construction Management Plan is submitted and approved in writing by the Local Planning Authority. The plan shall have full regard to the Ecological Method Statement required by condition 15 above, and shall include:
- Access and parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to control the emission of noise, dust, dirt and vibration during construction;
 - A scheme for recycling/disposing of waste resulting from construction works;
 - Hours of operation (including demolition, construction and deliveries);
 - A scheme to treat and remove suspended solids from surface water run-off during construction;
 - An earthworks strategy to provide for the management and protection of soils including handling, stripping and stockpiling and reuse;
 - The siting and appearance of contractors compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation;
 - Scheme for temporary signage and other traffic management measures, including routing and access arrangements. The agreed access shall be provided before development commences; and
 - The routing of deliveries and construction vehicles to/from the site, to limit where practicable approach to the site from the west along Bunny Lane, and any temporary access points.

The development shall be carried out in full accordance with the approved Construction Method Statement throughout the construction period.

[In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway; to prevent inadequate parking, turning and manoeuvring for vehicles; inadequate materials storage and to ensure adequate recycling of materials in the interests of highway safety, visual

amenity and environmental management to comply with Policy 1 of the Rushcliffe Borough Local Plan Part 2: Land and Planning Policies. This is a pre commencement condition to ensure that the amenity of existing occupiers are protected during construction and to ensure regard is had to the existing on-site wildlife].

17. Prior to the construction of the building proceeding above foundation level, a scheme for the provision of electric vehicle charging points to serve the development shall be submitted to and approved by the Borough Council. If this is not technically feasible, then it must be demonstrated why the positioning of such apparatus to the external fabric of the building or the provision of a standalone vehicle charging points would not be possible or Page 7 of decision 19/01616/FUL would have an adverse visual impact on the development or street scene. Thereafter, none of the apartments shall be occupied until such time that the electric vehicle charging points have been installed in accordance with the approved scheme and the apparatus shall be retained for the lifetime of the development.

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

Notes to Applicant

This permission is subject to an Agreement made under the provisions of Section 106 of the Town & Country Planning Act 1990 (as substituted by the Planning & Compensation Act 1992) relating to provision of on-site affordable housing and contributions towards essential infrastructure. Any payments will increase subject to the provisions set out in the Agreement.

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.

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.

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 landowner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

The Borough Council and Nottinghamshire County Council are keen to encourage the provision of superfast broadband within all new developments. With regard to the condition relating to broadband, it is recommended that, prior to development commencing on site, you discuss the installation of this with providers such as Virgin and Openreach Contact details: Openreach: Nicholas Flint 01442208100
nick.flint@openreach.co.uk Virgin: Daniel Murray 07813920812
daniel.murray@virginmedia.co.uk.