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Our reference:
Your reference:
Date: 8 November 2017

To all Members of the Council

Dear Councillor

A meeting of the **Planning Committee** will be held on Thursday 16 November 2017 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely



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 12 October 2017 (pages 1 - 15).
4. Planning Applications

The report of the Executive Manager - Communities is attached (pages 16 - 42).

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



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

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

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Rushcliffe
Borough Council

**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY 12 OCTOBER 2017**

Held at 6:30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

Councillor R L Butler (Chairman)
Councillor J A Stockwood (Vice-Chairman)

Councillors B R Buschman, J N Clarke M J Edwards, J E Greenwood, S J Hull, Mrs M M Males, S E Mallender, Mrs J A Smith and J E Thurman

ALSO IN ATTENDANCE

Councillors T Combellack, Mrs M Stockwood, R J Upton and J G A Wheeler

20 Members of the public

OFFICERS IN ATTENDANCE

M Elliott	Constitutional Services Team Leader
D Mitchell	Executive Manager - Communities
I Norman	Legal Services Manager
A Pegram	Service Manager – Communities
H White	Area Planning Officer

APOLOGIES FOR ABSENCE

There were no apologies for absence.

17. DECLARATIONS OF INTEREST

17/01416/FUL – 1 Church Court, Plumtree Road, Cotgrave – Councillor Butler declared a personal and pecuniary interest as he was the applicant.

17/01628/FUL – Land west of Millfield, Langar Road, Barnstone– Councillor Hull declared a non-pecuniary interest.

17/02096/CMA – Land South of Burrows Farm, Barton in Fabis – Councillors Butler and Clarke declared a non-pecuniary interest as they were members of Nottinghamshire County Council.

18. MINUTES

The Minutes of the meeting of the Planning Committee held on Thursday 14 September 2017 were approved as a correct record and signed by the Chairman.

19. PLANNING APPLICATIONS

Councillor Butler referred to the Council's Public Speaking Protocol for Planning Committee and informed the meeting that in consideration of fairness to all speakers, all speakers who had registered to speak in advance of the meeting would be allowed five minutes each to address the committee. This change is to be introduced for future meetings pending a full review of the procedures.

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

Councillor Butler who had declared an interest in the following application vacated the Chair and left the room for the consideration of the application.

Councillor J Stockwood, as Vice Chairman, then took the Chair for the consideration of the following application.

Item 1 - 17/01416/FUL - Dropped kerb and vehicular access - 1 Church Court Plumtree Road Cotgrave Nottinghamshire NG12 3QW

UPDATES

There were no updates 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 and documents; Site Location Plan Drawing Number BUT-001-D/LP/001 dated 13th June 2017; Technical Note by Vectio Consulting dated 19th May 2017; Proposed Access Arrangements Drawing Number VC0116 Sheet No.1 dated 16th May 2017. The new driveway shall be retained and maintained as such thereafter.

[For the avoidance of doubt, and in the interests of highway and pedestrian safety, to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy]

3. The new vehicular access hereby approved shall not be brought into use until the visibility splays (including the reduction of the front boundary wall to a maximum height of 600mm above ground level) as shown on the Proposed Access Arrangements Drawing Number VC0116 Sheet No.1 dated 16th May 2017 have been provided. The visibility splays shall be retained and kept free from obstruction thereafter.

[In the interests of highway and pedestrian safety, to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy.]

Councillor Butler returned to the room at this point but did not re-join the Committee for the consideration of the next item being a ward councillor for Cotgrave.

Councillor Hull who had declared an interest in the following application left the room for the consideration of the application.

Item 2 - 17/01725/FUL - Amendment to the ground levels within this area to reduce the gradient of the slope. The ground will then be planted with a low maintenance seed mix - Colliers Business Park Colliers Way Cotgrave Nottinghamshire

UPDATES

There were no updates 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. This permission shall relate to the application as submitted including plans s1091/20; 16064/S03; 16064/210 revision E and the soil analysis by Kiwa.

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

3. This permission does not permit the reduction in land level in the application area.

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

Item 3 - 17/01628/FUL - 4 no. dwelling (to meet local need) - Land West of Millfield Langar Road Barnstone Nottinghamshire

UPDATES

There were no updates reported.

In accordance with the Council's Public Speaking Protocol Mr George Machin of Grace Machin Planning and Property (agent for the applicant), Mr Dawn (objector) and Councillor Tina Combellack (ward Councillor), addressed 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 plans ref. 3334 03, 04, 05 and 06 received on 13 July 2017 and amended plans ref. 3334 01A and 02C received on 18 July 2017.

[For the avoidance of doubt and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. 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 10 (Design and Enhancing Local Identity) of the

Rushcliffe Local Plan Part 1: Core Strategy and policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan.]

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

[To ensure existing trees are adequately protected during the development and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan. A pre-commencement condition is required to safeguard the trees before work onsite is begun.]

5. No development shall proceed above foundation level 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) any structures to be erected or constructed;
 - (f) functional services above and below ground;
 - (g) all existing trees, hedges and other landscape features, indicating clearly those to be removed; and,
 - (h) a landscape management plan and schedule of maintenance.

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.

[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].

6. Before development is commenced, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. As a

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

[To 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. A pre-commencement condition is required to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.]

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

[In the interests of residential amenity; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. The agreement of these details is necessary before work commences on site to ensure the amenities of surrounding properties are protected during the construction of the development.]

8. Occupation of the proposed dwellings shall not take place until their respective access and parking/turning areas, including measures to prevent the unregulated discharge of surface water to the highway, have been constructed in accordance with details to be first approved by the Borough Council and these facilities shall be retained for the lifetime of the development.

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

9. The access driveway shall not be brought into use until it has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the

public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interests of highway safety, to prevent deleterious material / surface water from being discharged to the public highway; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

10. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing has been made available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council.

[In the interests of highway safety, to ensure that drivers can cross the public highway in a safe and controlled manner; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

11. Occupation of the proposed dwellings shall not take place until a new footway link connecting the site to the existing footway network has been provided, in accordance with details to be submitted to and approved by the Borough Council.

[In the interests of highway and pedestrian safety; and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

12. During the construction period working practices shall be introduced in the interest of protected species and habitat including:

- Ensuring that all open excavations will be backfilled each night or left with sloping ends to allow badgers to escape, should they fall in.
- Taking relevant measures to avoid disturbance to nesting birds, such as sensitive timings of construction.

[To prevent harm to protected species and to comply with policies GP2 (Design & Amenity Criteria) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

13. Removal of vegetation shall only take place outside the bird nesting season, or if this is not practical, shall be preceded by a survey of ground nesting birds and any mitigation measures carried out should be in accordance with details to be submitted to and approved in writing by the Borough Council.

[In the interest of protected species and habitats and to comply with policies GP2 (Design and Amenity) and EN12 (Habitat Protection) of the Rushcliffe Borough Non Statutory Replacement Local Plan.]

Notes to Applicant

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 (use the A-Z search for Contaminated Land) or by contacting the Environmental Health Service directly or use the following link:

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact hdc.south@nottscc.gov.uk for details.

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 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.

Nesting birds and bats, their roosts and their access to these roosts are protected under the Wildlife and Countryside Act 1981. Should birds be nesting in the trees concerned it is recommended that felling/surgery should be carried out between September and January for further advice contact Nottinghamshire Wildlife Trust on 0115 958 8242 or by email at info@nottswt.co.uk. If bats are present you should contact Natural England on 0300 060 3900 or by email at enquiries@naturalengland.org.uk.

Swifts are now on the Amber List of Conservation Concern. One reason for this is that their nest sites are being destroyed. The provision of new nest sites is urgently required and if you feel you can help by providing a nest box or similar in your development, the following website gives advice on how this can be done: <http://swift-conservation.org/Nestboxes%26Attraction.htm>
Advice and information locally can be obtained by emailing: carol.w.collins@talk21.com

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice and a wildlife sensitive lighting scheme should be developed and implemented.

The provision of bat bricks / lofts / boxes and bird nest bricks / boxes and

hedgehog boxes within the development site is recommended as well as the provision of a wildlife friendly pond or wetland within the garden and amphibian habitats and features.

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

The erection or alteration of any mill, dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require Trent Valley Internal Drainage Board's prior written consent.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

If you require any further information, please contact Trent Valley Internal Drainage Board's Operations Manager Matt Everett.

Councillor Hull rejoined the meeting at this point.

Item 4 - 17/01038/FUL - Proposed permanent agricultural workers dwelling - Kingston Brook Farm Wymeswold Road Thorpe in the Glebe Nottinghamshire NG12 5QX

UPDATES

There were no updates reported.

In accordance with the Council's Public Speaking Protocol Mrs Julie Hibbitt (the applicant), addressed the meeting.

DECISION

PLANNING PERMISSION TO BE REFUSED FOR THE FOLLOWING REASONS.

1. It has not been clearly demonstrated that the farming enterprise presents a functional need for a full time agricultural worker to live at the site. The proposal would not, therefore, constitute a sustainable form of development which would be contrary to the overarching principles of the National Planning Policy Framework and, in particular, paragraph 7 and 55 and Policy HOU4 (New dwellings in the Countryside) a), b) and c) of the Rushcliffe Borough Non-Statutory Replacement Local Plan which states:

New dwellings will not be permitted outside settlements unless they are necessary for the purposes of agriculture or other activities appropriate to the countryside and where it can be demonstrated that:

- a) The existing farm or forestry business is financially sound, or in the case of a proposed business, that it has been planned on a sound financial basis;
 - b) There is a long-term need for a dwelling verified by an expert report;
 - c) The need for the accommodation cannot reasonably be met in a nearby settlement or dwelling.
2. The proposal is also in conflict with the guidance contained in Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas.

Item 5 - 17/01883/FUL - Erection of two storey dwelling and detached garage - Hill Top Farm Cliffhill Lane Aslockton Nottinghamshire NG13 9AP

UPDATES

Representations from Aslockton Parish Council, neighbours of the application site and the applicant's agent, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol Mrs Linda Bridge (objector) and Councillor Mrs Maureen Stockwood (ward Councillor), addressed 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 plans:

- 1:200 Proposed Site Plan
- 1:200 Proposed Plans
- 1:100 Elevations
- 1:100 Garage Plans and Elevations

[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 materials specified in the application shall be used for the external walls and roofs of the development hereby approved and no additional

or alternative materials shall be used.

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

[This information was not submitted with application and it is important that the information is submitted prior to work commencing on site to ensure 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]

5. The development hereby permitted shall not be occupied until details of hard surfacing of the vehicular access and driveway for a distance of 5m from the carriageway edge together with a means to prevent the discharge of surface water on to the public highway have been submitted to and approved in writing by the Borough Council, and the facilities have been provided in accordance with the approved details. These facilities shall be retained for the lifetime of the development.

[In the interests of highway safety, and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

6. The development hereby permitted shall not be occupied until a detailed landscaping scheme for the site has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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

7. The development hereby permitted shall not be occupied until details of all screen fencing/walling and means of enclosure to be erected on the site have been submitted to and approved in writing by the Borough Council, and have been completed in accordance with the approved details. Thereafter the approved screen fencing/walling and means of enclosure shall be retained for the lifetime of the development.

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

8. Notwithstanding the provisions of Schedule 2, Part 1, Class A-C of the Town and Country Planning (General Permitted Development) 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 including no alteration to or insertion of windows other than those shown on the approved plans 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 policies 10 (Design and enhancing local identity) of the Rushcliffe Local Plan Part 1: Core Strategy, and GP2 (Design & Amenity Criteria) & EN20 (Protecting open countryside) 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.

The development makes it necessary to improve a vehicular crossing over a verge of the public highway. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.

For further information on the content of contaminated land reports please refer to the Borough Council's publication "Developing Land within Nottinghamshire - A Guide to submitting Planning Applications for Land that may be contaminated". This booklet is available from Rushcliffe Borough Council's web site www.rushcliffe.gov.uk or by contacting the Environmental Health Services direct on 0115 914 8485.

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

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

There is a lake in close proximity to the site where Great Crested Newts may be present. Great Crested Newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and under the Conservation (Natural Habitats, etc) Regulations 1994. These statutory instruments protect both the species themselves and their associated habitats.

If great crested newts are discovered during work on the development, the relevant work should be halted immediately and Natural England should be notified and further advice sought. Failure to comply with this may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months or both.

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 6 - 17/01629/FUL - Construction additional eight car parking spaces - The Gamston Lock Radcliffe Road Gamston Nottinghamshire NG2 6NP

UPDATES

A representation from a neighbour of the application site, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

In accordance with the Council's Public Speaking Protocol Mr Steve Buckley of Peacock and Smith (agent for the applicant), Mr Richard Drury (objector) and Councillor Jonathan Wheeler (ward Councillor), addressed the meeting.

DECISION

GRANT PLANNING PERMISSION FOR THE REASONS SET OUT IN THE REPORT SUBJECT TO THE FOLLOWING CONDITION.

1. This planning permission relates to the submitted plans 0102 16 02 01 and 0102 16 02 09 Rev 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].

2. Within three months of the date of this permission, an acoustic fence shall be erected in accordance with a scheme, which shall detail the height, position and method of construction, to be submitted to and approved by the Borough Council. The acoustic fence shall thereafter be retained and maintained in accordance with the approved details for the life of the development.

[To safeguard the residential amenities of neighbouring properties, in accordance with Policy GP2 of the Ruscliffe Borough Non-Statutory Replacement Local Plan]

Notes to Applicant

Your attention is drawn to condition 2 requiring the erection of an acoustic fence. The Planning Committee considered that such provision was necessary in the interests of the amenities of the neighbouring properties and that the barrier/fence should be of a sufficient height and means of construction to mitigate the impacts of noise and light pollution arising from the use of the parking spaces on the neighbouring properties in Derwent Close.

Councillor Clarke who had declared an interest in the following application left the room for the consideration of the application.

Councillor Butler who had declared an interest in the following application vacated the Chair and left the room for the consideration of the application. Councillor J Stockwood, as Vice Chairman, then took the Chair for the consideration of the application.

Item 7 - 17/02096/CMA - The extraction and processing of sand and gravel, including the construction of a new site access road, landscaping and screening bunds. Mineral washing plant and other associated infrastructure with restoration to agriculture and nature conservation areas – London Rock Supplies Ltd.

UPDATES

Representations from Councillor Matthews and Nottinghamshire County Council, received after the agenda had been finalised, had been circulated to members of the Committee prior to the meeting.

DECISION

THAT NOTTINGHAMSHIRE COUNTY COUNCIL BE INFORMED THAT THE BOROUGH COUNCIL OBJECTS TO THE PROPOSAL AND RECOMMENDS REFUSAL FOR THE FOLLOWING REASONS

1. The proposal would represent unjustified and inappropriate development in the Green Belt. The development constitutes an engineering operation that does not maintain the openness of the Green Belt. Having regard to the scale of the engineering operations, together with the associated urbanising effects, it is considered the proposal would have a significant impact on the openness of the Green Belt. The proposed development by definition is, therefore, harmful. It is not considered that there are very special circumstances of sufficient weight to clearly outweigh the harm caused and, therefore, it is considered to be contrary to the provisions of the National Planning Policy Framework and local planning policies EN14 and EN19 of the Rushcliffe Borough Non-Statutory Replacement Local Plan.
2. It has not been demonstrated to the satisfaction of the Council that the proposed development would not have significant adverse impacts in respect of noise, dust, air quality, landscape impact, archaeology or the cumulative impact with the housing allocations/applications.

20. APPEAL DECISIONS

The report of the Executive Manager - Communities was submitted and noted.

The meeting closed at 9:20pm.

CHAIRMAN

Report of the Executive Manager – Communities

PLEASE NOTE:

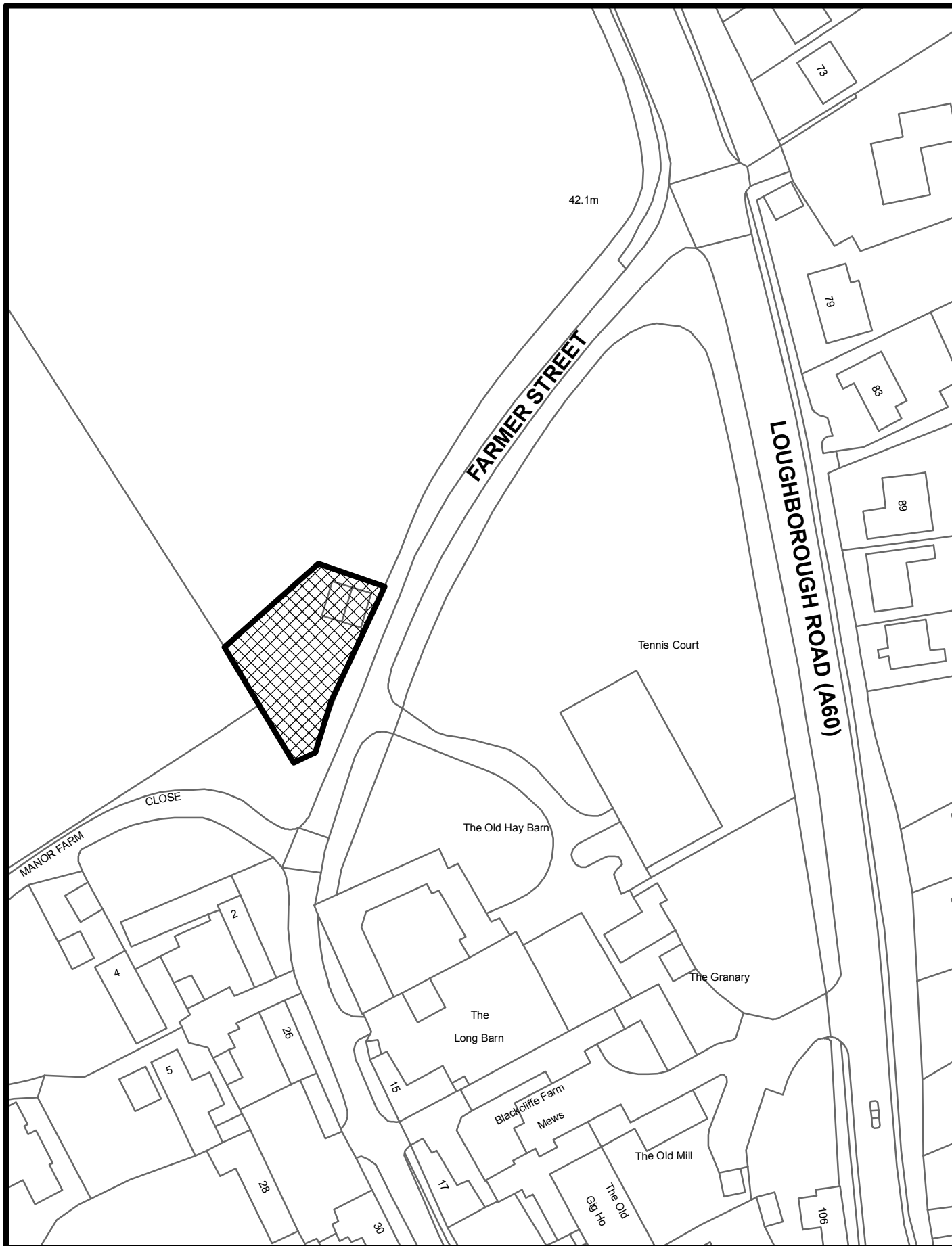
1. Slides relating to the application will be shown where appropriate.
2. Plans illustrating the report are for identification only.
3. Background Papers - the application file for each application is available for public inspection at the Rushcliffe Customer Contact Centre in accordance with the Local 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/>

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Application Number: 17/01890/FUL
os field 4445, Farmer Street, Bradmore



scale 1:1000

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Rushcliffe Borough Council - 100019419

Applicant Mrs Denise Beardsley

Location OS Field 4445 Farmer Street Bradmore Nottinghamshire

Proposal Proposed farm building and hardstanding - revised proposals

Ward Bunny

THE SITE AND SURROUNDINGS

1. The application site comprises of a triangular area of land measuring approximately 0.06 hectares in area, located to the southern corner of a field adjacent to Farmer Street on the northern edge of Bradmore village. To the south and east of the site are residential properties within the village. To the north and west of the site is open agricultural land, with the A60 Loughborough Road located approximately 100m to the north east.

DETAILS OF THE PROPOSAL

2. The application seeks planning permission for the erection of a farm building and an area of hardstanding. The proposed farm building would measure 12m in length, 3.1m in width, 2.3m to the eaves and 3.8m to the ridge. Half the building would be an enclosed store with the other half providing an open shelter. It would be constructed of brick to the base with timber cladding to the elevations and a grey coloured fibre cement sheet roof. The building would be located close to the south eastern boundary of the field adjacent to Farmer Street.
3. The hardstanding is already in situ, it covers a triangular area of land to the southern corner of the agricultural field and extends into the field by between 25m and 35m in depth.
4. In support of the application the applicant has stated that; *"I can confirm the agricultural use for the field is; growing of grass for animal feed and the grazing of animals. The disputed structure is proposed in order to replace the original dilapidate barn ruin. The replacement structure will continue to be used as per the original versatile use; safe storage of agricultural machinery and equipment (for field and boundary maintenance); storage of animal feed as required; animal shelter when needed. A hardstanding is necessary to prevent poaching by farm animals and machinery and to allow ease of access into the field in wet conditions. This would address previous 'bogging down' problems. The field entrance is on a very dangerous blind corner and the presence of mud on the road could be a potential hazard for pedestrians and motorists alike."*
5. Revised plans have been submitted during the course of the application clarifying the construction materials as detailed above.
6. The site is located within the Green Belt and adjacent to the Bradmore Conservation Area.

SITE HISTORY

7. This application is a re-submission of a previous application (ref: 17/00473/FUL) for a proposed hardstanding area and the siting of a metal storage container measuring 12.2m by 2.43m, sited to the south western boundary of the site. This application was refused on 25th April 2017 on the following grounds; inappropriate development within the Green Belt; unsightly development encroaching into open countryside; and harm to the setting of the Bradmore Conservation Area.

REPRESENTATIONS

Ward Councillor

8. The Ward Councillor (Cllr Adair) objects on the grounds that the land/field in question is not a 'stand alone farm'. Historically there has never been a building structure on this land apart from an old wooden shed which housed bales of hay. He can see no reason for the proposed hard standing and, therefore, queries the ultimate use of it. This field is in the Green Belt and forms part of the Conservation Area and should be retained as such.

Parish Council

9. Bradmore Parish Council comment; *"The application comprises two elements: The creation of a hard standing area and construction of a brick and tile building.*
 1. *Hard standing (Object) - There seems no reason consistent with the stated use of the field for stock grazing to create a hard standing area.*
 2. *Shelter (Object) - Whilst the Council recognises that an appropriate field shelter would be consistent with the stated use, we would prefer a sympathetic wood construction and would like confirmation from the Planning Officer that this also complies with the footprint of the previous building on the field."*

Statutory and Other Consultees

10. The Conservation Officer comments that the container is, once again, described as replacing a previous structure, however, there appears to be no structure currently existing on the site. The photographs provided showing the structure appear to be old and the 2015 aerial photography shows no structures in this corner of the field. As such the proposed structure cannot reasonably be described as a replacement structure. The position is at least more sheltered from public view than was previously proposed, no longer directly visible through the field gate, although the extent of hard surfacing would remain apparent. The site is not located within the Bradmore Conservation Area, however, it does make a general, if small, contribution to the green, rural and open character of the northern fringes of the conservation area.
11. He has considered the justification put forward for the hard standing area, which still appears to be more substantial in scale than the justification would support. Whilst he can understand and appreciate the bogging down and

avoiding spreading mud onto the road elements of the argument, neither of these would justify such a large expanse of hard standing. He is less clear on the "...prevent poaching by farm animals and machinery" element of the justification, this is understood to represent the alternative definition of damage to pasture caused by the trampling by feet of livestock (although he is not aware that this term can ever be applied to machinery), however, this tends to relate to field gates where animals have to pass through a narrow space or as a result of over intensive grazing. It is not clear why the expanse of hard surfacing shown would be required to protect land from the feet of livestock. There is no indication of the nature of vehicles needing to access the site and as such it is very difficult to assess to what extent the proposed surfacing is greater than would be necessary.

Local Residents and the General Public

12. A representation has been received by a local resident on the following grounds:
 - a. The non-residential building would impact negatively on the approach to the village.
 - b. The proposed building is for agricultural use but the applicants do not have a farm.
 - c. It could be an industrial building in disguise.

PLANNING POLICY

13. The development plan for Rushcliffe consists of the five saved policies of the 1996 Local Plan, and Rushcliffe Local Plan Part 1: Core Strategy (Core Strategy). Other material considerations include the National Planning Policy Framework (NPPF) and the Non-Statutory Replacement Local Plan (NSRLP) where policies are consistent with the NPPF and the Core Strategy.

Relevant National Planning Policies and Guidance

14. The National Planning Policy Framework carries a presumption in favour of sustainable development. Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
15. In terms of protecting heritage assets, Paragraph 131 states that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
16. With regards to Green Belt paragraph 89 advises that a Local Planning Authority should regard the construction of new buildings as inappropriate development in green belt, exceptions to this include buildings for agriculture and forestry. Paragraph 90 states that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness and do not conflict with the purposes of including land in Green Belt, these

include engineering operations.

Relevant Local Planning Policies and Guidance

17. Policy 10 (Design and Enhancing Local Identity) of the Core Strategy states that, All new development should be designed to make: a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; reinforce local characteristics; be adaptable to meet evolving demands and the effects of climate change; and reflect the need to reduce the dominance of motor vehicles.
18. Core Strategy policy 4 (Nottingham-Derby Green Belt) identifies the extent of the Green Belt within Rushcliffe.
19. The Rushcliffe Non-Statutory Replacement Local Plan has been used in decision making since 2007 and despite the Core Strategy having been recently adopted its policies are still a material consideration in the determination of any planning application where they accord with the NPPF.
20. Policy GP2 (Design and Amenity Criteria) states that planning permission for new development will be granted provided that, inter alia, the following criteria are met; there is no significant adverse effect upon the amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated; a suitable means of access can be provided; the scale, density, height, massing, design layout and materials of the proposal are sympathetic to the character and appearance of the neighbouring buildings and the surrounding area; there is no significant adverse effect on wildlife habitats; there is no significant adverse effect on any historic sites; the development is designed to minimise criminal activities.
21. Policy EN14 (Protecting the Green Belt) states that within the green belt as defined on the proposals map planning permission will only be granted for appropriate development. The policy identifies the types of development which would be appropriate, including development for agriculture and forestry.
22. Policy EN19 (Impact on the Green Belt and Open Countryside) states that, where a proposal is in accordance with other policies of the plan, it must be demonstrated; there will be no significant adverse impact upon the open nature of the open countryside or landscape features or views; an appropriate landscape scheme is proposed; existing buildings on the site have been used to accommodate indoor facilities; and where new buildings are proposed they respect the general character of the area through siting, design and materials; any ancillary lighting is designed and located to minimise its impact.
23. Policy EN20 (Protection of Open Countryside) states that; within the open countryside planning permission will not normally be granted except for rural activities including agriculture and forestry.

APPRAISAL

24. The main issues in the consideration of the application are whether the proposal involves inappropriate development in the green belt, and if so

whether any special circumstances exist to outweigh the harm by reason of inappropriateness, and any other harm; whether the proposal would harm the open character or visual amenities of the green belt; whether the proposal would cause harm to the character or appearance of the conservation area, or more specifically its setting, and if not, whether any identified harm is outweighed; and whether the proposal would preserve the setting of any listed buildings.

25. In accordance with paragraph 89 of the NPPF, the construction of new buildings within the Green Belt should be regarded as inappropriate development, although there are a number of exceptions. One of the exceptions includes buildings for agricultural use. Agricultural use is defined as 'the growing of crops and the rearing of animals to provide food, wool, and other products'. The submitted plans indicate that the proposed building would be used partly as a store and partly as an open shelter. The applicant has stated that the field is used for the growing of grass for animal feed and the grazing of animals, and that the proposed building would be for the storage of agricultural machinery and equipment, the storage of animal feed and an animal shelter. Based on the information submitted with the application, it is considered that the new building would be for agricultural purposes and its size and scale would be commensurate with the requirements of a field of this size. As a result, the proposed building would be appropriate development in the Green Belt. In order to ensure that the building is only used for the purposes set out in the application a condition is recommended to restrict its use to that stated.
26. Under paragraph 90 of the NPPF, 'engineering operations', such as the laying of hard core to create a hard surface, is one of the exceptions to inappropriate development within the Green Belt and is, therefore, considered appropriate in principle.
27. In terms of the open character and visual amenities of the green belt, the proposed building would be located just outside the main built up part of the settlement. The building would be positioned close to the south eastern boundary of the site, which comprises of an established hedge measuring approximately 3m in height. The grass verge between the application site and Farmer Street also contains semi-mature trees approximately 6m in height which provide additional screening of the site. As a result of this existing boundary treatment, the proposed building, which would be 3.8m at its highest point, would not be readily visible. Furthermore when viewed from the A60, the gable end of the building would be seen against a backdrop of hedgerow and trees and would not appear overly intrusive or prominent within the landscape. The design and materials of the proposed building are typical of agricultural buildings located within the Green Belt and open countryside, and would not appear out of character with the nature of the area.
28. Since the hardstanding was laid, there has been some grass re-growth through the surface which has softened its overall appearance and resulted in it appearing far less intrusive within the wider landscape, and indistinguishable when travelling south along the A60. This grass re-growth will continue over time. As a result, it is not considered that the hard surfacing would harm the open character or visual amenities of this green belt location.

29. As a result of the revised positioned of the building, it would be screened from views from the Conservation Area by the existing boundary treatment and as a result of this and the appropriate design and materials to be used in the building, it would not harm the setting of the Bradmore Conservation Area. The hardstanding area would be visible from the Conservation Area, through the existing field gate, and whilst this would initially result in some harm to the setting, the harm would be less than substantial. However, as stated above, over time the grass regrowth through the surface would soften the impact of the hard surfaced area, such that its appearance would not cause harm to the setting of the adjacent conservation area
30. There are a number of Listed Buildings located further south along Farmer Street, however, given their distance from the site and that they would be separated from the site by several other buildings, the setting of these buildings would not be harmed by this proposal.
31. The application was not subject to pre-application discussions. Further details were submitted during processing of the application resulting in a 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 plans; 1:2500 location plan dated 03.08.2017; 1:1250 block plan date stamp received 10.08.2017; revised 1:100 elevation and floor plans dated October 2017.

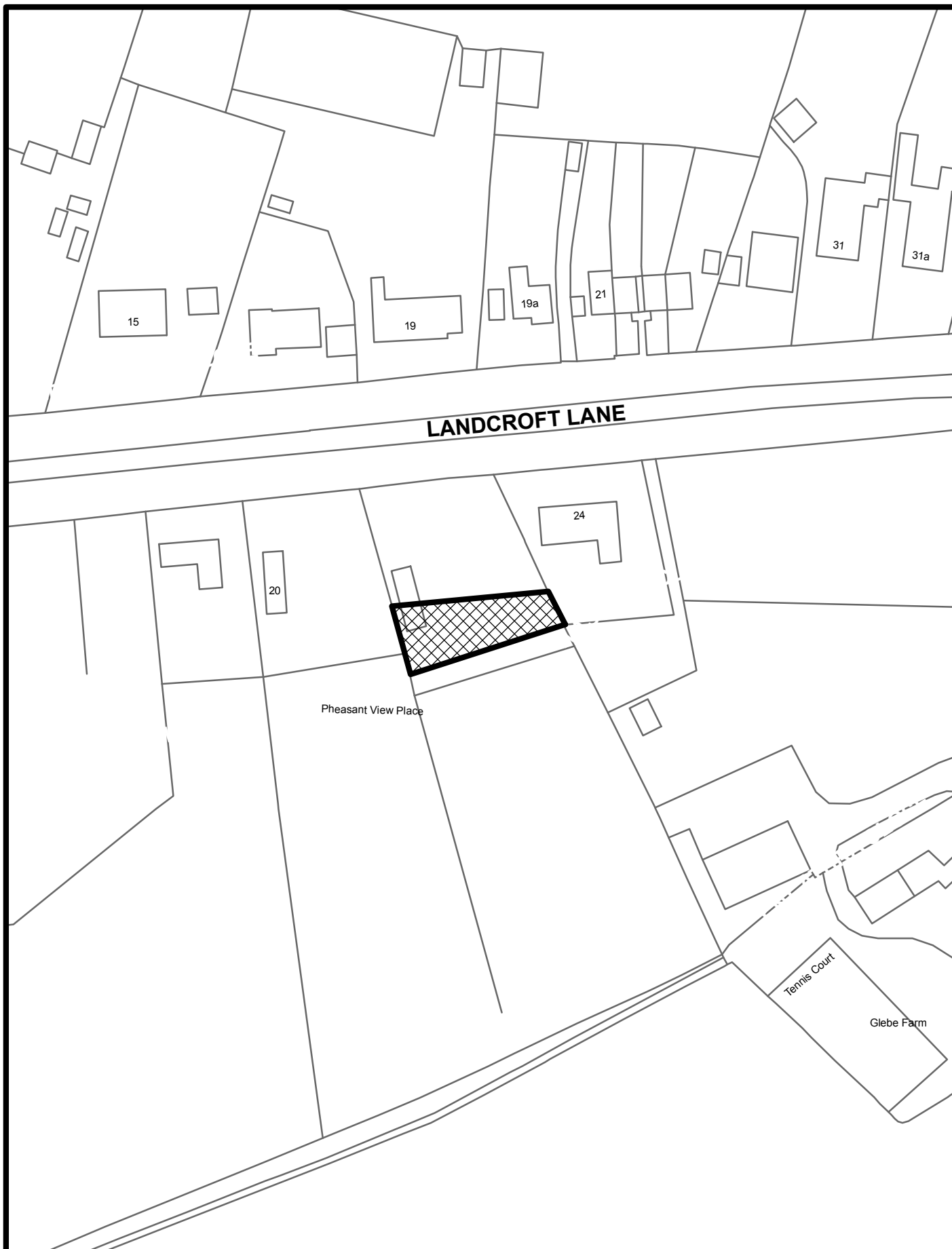
[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy.]

3. The materials specified on the revised elevation and floors plans dated October 2017 shall be used for the external walls and roof of the development hereby approved. No additional or alternative materials shall be used unless otherwise approved in writing by the Local Planning Authority.

[To ensure the appearance of the development is appropriate in this open countryside location and to comply with Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy 10 (Design and Enhancing Local Identity) of the Local Plan Part 1: Rushcliffe Core Strategy.]

4. The building hereby approved shall be used for agricultural purposes only and for no other purpose.

[To prevent the building from being used for an alternative use which may not be appropriate in this Green Belt location and to comply with policies GP2 (Design and Amenity Criteria); Policy EN14 (Protecting the Green Belt); EN19 (Impact on the Green Belt and Open Countryside); and EN20 (Protection of Open Countryside) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and guidance contained within Chapter 9 (Protecting Green Belt Land) of the NPPF].



Application Number: 17/02133/FUL
22 Landcroft Lane, Sutton Bonington



scale 1:1000

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Rushcliffe Borough Council - 100019419

17/02133/FUL

Applicant Mr Felix Connors

Location 22 Landcroft Lane, Sutton Bonington, Nottinghamshire

Proposal Change use of land to use as extension of existing gypsy caravan site including the retention of hardstanding

Ward Sutton Bonington

THE SITE AND SURROUNDINGS

1. The application relates to a single family traveller site situated approximately half a mile to the east of the Sutton Bonington University Campus and approximately a mile from the main settlement. The site is situated on the south side of Landcroft Lane, with a long ribbon of predominantly detached properties running along the opposite (north) side of this road. The site formerly comprised of a paddock before being settled by the traveller family.
2. The site in its current format consists of an area of hardstanding measuring between 32 and 39.5 metres in depth, accommodating a static mobile home to the west side and a touring caravan to the south west corner. The static mobile home is on a raised terrace. There is a residential property to the east at 24 Landcroft Lane and to the west is a gypsy/traveller site at 20 Landcroft Lane that was granted permission for a change of use in 2008 (ref: 08/01611/COU). An application for outline planning permission for the erection of a dwelling at 20 Landcroft Lane was submitted under ref: 16/00330/OUT and allowed on appeal in 2017 (Appeal Ref: APP/P3040/W/16/3162248).

DETAILS OF THE PROPOSAL

3. The current application seeks the permanent change of use of land as an extension to the existing gypsy/traveller site and retention of hardstanding as approved on a temporary basis at appeal following refusal of planning permission under ref: 12/00624/FUL (see site history below). Hedgerow planting is proposed along the rear (southern) boundary.

SITE HISTORY

4. An application for two caravans and associated hardstanding, fence, shed and utility building for a gypsy/traveller family was refused in 2008 (planning ref: 07/01956/COU). A subsequent appeal against the refusal of permission was allowed (appeal ref: APP/P03040/A/08/2070387). Condition 1 of this appeal stipulated that no more than two caravans shall be stationed on the site at any one time, of which no more than 1 should be a static caravan.
5. Following enforcement investigations into an alleged enlargement of the site and the siting of an additional caravan, a retrospective planning application was submitted (ref: 12/00624/FUL) seeking permission for use of land for the siting of an additional caravan (3 total) for single gypsy family, with

associated hardcore. Permission was refused in July 2012 and an enforcement notice was served in the same month in respect of the unauthorised development. The area of hardstanding referred to in the enforcement notice was larger than the area for which planning permission was sought.

6. The refusal of planning permission and enforcement notice referred to in paragraph 5 were the subject of appeals to the Planning Inspectorate, which were dealt with as a conjoined appeal. The enforcement case related to a southern extension to the area of hardcore approved under 07/01956/COU by between approximately 10.6 and 17.3 metres as measured along the west and east boundaries respectively. This element of the appeal was dismissed on appeal and the enforcement notice was upheld, the Inspector taking the view that the development represented an unduly large extension of the site.
7. The planning application sought retrospective permission to retain a smaller area of hardstanding to the south of the site, equating to an area of between approximately 7 and 14.5 metres in depth along the west and east boundaries of the site respectively. This element was allowed on appeal on a temporary and personal basis, for a period of three years or until the applicant ceased to occupy the land, whichever was the shorter. The remaining section of hardcore, measuring between 3.6 and 2.8 metres in depth, was removed following the dismissal of the appeal against the enforcement notice.
8. An application was submitted in June 2017 to vary conditions 1 and 2 of the permission allowed at appeal to make the permission permanent rather than for a temporary 3 year period. However, this application was submitted after the 3 year temporary permission (allowed at appeal) had lapsed and was, therefore, invalid.

REPRESENTATIONS

Ward Councillor(s)

9. The Ward Councillor (Cllr Brown) objects to the proposal, commenting that the permission was originally for one gypsy family with one static and one touring caravan. It is understood that the planning inspector gave permission based on this being the maximum development size in relation to the open countryside. Any increase in size would therefore have a negative impact on the character of the open countryside and the amenity of local residents. The site has been subject to several enforcement visits for non-compliance with planning consent.

Town/Parish Council

10. Sutton Bonington Parish Council object, commenting *“Permission was originally granted for 1 gypsy family with one static and one touring caravan. It was our understanding that the Planning Inspector gave permission based on this being the maximum development size in relation to the open countryside. Therefore any increase in the size of the development will have a negative impact on both the character of the open countryside and the amenity of local residents.”*

Statutory and Other Consultees

11. The Environmental Health Officer commented that they do not object, provided there is sufficient means to dispose of surface and foul water from the site.
12. The Trent Valley Internal Drainage Board commented that the site is outside of the district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Local Residents and the General Public

13. Five letters of objection have been received from local residents and the general public with the comments summarised as follows:
 - a. Object to development beyond the existing boundary.
 - b. Creeping development of the site which the inspector considered unacceptable. This has extended beyond the boundary that was agreed for the temporary permission.
 - c. Affects character and appearance of area especially when viewed from footpath at the rear.
 - d. Laying of paving and addition of a wall not part of permission, resulting in urbanising effect.
 - e. The site at the time of the appeal was found to have already enlarged by 50% and needed to demonstrate that it was commensurate to the needs of the family. The inspector considered that the appellant's personal circumstances should not outweigh the harm caused to the character and appearance of the area so as to justify a grant of permanent permission.
 - f. The Inspector considered the additional area of hardcore to be unacceptably large and unnecessary even on a short term basis for the station a single caravan. Vehicles are parked behind the fence on the newly laid hardcore which is within the area designated as a pony paddock.
 - g. The area previously allocated with temporary permission is of sufficient size to accommodate the family's additional touring caravan and this permission should remain.
 - h. The temporary permission for the extra area has been exceeded by over 12 months.
 - i. The 2013 appeal at which the temporary permission was granted stated that the use was unacceptable and only temporary permission was given.

- j. For approx. 6 months the extra area has been used to store paving, demonstrating that the family can operate within the original curtilage without hardship.
- k. The new boundary does not form a line from the rear of No. 24 to the new approved building plot of No. 20, it projects beyond No. 20 in an unacceptable way. Do not see the need to go beyond this line.
- l. The form of development is not appropriate to the area, would not object to a brick built dwelling such as No. 20 as this would be consistent with other dwellings.
- m. Increasing commercial appearance and increasing vehicle numbers, not suitable for the lane.
- n. The planning application states that the present site has permission for 3 cars and 3 light vehicles and the application lodged at present would continue with the same number, there does not appear to be any prior authorisation of this. Number of vehicles beyond requirement for one family.
- o. Inspector in previous appeal raises concern regarding excessive traffic. The vehicles have adequately managed to manoeuvre and exist within the original area whilst the paving blocks have been stored on the illegal extension.
- p. In the appeal for No. 20, the inspectorate stated that the new dwelling should be built in line with No. 24, do not understand why this site should be treated any differently.
- q. Any landscaping would not detract from the fact that the site has grown in size, this would be visible from footpath and neighbouring houses. Site has the appearance of a gated compound and at odds with the surrounding area.
- r. The view that the new boundary would be levelling off with the neighbours is not valid or else other sites should be treated in the same way.
- s. Council should be consistent with previous refusals.

PLANNING POLICY

- 14. 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.
- 15. 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).
- 16. 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

17. The proposal falls to be considered under the National Planning Policy Framework (NPPF) and should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal should be considered under section 7 of the NPPF in terms of promoting good design, particularly the criteria outlined in paragraph 58 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with NPPF paragraph 64, 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.
18. The document Planning Policy for Traveller Sites (2015) outlines the Governments planning policy relating to accommodating Gypsy and Traveller needs. Policy A requires Local Planning Authorities to use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions. Policy C states that in rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Relevant Local Planning Policies and Guidance

19. Policy 1 of The Rushcliffe Local Plan Part 1: Core Strategy sets out that a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). 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. The proposal falls to be considered under Core Strategy Policy 9 (Gypsies, Travellers and Travelling Show People). Outside of existing settlements or Sustainable Urban Extensions, the policy states that planning permission shall be granted where certain criteria are met including (but not limited to) where the proposal does not conflict with issues such as flood risk, contamination, landscape character, protection of the natural, built and historic environment or agricultural land quality.
20. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2 section d, whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.

21. Policy HOU12 (Gypsies and Travellers) sets out that planning permission will be granted for both permanent and transit traveller sites where, inter alia, the proposal would have good access to services and facilities; there would be good access to suitable roads without detriment to highway safety or traffic; and providing that the proposal would not detract from the amenity of nearby residential development. The proposal falls to be considered under Policy EN18 (Extension of Residential Curtilages) whereby planning permission for the extension of residential curtilages will only be permitted in certain circumstances including the minor rounding-off of a plot. The proposal falls to be considered under policies EN19 (Impact on the Green Belt and Open Countryside) and EN20 (Protection of Open Countryside), particularly ensuring that there would be no significant adverse impact upon the open nature of the open countryside, or upon important buildings, landscape features or views.

APPRAISAL

22. The application relates to an area of hardstanding to the south of site measuring between 7 and 14.5 metres in depth that was allowed on appeal following refusal of planning permission under application ref: 12/00624/FUL. The application seeks permission for the retention of this hardstanding on a permanent basis.
23. The main consideration is the impact of the proposal on the character of the open countryside and the amenities of the surrounding area. In the 2013 appeal decision, the Inspector considered that the area of hardstanding subject to the enforcement notice was unacceptably large, however, she considered that temporary permission for the smaller area applied for would cause limited harm, given that this area is aligned with the rear of 24 Landcroft Lane. In coming to the above decision, the inspector considered the application based on the appellants request for temporary and/or personal planning permission rather than personal circumstances.
24. In setting out the planning balance and the case for temporary permission, the Inspector contended that where a Local Planning Authority cannot demonstrate an up-to-date five year supply of deliverable gypsy sites, then this should be a significant material consideration. She went on to state *"I find that a grant of temporary permission for three years would afford the Council time to adopt the delayed CS and DPD, and thus provide a five year site supply."*
25. With reference to the above points, the application relates to an extension of an existing traveller site to cater for the needs of an existing single family unit. It is, therefore, considered that the Inspector's justification for temporary (3 year) permission on the basis that it would allow time for the relevant planning documents and five year land supply to come to fruition should be given limited weight in considering the current application, although it could be argued that if the current site no longer met the needs of the family, they may need to seek alternative accommodation and the availability of other sites within the Borough could have implications for identifying a suitable alternative site.
26. Further to the above, the Inspector in the 2013 appeal decision considered that a grant of temporary permission would also allow for the Council and

appellant to hold substantive discussions, noting that considerable weight should be given to the misunderstanding of the lawful size of the site by both the Council and Appellant. Measurements have been taken on site during the consideration of the current application and these concur with the dimensions of the submitted site plan, which is not in dispute.

27. In considering the current application for permanent permission, it should be noted that the plot at 22 Landcroft Lane has been occupied for 10 years by a single traveller family. The site is solely used for residential purposes and the caravans, other domestic structures and vehicles are all used in connection with the family unit. It is a material consideration that the extended hard surfaced area and accommodation would be solely for the needs of the Connors family. The site will continue to be occupied by the family and this can be controlled by way of a condition in the event of planning permission being granted, thus avoiding the sale or lease for use as a separate pitch. Given the long standing nature of the site, the proposal should be treated as an extension of a residential curtilage.
28. In terms of the physical impact of the development on the character of the open countryside, the rear site boundary is level with the rear of 24 Landcroft Lane, however, the site projects beyond the rear boundary of 20 Landcroft Lane. At the time of the 2013 appeal, the neighbouring plot at No. 20 was shown to be 25 metres in depth (as denoted on the plans on the enforcement file under ref: 12/00119/COND). The extension of the hardstanding allowed at appeal would have projected 14.5 metres beyond the rear of this neighbour
29. Since this appeal decision, outline permission has been granted for a dwelling at 20 Landcroft Lane under ref: 16/00330/OUT. The rear boundary of No. 20 is shown to be repositioned and the approved application plans show a site of 35.5 metres in depth. Consequently the application site would project 4.5 metres beyond the new rear boundary of this neighbour. In the context of this neighbouring plot, it is considered that the proposal would be tantamount to a minor rounding off of the site that would no longer represent a significant projection beyond the rear of No. 20
30. The site is entirely screened from 24 Landcroft Lane by a high conifer hedge. There is also a good degree of screening along part of the side boundary with 20 Landcroft Lane. The rear boundary currently consists of a low wooden fence although the application proposes hedgerow screening along this rear boundary, details of which could be secured by way of a condition in the event of planning permission being granted.
31. In terms of the needs of the family, the Inspector in the 2013 appeal decision noted that a child was due and commented, "*When another room is required for the expected child, the existing caravans will not provide enough sleeping space*" (para 54). The inspector concluded (para 61) that the appellant has a personal need for additional accommodation, that there are no clear solutions that could be instigated at the time, and no available alternative sites. The Inspector noted (paras 56 & 57) that whilst it had been suggested that the need could be accommodated by replacing the mobile home with a larger unit, a larger caravan would be liable to appear more intrusive than the appeal developments.
32. In light of the aforementioned needs of the Connors family, it is not

considered that the extended hard surfaced area, originally provided in association with the siting of an additional touring caravan, would be disproportionate to the needs of the family.

33. A number of objections have been received from local residents in relation to impacts on visual amenity, residential amenity, highway safety/traffic, concerns over commercial activity, the incremental enlargement of the site and encroachment of the countryside, and concerns in relation to the visual appearance of temporary structures/caravans.
34. In terms of the amenities of the area, the site is presentable and well-kept with a good degree of screening along the front boundary. The enlarged site area would not be prominent from the highway. With reference to the concerns relating to commercial activities, condition 4 of the 2013 appeal decision stated that the site shall only be used for purposes ancillary to the residential use of the site. In the event of planning permission being granted, a similar condition could be applied to ensure that the site is not used for commercial purposes. With regards to concerns relating to traffic, the enlarged site and additional accommodation is for the needs of the existing family and, therefore, the development would not result in materially greater volumes of traffic.
35. In considering Policy C of Planning Policy for Traveller Sites (2015), it is not considered that the scale of the proposal would dominate the adjacent settled community. In considering the planning balance, weight should be given to the fact that the extended area of hard-standing would be for the sole needs of an individual family. It is not considered that the development would be harmful to the character and appearance of the area or the open countryside.
36. The application was not the subject of pre-application discussions. The scheme, however, is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

RECOMMENDATION

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

1. Notwithstanding the existing static caravan, no more than two caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended) shall be stationed within the curtilage of 22 Landcroft Lane and these shall not be static caravans.

[It is not considered that the site possesses sufficient amenities or is otherwise suitable to accommodate an additional independent unit of accommodation and also to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

2. The development hereby permitted shall be maintained in accordance with the Site Layout Plan received on 5 September.

[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 extended site area shall only be used for purposes ancillary to the existing traveller site at 22 Landcroft Lane.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The occupation of the site hereby permitted shall be carried on only by Mr Felix Connors and his resident dependents.

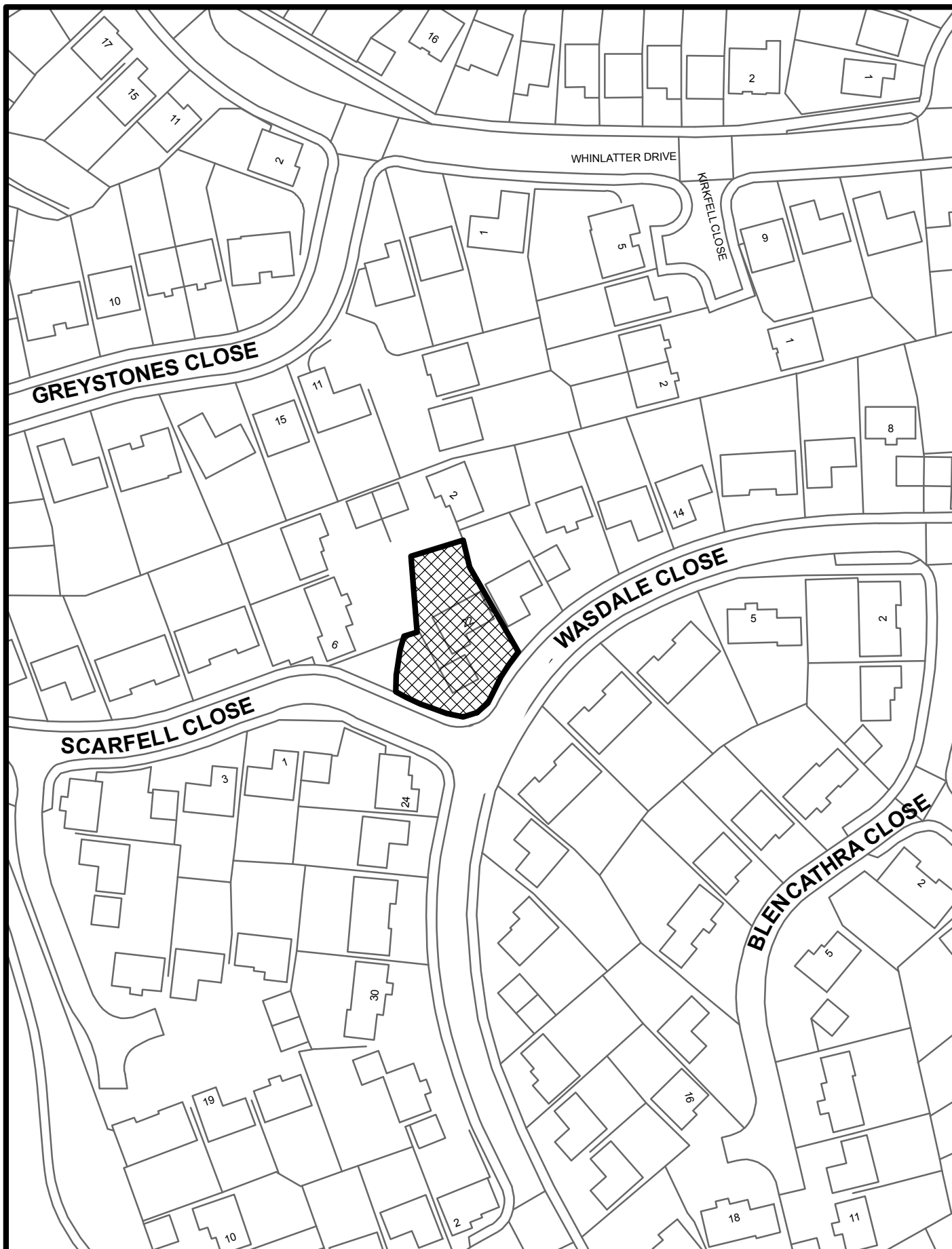
[It is not considered that the site possesses sufficient amenities or is otherwise suitable to accommodate an additional independent unit of accommodation and also to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

5. Within three months of the date of this decision, a detailed landscaping scheme for the rear boundary of the site shall be submitted for the approval of the Borough Council. The approved scheme shall be carried out in the first tree planting season following the approval of the landscaping scheme by the Borough Council. Any trees or plants which within a period of 5 years from the date of the decision die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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

6. No commercial activities shall take place on the land, including the storage of materials.

[To protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].



Application Number: 17/01731/FUL
22 Wasdale Close, Gamston



scale 1:1000

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Rushcliffe Borough Council - 100019419

17/01731/FUL

Applicant Dr W. M. K. Amoaku

Location 22 Wasdale Close West Bridgford Nottinghamshire NG2 6RG

Proposal Single storey rear extension, two storey side extension, front porch

Ward Gamston South

THE SITE AND SURROUNDINGS

1. 22 Wasdale Close is a large detached property constructed from red brick with concrete interlocking tiles to the roof. The property is located on a large corner plot with Wasdale Close to the south east and Scafell Close to the south west. In addition, a private driveway serving 3 further properties runs to the western boundary. The house itself is located within a large residential area that consists of larger detached properties set back from the road with open green frontages.
2. The application site is orientated with the front elevation of the property facing south east towards the road whilst the corner plot location provides an unusually large frontage. There is an original detached double garage to the front of the house, located off centre to the plot and located directly south of the dwelling, this is accessed from Wasdale Close via the driveway which provides two off street parking spaces in itself. The property has a modest rear dormer with a pitched roof and a small conservatory to the rear elevation, built just inset from the eastern side elevation of the house.
3. To the south and west of the garage is a grassed area, containing 5 trees, that falls within the applicant's ownership but has no boundary treatment to the footpath or private access from the dwelling. Beyond this the western boundary is marked by a mature 2.2m high hedgerow with a 1.8m close boarded fence to the inside of the hedge, demarking the private garden area.
4. The private garden of 22 Wasdale Close is largely grassed with a small patio area with 1.8m high close boarded fences to the north and east boundaries.

DETAILS OF THE PROPOSAL

5. This application seeks permission for a development that consists of 3 main elements, and some subsidiary works. The development proposal consists of a single storey rear extension, a front porch and a two storey side extension. The subsidiary works include some alterations to the exact line of the western boundary where it passes the western (side) elevation of the dwelling.
6. It should be noted that the application as originally submitted included the movement of the entire western boundary, allowing for slightly larger rear and side extensions. During the consultation period evidence was provided that the application site incorporated land not within the applicant's control, and accordingly the application was invalidated awaiting revised plans. The revised submission was validated as of the 21st August 2017 with the rear

and side extensions reduced in width to retain an external access to the rear. The western boundary is also proposed to be retained in its current position north of the dwelling, preventing the use of land outside of the applicant's ownership.

7. The single storey rear extension would measure some 2.27m in depth and 8.475m in width, set up against the west side of the existing conservatory. The extension would have a mono-pitch roof with eaves at 2.6m and a ridge at 3.7m with 4 roof lights included in the roof slope. The extension would be finished in brick and tile to match the existing house with two sets of bi-fold doors to the rear (north) facing elevation.
8. The proposed porch would be an extension of the existing porch feature towards the centre of the front (south) facing elevation. The extension would be 2.48m wide and 1.34m deep, set just back from the furthest extent of the protruding front gable, whilst the roof would be mono-pitched with a ridge at 3.5m and eaves at 2.4m. The extension would have a window and door to the front (south), and would be finished in brick and tile to match the existing house.
9. The proposed side extension would be 2.65m wide and 8.24m in total depth, including a single storey element to the front of 2.28m in depth. The single storey element to the south side would have a mono-pitched roof with eaves at 2.45m and a ridge at 3.7m with one ground floor window facing south, towards the existing detached garage. The two storey element would have roof heights to match the existing building with a west facing gable incorporating eaves at 4.95m and a ridge at 7.8m. This element would include one first floor north facing window, one first floor west facing window and a ground floor window and door to the west side. The extension would be finished in brick and tile to match the existing house.
10. The existing western boundary where it runs alongside the existing house would be stepped out to the west by 0.5m to allow external access to the rear gardens. The boundary would be replaced like for like with a replacement hedge to be planted to the west of the fence. The existing trees to the west of the fence would be retained and not impacted by the works.

SITE HISTORY

11. The application site was first constructed under the grant of a 1994 reserved matters scheme that formed part of the wider Gamston development area. Since then a 2006 application (ref: 06/01726/FUL) for alterations and extensions to the roof in the form of a full width flat roofed dormer was refused by reason of the extension being out of character with the locality. The existing small dormer was confirmed as permitted development in 2007 (ref: 07/00983/FUL). There is no further planning history for the site.

REPRESENTATIONS

Ward Councillor(s)

12. One Ward Councillor (Cllr Cooper) objects to the proposed development on the grounds that the extensions proposed would create an oversized property

out of keeping with the area. It was considered that the extensions would create a 'vision of mass' on the corner.

Local Residents and the General Public

13. 6 comments were received from 3 separate local residents, all objecting to the proposed development. It should be noted that 4 comments were received prior to the revised plans being submitted. The reasons for objection can be summarised as follows:
 - a. The land adjacent the western boundary falls outside the applicant's ownership.
 - b. There is a legal covenant within the property deeds preventing the movement of fences to the front of the properties.
 - c. The scale and density of the side extension would be out of keeping with the area.
 - d. The house is already the largest in the locality and the extensions would make it out of keeping with its surrounds.
 - e. The development would be aesthetically inappropriate and overpowering.
 - f. The proposed first floor window to the west elevation would overlook 6 Scafell Close.
 - g. The development would cause a loss of light to 4 Scafell Close.
 - h. The extension would be over dominant on 4 Scafell Close.
 - i. The loss of the hedgerow would cause harm to wildlife including nesting birds.
 - j. The loss of the hedgerow would harm the green character of the area.
 - k. The hedgerow should be accommodated in any revised plans.
 - l. The re-alignment of the fence would cause highway safety issues on the private access to the west.

PLANNING POLICY

14. 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.
15. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006) and the Rushcliffe Residential Design Guide.

16. 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

17. 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.
18. 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*”.
19. 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

20. The proposal falls to be considered foremost under The Rushcliffe Local Plan Part 1: Core Strategy. Under Core Strategy Policy 1, a positive and proactive approach to planning decision making should be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal should also be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). 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. The development should be assessed in terms of the criteria listed under section 2 of Policy 10, specifically 2(b) whereby the proposal should 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.
21. None of the 5 saved policies of the Rushcliffe Borough Local Plan 1996 apply to this application.
22. Whilst not part of the development plan, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2 section d, whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development.

APPRAISAL

23. The proposed rear extension would have a modest footprint of 2.27m in depth and 8.457m in width, sitting adjacent the existing conservatory to be retained. The roof would be mono-pitched with eaves at 2.6m and a ridge at 3.7m. The extension would not be visible to the neighbour to the east given the existing conservatory which has a depth greater than the proposed extension, whilst the development would be set well away from the next closest neighbours to the west and north. 6 Scafell Close would be located some 13m from the proposal with the other properties further away and all located across the private driveway and beyond the existing boundary hedge and fence from the site. Accordingly it is not considered that the proposed rear extension would cause any overbearing, overlooking or overshadowing impacts.
24. The rear extension would be finished in materials to match the existing house, with a traditional design sympathetic to the host property's original style. Although the rear extension would remove some of the existing private amenity area, a garden area of 100 square metres would be retained. Although this does not comply fully with the recommended 110 square metres set out in the Rushcliffe Residential Design Guide, it is felt that, on balance, it would seem adequate and acceptable for an extended dwelling, particularly given the scope at the property to construct a 4m deep extension under permitted development. Overall the rear extension would be a subservient and sympathetic addition to the original property given its limited scale and design, whilst it is not considered that the rear extension would represent any over intensive development of the plot.
25. The proposed front porch would also be of minor stature, measuring 2.48m in width and 1.34m in depth on the front facing southern elevation of the dwelling. The roof would be mono-pitched with eaves at 2.4m and a ridge at 3.5m with materials chosen to match the existing building. The porch would not extend beyond the existing front feature gable and would not be visible from any neighbours except those on the southern side of Wasdale Close. The feature would be located fairly centrally within the plot and its overall scale would be appropriate to that of the existing dwelling. Accordingly, given the design, material finish and scale of the feature proposed, it is not considered that the porch would cause any undue harm to neighbouring amenities or be out of character or over dominant in the area.
26. The proposed side extension would measure some 2.65m in width and 8.24m in total depth, including a single storey element to the front of 2.28m in depth. The two storey element would match the two storey mass of the existing house directly with roof heights to match and depths to match the setback element of the property. In order to facilitate this development and maintain external access to the rear garden, the existing western boundary treatment adjacent to the house is proposed to be moved out to the west by 0.5m.
27. This feature would be closest to the neighbour to the west at 6 Scafell Close at a distance of 13m from the closest windows. It is noted that the two storey extension would not be situated in any direct forward line of sight from the windows at 6 Scafell Close, with the property attaining forward views to the east, effectively across the rear garden of the application site, and the

application property located south east of them. The proposed development would undoubtedly be visible at an angle from these windows, however, not to an extent as to cause any undue overbearing impacts. The extension would be set some 21m from the two neighbours to the north at 2 and 4 Scafell Close, whilst it is noted that both properties attain forward views to the west and east respectively. Accordingly the proposed two storey side extension would not be considered to give rise to any overbearing or overshadowing concerns.

28. The neighbour comments in relation to overlooking are acknowledged. One first floor north facing window is proposed, however, this would only take in aspects already available from existing windows, not causing any direct overlooking issues. One west (side) facing first floor window is also proposed to serve an ensuite bathroom. This would look towards the neighbour at 6 Scafell Close at an angle and gives rise to potential overlooking. Accordingly it would seem prudent and necessary to condition this window to be obscure glazed. Having regard to the use of this room and with such a specification secured by condition, the proposed side extension is considered to respect neighbouring properties and not cause any undue loss of amenity.
29. The overall design of the proposed side extension would look to directly reflect the character and appearance of the host property. Although it is usually appropriate to seek an extension that is set down and set back in relation to the original property, the design of the host dwelling with a prominent protruding front gable ensures the proposed design would not compete with the original property and would successfully attain a sympathetic and subservient relationship with the property.
30. Local residents' and the Ward Councillor's concerns regarding the size of the side extension are acknowledged. The locality predominantly consists of large detached dwellings, many of which have been extended. For example 7 and 11 Wasdale Close, opposite the site to the south, are both properties of some 14.4m in width that have been extended above original garages. Both properties sit much closer to the road than the application site and are much more constrained in terms of boundaries with neighbours.
31. In comparison the proposed side extension under consideration would create a dwelling measuring 13.2m in total width. Further to this, the side of the property to be extended is well set back from the main road by some 10m with the detached double garage, protruding front gable and existing trees to the west all providing elements of screening. It is therefore concluded that the proposed side extension would not be an overtly dominant feature in the streetscene as to detract from the character of the area, or the existing property. It is also not considered that the resultant dwelling would be of a size out of character with the locality, given the size of surrounding dwellings and location of the site.
32. All of the extensions would be finished in materials to match the existing property. This would be considered appropriate to attain a sympathetic relationship with the host dwelling. Given the use of matching brick to the front elevation of the property it would seem prudent to ensure a good match, and as such, a condition to require the submission of brick details prior to works moving above foundation level would seem appropriate.

33. The area of hedge to be removed would be directly to the west side of the property, where the feature is less prominent on the private driveway. The fence line would be moved out by a modest 0.5m, with the existing trees to the west to be retained. The agent has suggested that a new hedge would be planted to match the existing to the west side of the fence to be moved. This is considered appropriate to retain the green nature of the boundaries and overall outlook. This feature could be attained by a landscaping condition which would seem an appropriate requirement to mitigate the removal of the existing hedge.
34. The neighbours' concerns in relation to visibility are noted, however, given the fence is only to be moved by 0.5m in a location where it would not be either close to the road junction or directly adjacent the private drive, it is considered that the proposal would not impact highway safety. The neighbours' concerns over wildlife are also noted and a suitable note relating to nesting birds and advising of the correct time of year to remove the hedges would seem appropriate.
35. The issues over land ownership were resolved in the revised scheme under consideration. The neighbours' further comments regarding covenants on the property are also duly noted and, whilst these are not material to the consideration of the application, an appropriate note could be added to any decision to ensure the applicant is aware that any planning permission would not supersede any private legal covenants on the land.
36. The application was not the subject of pre-application discussions. The scheme, however, is considered acceptable and no discussions or negotiations beyond revisions to sort out the land ownership situation were considered necessary.

RECOMMENDATION

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

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

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'GA267/04A'; 'GA267/05A'; 'GA267/06A' & 'Block Plan Rev.A' received on 21/08/2017.

[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 progress 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].

4. The west facing first floor window serving the ensuite bathroom shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent and retained to this specification for the lifetime of the development.

[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].

5. The development shall not progress beyond foundation level until a detailed landscaping scheme relating to the proposed replacement hedgerow to the western side of the proposed fence has been submitted to and approved in writing by the Borough Council. The approved scheme shall be carried out in the first tree planting season following the substantial completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Borough Council gives written consent to any variation.

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