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**Direct dial** 0115 914 8482  
**Email** constitutional.services@rushcliffe.gov.uk

**Our reference:**  
**Your reference:**  
**Date:** 7 June 2017

To all Members of the Council



Rushcliffe Community  
Contact Centre  
Rectory Road  
West Bridgford  
Nottingham  
NG2 6BU

Dear Councillor

A meeting of the **Planning Committee** will be held on Thursday 15 June 2017 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R. Butler'.

Deputy Monitoring Officer

## AGENDA

1. Apologies for absence and substitute Members
2. Declarations of Interest
  - a) Under the Code of Conduct
  - b) Under the Planning Code
3. Minutes of the Meeting held on Thursday 18 May 2017 (pages 1 - 13).
4. Planning Applications

The report of the Executive Manager - Communities is attached (pages 14 - 55).
5. Appeal Decisions

Planning Appeal Decisions are attached for information only (pages 56 - 58).

### Membership

Chairman: Councillor R L Butler  
Vice-Chairman: Councillor J A Stockwood  
Councillors B R Buschman, J N Clarke, M J Edwards, J E Greenwood,  
R M Jones, Mrs M M Males, S E Mallender, Mrs J A Smith and J E Thurman

**In person**  
Monday to Friday  
8.30am - 5pm  
First Saturday of  
each month  
9am - 1pm

**By telephone**  
Monday to Friday  
8.30am - 5pm

**Telephone:**  
0115 981 9911

**Email:**  
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[www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk)

**Postal address**  
Rushcliffe Borough  
Council  
Rushcliffe Arena  
Rugby Road  
West Bridgford  
Nottingham  
NG2 7YG



## Meeting Room Guidance

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**Toilets:** are located to the rear of the building near the lift and stairs to the first floor.

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**MINUTES  
OF THE MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
THURSDAY 18 MAY 2017**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road,  
West Bridgford

**PRESENT:**

Councillor J A Stockwood (Chairman)  
Councillor K P Beardsall (Vice-Chairman)

Councillors B R Buschman, M J Edwards, A J Edyvean, J E Greenwood,  
S J Hull, R M Jones, Mrs M M Males, S E Mallender, D J Mason,  
Mrs J A Smith, Mrs M Stockwood (Substitute for F A Purdue-Horan),  
J E Thurman and R G Upton

**ALSO IN ATTENDANCE**

Councillors T Combellack and J Donoghue  
11 Members of the public

**OFFICERS IN ATTENDANCE**

A Goodman	Constitutional Services Officer
D Mitchell	Executive Manager - Communities
I Norman	Legal Services Manager
A Pegram	Service Manager – Communities
P Taylor	Area Planning Officer

**APOLOGIES FOR ABSENCE**

Councillors J N Clarke (ex officio), F A Purdue-Horan and S J Robinson  
(ex officio)

**48. DECLARATIONS OF INTEREST**

16/03119/OUT – Land off Lantern Lane, East Leake, Nottinghamshire –  
Councillor J E Thurman

**49. MINUTES**

The Minutes of the Meeting held on Thursday 13 April 2017 were confirmed as  
a correct record and signed by the Chairman.

**50. PLANNING APPLICATIONS**

The Committee considered the written report of the Executive Manager -  
Communities relating to the following applications, which had been circulated  
previously.

**Councillor J E Thurman declared an interest in the following application and left the room at 7.05 pm for the consideration of the application.**

**Item 1 - 16/03119/OUT - Outline planning application for the erection of up to 195 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Lantern Lane LE12 6QN. All matters reserved except for means of access - Land Off Lantern Lane, East Leake, Nottinghamshire**

### **Updates**

Representations from East Leake Parish Council and Nottinghamshire County Council Education received after the Agenda had been finalised, had been circulated to Members of the Committee prior to the meeting.

### **DECISION**

#### **REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASONS**

1. The proposal would comprise residential development of a greenfield site outside of the built up part of the settlement. The site is not allocated for development in the development plan and, although East Leake is identified as a key settlement for growth in Policy 3 of the Rushcliffe Core Strategy, the development would exceed the minimum target of houses to be provided in and around East Leake by over 150% when considered cumulatively with schemes already granted planning permission. This level of housing delivery for East Leake would be contrary to the Council's housing distribution strategy set out in Policy 3 and would lead to the unplanned expansion of development significantly beyond the established built edge of the village with resultant adverse impact on its rural setting and adverse impact on access to services.
2. It has not been demonstrated that a suitable access to serve the new development can be provided or that the traffic generated by the proposed development would not result in an unacceptable increase in danger to the users of the highway due to the use of the access. The proposal would therefore be contrary to the provisions of Policy GP2 of the Rushcliffe Borough Non-Statutory Replacement Local Plan, which states that planning permission for changes of use and new development will be granted provided that, inter alia;
  - b) A suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety, the provision of parking is in accordance with the guidance in the County Council's parking provisions for new developments and the design of the proposal accords with guidance produced by the Highway Authority.
3. It has not been adequately demonstrated that the proposal would not impact on any protected species and/or their habitats or that adequate

mitigation measures against the harm of the development on any protected species and/or their habitats could be implemented. The proposal would therefore be contrary to the provisions of Policy EN12 of the Rushcliffe Borough Non-Statutory Replacement Local Plan, which states, inter alia, that planning permission will not be granted unless the application includes measures to mitigate the impact of the development on habitats; to reduce disturbance; and to provide adequate alternative habitats to sustain to current levels of population.

**Item 2 - 17/00221/FUL - Demolition of existing buildings and erection of two bungalows and six semi-detached houses - 11 West Avenue, West Bridgford, Nottinghamshire NG2 7NL**

**Updates**

Representations from the Ward Member Councillor Edwards, the Planning Officer and a local resident received after the Agenda had been finalised, had been circulated to Members of the Committee prior to the meeting.

**DECISION**

**GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS**

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 plan(s):

2284(08)001 Rev A;  
2284(08)003 Rev B;  
2284(08)E01 Rev B;  
2284(08)E02 Rev B;  
2284(08)E03 Rev C;  
2284(08)E04 Rev B;  
2284(08)E05;  
2284(08)H01 Rev B  
2284(08)H02 Rev B  
2284(08)H03 Rev F;  
2284(08)H04 Rev B;  
2284(08)H05;  
2284(08)G01 Rev E;  
2284(08)S01 Rev B; and  
The Boundary wall Method Statement.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The development hereby permitted shall not advance beyond 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 thereafter only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. Prior to the construction of any of the dwellings hereby approved an Environmental Noise Assessment shall be submitted to and approved by the Borough Council. This assessment shall be carried out during the day and night time on the site where the residential homes are proposed and shall monitor noise from the retail premise's mechanical plant / equipment, especially close to the proposed residential homes. It shall include representative monitoring positions and measurement parameters to be first agreed with the Borough Council. Where noise mitigation measures are identified by the Environmental Noise Assessment a sound mitigation scheme to effectively reduce the transmission of noise from external sources shall be submitted to and approved by the Borough Council prior to development commencing. Thereafter the dwellings shall be constructed incorporating those noise mitigation measures which shall be maintained for the lifetime of the development.

[To protect the amenities of future occupiers and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The noise assessment is considered to be required prior to commencement as it may impact on the design of the dwellings and/or the implementation of noise mitigation measures that could prove costly and avoidable if required to be fitted retrospectively].

5. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during demolition and construction shall be submitted to and approved by the Borough Council. Thereafter the works shall be carried out in accordance with the approved method statement.

[To protect the amenities of nearby residents and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. It is considered that the method statement should be approved prior to commencement of development to minimise/prevent otherwise avoidable disturbance to the amenity of neighbouring occupiers as no information has been provided].

6. Before development is commenced, a Phase II Contaminated Land Report as detailed in Report Delta-Simons Project No. 16-0897.01 shall

be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with any approved mitigation measures.

To ensure that the site is free from contamination and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. A Contaminated Land Report is required prior to development commencing because it may be necessary to carry out remediation measures which could not be carried out once development has commenced.

7. Following completion of the works undertaken in respect of condition 6, a written Validation Report with confirmation that all remedial works have been completed and validated in accordance with the agreed details shall be submitted to and approved in writing by the Borough Council prior to the occupation of the development.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

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

To ensure that the site is free from contamination and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. Soil testing is required prior to development commencing because it may be necessary to carry out remediation measures which could not be carried out once development has commenced.

9. No part of the development hereby permitted shall be brought into use until the parking/turning areas as shown on drawing number 2284(08)003 Revision B have been provided. The parking/turning areas shall not be used for any purpose other than the parking and turning of vehicles and shall remain available for such use throughout the lifetime of the development.

[In the interest of highway safety; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. No part of the development hereby permitted shall be brought into use until the access driveway has been constructed with provision to

prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

11. The mitigation/compensatory measures referred to in the protected species survey shall be completed prior to the occupation of the first dwelling and the Borough Council shall be notified when these measures have been carried out and there shall be no alteration to the measures taken without the prior written approval of the Borough Council. Any mitigation measures required shall be implemented in accordance with the survey to the satisfaction of the Borough Council.

[To ensure that adequate compensatory measures are undertaken and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

12. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Residential Development 11 & 11A West Avenue, West Bridgford, Nottingham reference MA10463 - R01A by Millward and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 25.12m above Ordnance Datum (AOD).
- Flood proofing/resilience measures are included in the scheme

The mitigation measures shall be fully implemented prior to the first 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 adequate drainage facilities are provided in connection with the development; to reduce the risk of flooding to the proposed development and future occupants; to reduce the impact of flooding when it occurs and to comply with policy WET3 (Ground Water Resources) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

13. All future owners and occupants of the dwellings hereby approved shall be provided with details of the flood evacuation plan including the details of the safe exit route (in accordance with the approved flood evacuation plan) upon their first occupation of the dwellings. The flood evacuation plan must not adversely affect the flood regime and the safe exit route must be in place before any occupancy of the buildings.



[To provide safe access and egress during flood events in accordance with the Government's PPS25 and to reduce reliance on emergency services].

14. No development, including site works, shall begin until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:
  - (a) the treatment proposed for all ground surfaces, including hard areas;
  - (b) full details of any tree planting;
  - (c) planting schedules, noting the species, sizes, numbers and densities of plants;
  - (d) finished levels or contours;
  - (e) full details of all boundary treatments for the perimeter of the site, including the timescale for implementation, colour, materials, and finish(es), and where that the perimeter boundary adjoins the rear gardens of 33 to 57 Carlyle Road and 24 to 32 North Road shall be finished to a height of at least 2.5m above the finished floor level of the properties they serve within the development; and
  - (f) full details of all other boundary treatments, including those subdividing the domestic gardens of the approved properties within the site detailing the timescale for implementation, colour, materials, finish(es) and heights measurable from a fixed datum point.

The boundary treatment(s) shall be carried out in accordance with the approved details and timescales for implementation and the approved landscape 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, unless the Borough Council gives written consent to any variation. Thereafter the boundary treatment and landscaping shall be maintained in accordance with the approved details for the life of the development.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of development in advance of the submission of these details have been approved could result in loss of or damage to the existing sensitive boundary walls which it is considered should be retained/enhanced. Furthermore the details of the levels and surfacing could have further implications on the functioning floodplain].

15. Notwithstanding the provisions of Schedule 2, Part 1 Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed dwelling(s), and no alteration to or insertion of windows

or rooflights other than those shown on the approved plans and no sheds, buildings or structures shall be erected on the site without first obtaining planning permission to do so.

[The development is of a nature whereby future development of this type should be closely controlled to protect neighbouring amenity and the risk of flooding to comply with policies GP2 (Design & Amenity Criteria) and WET3 (Flooding) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

16. The windows in the first floor, north-west facing (front) elevations of the dwellings hereby approved shall be obscure glazed and fixed shut. The first floor windows on the south-east facing (rear) elevations of the dwellings hereby approved shall be obscure glazed to a height of 1.5m measured from the internal floor of the rooms they serve. Details of the method and specification of the obscure glazing shall be submitted to and approved in writing by the Borough Council prior to the occupation of the first dwelling. Thereafter the windows shall be installed in accordance with the approved details and retained as such with no changes made to the windows without first obtaining planning permission to do so from the Borough Council.

[To prevent overlooking and loss of privacy to neighbouring property and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

## **NOTES TO APPLICANT**

Although the submitted protected species survey found no evidence of bats, it points out that there is the possibility that they may be found behind pantiles etc. You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report.

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

If any unexpected, visibly contaminated or odorous materials of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the Borough Council before further work is undertaken in the affected areas, and works shall proceed only in accordance with the agreed remediation proposals.

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.

You are advised that your property falls within an area identified to be at risk of

flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website

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.

All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday - Friday 07:00 - 19:00 hours

Saturday 08:00 - 17:00 hours

Sunday and Public / Bank Holidays No work activity

Due to the close proximity of neighbouring residents, there shall be no burning of waste / wood on the site.

For further information on the content of Contaminated Land Reports, please refer to the Councils Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both Rushcliffe Borough Council's website [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) (use the A-Z search for Contaminated Land) or by contacting the Neighbourhoods Service directly or use the following link

<http://www.rushcliffe.gov.uk/media/rushcliffe/media/documents/pdf/environmentandwaste/Notts%20developers%20guide%202013.pdf>

The buildings on the site may contain asbestos materials and these should be removed by an appropriate licensed contractor prior to demolition in order to prevent contamination and risk to human health.

It is an offence under S.148 and S.151 of the Highways Act 1980 to deposit mud on the highway and as such you should undertake every effort to prevent it occurring.

The demolition works adjacent to the public highway may need to be controlled. Please contact our Highway Management Team on 0300 500 8080 to determine whether any temporary traffic management / licenses are necessary.

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively you can obtain an asbestos fact sheet from their website [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

Best practice should be followed during building work to ensure trenches dug during works activities are left open over night, they should be left with a sloping end or ramp to allow exit for any animal that may fall in to escape. Any

pipes over 200mm in diameter should be capped off at night to prevent animals entering.

All workers / contractors should be made aware of the (low) potential of protected species (bats) being found on site and care should be taken during works to avoid harm. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

All work impacting on 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.

The use of external lighting should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice.

Measure to provide habitat enhancements are recommended and could include installing bat and bird boxes (which can be incorporated within walls through appropriate boxes).

Ecological enhancements should be considered including planting native shrubs and trees and native wildflower grassland within any landscaping and the use of soakaway / rain gardens incorporating native species.

Consideration should be given to creating highly energy efficient properties, renewable generation, space for recycling bins and bicycle storage.

With respect to Condition 3, of this planning permission, please contact the Case Officer on 0115 9148 252, to arrange for samples to be viewed on site, giving at least 5 days' notice. The application for discharging condition 3, of this permission, relating to materials, should be submitted prior to this.

### **Item 3 - 17/00427/FUL - Proposed two storey, three bedroomed house with parking and garden - Swan House Main Street, Hickling, Nottinghamshire LE14 3AJ**

#### **Updates**

There were none reported.

#### **DECISION**

#### **GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS**

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 plan(s): Block plan drawing number A002 Revision A, Proposed elevations drawing number PL100 Revision B and Proposed Plans drawing number PL101 Revision B.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The development hereby permitted shall not be commenced 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.

[The site lies within a sensitive area of the Conservation Area adjacent to a Listed building and as such detail of the materials are required prior to development commencing so that an assessment of their suitability can be made and avoid potential abortive work to the applicant. This is to ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. Prior to any hardsurfacing of the site taking place details of the proposed surfacing materials (including the driveway) shall be submitted to and approved in writing by the Borough Council. The development shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

5. Prior to the development commencing on site, details of the proposed boundary treatment to the site shall be submitted to and approved in writing by the Borough Council. Where practicable, the boundary treatment shall incorporate the retention of the wall to the walled garden or bricks reclaimed from the wall surrounding the walled garden. The boundary treatment shall be provided in accordance with the approved details prior to the development being brought into use and thereafter maintained for the lifetime of the development.

[To ensure the appearance of the development is satisfactory and to comply with policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. Given the location of the site within the Conservation Area and the need to ensure that the appearance of the development preserves or enhances the character and appearance of the conservation area, these details need to be agreed before

development commences on site].

### **Notes to Applicant**

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.

With respect to Conditions 3 and 4 of this planning permission, please contact the Case Officer on 0115 9148 413, to arrange for samples to be viewed on site, giving at least 5 days' notice. The application for discharging conditions 3 and 4 of this permission, relating to materials, should be submitted prior to this.

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.

### **Item 4 - 17/00211/FUL - Two storey side extension, front porch (demolition of single detached garage) - 10 Hawley Close, East Leake, Nottinghamshire LE12 6NB**

#### **Updates**

There were none reported.

#### **DECISION**

#### **GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITIONS**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan and Proposed Block plan Drg No: 1658-01; Proposed Site layout and Ground Floor Plan Drg No: 1658-05; Proposed First Floor Plan Drg No: 1658-06; Proposed Front, Rear and Side (South) Elevations Drg No: 1658-07 Revision A.

[For the avoidance of doubt and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

3. The extensions hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing dwelling

[To ensure the appearance of the development is satisfactory and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

#### 51. **APPEAL DECISIONS**

There were no Planning Appeal Decisions.

The meeting closed at 8.55 pm.

CHAIRMAN

## Report of the Executive Manager - Communities

### PLEASE NOTE:

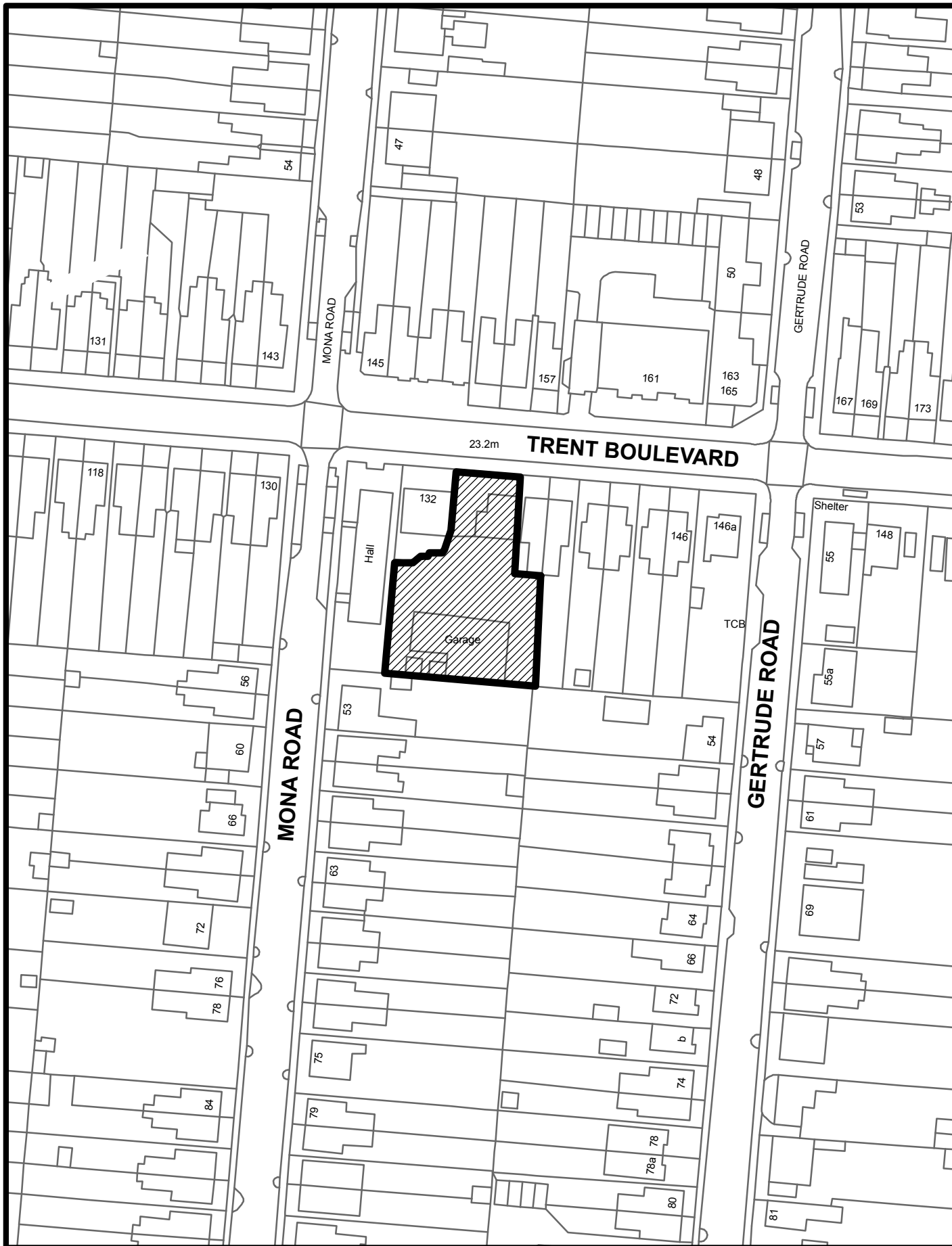
1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local Government Act 1972 and relevant planning legislation/Regulations. Copies of the submitted application details are available on the website <http://planningon-line.rushcliffe.gov.uk/online-applications/>. This report is available as part of the Planning Committee Agenda which can be viewed five working days before the meeting at <http://www.rushcliffe.gov.uk/councilanddemocracy/meetingsandminutes/agendasandminutes/>. Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Executive Manager - Communities, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:

“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary. If you have not already made a Building Regulations application we would



recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at <http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol/>

<b>Application</b>	<b>Address</b>	<b>Page</b>
<b>17/00582/FUL</b>	134A Trent Boulevard, West Bridgford, Nottinghamshire NG2 5BW	16 - 24
	Demolish existing house and ancillary buildings, erect 2x apartment blocks comprising 8x2 bed apartments, 1x1 bed apartment, plus gym facility with parking	
<b>Ward</b>	Lady Bay	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<b>17/00043/COU</b>	Artex Ltd, Pasture Lane, Ruddington, Nottinghamshire NG11 6AE	25 - 39
	Use of land to provide vehicle parking with measures to improve bio-diversity (part retrospective)	
<b>Ward</b>	Ruddington	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<b>17/00450/FUL</b>	2 Field Bungalow, Chapel Lane, Aslockton, Nottinghamshire NG13 9AR	40 - 48
	Division of existing site to form a separate plot to allow the construction of a four bedroom family home	
<b>Ward</b>	Cranmer	
<b>Recommendation</b>	Planning permission be granted subject to conditions	
<b>17/00656/FUL</b>	44 Daleside, Cotgrave, Nottinghamshire NG12 3QN	49 - 55
	Single storey side extension with accommodation in the roof.	
<b>Ward</b>	Cotgrave	
<b>Recommendation</b>	Planning permission be granted subject to conditions	



**Application Number 17/00582/FUL**  
**134a Trent Boulevard, West Bridgford**



scale 1:1000

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Rushcliffe Borough Council - 100019419

# 17/00582/FUL

**Applicant** Mr Vinny Owen

**Location** 134A Trent Boulevard West Bridgford Nottinghamshire NG2 5BW

**Proposal** Demolish existing house and ancillary buildings, erect 2x apartment blocks comprising 8x2 bed apartments, 1x1 bed apartment, plus gym facility with parking.

**Ward** Lady Bay

## THE SITE AND SURROUNDINGS

1. The site, which lies to the south of Trent Boulevard, extends to approximately 890 square metres and comprises the existing dwelling, 134 Trent Boulevard, and a commercial garage with its associated yard area.
2. The site is bounded on its south and east sides by residential properties and on its western side by the recently constructed scout headquarters building.
3. The site lies within flood zone 3, as shown on the Environment Agency flood risk maps, and is shown on the Strategic Flood Risk Assessment, which takes into account the defences, to be in an area equivalent to flood zone 1.
4. The application is supported by a Design and Access Statement, Flood Risk Assessment and Preliminary Ecological Appraisal.

## DETAILS OF THE PROPOSAL

5. The application relates to the demolition of the existing dwelling and the commercial garage buildings and the development of a three storey building on the frontage comprising 5 flats and a part two/part single storey building at the rear comprising 4 flats and a gym. The plans also make provision for an access road and 9 car parking spaces, including one disabled space.
6. The frontage building would have a height of 9.1 metres whilst the rear building would have a maximum height of 6.3 metres with the single storey section 3.4 metres high.
7. Revised plans showing design changes to the elevations were received on 24 May 2017.

## SITE HISTORY

8. There is no relevant site history.

## REPRESENTATIONS

### Ward Councillor(s)

9. The Ward Councillors (Cllr S Mallender and Cllr R Mallender) object to the application on the grounds that the design of the development would be out of keeping with the area, it would represent over development of the site and result in loss of light to, and have an overbearing impact on neighbours. Also, there would be increased traffic on Trent Boulevard.

### Statutory and Other Consultees

10. The Nottinghamshire County Council as Highway Authority has raised no objection on highway grounds but recommends that the proposed drive should be fronted by a dropped kerb vehicular crossing with any redundant sections reinstated to footway.
11. The Environment Agency originally objected to the proposals but withdrew the objection following receipt of a revised Flood Risk Assessment, the proposed mitigation measures in which included appropriate floor levels and the preparation of flood warning and evacuation plans.
12. The Nottinghamshire Wildlife Trust recommended that a bat emergence survey be carried out in respect of the existing buildings.
13. The Borough Council's Environmental Health Officer has recommended that, to avoid noise and disturbance to nearby residents, the proposed gym should only be available to residents of the development. It is also recommended that details of any external plant or equipment be submitted, a contaminated land report be submitted and a method statement for control of dust, noise and vibration prior to commencement of development.
14. The Borough Council's Conservation and Design Officer originally expressed concern over the design of the front elevation of the three storey building, which was felt to be out of keeping with its surroundings, however, he has no objection on the basis of the revised plans.
15. The Borough Council's Environmental Sustainability Officer considers that there are no ecological or sustainability constraints to the proposals.
16. The Borough Council's Waste and Recycling Officer recommended that the bin collection point be sited as close as possible to the highway. It should be noted that the proposed bin collection point is as close as possible to the front of the site whilst there is an extensive forecourt where bins could be collected.

### Local Residents and the General

17. 7 letters of objection (from 6 addresses) have been received from local residents. The grounds of objection relate to the following:

- a. Lack of car parking.
- b. Design out of keeping with and detrimental to the character of the surrounding area.
- c. Loss of light and adverse impact on neighbours.
- d. Demolition of existing house unjustified.

## **PLANNING POLICY**

18. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
19. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
20. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

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

21. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
22. Paragraph 7 of the NPPF confirms that there are three dimensions to sustainable development; economic, social and environmental. Paragraph 8 of the NPPF goes on to clarify that these three dimensions should not be undertaken in isolation, because they are mutually dependent and that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
23. Paragraph 17 of the NPPF states that planning should, inter-alia, seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
24. Paragraph 49 states that, to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
25. Paragraph 58 requires new development to respond to local character and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

26. Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular taste and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to preserve or reinforce local distinctiveness.

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

27. Policy 1 of the Rushcliffe Local Plan Part 1 - Core Strategy states that the Borough Council will take 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.
28. Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy requires 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 local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
29. In the context of the Rushcliffe Borough Non Statutory Replacement Local Plan, the relevant policies are GP2 (Amenity and Design), HOU2 (Development on Unallocated Sites) and WET 2 (Flooding).
30. Policy GP2 requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.
31. Policy HOU2 states that planning permission will be granted for development on unallocated sites so long as a number of criteria can be satisfied, including that the development would not extend the built-up area of the settlement, would not result in the loss of a site which makes a significant contribution to the amenity of the area by virtue of its character or open nature, etc.
32. Policy WET 2 (Flooding) states that development will not be permitted in areas of flood risk unless it is in a developed area, can be adequately protected against potential flood risk and would have no adverse effects on the management of flood risk.

### **APPRAISAL**

33. The site is conveniently located for services and facilities, including bus services, and comprises a sustainable location, as required by the NPPF. It is, therefore, considered that the proposed development is acceptable in principle.
34. Discussions took place at pre-application stage which resulted in the proposed rear building being reduced in scale from part three/part two storey

to the present proposed two storey/single storey structure. Also the rear section of the frontage building has been stepped at the rear corners, the section adjacent to no.132 comprising balconies with glazed screens to prevent overlooking. These amendments have overcome original concerns over possible overbearing and overshadowing impact on neighbours, particularly 132 and 136 Trent Boulevard and 53 Mona Road.

35. Although the above properties have habitable rooms facing the site, loss of privacy, particularly from the rear building, is minimized through the inclusion of high level windows in the north and south elevations, with the only full height first floor windows being in the west elevation, which overlooks the new scout headquarters building.
36. Whilst concern has been expressed over traffic and parking, it should be noted that the County Council has raised no objection. Furthermore, not only is the site conveniently located for local facilities and services, including public transport, but the current commercial use obviously generates a certain amount of activity, as could any future intensification of the commercial use, which may not require planning permission.
37. The site is in Flood Zone 3 on the Environment Agency's flood zone maps which, has a medium to high probability of flooding. However, the Strategic Flood Risk Assessment indicates that the site falls outside of the area outlined to be 1 in 1000 annual chance of flooding. As such the area has a low probability of river flooding equivalent to Flood Zone 1. In view of this and the guidance in the NPPG, it is concluded that the site is equally comparable to other sites identified in the Strategic Housing Land Availability Assessment in West Bridgford, and the sequential test has been passed. As the Environment Agency (EA) and the Lead Local Flood Authority do not object and the site is in a sustainable location close to local services/facilities, employment and public transport, it is considered that the Exception Test is also passed.
38. As stated above, the essence of paragraphs 58 and 60 of the NPPF is that innovative design, in this case contemporary, should not be stifled so long as there is acknowledgement of local characteristics. In light of this, discussions have taken place with the applicants which have resulted in amendments to the front elevation, whilst retaining the contemporary approach. In particular the revised design places more emphasis on verticality whilst retaining the projecting elements, which reflect the bays which are characteristic of the area. Also, a more subdued colour scheme is proposed. In view of this, it is considered that the design is acceptable and would add interest to the street scene.
39. On the basis of current information, it is unlikely that the buildings are used by bats, however, the applicants have arranged for emergence surveys to be carried out and the results will be reported in the schedule of late representations to be circulated to Councillors prior to the meeting.
40. Negotiations have taken place during the consideration of the application in an attempt to address adverse impacts identified by officers in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and the recommendation that planning permission be granted.

## RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following conditions:

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 not proceed beyond 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 the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

3. The development shall be carried out in accordance with the mitigation measures included in the Flood Risk Assessment March 2017 / 17-0036/BSP Consulting.

[To ensure protection against flooding and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The development shall not be brought into use until the proposed access and parking/turning area, the bin store and bicycle storage facilities have been constructed with the access driveway fronted by a dropped kerb vehicular crossing with any redundant sections returned to footway. These facilities shall be retained for the lifetime of the development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. Details of all screen fencing/walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council before development commences. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained thereafter unless the Borough Council gives written consent to a variation.

[In the interest of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. Prior to the installation of any externally mounted plant or equipment or any internally mounted equipment which vents externally, serving the gym area, the noise levels for such items shall be submitted to and approved in writing by the Borough Council. Thereafter, the plant and/or equipment shall only be operated in accordance with the approved details.



[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

7. Before development is commenced, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. Where the Report identifies potential contamination a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required.

[To make sure that the site, when developed is free from contamination, in the interests of public health and safety and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

8. Prior to the use of the proposed gym commencing, an insulation scheme to effectively reduce the transmission of noise to the apartments in the building shall be carried out in accordance with details first approved in writing by the Borough Council.

[To protect the amenities of the neighbouring residential property and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

9. Details of any proposed external lighting shall be first approved in writing by the Borough Council and the lighting shall be installed and maintained to accord with the approved details, for the lifetime of the development.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. Prior to demolition of the existing buildings, a method statement detailing techniques for the control of noise, dust and vibration shall be submitted to and approved in writing by the Borough Council and the works shall be carried out in accordance with the approved details.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

11. Prior to the development being brought into use/occupied, the open areas of the site shall be finished in hard surfacing and soft landscaping in accordance with details to be submitted to and approved by the Borough Council. The open areas of the site shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

12. The proposed gym shall only be for the use of the occupants of the proposed flats.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

13. The development shall be carried out in accordance with the submitted plan no's 16058-A-3010- P05, 16058-A-2002-P05, 16058-A-2002-P05, 16058-A-3002-P04, 16058-A-3003-P04, 16058-A-5011-P03, 16058-A-4002-P04, 16058-4001-P04.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

14. The roof area above flats 7, 8 and the gymnasium shall not be used as a balcony, roof garden or similar amenity area.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

### **Notes to Applicant**

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

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

The 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.



**Application Number 17/00043/COU**  
**Pasture Lane Ruddington**

**scale 1:3000**



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# 17/00043/COU

**Applicant** Mr Martin Dodson

**Location** Artex Ltd Pasture Lane Ruddington Nottinghamshire NG11 6AE

**Proposal** Use of land to provide vehicle parking with measures to improve biodiversity (part retrospective)

**Ward** Ruddington

## THE SITE AND SURROUNDINGS

1. The application site is to the rear (south-east) of the existing Artex factory buildings which themselves are accessed off Pasture Way on the western edge of Ruddington. The factory is long established and comprises of a series of single storey interconnected buildings located broadly centrally within the site with a one way system for all vehicles arriving to site being diverted around the south-western perimeter of the site, across the rear of the site and then through the warehouse building, thus not alongside the north-eastern boundary of the site closest to the neighbouring residential properties when exiting the site. The factory buildings comprise of a mix of office accommodation and warehouse buildings and is accessed by a mix of HGVs and cars. To the north and north-east of the site is a new housing development approved in January 2014, currently under construction with a number of the dwellings built and occupied. That residential site is separated from the factory by a watercourse.
2. The application site comprises an area of hardstanding to the south-east of the service yard that itself is to the south-east of the factory buildings. The site also includes an area of undeveloped land covered with a number of trees and bushes that is separated from the factory by the aforementioned watercourse. To the rear (south-east) of the application site is a disused railway line (despite its name, the tracks are still in use as a heritage line) beyond which are residential properties. To the south-west of the site is open countryside.

## DETAILS OF THE PROPOSAL

3. The application seeks planning permission for to construct an overspill car park at the south-east end of the site which will provide 32 no. car parking spaces and 6 no. trailer parking spaces to meet the operational needs of the existing business. The application also seeks planning permission for the alterations to the biodiversity in the area to the east of the site.
4. The application is part retrospective in so far as the newly formed hardstanding to the rear of the service yard was previously an area of undeveloped land with a series of trees and undergrowth on it and the area of undeveloped land located between the watercourse and the former railway line has been partially cleared with levels changed through the movement of earth to form raised plateau areas.

5. The proposed parking area currently comprises an area of cleared, levelled, compacted hardcore surrounded by steel palisade fencing (2.3m in height) to the east, south and west and hit and miss fencing to the north (2.3m in height). The application also proposes the erection of lighting columns to serve the overspill car park and an area of planting to the east of the car parking.

## **SITE HISTORY**

6. The wider site has an extensive planning history dating back to the 1980s. There is no planning history for the application site and none of the most recent planning history is relevant to the application, other than it clearly shows an incremental expansion of the site.
7. Following the initial site visit officers contacted the applicants to request additional information to help clarify the proposal. As a result the applicants engaged the services of a local planning consultant to assist in preparing the requested documentation. This additional information included:
  - a. A planning statement.
  - b. A Layout plan showing the location and layout of the proposed new car parking.
  - c. A Plan showing how the proposed development would be incorporated into the existing one-way system within the site.
  - d. A letter from Nottinghamshire Wildlife Trust outlining their involvement in the proposal.
  - e. A Protected Species Survey and Enhancement Strategy prepared by EMED Ecology.

### Clarification on proposal

8. The submission of additional plans and documents resulted in a number of discrepancies between the original submission and the further information requested. The agents have confirmed that the application should be determined on the basis of the additional information. The agent also clarified that there are approximately 130 employees working at the site and there are 91 existing car parking spaces. The plans showing the internal configuration of the proposed car park confirms that 32 parking spaces and 6 trailer spaces are proposed. These trailers would not be attached to an articulated tractor unit when they are parked. The agents have also confirmed that the site is not within the Floodzone (zones 2 or 3). Finally the agents have confirmed that the proposal is for 12 no. lighting columns.

## **REPRESENTATIONS**

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

9. One Ward Councillor (Cllr Greenwood) objects to the proposal stating that there are too many issues to be resolved before any planning approval could be considered and that she agrees with the comments made by Cllr. Buckle and other issues raised by the local residents who will be affected if this application was approved.

10. One Ward Councillor (Cllr Buckle) objects to the proposal for the following reasons:
  - a. The works have already commenced on site and Artex should have engaged with the local planning authority to discuss the changes it has in mind; however significant works have already been carried out on-site without the necessary assessments, permissions and approvals.
  - b. Light pollution from flood lighting.
  - c. Lack of clarity and consistency in what is being proposed.
  - d. The Description of the Proposal on the Planning Application form suggests that Notts Wildlife Trust has provided guidance to the scheme, and yet the letter from Notts Wildlife Trust states that its involvement has been limited to "... walked the length of the brook and looked at the plans to restore habitats". It appears to be a significant over-statement of the environmental credentials of this scheme.

### **Town/Parish Council**

11. Ruddington Parish Council objects to the application. Initially they stated: *"No mention of bio-diversity plans and whether the Wildlife Trust has been asked to comment. No mention of remedial work or description of what that would entail. There is no acknowledgment of the potential floodrisk. 14 lights for 26 cars is excessive, will cause light pollution to neighbouring areas."*
12. Following the submission of additional information the Parish Council confirmed that they still object to the proposal stating, *"The work has been carried out prior to seeking planning permission; consequently the level of the car parking area is higher than the surrounding area despite instructions issued by a planning officer. This will create surface water run-off into the nearby brook carrying contaminants from the car park and washing loose soil into the brook. The flood lighting is considered excessive and will cause considerable light pollution to nearby areas and neighbouring properties. The bio-diversity study appears to be nothing more than an afterthought after most of the habitat has been destroyed. Additionally there are a number of discrepancies between the planning application and the planning statement which are a cause for concern."*

### **Statutory and Other Consultees**

13. Nottinghamshire County Council as Highway Authority does not object to the proposal.
14. The Borough Council's Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission.
15. The Borough Council's Design and Landscape Officer does not object to the proposal subject to conditions being attached to any grant of permission.
16. The Borough Council's Environmental Sustainability Officer does not object to the proposal subject to conditions being attached to any grant of permission.

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

17. Seven (7) letters of objection received citing the following:
  - a. Retrospective application with limited information.
  - b. Light pollution.
  - c. The land east of Gibson's/Gibbies Dyke should be put back to how it was.
  - d. Damage to biodiversity of former scrub habitat through clearance and soil banks being formed.
  - e. Impacts on drainage/flooding.
  - f. Additional information conflicts with the original submission with regards to the proposed level of parking provision and the number of employees.
  - g. Flood risk due to unsupported soil washing in to the stream during rainfall.
  - h. Protected species survey was commissioned after the works commenced.
  - i. Noise pollution from additional vehicle movements in the site.
  - j. Visual impact of fencing and lighting where bushes and trees once were.
  - k. Contamination of wildlife area through dumping (contaminated?) soil.

## **PLANNING POLICY**

18. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
19. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
20. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the Neighbourhood Plan, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

## Relevant National Planning Policies and Guidance

21. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It states that Local Planning Authorities should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
22. Paragraph 7 of the NPPF confirms that there are three dimensions to sustainable development; economic, social and environmental. Para.8 of the NPPF goes on to clarify that these three dimensions should not be undertaken in isolation, because they are mutually dependent and that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
23. The NPPF, at Paragraph 17 states the overarching roles that the planning system ought to play, setting out 12 principles of planning. One of these is to *"...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."*
24. Paragraph 58 of the NPPF states, *"...Planning policies and decisions should aim to ensure that developments... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;..."*
25. Paragraph 64 of the NPPF states, *"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."*

## Relevant Local Planning Policies and Guidance

26. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 deals with The Presumption in Favour of Sustainable Development, Policy 10 with Design and Enhancing Local Identity and Policy 17 with Biodiversity.
27. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application. The following policies of the Rushcliffe Borough Non-Statutory Replacement Local Plan (NSRLP) are relevant to the consideration of this application.
28. Policy GP2 (Design and Amenity Criteria), EN11 (Features of Nature Conservation Interest) and EN12 (Habitat Protection). Policy GP2 requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.



29. Policy EN11 (Features of Nature Conservation Interest) states that where an application for planning permission would affect recognised sites of ecological significance or habitats of species of principal importance for biodiversity in England, it must be accompanied by a survey of the habitats and species. It also states that planning permission will not be granted unless the application includes appropriate measures to; mitigate the impact of the development proposals on the habitats; to reduce disturbance to a minimum; and provide adequate alternative habitats to sustain the current levels of population. Finally the policy states that where development is permitted that would affect these habitats, planning conditions will be used or planning obligations negotiated to ensure implementation of those measures.
30. Policy EN12 (Habitat Protection) states that where development is proposed which is likely to have a significant impact which could be mitigated by a suitable landscaping scheme, such a landscaping scheme must be approved prior to the development commencing.

## **APPRAISAL**

31. It is considered that the main issues in the assessment of this application are the impacts upon the character and appearance of the area, the impacts on the living conditions of neighbouring properties, impacts on the biodiversity of the scrubland area and impacts on the watercourse.

### Impact on the character and appearance of the area

32. The application site is located on the edges of the village of Ruddington. The factory site is long established and the surrounding residential development has been extended up to the north-eastern edge of the site in recent years. The boundary to the adjoining residential development is a continuation of the timber hit and miss panel fencing that runs along the remainder of the site and the properties are also separated by a belt of mature landscaping that runs between the housing site and the watercourse. The proposals have been Borough Council's Design and Landscape Officer and subject to conditions the proposal is judged to be acceptable.
33. Given the overall size of the site and scale of buildings thereon, the proposed car park area is considered to have minimal impact and would not detract significantly from the character and appearance of the area.

### Impact on the living conditions of the neighbouring properties

34. The concerns raised by residents are primarily in relation to the light pollution from the columns that have been erected on the site serving the existing yard to the rear of the factory and those within the proposed car park extension that would further exacerbate this issue. It should be noted that the proposal can only address the proposed lighting, i.e. the lighting in the area subject to the current application, and not the existing lighting on the existing development. If residents have concerns regarding the design and levels of existing lighting then these would need to be raised with the Council's Environmental Health Department as a potential statutory nuisance.
35. The Borough Council's Environmental Health Officer has been consulted on the proposal and the additional information submitted for consideration. In

relation to light, they have considered the product data sheet for Osram Nav-T150 Super 4Y and the planning statement that provides of controls that will be put in place to ensure that lighting will face towards the car park and will not result in excessive light spillage, and that the use of the lights will be timed to ensure that there is no impact on residential amenity. These controls are welcomed, however, in order to ensure that the lights will not cause disturbance to the neighbouring properties it is suggested that a condition is attached in relation to lighting requiring submission of details prior to them being erected/installed. This would require the applicant to submit a lighting spillage plan demonstrating that the lux levels at the nearest residential properties are below the recommended lux levels to ensure that light pollution is not caused. On this basis the Environmental Health Officer is satisfied that the proposed new lighting would not cause any unacceptable harm of light pollution on the surrounding residential properties.

36. The Environmental Health Officer (EHO) has also looked at other potential impacts of the proposals on residential amenity and acknowledges the proximity of the site to the residential properties and the level of noise that might be created through the formation of the parking area. They therefore suggest a condition be attached to any grant of permission relating to the construction hours. However, this is not a matter which can be properly controlled by condition and any noise or disturbance which might occur at antisocial hours could be investigated by Environmental Health Officers and appropriate action taken if necessary. The established approach to this issue is to include a note to applicant on any decision notice advising that to ensure disturbance to neighbours is kept to a minimum, work should only take place between specified hours. The EHO also notes that whilst the works are part retrospective that conditions relating to the potential contamination of the site should be undertaken.
37. Subject to the above limitations the design of the car parking area is considered to result in a relatively small extension to the existing, long established yard to the rear of the factory that already has a significant number of movements occurring in it throughout the day. The car park proposal would largely be utilised by staff when there is parking pressure at the end of shifts and therefore additional vehicle movements to the site would not dramatically increase and the impacts on the neighbouring residents are considered to be acceptable due to the degree of separation between the car car-park and the dwellings. Therefore, subject to conditions, the car parking area is considered to have an acceptable relationship to the adjoining residential properties.

#### Impacts on the biodiversity of the scrubland area

38. The proposed impacts of the works already undertaken and those further works proposed have been discussed with both the Borough Council's Landscape and Design officer and also the Borough Council's Environmental Sustainability Officer.
39. The Landscape and Design Officer comments that the proposed ecological enhancements are positive but noted that whilst they set out in broad terms what will be achieved, if permission was to be granted conditions requiring detailed plans and schedules for the planting works should be attached. They also comment that they support the approach set out by the

enhancement strategy, that the landscape area by the car park could support native shrubs with climbers on the fencing, whilst the car park is well screened such planting would help soften the new fencing. They conclude that as the car park is well screened and the ecological enhancement will improve the area where the soil has been deposited, they do not object to the proposal.

40. The additional information submitted included a Protected Species Survey & Enhancement Strategy prepared by an ecologist who has had no prior involvement in the works on the site (i.e. not the Nottinghamshire Wildlife Trust) concluding that scrub habitat has been lost to create the new car park, however, a large amount of similar habitat remains available for use by faunal species and the proposed enhancements will increase the value of the site for local wildlife. The report also sets out a series of detailed compensation measures, an enhancement strategy and management recommendations for the site, including the watercourse.
41. The Borough Council's Environmental Sustainability Officer has reviewed this additional documentation noting that the ecological survey appears to have been completed according to best practice and that the habitats on the site are mainly dense scrub, recently created open areas and running water/riparian. They note that some habitat has been lost due to works for which retrospective permission is sought, but that the habitats to be retained do provide for protected species including amphibians and wild birds and that the site has potential for enhancement, which should mitigate any losses due to works already carried out.
42. The Environmental Sustainability Officer goes on to recommend that conditions are attached to the grant of any permission requiring the recommendations set out in the Protected Species Survey & Enhancement Strategy are undertaken. These include, but are not limited to:
  - a. The creation and maintenance of meadow areas and glades as specified.
  - b. Enhancements of woodland area through native bulb planting, shrub and tree planting and maintenance as specified.
  - c. Enhancement of riparian habitats (stream edge) through pre-planted coir rolls and seeding banks and maintenance as specified.
  - d. Use of bat boxes, hibernacula and bird nesting boxes.
  - e. An on-going ecological management plan should be developed for the site and the means to implement the plan provided.
  - f. Monitoring of works should be carried out periodically to see if the works are successful and to guide the management plan.
  - g. All workers/contractors should be made aware of the potential of protected species being found on site and care should be taken during works to avoid harm, including during any tree works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
  - h. The use of external lighting, including temporary light set up to enable works, should be appropriate to avoid adverse impacts on bat populations.
  - i. Best practice should be followed during building work to ensure trenches dug during works activities are left open over night, they should be left with a sloping end or ramp to allow animals that may fall

in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

43. On this basis the Borough Council's Environmental Sustainability Officer does not object to the proposal and officers are satisfied that, subject to conditions, the proposal would not harm any protected species on the site.

#### Impacts on the watercourse

44. The additional information requested by officers included the aforementioned Protected Species Survey & Enhancement Strategy. The residents and Ward Councilors concerns regarding the impact on the watercourse are noted; however the Strategy clearly sets out enhancements to the banks of the watercourse. The Report states: *"Where the banks of the stream have been affected by the development of the new car park, pre-planted coir rolls should be staked in at the bottom of the banks to provide rapid establishment of both marginal and aquatic species. Coir rolls come ready planted with species such as purple loosestrife (Lythrum salicaria), soft rush (Carex acutiformis), pond sedge (Carex sp.), yellow flag iris (Iris pseudacorus) and floating sweet-grass (Glyceria fluitans), providing excellent cover and foraging habitat for a diversity of faunal species. Coir rolls can be sourced from a number of suppliers..."*
45. *It is recommended that, following the installation of the coir rolls, the banks are sown with a Water's Edge Meadow Mixture (detailed below). Once established, the vegetation on the banks should be cut annually in late September, using a strimmer with a metal blade, to prevent succession to scrub habitat and the cuttings taken off site to reduce nutrient loading. If small scrub does begin to develop over time then this should be removed selectively using a hand saw. This management regime should also be applied to the grassy banks on the northern section of the stream (outside of the survey area)."*
46. It is noteworthy that the Borough Council's Environmental Sustainability Officer does not object to the proposal and officers are satisfied that, subject to conditions, the proposal would help secure the banks and prevent its degradation/erosion, but also that with the suggested management the proposed species would prevent the bank from becoming overgrown and impeding the flow of water and increasing any risk of flood.

#### Retrospective Nature of the Application

47. The fact that the application is retrospective and that the works have already commenced has been an issues raised not only by local residents, but also by the Ward Councillors and the Parish Council.
48. This application was submitted as a result of an Enforcement Investigation, and through the investigations and discussions with the Enforcement Team the applicants have submitted the part retrospective planning application for consideration. The National Planning Policy Framework states that effective Enforcement is important as a means of maintaining public confidence in the planning system.

49. Members are reminded that the planning system is designed to achieve a balance between the rights of landowners to enjoy their property/land, protecting the amenity of neighbours and the general public. The enforcement of planning control focuses on proportionate resolution rather than punishing those who have acted in breach, sometimes unknowingly. Therefore the planning system should not be used to penalise an applicant who makes an application retrospectively, and that the same presumption in favour of sustainable development set out in the NPPF applies to such applications. As such, the fact that work has already commenced is not condoned by the Borough Council and the application must be considered on its merits.

### Conclusion

50. It is considered that the proposed development is acceptable subject to conditions.
51. Negotiations have taken place during the consideration of the proposals to address adverse impacts identified by officers and concerns raised in letters of representation submitted in connection with the proposal. Additional information has been provided, clarifying and addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a recommendation to grant planning permission.

### **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plan(s): 1:1250 Site Location Plan; Drawing numbers 17-0181-001 and 17-0181-002; the Protected Species Survey and Enhancement Strategy and the Planning Statement.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

2. Before any further works are undertaken on the bio-diversity area of the site, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. In those cases where the detailed investigation report confirms that contamination exists, a remediation report and validation statement 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 any further works, including clearance, continuing, and thereafter any mitigation measures shall be implemented and the development shall be carried out in accordance with the approved details.

The existing soils and any soil or forming materials brought to site shall be tested for contamination and suitability for use on site.

Contamination testing should take place within UKAS and MCERTS accredited laboratories, unless otherwise agreed with the Borough Council. Laboratory certificates shall be submitted to and approved in writing by the

Borough Council prior to any soil or soil forming material being imported onto the site.

Details of the source and type of the imported materials and the estimated amount to be used on the site are also required to be submitted prior to any further works continuing on the bio-diversity area of the site.

[To ensure that the site is free from contamination and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non-Statutory Replacement Local Plan. A Contaminated Land Report is required prior to development commencing in the biodiversity area because it may be necessary to carry out remediation measures which could not be carried out once development has commenced].

3. Prior to the erection/installation of the proposed lighting within the development hereby approved details of any such lighting including the number, height, materials, finish, hours of operation including timings (and mechanism for doing so) shall be submitted to and approved in writing by the Borough Council, together with a lux plot of the estimated illuminance at the nearest residential premises. Thereafter the lighting shall be installed, maintained and operated only in accordance with the approved details.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

4. No development, including site works and clearance, shall continue until a landscaping scheme, to include those details specified below, has been submitted to and agreed in writing by the Borough Council:
  - (a) the treatment proposed for all ground surfaces, including hard areas;
  - (b) full details of tree planting;
  - (c) planting schedules, noting the species, sizes, numbers and densities of plants;
  - (d) finished levels or contours;
  - (e) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
  - (f) a landscape management plan and schedule of maintenance.

Thereafter the approved landscape scheme shall be carried out in the first tree planting season following the date of this permission 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, unless the Borough Council gives written consent to any variation.

[To make sure that a satisfactory landscaping scheme for the development is agreed and implemented in the interests of the appearance of the area and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Continuation of development in advance of the submission of a landscaping scheme could result in inappropriate species being proposed and avoidable harm to the existing species on site that could result in the loss of trees and/or hedges which should otherwise be retained.]

5. The mitigation/compensatory measures referred to in the Protected Species Survey and Enhancement Strategy shall be completed before any further works commence on site and shall be submitted to and approved in writing by the Borough Council.

The mitigation shall include, but not be limited to, the following:

- Creation and maintenance of meadow areas and glades as specified;
- Enhancement of woodland area through native bulb planting, shrub and tree planting and on-going maintenance as specified;
- Enhancement of riparian habitats (stream edge) through pre-planted coir rolls and seeding banks and on-going maintenance as specified; and
- Use of bat boxes, hibernacula and bird nesting boxes as specified.

Thereafter the Borough Council shall be notified when these measures have been carried out and there shall be no alteration to the measures taken without the prior written approval of the Borough Council. Any mitigation measures required shall be implemented in accordance with the survey.

[To ensure that adequate compensatory measures are undertaken and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of development in advance of the submission of these details could result in habitats or other items of wildlife interest being damaged or destroyed.]

6. Prior to any further works continuing on site an on-going Ecological Management Plan shall be submitted to and be approved in writing by the Borough Council and shall include details for:

- The monitoring of all ecological and mitigation works stating the timescales and period for implementation and the future maintenance and monitoring and management measures, including timescales for doing so and to ensure that the works are successful not only immediately following implementation but also in the future.
- Details of the removal of any trees with potential to support roosting bats, including the method and timescales for doing so to ensure that such felling only be undertaken between late August and early October and March and April, when bats are active but outside the main breeding season. If any such trees are required to be removed a pre-works bat survey to check bats are not present, shall be undertaken by suitably qualified and licenced person(s), and a report confirming the findings shall be undertaken prior to the removal of said tree(s) and submitted in writing for approval by the Borough Council. Thereafter the works shall be undertaken in accordance with the approved details. If bats or roosts are found the works should either not be carried out or should be carried out according to the conditions of a European Protected Species Derogation licence from Natural England and should be soft-felled in the presence of a licenced bat ecologist.

- Details of how all workers / contractors will be made aware of the potential of protected species being found on site and how they will be advised that care should be taken during works to avoid harm, including during any tree works. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted and they have prepared a report to be submitted in writing to the Borough Council for consideration. Thereafter the works shall only be undertaken in accordance with the approved details.
- Details of how all works impacting on vegetation used by nesting birds will be timetabled to 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, a report has been prepared and submitted in writing for approval by the Borough Council. Thereafter the works shall be undertaken in accordance with the approved details.
- Details of the design and positioning of external lighting, including temporary light set up to enable works, to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice.
- Confirmation that best practice will be followed during building work to ensure trenches dug during works activities are left open over night, they should be left with a sloping end or ramp to allow animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Tree root protection zones should be established around trees.

Thereafter all works shall be undertaken in accordance with the approved details within the Ecological Management Plan.

[To ensure that adequate compensatory measures are undertaken and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan. Commencement of development in advance of the submission of these details could result in habitats or other items of wildlife interest being damaged or destroyed.]

### **Notes to Applicant**

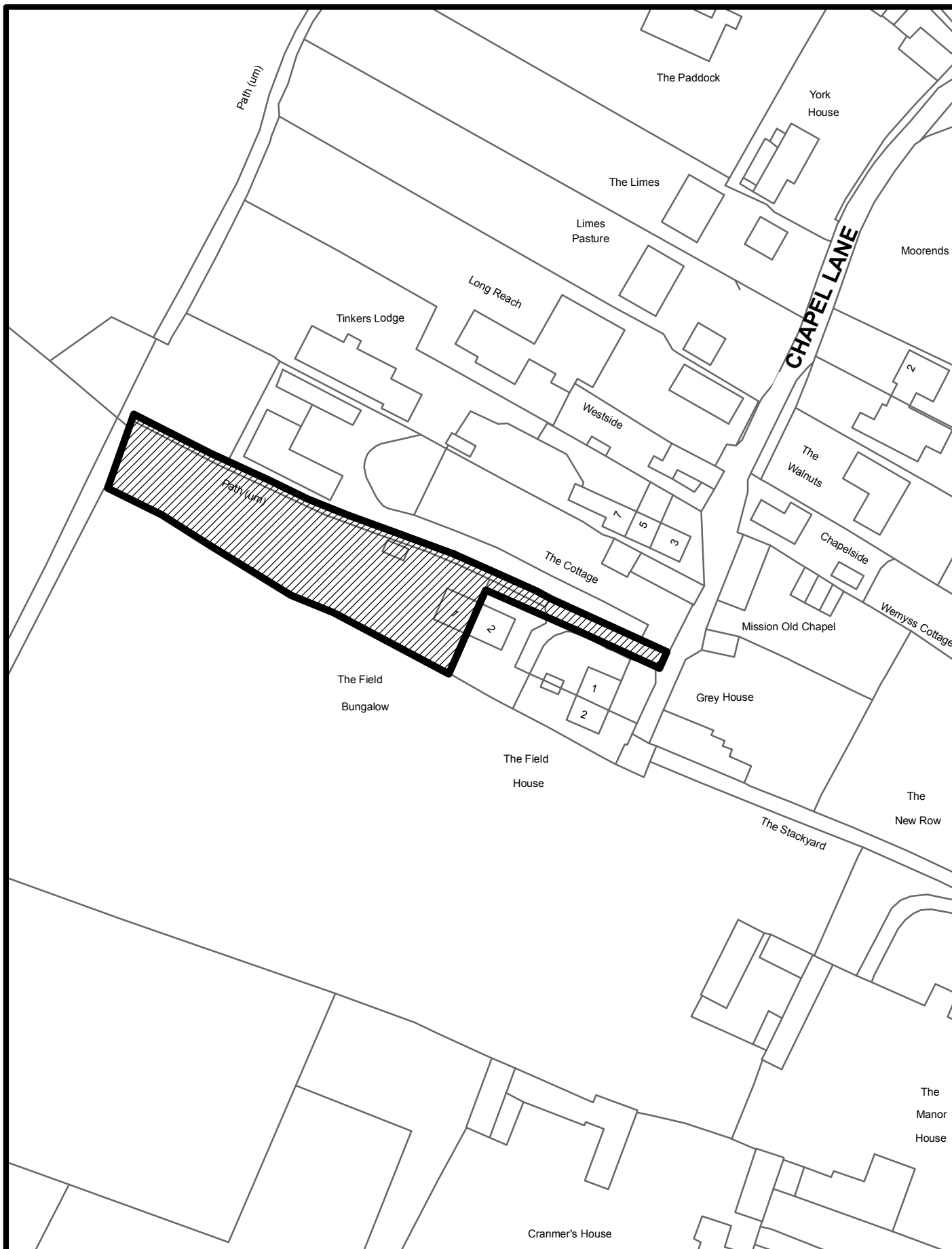
Due to the close proximity of neighbouring residents, there shall be no burning of waste/wood on the site.

Guidance on lighting installations can be found at: <https://www.theilp.org.uk/documents/obtrusive-light/>, Guidance Notes for the Reduction of Obtrusive Light GN01:2011.



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.

Your attention is drawn to the requirements of Condition 2 in respect of potential contamination of the site. For further information on the content of Contaminated Land Reports, please refer to the Council's Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both Rushcliffe Borough Council's website [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk) (use the A-Z search for Contaminated Land) or by contacting the Neighbourhoods Service directly or use the following link. <http://www.rushcliffe.gov.uk/media/rushcliffe/media/documents/pdf/environmentandwaste/Notts%20developers%20guide%202013.pdf>.



**Application Number 17/00450/FUL**  
**2 Field Bungalow, Aslockton**



scale 1:1000

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Rushcliffe Borough Council - 100019419

# 17/00450/FUL

**Applicant** Mr Simon Varley

**Location** 2 Field Bungalow, Chapel Lane, Aslockton, Nottinghamshire NG13 9AR

**Proposal** Division of existing site to form a separate plot to allow the construction of a four bedroom family home

**Ward** Cranmer

## THE SITE AND SURROUNDINGS

1. The application site comprises of an interwar semi-detached bungalow within a substantial plot located in a 'backland' position to the rear of a pair of semi-detached houses (1 & 2 Field House) at the southern end of the lane, within the Conservation Area. There is a variety of late 18th/early 19th century cottages and mid to late 20th century suburban dwellings along the lane. A vehicular access from Chapel Lane runs to the side of 1 & 2 Field House and in front of the attached bungalow. There is a paddock adjacent to the south, identified as a positive open space (landscape) in the Conservation Area Townscape Appraisal, and countryside to the west, with deciduous hedgerow along the southern and western boundaries. A public footpath runs along the north and western boundaries, and there is a workshop/store adjacent to the north of the footpath which has permission to be converted to a dwelling (refs. 12/00982/COU & 16/02758/NMA).

## DETAILS OF THE PROPOSAL

2. The driveway would be extended and the dwelling would be constructed on the western part of the site, to the south of the workshop/store building referred to above. The proposed dwelling would be L-shaped with a single storey rear projection, and the design would be traditional, with gabled and hipped roof forms. The materials would be red brick with stone detailing, and smooth red clay rosemary tiles.

## SITE HISTORY

3. Permission was granted in April 2017 for an extension and modernisation of the existing bungalow and a new single garage (ref. 17/00449/FUL).

## REPRESENTATIONS

### Ward Councillor

4. The Ward Councillor (Cllr Mrs Stockwood) objects on grounds of a poor quality vehicular access and a detrimental effect on the residential amenity of existing properties (one of which is not shown), and the open countryside/conservation area.

## **Town/Parish Council**

5. Aslockton Parish Council objects to the application for the following reasons;
6. *“Rushcliffe Non-Statutory Replacement Local Plan GP2 Design and Amenity Criteria - It would be contrary to GP2 (b) as the proposed development would result in an overintensive use by vehicles of Chapel Lane which is of substandard width with no passing places except in private entrances and no footpaths. Therefore this proposed development would be detrimental to the interests of highway safety.*
7. *GP2 (d) - The scale, density, height and design would not be sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.*
8. *GP2 (h) - It would have an adverse effect on the setting of the Conservation Area as viewed from the public footpaths adjacent to the site.*
9. *EN2 Conservation Area - EN2 (a) It will not preserve or enhance the character and appearance of the Conservation Area and it will have an adverse effect upon the views into and out of the Conservation Area.*
10. *EN2 (b) - There will be an adverse impact upon the form of the Conservation Area as it will result in the loss of open space that contributes to the character and appearance of the Conservation Area.*
11. *HOU2 Development on Unallocated Sites - HOU2 (c) It would be contrary to this section as it would extend the built up area of the settlement.*
12. *Rushcliffe Core Strategy Local Plan Part 1 - It would be contrary to Policy 3 Spatial Strategy as Aslockton is only earmarked for infill or small development to meet local needs. This development would result in a form of backland development and therefore fails to meet the criteria for infill development since the site does not represent a limited gap in an otherwise continuous frontage.”*

## **Statutory and Other Consultees**

13. The Design and Conservation Officer comments that the host property on the site is not positively identified within the Conservation Area Character Appraisal as being a building which makes any particular positive contribution to the wider character of the conservation area. Field Bungalows are relatively modern buildings, as are many of the properties along Chapel Lane. There would be a slight change to the character of the footpath leading west from Chapel Lane. At present the footpath is narrow and enclosed by neighbouring property boundaries. The proposal would involve widening out more of the footpath along its eastern stretch to provide a driveway and access to the proposed dwelling, however, a significant proportion of the length of the footpath will remain a narrow and enclosed route.
14. He also comments that the proposed design is traditional and the details of the design are similar to those found on the existing The Limes and Limes Pasture, another two modern dwellings found along Chapel Lane. He

considers that all the materials proposed are appropriate both to the design and to the area, however, in several instances the materials are not specified and he suggests a materials condition be applied. In addition, he recommends a condition to require the boundary hedge to be maintained for the lifetime of the development (or at the least a period of 5 years following completion of the development).

15. Subject to the above conditions, he considers that the proposal would not harm the special architectural and historic character and appearance of the Aslockton Conservation Area, thus 'preserving' that special character and appearance as is considered to be a 'desirable' objective within section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
16. The Nottinghamshire County Council as Highway Authority comment that the access arrangement to the new dwelling would result in drivers negotiating a pinch point in the carriageway. This situation is not ideal but takes place on adopted highway. It is unlikely that the traffic associated to this proposal would severely change the existing situation. Therefore, they do not wish to raise an objection.

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

17. 7 letters have been received raising the same objections as the Parish Council, and other objections & concerns which are summarised as follows:
  - a. The new house would be out of scale and would overwhelm the site, and the appearance would be out of keeping.
  - b. Increase in traffic and danger to pedestrians – the volume of traffic on the lane is already at a dangerous level, and parking forces residents to struggle to manoeuvre vehicles on to their properties and pedestrians to walk in the centre of the lane.
  - c. There is no turning head at the end of the lane and certain residents and delivery vehicles trespass/park on and cause damage to private property when turning.
  - d. The access is very narrow and runs close to the front of 1 & 2 Field Bungalows.
  - e. Family homes currently being built in the village should sustain demand.
  - f. Damage to access road during construction.
18. Reference is also made to two refused applications and subsequent appeal decisions on the adjacent site – ref: 95/00675/FUL & 01/01075/FUL.

### **PLANNING POLICY**

19. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996), the Rushcliffe Local Plan Part 1: Core Strategy.

20. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
21. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the Neighbourhood Plan, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

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

22. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development, and states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should approach decision making in a positive way to foster the delivery of sustainable development and look for solutions rather than problems, seeking to approve applications where possible. There are three dimensions to sustainable development: economic, social and environmental. The environmental role refers to “...*contributing to protecting and enhancing our natural, built and historic environment*”.
23. One of the Core Principles states that planning should “...*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”.
24. Another core principle relates to heritage assets and the NPPF requires that heritage assets are conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
25. Chapter 6: ‘Delivering a wide choice of high quality homes’ states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
26. Paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

27. Policies 3 (Spatial Strategy), 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy are relevant to the consideration of this proposal. Policy 3 states that in ‘other’ settlements (such as Aslockton), housing development will meet local needs only which will be delivered through small scale infill development or on exception sites.
28. Policies EN2 (Conservation Areas), GP2 (Design and Amenity Criteria) and HOU2 (Development on unallocated sites) of the Rushcliffe Borough Non-

Statutory Replacement Local Plan are considered relevant to the consideration of this proposal.

## **APPRAISAL**

29. The Core Strategy does not define 'infill' and the proposed dwelling would represent a very minor extension and a 'squaring off' of the built up part of the settlement. However, the site is already in domestic use (garden area to 2 Field Bungalows) and the buildings to the north are in a similar backland position to the siting of the proposed dwelling. The boundary hedgerow would help to mitigate the visual impact of the dwelling from outside the settlement. Consequently it is considered that the proposal would not result in any significant adverse impact on the rural character of the surroundings or any significant conflict with the objectives of policy 3 of the Core Strategy.
30. The Borough Council does not have a specific policy relating to the development of residential gardens; however, policy HOU2 seeks to protect sites which contribute to the amenity or character of an area. In this case, whilst the site is partly visible from the adjacent footpaths, it is considered that it does not make any notable contribution to the amenity or character of the area, and that one dwelling would not cause any harm to the local area.
31. It is also considered that the siting, scale and design of the proposed dwelling would be sympathetic to the character of the surroundings and would preserve the character and appearance of the Conservation Area. Consequently the proposal achieves the objective described as desirable in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by preserving the appearance and character Conservation Areas.
32. In view of the proposed siting and scale of the dwelling, it is considered that there would be no significant adverse effect on the amenities of adjacent and nearby properties. In particular, the workshop/store to the north which has permission to be converted to a dwelling would have a bedroom window, secondary kitchen window and utility, bathroom and shower room windows on the south elevation facing the proposed dwelling, and it is considered that there would be no significant or unacceptable overshadowing or overbearing effect on this accommodation.
33. The proposal would provide a double garage with 2 car parking spaces in front which would be more than sufficient off street parking for a 4 bedroom dwelling, and there is space within the site for additional parking. The width of the southern part of the lane and the 'pinch point' are noted. However, in the absence of an objection from County Highways, a refusal on highway safety grounds could not be justified, and it is the responsibility of road users to behave in a safe and considerate manner.
34. The reference to the two refused applications and appeal decisions on the site to the north are noted. The cases relate to applications for a bungalow and a 2 storey house adjacent to the north of the building which has permission to be converted to a dwelling, to the north of the current site. Permission was refused partly on grounds that the proposals did not represent infill and would extend the built up part of the settlement, detrimental to the rural character and visual amenities of the area. Reference was made in the appeals to the building which has permission to be

converted to a dwelling and a former dutch barn, and the rural character of the appeal site. Reference was also made to the dwelling to the north of the appeal site (Tinkers Lodge) approved in 1996 on the basis that the removal of an unsightly use (scrap storage) amounted to 'exceptional circumstances' for permission to be granted.

35. There have been many national and local planning policy changes since the most recent appeal decision almost 15 years ago, although policies which seek to resist the expansion of settlements where there would be a significant adverse impact on character and pattern or amenity still remain. The policy including a definition of infill referred to in the 1995 decisions is also long out of date.
36. As stated in paragraph 29, it is considered that, with retention of the boundary hedgerows (which can be ensured by condition), the proposal would not have a significant adverse impact on the rural character of the surroundings. In view of this, the building to the north which has permission for conversion to a dwelling and Tinkers Lodge (which is a substantial dwelling), it is considered that it would be difficult to justify a refusal on the same grounds as those used previously.
37. In addition to the above, whilst appeal decisions can be a material consideration in the determination of a planning application, they do not set precedents, and every case has to be assessed on its merits.
38. The proposal would create a very minor social benefit from contributing to housing supply and a temporary economic benefit from construction of the development. The site is within walking distance of the village centre services/facilities and railway station, and occupants may help to maintain/enhance the vitality and viability of local services/facilities.
39. It is considered that it is not necessary for the drainage details for one dwelling to be submitted for approval, and drainage arrangements would be considered under the Building Regulations.
40. Any damage to the access road or any other property/land during construction would be the applicant's responsibility.
41. The application was subject to pre-application discussions and it was not necessary to contact the applicant during processing of the application.

## **RECOMMENDATION**

It is **RECOMMENDED** that planning permission be granted subject to the following conditions:

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:

16-123-08-04 Revision A, 16-123-08-03 Revision A, 16-123-08-10 Revision A.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. Prior to construction of the development hereby permitted reaching Damp Proof Course level, specific details of the facing and roofing materials to be used on all external elevations shall be 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 policies GP2 (Design and Amenity Criteria) and EN2 (Conservation Areas) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

4. The dwelling hereby permitted shall not be occupied until the garage and/or driveway/parking area is available for the parking of vehicles, and a minimum of 2 parking spaces (2.4m x 4.8m) shall be retained for the lifetime of the development.

[To ensure that adequate off street parking is provided and retained in the interests of highway safety and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

5. The hedgerow along the south and west boundaries shall be retained and maintained at a minimum height of 2 metres for the lifetime of the development and any part of the hedgerow removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species, details of which shall be submitted to and approved in writing by the Borough Council, within one year of the date of any such loss being brought to the attention of the Borough Council.

[The hedgerow is an important feature in the area and to comply with policy GP2(Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

### **Notes to Applicant**

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.

Attention is drawn to the fact that this permission does not entitle the applicant to obstruct in any way the footpath adjacent to the land to which this application relates. If it is intended to divert or stop up the footpath, the appropriate legal steps must be taken before development commences. Please contact the Borough Solicitor for advice on the procedures (Tel 01159 9148215).

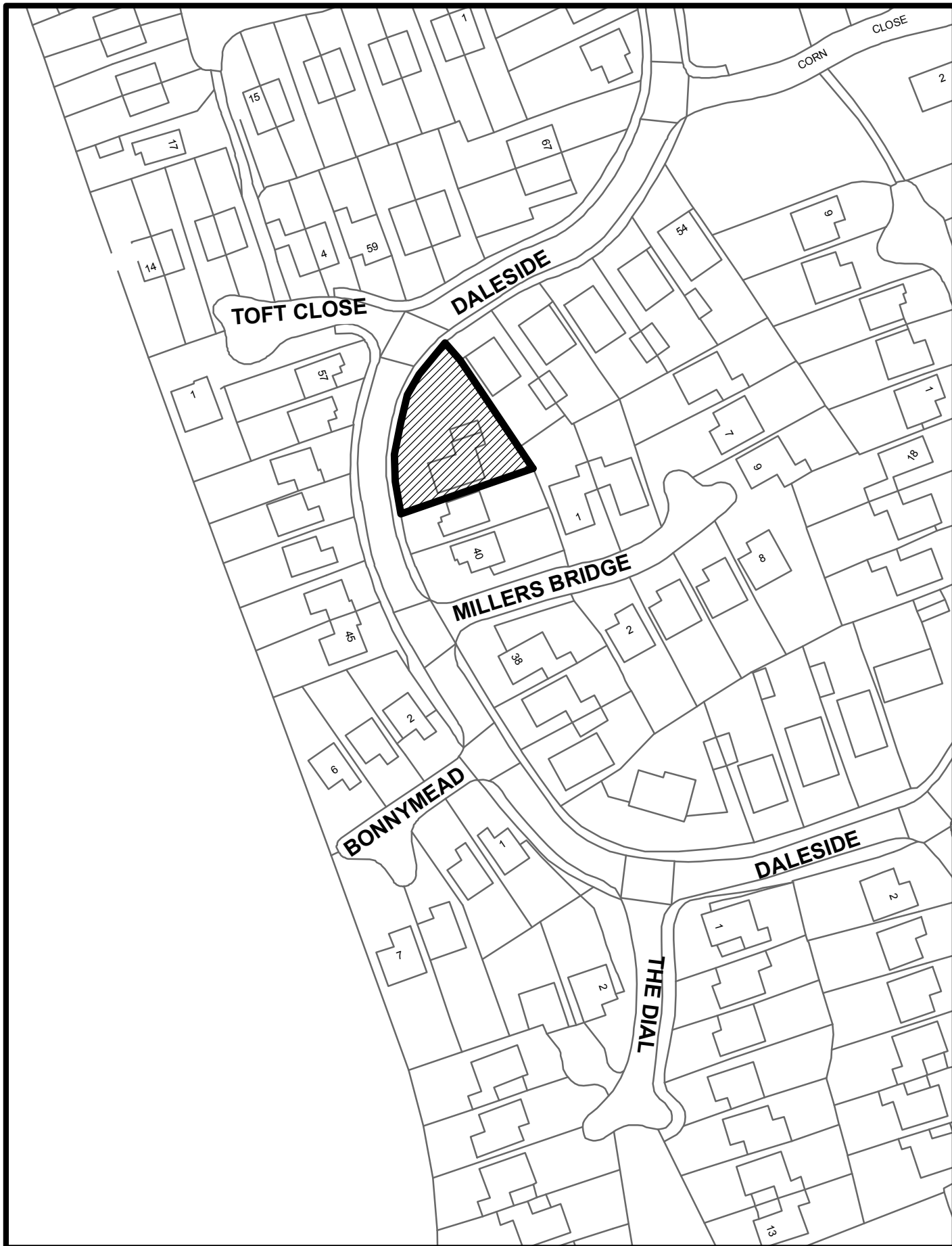
This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining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

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.

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.

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.

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.



**Application Number 17/00656/FUL**  
**44 Daleside, Cotgrave**



scale 1:1000

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Rushcliffe Borough Council - 100019419

# 17/00656/FUL

**Applicant** Mr Phillips

**Location** 44 Daleside, Cotgrave, Nottinghamshire NG12 3QN

**Proposal** Single storey side extension with accommodation in the roof

**Ward** Cotgrave

## THE SITE AND SURROUNDINGS

1. The application relates to a two storey dwelling located on a corner plot in Daleside, Cotgrave. To the rear of the property is a single storey, flat roofed projection described as a porch, and to the side of the property is a single storey, flat roofed single garage with a car-port extension to its side. To the rear of the garage and car port, alongside the porch, is a small decked area. The property has a garden to the rear; however, the majority of the private amenity space is to the side of the property, behind a mature, evergreen hedge that screens the site from Daleside.
2. The neighbouring houses to the south are two storey detached dwellings of a similar scale and design to the application property. The property to the rear (north-east) of the site is a bungalow, separated from the site by a timber close boarded fence. The neighbouring bungalow has a conservatory to its rear; however, this is set off the common boundary by a patio area. The area is entirely residential in character, comprising a mix of bungalows and two storey detached and semi-detached dwellings.

## DETAILS OF THE PROPOSAL

3. The application proposes the demolition of the porch projection to the rear of the dwelling and the demolition of the garage and car-port to the side, and the construction of a new extension, which is described as single storey with accommodation in the roof. The proposal would project out from the side of the property by 5.65m, would be 7.64m deep. It would have an eaves height of 2.25m and a ridge height of 6m, which is set down from the ridge of the host property by about 600mm. One opening is proposed at ground floor level on the rear elevation serving a WC/shower room. The other ground floor accommodation is stated to be a hall and study, with openings to the front elevation and a day room with side facing French doors. The first floor accommodation within the roofslope is indicated to be an ensuite, with front facing rooflight and a storage room with a side facing window. A driveway able to accommodate off-street parking for two cars would remain in front of the extension.

## SITE HISTORY

4. None.

## **REPRESENTATIONS**

### **Ward Councillors**

5. One Ward Councillor (Cllr Butler) objects to the proposal commenting that although classed as single storey, the roof height/pitch is close to that of the existing two storey house and is concerned about it having an overbearing impact on the neighbouring bungalow (number 46) in terms of shadowing in the garden, which already has the rear of houses on Millers Bridge backing onto it, and visual intrusion/appearance. The possibility of lowering the proposed roof height or changing the shape/style to one that slopes down as opposed to being pitched, therefore, lessening the visual impact to number 46 was suggested.

### **Town/Parish Council**

6. Cotgrave Town Council has no objections to the proposal.

### **Statutory and Other Consultees**

7. None.

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

8. One letter of objection has been received from a neighbouring occupier stating:
  - a. They have no objection to the ground floor plans to 44 Daleside.
  - b. Calling it a "single storey" does not take into account the height of the roofline which is just short of the current two storey building.
  - c. Overpowering on the neighbours garden, and loss of light/sunlight to garden, conservatory and patio.
  - d. Overbearing and overshadowing impact akin to an industrial unit.
  - e. Loss of view from garden.
  - f. Impact on ability to sell property.

## **PLANNING POLICY**

9. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
10. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
11. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the Neighbourhood Plan, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local

Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

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

12. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It states that Local Planning Authorities should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
13. The NPPF, at Para.17 states the overarching roles that the planning system ought to play, setting out 12 principles of planning. One of these is to *"...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."*
14. Para.58 of the NPPF states, *"...Planning policies and decisions should aim to ensure that developments... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;..."*
15. Para.64 of the NPPF states, *"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."*

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

16. The Core Strategy sets out the overarching spatial vision for the development of the Borough to 2028. Policy 1 deals with The Presumption in Favour of Sustainable Development and Policy 10 with Design and Enhancing Local Identity.
17. Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy requires 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 local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
18. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2006 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application.
19. Policy GP2 (Design and Amenity Criteria) is relevant to the consideration of this application. Policy GP2 requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking,

loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.

## **APPRAISAL**

20. It is considered that the main issues in the assessment of this application are the impacts upon the character and appearance of the area and the living conditions of neighbouring properties.
21. With regard to design, the proposed extension, by reason of its low eaves height and a ridge height set down from the host property, would appear as a subordinate addition to the original dwelling. The extension has been designed with a traditional gable ended roof design which rises away from the neighbouring bungalow to the rear of the site. The gabled roof reflects the design of the original dwelling, although the eaves are lower and the pitch of the roof steeper than the host property. The extension would be constructed in brick and tiles to match the existing materials.
22. With regard to the character and appearance of the area, although partly screened by the evergreen hedge that bounds the garden to the side (north and north-west) of the property, the proposed extension would be visible from Daleside. This extension would be seen against the back drop of the existing residential development. Despite its ridge height, given the single storey nature of this extension, its roof design and the matching construction materials, it would not appear prominent or out of character with the surrounding area.
23. The bungalow to the north-east of the application site, 46 Daleside, has its rear windows facing in the south-easterly direction, approximately 90 degrees to the proposed rear elevation of the extension. The bungalow has a conservatory to its rear and a patio to its side in the area between the conservatory and the common boundary. The current boundary treatment comprises of a timber panel fence on top of concrete kickboards topped with trellis at a height of approximately 1.8m. Objections have been raised by the owner/occupiers of this neighbouring property on the grounds that the proposed single storey extension on the eastern side and rear of the property would result in overshadowing, loss of day and sunlight and appear overbearing.
24. At its closest point the proposed extension would be approximately 6.5m off the common boundary with 46 Daleside, with an eaves height of 2.25m, compared to 4.8m for the host property. Whilst the ridge would be 6m high the roof would rise up away from the neighbour's property with no openings proposed in the rear roof slope. The proposed extension would also be set down from the ridge height of the host dwelling. The orientation of the site to the neighbour's bungalow and degree of separation is such that any potential for overbearing impact or additional shadow cast by the proposal is not considered to be demonstrably harmful.
25. In order to address issues of overlooking, no openings are proposed above ground floor level in the rear elevation, something that could be maintained by means of condition to protect the privacy of the neighbouring property.

26. The proposal was subject to pre-application discussions with the applicant and advice was offered on the measures that could be adopted to improve the scheme and/or address the potential adverse effects of the proposal. As a result of this process, modifications were made to the proposal, in accordance with the pre-application advice, reducing delays in the consideration of the application and resulting in the recommendation to grant planning permission.

## **RECOMMENDATION**

It is RECOMMENDED that planning permission be granted subject to the following conditions:

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 plan(s): 1:1250 Location Plan; SK005; SK006 A and SK007 A.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

3. The extension(s) hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. Notwithstanding the provisions of Schedule 2 Part 1 Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows shall be inserted in the roof of the extension hereby approved, other than those shown on the approved plans and there shall be no alteration to the roof without the prior written approval of the Borough Council.

[The development is of a nature whereby future development of this type should be closely controlled and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

## **Notes to Applicant**

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 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.



**Planning Committee**

**15 June 2017**

**Appeal Decisions**

**5**

## **Report of the Executive Manager - Communities**

<b>Address</b>	Wistow Wharf, Main Street, Zouch, Nottingham
<b>Reference No.</b>	16/01542/FUL
<b>Appeal Reference</b>	APP/P3040/W/16/3162194
<b>Description Of Proposal</b>	Retention of an existing container but modified by reduction in height and timber cladding
<b>Appeal Decision</b>	Appeal Allowed
<b>Date of Appeal Decision</b>	24 March 2017

### **PLANNING OFFICERS OBSERVATIONS**

The Inspector stated that the container is a moveable object and not a building and the use of the word 'retention' in the application form was incorrect. As such he changed the description to 'use of land for the stationing of a container used for the storage of items used in connection with the use of the site as riverside moorings'.

The Inspector identified the main issues as being the effect of the proposed development on the character and appearance of Wistow Wharf and given the location to the west of a cluster of buildings that form the part of the village of Zouch, the impact on the open countryside.

The Inspector noted the container provides storage for tools and equipment associated with the maintenance and use of the mooring, for the storage of solid fuel and sanitary chemicals for moored boats and the housing of meters for the electrical hook ups to the moorings. He concluded the size of the container was no larger than reasonably needed for these purposes and as such was a facility that supports the leisure use of boats on the river. The Inspector also noted that whilst the moorings are located within the countryside it is appropriate that the container is located next to the riverside.

The Inspector noted in the vicinity of Zouch the River Soar weaves its way through an open level landscape of agricultural fields, with the northern side of the river having a different character to the open fields of pasture on the southern side of the river. He noted the northern side of the river is landscaped with trees along the grassed river banks and interspersed with chalets, moorings and boats giving it an attractive busy character and pleasant appearance. It is on the northern side of the river that the container is stationed and in this context the Inspector stated its utilitarian appearance detracts from the character and appearance of the area. He

also noted that its adverse effects are also apparent from Main Street owing to the container protruding above the height of the boundary fence. However, he concluded that its reduction in height, together with the use of suitably clad timber, which could be secured by suitable conditions, would address such concerns, and these measures in combination with the softening effect of existing mature tall trees in front of the container, would result in the development complementing the character and appearance of the river and its countryside location.

The Inspector noted reference had been made to appeal decisions made 20 years ago and concluded that any application should be dealt with under its own merits and that these would have been assessed against development plans and national policies that have since been superseded.

The Inspector allowed the appeal. In considering the application for costs the Inspector concluded the Council did not act unreasonably to refuse the application on visual grounds as this reason was substantiated and was subjective, the Council's view that the proposed remedial works to the structure would not overcome the visual concerns was also reasonable and substantiated. Furthermore, the Council acted acceptably in questioning whether the use of conditions could adequately deal with the works proposed and the Council acted reasonably in refusing the application. He concluded an award of costs was not justified.

<b>Address</b>	Woodholme 5 Melton Road Stanton On The Wolds Nottinghamshire NG12 5PH
<b>Reference No.</b>	16/02870/OUT
<b>Appeal Reference</b>	APP/P3040/W/17/3168243
<b>Description Of Proposal</b>	Two detached dwellings on land adjacent to 5 Melton Road
<b>Appeal Decision</b>	Appeal Dismissed
<b>Date of Appeal Decision</b>	18 May 2017

**PLANNING OFFICERS OBSERVATIONS**

Outline planning permission was refused on the 16 January 2017 for the following reason:

*'The site forms part of a substantial gap within an area of sporadic or ribbon development outside of a village and does not comprise brownfield land. The proposed development of two detached dwellings would therefore constitute inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. The proposal would also result in harm to the openness of the Green Belt at this location due to the introduction of significant new built development. It has not been demonstrated that very special circumstances exist to outweigh the harm to the Green Belt which would result from the proposed development. The proposal is, therefore, contrary to one of the core planning principles of the National Planning Policy Framework which states that planning should protect the Green Belt and to policy set out within paragraphs 79 to 89. The proposal is also contrary to policy EN14 (Protecting the Green Belt) of the Rushcliffe Borough Non-Statutory*

*Replacement Local Plan.'*

In dismissing the subsequent appeal the Inspector considered the main issues to be:

1. Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework, including the effect of the proposal upon the openness of the Green Belt; and
2. If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

The Inspector stated that, *'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The site is currently used as the side garden of the existing dwelling which is outside of the main part of the settlement of Stanton on the Wolds. "infilling" must occur when a gap between buildings is filled. As the development would not fill a gap, due to the fields beyond, it cannot be "infill". The construction of dwellings would introduce built development where currently none exists. Much of the site is well-screened by vegetation but openness is a physical state which is not only about visibility. Therefore, the proposed development would result in significant harm to the openness of the Green Belt.'*

The Inspector considered that *'the proposed development would not fall within any of the exceptions listed in Paragraph 89, and should be regarded as inappropriate development in the Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The development would be small-scale and therefore, the contribution of future occupiers to supporting local facilities would be very limited so I give this factor only a very small amount of weight. I also give minimal weight to the history of the land as building plots.'*

The appeal was dismissed.