

**When telephoning, please ask for:** Tracey Coop  
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**Our reference:**  
**Your reference:**  
**Date:** Wednesday, 30 June 2021

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 8 July 2021 at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>

Please be aware that until the meeting starts the live stream video will not be showing on the home page. For this reason, please keep refreshing the home page until you see the video appear.

Yours sincerely



Sanjit Sull  
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 10 June 2021 (Pages 1 - 18)
4. Planning Applications (Pages 19 - 70)

The report of the Executive Manager – Growth and Economic Development is attached.

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**Opening hours:**  
**Monday, Tuesday and Thursday**  
8.30am - 5pm  
**Wednesday**  
9.30am - 5pm  
**Friday**  
8.30am - 4.30pm

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

## Membership

Chairman: Councillor R Upton

Vice-Chairman: Councillor Mrs M Stockwood

Councillors: S Bailey, N Clarke, P Gowland, B Gray, L Healy, A Major, D Mason, F Purdue-Horan and C Thomas

### **Meeting Room Guidance**

**Fire Alarm Evacuation:** in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

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

**Mobile Phones:** For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

**Microphones:** When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

### **Recording at Meetings**

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



## **MINUTES OF THE MEETING OF THE PLANNING COMMITTEE THURSDAY, 10 JUNE 2021**

Held at 6.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford

### **PRESENT:**

Councillors R Upton (Chairman), Mrs M Stockwood (Vice-Chairman), N Clarke, P Gowland, B Gray, L Healy, A Major, D Mason, F Purdue-Horan, C Thomas and J Stockwood

### **ALSO IN ATTENDANCE:**

L Ashmore - Director for Development and Economic Growth

### **OFFICERS IN ATTENDANCE:**

A Pegram  
R Sells  
P Taylor  
M Hilton  
T Coop  
L Webb

Service Manager - Planning  
Solicitor  
Area Planning Officer  
Area Planning Officer  
Democratic Services Officer  
Democratic Services Officer

### **APOLOGIES:**

Councillors S Bailey

## **20 Declarations of Interest**

The following Councillors declared non-pecuniary interests for items 3 and 4 on the basis that they are also Councillors at Nottinghamshire County Council: Cllr Upton, Cllr Clarke and Cllr Gowland.

Cllr Purdue-Horan declared a non-pecuniary interest in item 4 on the basis that he is a Councillor at Nottinghamshire County Council and also a Borough ward Councillor for Bingham West.

Councillor J Stockwood declared a non-pecuniary interest for item 4 on the basis that he is a Borough ward Councillor for Bingham West.

Cllr Thomas declared a non-pecuniary interest for item 3 on the basis that she is a Borough ward Councillor for East Leake.

## **21 Minutes of the Meeting held on 13 May 2021**

The minutes of the meeting held on 13 May 2021 were approved as a true record and signed by the Chairman.

## **22 Planning Applications**

The Committee considered the written report of the Director – Development and Economic Growth relating to the following applications, which had been

circulated previously.

As Ward Councillor for the following application, Councillor D Mason removed herself from the meeting and did not take part in the following discussion.

**200/00810/FUL – Seasonal change of use, erection of 3 tipis each 10.3m diameter to be used from 1 May to 30 September annually to allow for 28 events to be held and erection of pagoda for wedding ceremonies, part use of existing dwelling as bridal suite (limited to bridal use during the 28 events only) – Overgrown Acres, Cotgrave Road, Normanton On The Wolds, Nottinghamshire.**

### **Updates**

Additional representations were received after the agenda had been published and were circulated to the Committee before the meeting.

In accordance with the Council's Public Speaking Protocol for Planning Committee Ms L Marjoram (Applicant's Solicitor), Ms S Fennell (Objector) and Councillor D Mason (Ward Councillor) addressed the Committee.

### **Comments**

Members of the Committee expressed their concerns in respect of the harm the proposal would cause to the Green Belt by reason of inappropriate development and impact on openness and the effect the proposal would have on the amenities of neighbouring properties from noise and general disturbance arising from the activity and traffic generation at the site. Members of the Committee did not consider that any other considerations clearly outweighed the harm to the Green Belt and any other harm arising from the proposal and, therefore, very special circumstances do not exist.

### **DECISION**

#### **CONTRARY TO THE RECOMMENDATION, PLANNING PERMISSION WAS REFUSED FOR THE FOLLOWING REASONS:**

1. The site is located within the Green Belt and the proposal involves inappropriate development, which is harmful by definition and would cause harm to openness by virtue of the structures associated with the proposed use. It is not considered that there are any other considerations which clearly outweigh the harm to the Green Belt, and any other harm arising, therefore very special circumstances have not been demonstrated to justify the grant of permission for inappropriate development. Consequently, the proposal is contrary to paragraph 144 of the National Planning Policy Framework and Policy 21 (Green Belt) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
2. The proposed use of the site would give rise to a level of activity, traffic movements, noise generation and general disturbance which would be detrimental to the amenities of nearby residential properties. Therefore, the proposal is contrary to Policy 10 (Design and Enhancing Local

Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

Councillor D Mason re-joined the meeting at this point.

**21/00804/FUL – Proposed two storey and first floor front extension, first floor window to side elevation and internal alterations – 38 Mulberry Close, West Bridgford, Nottinghamshire.**

### **Updates**

There were no updates or speakers for this item.

### **DECISION**

#### **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:

Proposed Floor Plans, Elevations, Site Block Plan and OS Plan, drawing number 1005 002, revision C

[For the avoidance of doubt having regard to policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The external materials used in the construction of the development hereby permitted shall be as detailed on the submitted application form and proposed elevations on drawing number 002, revision B. The new brickwork shall be of a similar appearance to the brick used on the exterior of the existing dwelling. If any alternative materials are proposed details must be submitted to and approved in writing by the Local Planning Authority prior to the development advancing beyond damp proof course level. Thereafter the development must be carried out in accordance with the approved, alternative materials.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The new upper floor window in the side (east) elevation of the development hereby permitted must be:
  - a. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and;
  - b. fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, this window shall be retained to this specification throughout the life of the development.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as the proposal represents minor development, with a gross internal area of less than 100 square metres. Further information about CIL can be found on the Borough Council's website at

<https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

It is possible that the roofspace, and/or behind the soffit, fascia boards, etc. may be used by bats. You are reminded that bats, their roosts and access to roosts are protected and it is an offence under the Countryside and Wildlife Act 1981 to interfere with them. If evidence of bats is found, you should stop work and contact Natural England on 0300 060 3900 or by email at [enquiries@naturalengland.org.uk](mailto:enquiries@naturalengland.org.uk).

**21/01029/CTY – The erection of a Primary School for up to 2-forms of entry (in phases), plus 26 place nursery with associated car parking. Associated areas of soft play, hard play, grass playing field with landscaping works. Erection of 2m high security and lit 3m shared pedestrian and cycle path on route of Public Footpath, East Leake FP5. Bound surface and lit path and bridge between Sheepwash Way.**

### **Updates**

There were no updates or speakers for this item.

## Comments

Members raised their concerns regarding access and asked whether consideration could be given for an increase in the size of the parent drop off area, increased parking for staff and restrictions to parking on roads approaching the school entrance. Additional notes were added to the response to the County Council in respect of the concerns raised.

## DECISION

### **THE BOROUGH COUNCIL INFORMS THE COUNTY COUNCIL THAT IT DOES NOT OBJECT TO THE PROPOSAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby permitted must not proceed above the damp proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the development have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.
2. The development hereby permitted may not be begun unless:
  - (a) a Biodiversity Gain Plan (BGP) has been submitted to the Local Planning Authority County Council, and:
  - (b) the County Council has approved the BGP.

The development shall be carried out in accordance with the approved BGP

3. The development hereby approved shall not commence until the recommendations listed in the Preliminary Ecological Assessment Report (PEAR) have been undertaken and the relevant reports containing any mitigation measures have been submitted to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the recommendations contained within the details and retained as such for the lifetime of the development.
4. The development hereby permitted shall not commence until details of both the existing and proposed land levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details.
5. The development hereby permitted shall not be occupied or first brought into use until a Landscaping Scheme (LS), has been submitted to and approved in writing by the Local Planning Authority.

The LS must provide details of all hard and soft landscaping features to be used and include the following:

- An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed;
- Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow.
- A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
- Plans showing the proposed finished land levels/contours of landscaped areas;
- Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- Details of the protection measures to be used of any existing landscape features to be retained.

The approved LS must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

6. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:
  - a) The timing and phasing of any arboricultural works in relation to the approved development;
  - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
  - c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which



- are to be retained or which are the subject of any Tree Preservation Order;
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
  - e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
  - f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
  - g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.
7. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the Local Planning Authority within (48 hours). All development on the site must cease immediately and must not recommence until a written scheme for the investigation and risk assessment of the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).
- a) Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:
    - full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
    - the proposed remediation objectives and criteria; and,
    - a verification plan.The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.
  - b) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management

documentation.

8. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.
9. The development hereby permitted shall not commence and no preparatory operations in connection with the development (including site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a site specific Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP must include details outlining:
  - appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors;
  - areas for loading and unloading plant and materials;
  - the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
  - measures to control the emission of dust and dirt during construction;
  - measures for the storage/recycling/disposal of waste resulting from the construction works;
  - any hoarding to be erected;
  - Details of the construction hours; and
  - Details of delivery hours to the site

The approved CMP must be adhered to at all times throughout the construction period for the development.

10. Prior to the construction of any building on the site proceeding above damp proof course level, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The school building(s) shall not be brought into use until the EVCP's have been installed in accordance with the approved scheme. Thereafter EVCP's must be permanently retained in accordance with the approved scheme throughout the lifetime of the development.
11. Any aggregate (other than virgin quarry stone) that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation

scheme shall be imported onto the site.

12. If pile driven foundations are to be used for the construction of the development, a method statement detailing techniques for the control of noise, dust and vibration from piling works, and the protection of neighbouring dwellings, shall be submitted and approved by the Local Planning Authority prior to the development commencing. The method statement shall have regard to the guidance given in:
  - BS 5228-1:2009+A1: 2014 - Code of practice for noise and vibration control on construction and open sites. Noise
  - The control of dust and emissions from construction and demolition. Best Practice Guidance; Greater London Authority, November 2006.

Thereafter the works shall be carried out in accordance with the approved method statement.

14. If any external lighting (including security lighting and floodlights) is to be installed, the details of such [together with a lux plot of the estimated illuminance] shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. All lighting will need to conform to the Institute of Lighting Engineers document 'Guidance Note 01/20 Guidance note for the reduction of obtrusive light'. Thereafter the approved lighting shall be installed in accordance with the approved details and be retained as such for the lifetime of the development.
15. Before the use is commenced, the noise levels for the air source heat pump that is to be installed shall be submitted to and approved in writing by the Local Planning Authority. If this information is inconclusive or not complete then the applicant will be required to undertake a full noise assessment in accordance with BS 4142: 2014+A1: 2019 Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties. Thereafter the air source heat pump shall be installed operated and maintained in accordance with the approved details for the lifetime of the development.

## **Informatives**

The technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.

The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in the event that such controls are not secured through the democratic process.

Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as

an ecological enhancement scheme being secured as part of the development. Consideration should be given to a dedicated vehicular drop-off/pick-up zone outside of the school, including for buses/coaches.

Additional staff parking should be considered in the detailed design which could be achieved by extending the car parking shown on the indicative plans further to the eastern boundary of the site.

Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc so as not to block the public footpath/ pavements/ cycle paths for other users at school start and end times.

Yellow “zig-zag” highway markings should be provided on the road serving plots 266-273 on the David Wilson Housing development approved under application reference 20/00888/FUL

Consideration should be given to the provision of vehicular access to the playing fields by emergency vehicles.

**21/01046/CTY – Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases (1<sup>st</sup> phase 1FE 210 place with 26 place nursery) associated playing fields, car parking (including lighting columns 4mhigh), lit service areas and sprinkler tank, hard surfaced outdoor play and footpaths. Associated landscaping and covered areas to nursery/reception classes, sun canopies, fenced sprinkler tank and bin store, 2,4m high security fencing and gates to boundary, including lit path between Widnall Drive and Dunsmore Avenue, associated highway works and safe pedestrian movement.**

## **Updates**

Additional representations from the Borough Council’s Environmental Sustainability Officer were received after the agenda had been published and were circulated to the Committee before the meeting.

## **Comments**

Members welcomed the new primary school but requested whether the County Council would consider increasing the staff parking and provide a vehicular drop off area to prevent the impact of parents parking on neighbouring roads. Additional notes were added to the response to the County Council in respect of the concerns raised.

## **DECISION**

**THE BOROUGH COUNCIL INFORMS THE COUNTY COUNCIL THAT IT DOES NOT OBJECT TO THE PROPOSAL SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby permitted must not proceed above the damp proof course level until details of the type, texture and colour of the materials to be used in the construction of the exterior of the

development have been submitted to and approved in writing by the Local Planning Authority. The development must only be constructed in accordance with the approved materials.

2. The development hereby permitted may not be begun unless—
  - (a) a Biodiversity Gain Plan (BGP) has been submitted to the Local Planning Authority, and:
  - (b) the Local Planning Authority has approved the BGP.

The development shall be carried out in accordance with the approved BGP.

3. The development hereby approved shall not commence until the recommendations listed in the Preliminary Ecological Assessment Report (PEAR) have been undertaken and the relevant reports containing any mitigation measures have been submitted to the Local Planning Authority. Thereafter the development shall be carried out in accordance with the recommendations contained within the details and retained as such for the lifetime of the development.
4. The development hereby permitted must not commence until details of both the existing and proposed land levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details.
5. The development hereby permitted must not be occupied or first brought into use until a Landscaping Scheme (LS), has been submitted to and approved in writing by the Local Planning Authority.

The LS must provide details of all hard and soft landscaping features to be used and include the following:

- An accurate survey of all existing trees and other natural features showing those to be retained and those to be removed;
- Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow.
- A schedule of the new trees and shrubs (using their botanical/Latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees);
- Plans showing the proposed finished land levels/contours of landscaped areas;
- Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features;
- Details of the protection measures to be used of any existing landscape features to be retained.

The approved LS must be carried out and completed in accordance with the approved details no later than during the first planting season (October – March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner.

If, within a period of 5 years from the date of planting, any tree or shrub planted as part of the approved LS is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

6. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted to and approved in writing by the Local Planning Authority and all protective fencing has been erected as required by the AMS.

The AMS must include full details of the following:

- a) The timing and phasing of any arboricultural works in relation to the approved development;
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
- c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
- f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
- g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

7. If during the course of carrying out the development hereby permitted any unexpected contamination is found that has not been previously identified, it must be reported to the Local Planning Authority within (48 hours). All development on the site must cease immediately and must not recommence until a written scheme for the investigation and risk assessment of the unexpected contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM).
- a) Where remediation of the contamination is necessary no further development shall commence on the site until a Remediation Strategy (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:
- full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;
  - the proposed remediation objectives and criteria; and,
  - a verification plan.
- The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.
- b) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.
8. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.
9. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a site specific Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority.

The CMP must include details outlining:

- appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors;
- areas for loading and unloading plant and materials;
- the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lighting;
- measures to control the emission of dust and dirt during construction;
- measures for the storage/recycling/disposal of waste resulting from the construction works;
- any hoarding to be erected

The approved CMP must be adhered at all times throughout the construction period for the development.

10. Prior to the construction of any building on the site proceeding above damp proof course level, a scheme for the provision of Electric Vehicle Charging Points (EVCP's) must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The school building(s) shall not be brought into use until the EVCP's have been installed in accordance with the approved scheme. Thereafter EVCP's must be permanently retained in accordance with the approved scheme throughout the lifetime of the development.
11. Prior to the school first being brought into use an assessment of potential ball strike from all the outside playing areas/sports pitches on any neighbouring building shall be submitted to and be approved in writing by the Local Planning Authority. The assessment shall detail the potential for risk and propose any mitigation measures required to ensure that there will be no significant adverse impact arising from ball-strikes affecting the adjoining properties. Thereafter the school development and any proposed mitigation measures shall be constructed in accordance with the approved details and maintained as such for the lifetime of the development.
12. Prior to the installation of any security lighting/floodlighting for any of the outdoor playing areas/sports pitches details of the lighting, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority, together with a lux plot of the estimated illuminance. The lighting scheme shall be designed to reduce effects upon sensitive species; upon sensitive habitats to be retained or created on the site and on the amenity of adjoining occupiers. Thereafter the lighting/floodlighting shall be installed only in accordance with the approved details and maintained as such for the lifetime of the development.
13. Prior to the school first being brought into use a noise impact assessment from all the outside playing areas/sports pitches on any neighbouring building shall be submitted to and be approved in writing



by the Local Planning Authority. The assessment shall identify the impacts of noise on residential amenity of the adjoining residents and propose any mitigation measures required to ensure that there will be no significant adverse impact arising from use of the outside play areas/sports pitches affecting the adjoining properties. Thereafter the school development and any proposed mitigation measures shall be constructed in accordance with the approved details and maintained as such for the lifetime of the development.

14. If works have not commenced by the end of February 2023 and update ecological survey detailing any recommendations appropriate to the survey's findings shall be submitted to and be approved in writing by the County Council. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details.
15. Immediately prior to works commencing on site (including site clearance and site preparation works) a survey for badgers should be carried out detailing any recommendations appropriate to the survey's findings shall be submitted to and be approved in writing by the County Council. Thereafter the development hereby permitted must be carried out and completed in accordance with the approved details.

### **Informatives**

The technical input of the Highway Authority, the Lead Local Flood Authority and Archaeological Team are recommended to be sought and consideration be given to the environmental credentials of the building through the use of solar panels, grey water harvesting, EV charging points etc.

The Borough Council also advises the County Council to consider the implications of the Traffic Regulation Orders in the event that such controls are not secured through the democratic process.

Further consideration should be given to the impact of the construction of the development upon the biodiversity habitat of the surrounding area as well as an ecological enhancement scheme being secured as part of the development.

Consideration should be given to a dedicated vehicular drop-off/pick-up zone outside of the school, including for buses/ coaches.

Additional staff parking should be considered in the detailed design which could be achieved by extending the car parking shown on the plans.

Consideration should be given to the provision of a dedicated gathering area for parents/guardians etc so as not to block the public footpath/ pavements/ cycle paths for other users at school start and end times.

Measures to ensure that the roof liners of any building do not pose a risk to roosting bats in the future should be taken.

Permanent artificial bat boxes/bricks and wild bird nests (e.g. swallow, swift and house sparrow) should be installed within buildings. Hedgehog corridors

and features should be provided. Reptile and amphibian habitats, enhancement features and hibernacula should be considered.

New wildlife habitats should be created where appropriate, including wildflower rich neutral grassland, hedgerows, trees and woodland, wetlands and ponds.

Sustainable Urban Drainage schemes (SUDs) where required should be designed to provide ecological benefit.

Good practise construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- No works, fires or storage of materials or vehicle movements should be carried out in or immediately adjacent to ecological mitigation areas or sensitive areas.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. Materials such as netting and cutting tools should not be left in the works area where they might entangle or injure animals. No stockpiles of vegetation, soil or rubble should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.
- Root protection zones should be established around retained trees / hedgerows and sensitive ecological sites so that storage of materials and vehicles, the movement of vehicles and works are not carried out within these zones.
- Pollution prevention measures should be adopted

Consideration should be given to climate change impacts, energy efficiency, alternative energy generation, sustainable transport (including electric vehicle and bike charging points and cycle storage), water efficiency, management of waste during and post construction and the use of recycled materials and sustainable building methods.

The meeting closed at 8.44pm.

CHAIRMAN

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**Planning Committee**

**8 July 2021**

**Planning Applications**

## **Report of the Director – Growth and Economic Development**

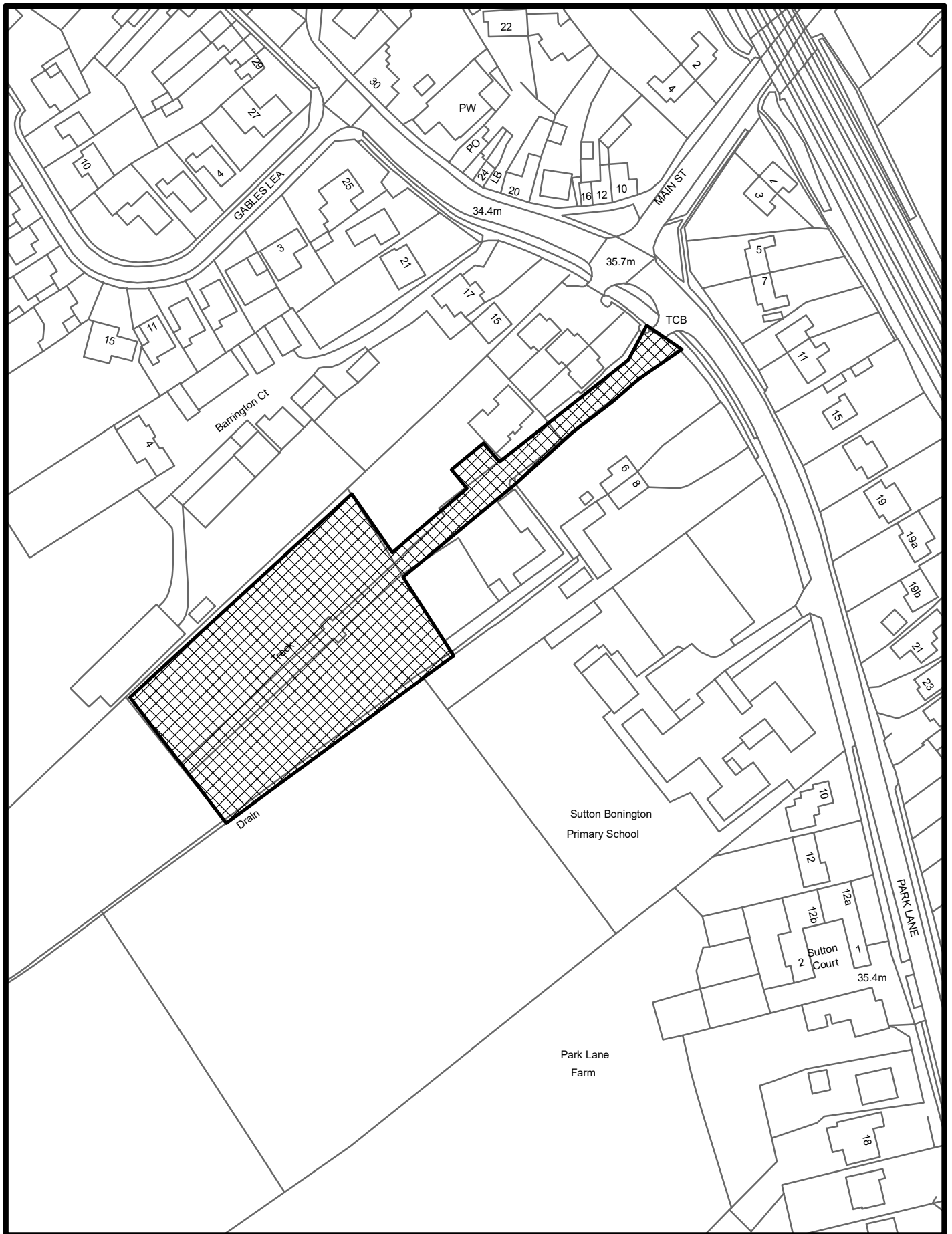
PLEASE NOTE:

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 <https://democracy.rushcliffe.gov.uk/ieListMeetings.aspx?Committeeld=140> Once a decision has been taken on a planning application the decision notice is also displayed on the website.
4. Reports to the Planning Committee take into account diversity and Crime and Disorder issues. Where such implications are material they are referred to in the reports, where they are balanced with other material planning considerations.
5. With regard to S17 of the Crime and Disorder Act 1998 the Police have advised they wish to be consulted on the following types of applications: major developments; those attracting significant numbers of the public e.g. public houses, takeaways etc.; ATM machines, new neighbourhood facilities including churches; major alterations to public buildings; significant areas of open space/landscaping or linear paths; form diversification to industrial uses in isolated locations.
6. Where the Planning Committee have power to determine an application but the decision proposed would be contrary to the recommendation of the Executive Manager - Communities, the application may be referred to the Council for decision.
7. The following notes appear on decision notices for full planning permissions:  
“When carrying out building works you are advised to use door types and locks conforming to British Standards, together with windows that are performance tested (i.e. to BS 7950 for ground floor and easily accessible windows in homes). You are also advised to consider installing a burglar alarm, as this is the most effective way of protecting against burglary.

If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

<http://www.rushcliffe.gov.uk/planningandbuilding/buildingcontrol>

<b>Application</b>	<b>Address</b>	<b>Page</b>
<a href="#">21/01352/FUL</a>	Brookland House 4 Park Lane Sutton Bonington Nottinghamshire LE12 5NH	21 – 45
	Construction of two storey 4 bedroom dwelling with swimming pool and attached 3 car garage. Construction of stables and tack room.	
<b>Ward</b>	Sutton Bonington	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	
<a href="#">21/00354/FUL</a>	Land West Of School Lane Colston Bassett Nottinghamshire	47 – 58
	Proposed erection of car port/garden store (to be served by previously approved vehicular access)	
<b>Ward</b>	Nevile and Langar	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	
<a href="#">20/03074/FUL</a>	38 Florence Road West Bridgford Nottinghamshire NG2 5HR	59 – 70
	Proposed Two Storey and Single Storey Rear Extension, Side and Rear Dormer Windows to Existing Roof, New Front Porch and Internal Alterations (Resubmission of 20/02419/FUL)	
<b>Ward</b>	Trent Bridge	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	



**Application Number: 21/01352/FUL**  
**4 Park Lane, Sutton Bonington**



scale 1:1500

page 21

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Rushcliffe Borough Council - 100019419

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**21/01352/FUL****Applicant** Mr D Lovatt**Location** Brookland House 4 Park Lane Sutton Bonington Nottinghamshire  
LE12 5NH**Proposal** Construction of two storey 4 bedroom dwelling with swimming pool and  
attached 3 car garage. Construction of stables and tack room.**Ward** Sutton Bonington**THE SITE AND SURROUNDINGS**

1. The application site comprises of land currently used as equine paddocks and equine exercise area (sand school) located to the rear (south-west) of the property at 4 Park Lane and the adjoining stable building to this property.
2. 4 Park Lane is a large, contemporary, two-storey, detached dwelling set behind properties fronting Park Lane and is accessed via a private drive. The dwelling is faced in red brick and cedar cladding. The stable building is arranged in a "U" shape fronting the property and is built from the same brick. Between the house and the stable yard is the vehicular access to the sand school and paddocks that comprise the application site. Sited within the settlement of Sutton Bonington the property is surrounded by other residential properties to its north-east and north-west, by the residential garden of 8 Park Lane to the south east (located beyond the aforementioned stable buildings), and by existing equine paddocks to the south-west.
3. The dwellings on the western side of Park Lane (which continues into Main Street) whilst of varying ages, sizes and designs are predominantly linear in their form, save for a few areas where the built form deviates from this prevailing pattern. Notable examples are Park Lane, along with Barrington Court and Gables Lea to the north. Park Lane and Barrington Court are both relatively recent private driveways with residential development accessed off them, constructed when a pub was demolished and where former farm buildings (barns) once stood respectively. Gables Lea is a development of two storey dwellings and bungalows that appear to have been built in 1960s/70s.
4. The majority of the land to the south-east, south-west and north west immediately adjoining the application site appears to be in either agricultural or equine uses and, along with the current use of the application site for equine related activities, forms the edge of the village with the surrounding countryside.
5. Part of the site is located within Floodzone 2 and the site is also identified as being within 50m of the Conservation Area and within 50m of a Listed Building (6 Park Lane).

**DETAILS OF THE PROPOSAL**

6. The application proposes a two storey, detached dwelling with an enclosed swimming pool building along the south-eastern elevation and an attached 3 bay garage projecting forward of the north-eastern corner of the dwelling. The proposal also includes a new access track along the south-eastern boundary of the application site, leading to a new single storey 3 box stable and tack room to be located in the south-west corner of the site. The application plans also detail the formation of two paddocks between the proposed residential garden of the new dwelling and the stable building.
7. At ground floor the dwelling would comprise of the following accommodation; a hallway with w/c and cloaks, study (with foot access to the garage), snug/cinema, larder and utility, open plan sitting, dining, living and kitchen area, a covered seating area, garden room along with the 3 bay garage and an indoor swimming pool with changing area and plant room. At first floor level four en-suite bedrooms (three of which also have dressing areas) and a laundry room are proposed. A storage area above the garage is also proposed (not accessible from first floor level within the main dwelling). The garden would be located to the rear (south-west facing), beyond which the two paddocks, one containing the new stable building are proposed.
8. Access to the site would be via the existing vehicular access down Park Lane and across the frontage of the properties known as 2 and 4 Park Lane, which currently serves both of those properties, but also provides access to the stable area belonging to number 4 and the other equine facilities to the rear of 4 Park Lane which comprise the application site. The dwelling is proposed on the part of the site within Floodzone 1.
9. The proposed access to the stables (proposed in the south-east corner of the site) is via the existing site access, with a new track proposed across the back of the existing stable building that would then run tight to the south-eastern boundary of the site, servicing as access to both the proposed paddocks and the stables/tack room. The stables are proposed on part of the site located within Floodzone 2.

**SITE HISTORY**

10. The dwellings accessed off Park Lane have an extensive planning history which (primarily focussing on the history of number 4 as the site currently belongs to this property) is summarised as follows:
11. Nos. 7, 9 and 11 Main Street and the vehicular access were built after permission was granted in 2005 and 2006 (refs. 05/01062/FUL and 06/00796/FUL) following the demolition of The Poachers Arms Public House (ref. 04/01809/DEMOL).
12. The 2005 permission also gave approval for a pair of semi-detached houses on the site to the rear of 7, 9 and 11 Main Street. Subsequent planning permission was granted for a single house on the site and the first of the two dwellings (2 Park Lane) was erected following that permission (ref. 08/00822/FUL). The design of 2 Park Lane was subsequently revised through a further application (ref. 09/00587/FUL) and is a contemporary style two storey house, part built in a conventional dual pitched form and part with mono-

pitch roofs. It is a mix of brick and timber cladding and has concrete tiled roofs and large areas of glazing.

13. In 2010 the applicant applied to extend the residential curtilage of the property into the existing paddock area to the west of the site and to erect a summer house (ref. 10/01882/FUL). Although this application was refused, a subsequent appeal was allowed and this area currently is turfed lawn used as garden for 2 Park Lane. In allowing the appeal the Inspector concluded that the site had *"...a clearly developed character and that the appeal site represents a small projection of land designated as agricultural land into the visual confines of the village. I consider that the proposed garden extension would round off the rural edge of the village, between the equestrian site and other developed land, in view of the particular configuration of the site, even though it may not, in a strict sense, round off the "plot"."*
14. Permission was originally granted for the adjacent stables and manege in 2006 (ref. 06/00691/FUL), and in a revised form in 2009 (ref. 09/00261/FUL). An application for the second stable building to the west of the existing stables was granted permission (ref. 13/00622/FUL). In July 2013 planning permission was granted (ref. 13/00627/FUL) for a two storey, 3-bed dwelling on the site of what is now 4 Park Lane.
15. Application 14/00338/FUL sought (and secured) planning permission for a detached, two storey dwelling to be sited to the south-west of 2 Park Lane. The principle of a dwelling on this site had been established through the granting of planning permission reference 13/00627/FUL. Application 14/00338/FUL was for an alternative dwelling of differing size and design to that approved. That proposal's design was clearly influenced by the modern elements of 2 Park Lane.
16. The approved dwelling (ref. 13/00627/FUL) was two storeys high, with a small flat roofed section centrally located, with two flanking mono-pitched roofs either side that rise up to the east and west respectively. The lower points of the flanking mono-pitched roofs are raised above the central flat roofed area, appearing as "butterfly-wings". To the west would be a first floor balcony area as an extension to the master bedroom, with a covered, open sided area beneath the balcony which would be supported by four posts.
17. Application ref. 15/00890/FUL for the erection of two-storey dwelling (revised design following approval Ref: 14/0338/FUL) was subsequently permitted and it is this dwelling that is now known as 4 Park Lane.

#### **PLANNING HISTORY FOR NEIGHBOURING PLOTS ON BARRINGTON COURT**

18. The neighbouring properties at Barrington Court also have an extensive planning history which is summarised as follows:
19. 02/00674/FUL - (Demolition of farm buildings); erect 4 detached 2 storey houses – Approved Oct 2002.
20. 15/00330/FUL - Residential development (Plots 2, 3 and 4 Barrington Court) – Approved May 2015

21. 16/02624/FUL - Proposed new detached house and detached garage (variation to planning approval ref. 15/00330/FUL) – refused December 2016.
22. 17/00210/FUL - Proposed new detached house and detached garage – Approved May 2017.

## **REPRESENTATIONS**

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

23. One Ward Councillor (Cllr Barney) objects echoing the Parish Council's objections.

### **Town/Parish Council**

24. Sutton Bonington Parish Council object to the proposal, citing issues of the massive projection into the country side; that the proposal would be beyond the curtilage of the previous development to the south and beyond the stable block and even introduces a new stable block; that the design and scale dwarfs even the large properties that the applicant previously pushed the boundaries of scale on with the previous permissions; and the size and scale will hugely impact all elements around it including wildlife such as bats that are common in this green space.

### **Statutory and Other Consultees**

25. The Environment Agency note that part of the site falls within Floodzone 2 and therefore advise that their standing advice should be followed. They also requested confirmation as to how the swimming pool effluent (filter backwash and down drain) would be dealt with. The agent provided this but at the time of drafting this report the Environment Agency had not responded. Members will therefore be updated via the late representations procedure of any comments received from the Environment Agency.
26. Nottinghamshire County Council as Highways Authority does not object to the proposal subject to a condition requiring parking and turning to be provided, prior to the first occupation of the dwelling, being attached to any grant of permission.
27. RBC Conservation Advisor does not object to the proposal.
28. RBC Environmental Health do not object, but recommend conditions requiring a construction method statement, details of any security lighting/floodlighting and a note to applicant regarding the disposal of any waste from the stable use be attached to any grant of permission.

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

29. Representations have been received from four local residents (from the four properties in Barrington Court), objecting to the proposal on the following grounds:
  - a. Another application for stealth encroachment/creep into the countryside.

- b. Overbearing proposal that dwarfs even the sizable properties built on what was once permanent agricultural pasture.
- c. Encroachment into the countryside on land that was not previously developed/occupied by buildings.
- d. Concern the scale is more akin to a country mansion or a hotel rather than the 4 bedroom dwelling as described.
- e. Potential increase in noise and disturbance with facilities such as cinema, bar, swimming pool as it will likely become a “party house” with such enabling facilities.
- f. Size of building will cast significant shadow to the west.
- g. Overlooking from the positioning of some of the windows.
- h. Loss of privacy from the proposed first floor rear terrace.
- i. Proposal moves non-agricultural build into the environment with the likelihood of further development of a ménage or other buildings in the future.
- j. Impact on ecology.
- k. Residential amenity – loss of privacy/overlooking from first floor windows and balcony particularly if trees are removed, glare from large areas of glazing, proposed dwelling is disproportionate to existing surrounding buildings, increased noise and disturbance from vehicles, lack of privacy for future residents.
- l. Why are the windows needed in the storage area above the garage? Concerns it will also become habitable space.
- m. Increase in traffic (gardener, pool maintenance etc on top of the new occupants).
- n. Increase in noise from additional vehicle movements along the existing loose aggregate driveway.
- o. Impact of the proposed building on the carbon footprint and pollution of the surrounding area.
- p. Impact on neighbours’ ability to work from home.
- q. Impact on Conservation Area – the scale and design of the proposed modern house is out of character with the Conservation Area and surrounding properties, loss of brick outbuilding and historic tennis court, alterations to access to provide visibility may harm character of area.
- r. Overdevelopment compared to the original application for 5 dwellings on the site approved when “The Poachers” was demolished.

- s. Inappropriate development in the Greenbelt.
- t. Loss of light at the end of the neighbours' rear gardens.
- u. Impacts on mental health and wellbeing of neighbours.
- v. Proposal is entirely over the top and garish for this setting.

## **PLANNING POLICY**

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

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

31. The following sections in the National Planning Policy Framework (NPPF) are of relevance:
- Chapter 2 – Achieving Sustainable Development
  - Chapter 9 – Promoting Sustainable Travel
  - Chapter 12 – Achieving Well Designed Places
  - Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
  - Chapter 16 – Conserving and Enhancing the Historic Environment

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

32. The following policies within LPP1 are of relevance:
- Policy 1 – Presumption in Favour of Sustainable Development
  - Policy 2 – Climate Change
  - Policy 3 – Spatial Strategy
  - Policy 8 – Housing Size, Mix and Choice
  - Policy 10 – Design and Enhancing Local Identity
  - Policy 11 – Historic Environment
  - Policy 17 – Biodiversity
33. The following policies of LPP2 are of relevance:
- Policy 1 – Development Requirements
  - Policy 11 – Housing Development on Unallocated Sites within Settlements
  - Policy 12 – Housing Standards
  - Policy 17 – Managing Flood Risk
  - Policy 18 – Surface Water Management
  - Policy 22 – Development in the Countryside
  - Policy 28 – Conserving and Enhancing Heritage Assets
  - Policy 37 – Trees and Woodland
  - Policy 40 – Pollution and Land Contamination

34. The Rushcliffe Residential Design Guide sets out guidance as to local character and materials, height, scale and massing, achieving privacy and guides for amenity space. It states that *“Infill development should respect the existing massing, building form and heights of buildings within their immediate locality”*. It also provides guidance on garden sizes for new dwellings.
35. In addition to the above planning policies, there is a statutory duty under section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for Local Planning Authorities to have special regard to the desirability of preserving the (listed) building or its setting and to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

## **APPRAISAL**

### Principle of a Dwelling

36. The village of Sutton Bonington is not a settlement identified for growth within Policy 3 (Spatial Strategy) of the Local Plan Part 1. Objections have been received stating that the proposal would be harmful to the Greenbelt, however the site is not within the Greenbelt and therefore Policy 21 from the Local Plan Part 2 and the relevant tests that must be applied to Greenbelt development are not applicable in this instance.
37. The application site is adjoining the edge of the village, and therefore an assessment as to whether the development is in the settlement or open countryside must be made.
38. Policy 11 in the Local Plan Part 2 (LPP2) deals with “Housing Development on Unallocated Sites within Settlements”, whereas Policy 22 (LPP2) deals with “Development within the Countryside”.
39. Policy 11 is applied to assess development within the built up area of settlements and requires such developments to be of an appropriate scale and location, to be of a high standard of design that does not adversely affect the character or pattern of development by reason of scale, bulk, form, layout or materials, that the site should not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature, that the proposal should not result in the loss of a heritage asset (designated or otherwise), that the proposal should not be unduly prominent or have an adverse visual impact from locations outside the settlement, that it should not have significant adverse impacts on neighbouring amenity and that appropriate parking provision should be made.
40. Policy 22 states that “Land beyond the Greenbelt and the physical edge of settlements is identified as countryside and will be conserved and enhanced for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife, the wealth of its natural resources, and to ensure it may be enjoyed by all.”
41. It is not possible to clearly define the site as an “infill plot” as per the Residential Design Guides purposes as it is not surrounded/flanked by residential development on either side. Furthermore, the site is not classified as

previously developed land (PDL, sometimes referred to as brownfield land) according to the definitions contained within the NPPF, however the section on Rural Housing within the NPPF is of some assistance. Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, paragraph 79 reminds decision makers that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the five prescribed circumstances stated apply.

42. The application proposes a new dwelling, on the edge of the existing built form of the village with existing residential dwellings on two sides (4 Park Lane to the north-east and the properties in Barrington Court to the north-west). Part of the residential garden of 8 Park Lane adjoins the south-eastern boundary of the site, but the remainder of that boundary adjoins existing equestrian uses and the fourth (south-western) boundary of the proposed dwelling would be bound by the proposed paddocks (noting that the current use of the site is for equestrian uses).
43. It is considered that the proposed siting of the dwelling is not isolated as it adjoins the existing built form of the village with no fields or other land between the proposal site and the built up part of the village. For the same reasoning it is also considered that the site is not located beyond the physical edge of the settlement. Furthermore, whilst the village of Sutton Bonington is not identified within Policy 3 of the Core Strategy as a key settlement for growth, the village does have an identified allocated site for the development identified for up to 80 new dwellings within the LPP2 (Policy 10). On this basis the village is considered to be in a sustainable location capable of supporting modest levels of residential growth. Therefore, officers consider the site to be acceptable in principle for small scale development on unallocated sites and as such Policy 11 is considered the most appropriate against which the application should be assessed.

#### Principle of a stable building

44. The application proposes a new single storey stable building containing three loose boxes and a tack room, measuring 15 in length, 3.8m in depth and 2.95m to ridge with a shallow pitch (2.2m to eaves) and a projecting overhang of 1.1m across the buildings frontage. The building would be located in the south-eastern corner of the site. The stables would be accessed by a track running along the south-eastern boundary of the site. The principle of a stable building in the equine paddocks is accepted as it is noted the current use of the site comprises a number of equine paddocks that contain field shelters accessed by a central track and a sand school for exercising horses. It is also noted the neighbouring parcel of land to the south-east also contains horses and brightly coloured gymkhana jumps. In this instance, as the stable building including the tack room would be located beyond the edge of the existing built form of the settlement, Policy 22 is considered relevant in the determination of this part of the proposal. Equestrian development is listed within the policy as an acceptable form of development within the countryside, subject to compliance with other criteria set out therein.



Impact on Character and Appearance of Area

45. Policy 11 of the LPP2 supports housing development on unallocated sites, subject to a number of criteria being met, as detailed in paragraph 39 above.
46. The proposed dwelling would be set back considerably from Park Lane with intervening properties to the north-east of the application site fronting onto Park Lane and accessed off the existing private drive. As such, whilst officers accept that the proposed dwelling does have a large footprint, as it would be of a comparable height to the dwellings located to its north-west (being 10.1m high) and the degree of set back from Park Lane and Main Street, the dwelling would not be prominent from public vantage points to the north, north-east and west. Furthermore, whilst there is a footpath running along Pasture Lane to the south-west of the application site and another running broadly west from a location to the south along Park Lane, due to the proposed siting of the dwelling, its location alongside the current built edge of the village and the distances between the site and the footpaths, it is not considered the dwelling would be overly prominent in the landscape as it would be read against the backdrop of the existing built form of the village.
47. For the avoidance of doubt the site is not located within the Conservation Area. As such, the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply in this instance. However, in accordance with provisions within the NPPF, it is necessary to consider the impact of the proposal on the setting of the Conservation Area. Despite the large frontage of the dwelling, measuring 28.6m wide, and scale of the building, any views of the dwelling from the Conservation Area would be glimpsed between the existing two storey buildings along Park Lane (and behind them, namely 2 and 4 Park Lane and the existing stable building). Therefore, it is not considered the proposed dwelling would cause harm to the setting of the Conservation Area.
48. In terms of the pattern and grain of development within this part of the village, dwellings on the south-western side of Park Lane and Main Street are predominantly linear in their form. However there are a number of residential properties, both to the immediate north-east (2 and 4 Park Lane), and also to the north-west in the form of Barrington Court and the older development of Gables Lea, which have been constructed behind properties fronting onto Park Lane and Main Street, projecting to the rear of the frontage development. The proposed residential curtilage would be aligned with that of the neighbouring property to the north-west, belonging to 3 Barrington Court and the proposed dwelling would project no further to the south-west than that property. As a result, the siting of the proposed dwelling and its curtilage to the rear of no.4 is not considered to project further into the countryside than the immediately adjoining, established pattern of development in this part of the settlement.
49. The proposed development would not result in the loss of any buildings or structures to form the dwelling, however at the time of the site visit by the case officer, existing features were noted, including the grass equine paddocks enclosed by timber post and rail fencing, the simple black stained field shelters within the paddocks and the sand school, all of which would be altered/removed as part of the proposal. As previously described the site is flanked on one side by a relatively modern development on part of a former village farm. The land beyond that neighbouring development still retains an

agricultural operation and there is a large agricultural barn located along the boundary of the application site, projecting into the countryside beyond the proposed siting of the new dwelling. This barn is an acceptable, established agricultural structure associated with the neighbouring farming operation. Nevertheless, the lack of public open view of and across the site without any intervening structures and planting, and the distances from which those views are obtained, are not considered to result in the application site making a significant contribution to the amenity of the surrounding area by virtue of its character or open nature that would be lost as a result of the proposal.

50. The land is currently used for equine related activities, as is the neighbouring land to the south-east. The proposed stable building location is within the corner of a field that is largely screened by existing mature hedgerows and the proposal is of a scale and design that is not considered to significantly impact on the character and appearance of the open countryside.

### Highway Safety

51. The Highway Authority are content that the proposal is unlikely to result in a significant impact on the public highway. They note that the proposed dwelling is to be served via a private drive leading from Park Lane which currently serves 2 dwellings and a stable building and that no alterations are proposed to the access.
52. Therefore, subject to a condition requiring that the proposed parking and turning facilities are provided prior to the occupation of the proposed new dwelling the Highway Authority are not objecting. On this basis officers are satisfied that adequate parking facilities would be provided for the new dwelling. Furthermore, given that the stable building is unlikely to result in any significant number of vehicle movements it is also not considered to significantly impact on the public highway. As such the proposal is considered to satisfy the requirements of Policy 1 (Development Requirements) of LPP2 in respect of access and parking.

### Ecology

53. The application site comprises a relatively large, flat open expanse of land used for equine purposes for the current occupants of 4 Park Lane. As such the land is predominantly grassed paddocks with the exception of the sand school. There are no buildings (that might serve as habitats) to be demolished on the site. The field shelters within the paddocks are small, free standing, open fronted timber structures with no insulation or roof voids to speak of and only serve to shelter animals from inclement weather. The applicant advises that the site is normally occupied by horses that are grazed and exercised in this location, although they were not present on site at the time of the officer visit. Nevertheless, the presence of a number of horses on the site is likely to discourage the site being used as habitat for any protected species other than in the landscaping around the site and any protected flora is unlikely to survive in such a location as it risks being trampled, eaten or mown.
54. There are no trees or hedgerows within the site, although the site boundaries do comprise a mixture of hedging, trees and planting. The application does not propose the felling, alteration or removal of any of the existing landscaping on the boundaries of the site and as a result officers are satisfied that there is

unlikely to be any impact on any protected species on the site or their habitats. Therefore, it is considered that the site likely to have limited ecological value and in this instance no protected species survey was considered necessary.

### Impact on Trees

55. As previously mentioned, whilst there are no trees within the site there are a number of trees/hedgerows that form the boundary of the site. None of these landscaping features are proposed to be altered as a result of the application and, therefore there is no impact on the trees. Nevertheless, to supplement the existing landscaping on the boundaries of the site a landscaping condition is recommended requiring details of protection measures to ensure that none of the existing landscaping is harmed during the development and also to understand what additional landscaping might supplement the existing boundary treatments on the site.

### Residential Amenity

56. In terms of the impacts upon existing residents, a significant number of concerns have been raised by the neighbouring occupiers summarised elsewhere in this report.
57. The proposed dwelling is shown to be built on the same 'building line' as the existing property at 4 Park Lane, in so far as the main dwelling would not be any closer to the existing common boundary with the dwellings on Barrington Court, although the garage element would be situated closer to the boundary. In the granting of the various planning permissions for the dwellings on both Barrington Court and Park Lane (see history section above), these separation distances are established, having been previously judged to be acceptable in planning terms. This proposed dwelling is of a similar height to the existing dwellings being circa 10.1m high to ridge with a sloping roof form. Furthermore, the proposal would not be introducing any living accommodation any closer to the dwellings and their private gardens at 2 and 3 Barrington Court than currently exists between 4 Park Lane and 1 Barrington Court (and to a lesser extent 2 Barrington Court).
58. Officers have reviewed the proposed siting of the dwelling which would be set 8.7m off the common boundary with the dwellings on Barrington Court. Openings are proposed at ground and first floor level in the side elevation of the property facing 3 Barrington Court, with the ground floor openings serving the study and the open plan sitting, dining, living and kitchen area. At first floor level the openings would serve two separate en-suite bathrooms and a secondary opening to a bedroom. Officers noted that the common boundary currently comprises timber post and rail fencing with hedgerow planting, including hedgerow trees, although they have not yet filled out or reached full maturity yet.
59. Nevertheless, the separation distances between the main body of the dwelling and the nearest residential property at 3 Barrington Court is 29.8m. This is far in excess of the standards set out in the residential design guide. It is considered that due to the presence of the landscaping at ground floor level on the common boundary and the separation distances involved that there would be no significant harm to the residential amenity of the neighbouring occupiers in either the property itself or when using their rear gardens due to these

factors. The windows at first floor level in this elevation serve en-suite bathrooms and as a secondary opening to a bathroom, with the principal opening being to the rear (south-west) elevation. Officers have discussed the matter with the applicants who are willing to obscure glaze these openings and it is considered that a condition to this effect could be justified.

60. The application also proposes a balcony, slightly off-center, on the rear elevation of the dwelling with open sides and a gabled roof canopy feature above it to protect the uses from the elements and also to introduce a feature in the roof structure to break up the long expanse of built form. This balcony would be set in a further 7.8m from the side elevation of the house, which itself is 29.8m from the rear of the nearest neighbouring dwelling. The neighbouring property is also located at an angle and the proposal would not result in windows directly facing each other. As a result of the separation distances of in excess of 37m and the angle involved, officers are satisfied that the relationships between the proposed rear balcony and the neighbouring property, including their rear garden which would be 16.5m away at its closest point, is acceptable in planning terms and complies with the guidance contained within the residential design guide.
61. It is noted that the proposed garage would be closer to the common boundary with Barrington Court, maintaining a distance of 2.4m between the garage and boundary. However, again the separation distances to the neighbouring properties are measured at between 22.6m and 28.1m. Again, the boundary treatment comprises newly planted hedging and no openings are proposed in the rear elevation or roofslope of the garage, which would have storage accommodating in the roofspace. Officers are satisfied that, subject to a condition restricting any new openings being formed in the rear elevation and roofslope of the garage structure, the impact on the neighbouring occupiers would be acceptable in planning terms. This would potentially not be caught by the existing permitted development right restrictions as it could be argued that the elevation in question is to the rear, and not the side, and therefore not covered by the legislation.
62. The proposed materials, being brick and tile are considered to be representative of the majority of dwellings constructed in this part of the village and are judged to be suitable and acceptable in this location, subject to suitable samples being provided and a condition is recommended in this respect.
63. The proposal, whilst for a single, detached four bedroom dwelling is a large dwelling. It is acknowledged that the building does have a very large footprint, at circa 539m<sup>2</sup>, however it would be sited in a plot of circa 2,230m<sup>2</sup> and therefore would only occupy approximately 24% of the plots proposed residential curtilage. The dwelling would be much larger than any other dwelling in the immediate surroundings. Nevertheless, the height is of a comparable scale to the neighbouring residential properties in this part of the village, and whilst only occupying approximately 24% of the resultant residential plot, it is not considered to be an over-development of the plot, due to the plots generous proportions. Furthermore, given its broadly central location and distances from neighbouring buildings, it is not considered to dwarf any adjoining structures as stated in the objection letters.
64. The proposal seeks to reduce the mass of the building through the use of features such as front and rear gables and projecting elements of the building,

along with a variety of ridge heights creating articulation and subservient elements such as the garage, pool building and garden room. At its widest point (including the garage and swimming pool), the property would be circa 37.2m wide and at its deepest (again including the front garage projection along with the garden room and swimming pool building, both of which are single storey) the property would be 31.9m deep (around 15.2m for the main two storey element of the building, excluding the first floor terrace). However, as mentioned, the garage is positioned so that it sits forward of the front elevation and to the side of the side elevation, connected to the main body of the building 'corner to corner', and the swimming pool, which is located to one side of the dwelling along with the rear projecting garden room are single storey features. The dwelling is also proposed broadly centrally within the plot to create open space around it on all sides. For these reasons officers are satisfied that the overall mass and form of the building is not a dominant feature on its surroundings. Given the significant separation distances, the orientation of the neighbouring properties, and to a lesser extent the current boundary screening, it is not considered that the proposed dwelling would result in significant harm through overlooking, overshadowing, nor appear overbearing.

65. Objections have also been raised regarding the increased noise impacts on adjoining properties from the additional traffic using the existing gravel driveway that currently serves 2 and 4 Park Lane, as this would serve as the access to the site. Officers are advised that no complaints having been made to colleagues in the Environmental Health Department regarding this activity/noise, however officers do note that Environmental Health colleagues are not objecting to the proposal. It is not considered that the traffic associated with a single dwelling, albeit a large one, and stables would result in a significant increase in vehicle movements along the driveway. Whilst conditions have been sought by Environmental Health these are in relation to a construction method statement, matters of lighting and the disposal of animal waste from the site.
66. Officers are mindful that the proposed dwelling and garaging would serve as a buffer between the properties and the existing driveway, with the extension to the driveway being minimal to the frontage of the proposed property. The application form also states that the drive to the frontage of the property would be tarmac with a block paved courtyard. Furthermore, the proposed track serving the proposed new stables, whilst indicated to be graveled, would be sited further from the existing residential properties than the current driveway. It is also anticipated that vehicle movements along the stable track would be minimal, likely comprising visits from the vet, farrier and for the horses to attend any shows, events or races accordingly. It is considered reasonable to condition that the stables are to be for the use of the occupants of the proposed dwelling only and that no livery or other similar commercial activities should take place with regards to the use of the stables or the paddocks proposed so as to minimise vehicle movements and impact as a result of any increased vehicular movements and their associated noise to and from the stable site.
67. On this basis, officers are satisfied that the level and use of the tracks serving both the proposed dwelling, but also the paddocks and stables, would be of a domestic scale and nature and it is not considered that the proposal would result in a significant increase in activity/use of the driveways which would cause unacceptable levels of noise and disturbance to the neighbouring properties.

68. Concerns have also been expressed that due to the level of facilities proposed within the dwelling, the property may become a 'party house' with resultant nuisance to the amenity of the existing neighbouring residents. Whilst officers accept that the range and type of facilities such as swimming pool and snug/cinema may result in friends/relatives of the future occupants wanting to visit the property it does not follow that such activity would necessarily give rise to unacceptable noise and nuisance. Regardless the proposal is still a single dwelling despite the range of facilities proposed and therefore no more or less likely to result in any noise issues than any other dwelling in the Borough.
69. It should be clearly stated that any property of any size and in any location is capable of hosting parties/gatherings. Officers note that the location of both the swimming pool and the cinema room are not on the common boundary with the neighbouring residential properties who have voiced such concerns. No bar is stated within the dwelling, despite the objectors concerns, although as with all residential properties, this does not preclude the presence of alcohol on the premises. Therefore, officers do not consider that the range of facilities is any more likely to cause a nuisance or detract from the amenities of the neighbouring occupiers, however if noise and disturbance did arise from the property, the Borough Council has appropriate powers through the public protection legislation to investigate and take appropriate action where necessary.
70. Objectors have also voiced concerns regarding potential future applications for a garage conversion and another sand school, citing the applicant's history of applications on the site. Questions have also been asked regarding the need for more stabling. The application clearly seeks to separate the site from the existing facilities afforded to 4 Park Lane, which include the stable courtyard that is also used for storage and vehicular parking. If the stables courtyard building is retained by 4 Park Lane, then the proposal property cannot be guaranteed access to these facilities, and it is understood that this is why the new stable building is proposed for use with the reconfigured paddocks that also form part of the proposal. The Committee are reminded that they can only consider the proposals before them, and not to speculate what may happen in the future. Furthermore, the fact that the applicant has previously sought planning permission to develop the site is not a reason to refuse the current proposal, as it merely demonstrates that historically they have gone through the correct planning procedure and that all the previous planning applications have been assessed against the relevant policies, and granted permission.
71. The proposed openings in the first floor front elevation of the garage would not result in any loss of privacy to any neighbouring land user/occupants of any adjoining properties and therefore they are judged to be acceptable in that respect. As previously stated, it is considered reasonable to remove the permitted development right so that no new openings could be inserted in the rear roof slope without first applying for planning permission.
72. Officers have also considered the relationships to the current dwelling at 4 Park Lane, which has a large balcony on its rear elevation facing the application site. This balcony would face towards the front elevation of the proposed dwelling. The balcony would be located approximately 21m from the front elevation of the building and therefore officers are satisfied that this is acceptable to prevent any unacceptable overlooking/loss of privacy. Officers

note the proximity of the side elevation of the garage to 4 Park Lane, and again it is considered reasonable to remove permitted development rights for any new openings in the elevation and roof slope facing 4 Park Lane as it could conceivably be argued that these are not side elevations, but in fact part of the front elevation and therefore not covered by the relevant Permitted Development restrictions.

73. The front of the proposed dwelling would have a flat roofed, covered porch with what appears to be a potential balcony above. However, the entrance hall is a double height, vaulted area and as such at first floor level access would also not be possible onto this feature. Therefore, officers are satisfied that this is unlikely to be used as a terraced area, that may otherwise be unacceptable in terms of relationship between the site and 4 Park Lane.
74. In terms of the amenities of future occupiers of the proposed dwelling, it would be positioned within a wide plot, with a large private garden area to the rear and side with off-street car parking and turning areas to the front. As detailed above, given the orientation of the neighbouring properties and the distances from them, officers are satisfied that current and future residents would be afforded an adequate level of privacy and amenity.

#### Conservation and Listed Buildings

75. The proposal site lies outside the Sutton Bonington Conservation Area, although the private driveway meets the Conservation Area's south-west boundary. While the site of the proposed dwelling house is set well back from the highway, its shared private drive is close to the Grade II listed building at 6 and 8 Park Lane (commonly known as Hobgoblin Farmhouse or Repton Grange) and the Grade II listed Old Walling and Doorway in Garden of Number 6, approximately 7 Metres North East of The House. Therefore, the impact of the proposal on the special interest of the Listed Buildings and Conservation Area must be given consideration.
76. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
77. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that, when considering development in Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. As the site is not within the Conservation Area, the legal duty under Section 72 does not apply in this instance, however, policy requires that the impact on the setting of the area must be considered.
78. In the determination of the planning application for 4 Park Lane it was considered that that dwelling would not have any significant adverse effect on the character of the Conservation Area nor on the setting of the Listed Buildings. Officers consider that due to the location of the proposed new dwelling, and the existence of the intervening buildings along the private driveway serving the existing properties on Park Lane site in relation to the listed buildings, and the publicly visible parts of the site from the surrounding

area, that this proposal would not alter that previous assessment. That is to say that the current proposal for a new dwelling would not adversely impact on the setting of the Conservation Area and continue to preserve the setting of the neighbouring Listed Building(s), a goal considered to be desirable within section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

79. Nevertheless, the expertise of the Conservation Officer has been sought on this matter and they agree with the officer's assessment that the proposal would not harm the special interest of the Conservation Area as it is set well back from the highway and would not be visible from the public realm within the Conservation Area. Furthermore, the Conservation Officer agrees that the proposal would not harm the special interest of the Listed Buildings by virtue of distance, intervening development and the lack of intervisibility between the properties. Therefore, it is considered that the proposal would not be harmful to the significance of any heritage assets or their settings.

### Flooding/Drainage

80. The site is partly located within Flood Zone 1 and partly within Floodzone 2 on the Environment Agency's Flood Zone maps. Floodzone 1 has a low possibility of flooding. The application proposes siting the dwelling on that part of the site within Floodzone 1, but the stable building would be constructed entirely within Floodzone 2 based on the submission details. The technical expertise of the Environment Agency has been sought who initially requested clarification regarding the proposed drainage for the swimming pool, which the applicants confirmed would be drained into the existing combined sewer that exists on the site. The Environment Agency had not formally responded at the time of writing this report, however officers are satisfied that the principle of a new dwelling within Floodzone 1 and a small stable building within Floodzone 2 are likely to be acceptable uses compatible with the Floodzone designations. Nevertheless, the Committee will be advised on any further comments from the Environment Agency via the late representations procedure.
81. In order to ensure that the surface water run-off rates from the site are controlled, a condition is recommended which would require a scheme for the provision and implementation of surface water run-off limitation measures to be submitted for approval, and the development carried out in accordance with the approved scheme.

### Sustainability

82. In order to promote sustainable development and construction, conditions are recommended which would require the dwelling to be constructed so as to limit the water consumption of the property to no more than 110 litres per person per day, and require the installation of an electric vehicle charging point for the property.

### CIL

83. The application is CIL (Community Infrastructure Levy) liable due to its size and proposed use and whilst the applicants have provided the necessary paperwork (Form 1) it does indicate that they would be seeking relief under the self-build clause.



## Conclusion and Planning Balance

84. The proposal would contribute an additional dwelling to the Borough's housing supply within what is considered to be a sustainable location. In accordance with the requirements of Policy 11 of the Local Plan Part 2 (LPP2), it is considered that the proposal being a single dwelling in the settlement of Sutton Bonington is in accordance with the Local Plan Part 1, Core Strategy Policy that allows for development for local need only outside of the key settlements.
85. The proposal, for the reasons set out in this report, whilst sizable, is considered to be of a high standard of design and not to adversely affect the character or pattern of development in the area by reasons of its scale, bulk, form, layout or materials. The site's location is also not considered to make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature.
86. The proposal does not result in the loss of any existing buildings considered to be heritage assets. The proposal is also not considered to have an adverse visual impact or be unduly prominent from locations outside of the settlement for the reasons set out in the report.
87. Whilst it is accepted that the proposal would undoubtedly change the relationship between the neighbouring dwellings and the application site, change does not automatically equate to harm, and for the reasons set out the proposal is not considered to cause significant adverse impacts on the amenity of nearby residents. Finally, the proposal is considered to provide suitable access and parking provision for the level of development proposed. For all these reasons the proposal is considered to comply with the requirements of Policy 11 of the LPP2.
88. Subject to conditions, the proposal would not result in harm in relation to highway safety, trees, ecology, residential amenity or flooding. The proposal therefore accords with the policies contained within the Rushcliffe Local Plan and the policies contained within the NPPF.
89. The proposed development was not the subject of pre-application discussions. Negotiations have however taken place with the agent during the course of the application to clarify matters raised in relation to the drainage arrangements and the relationships to the living conditions of neighbouring residents. This has resulted in a more acceptable scheme and the recommendation to grant planning permission, subject to conditions.

## **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 must be carried out strictly in accordance with the approved plan(s)/drawings/documents listed in the drawing schedule received on the 24 June 2021.

[For the avoidance of doubt having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

3. The dwelling and stable buildings hereby permitted shall not be constructed above damp proof course level until details of the facing and roofing materials to be used on all external elevations, together with details of the door and window frames, have been submitted to and approved in writing by the Borough Council. Thereafter the dwelling shall only be constructed in accordance with the materials as approved.

[To ensure the appearance of the development is satisfactory and to comply with Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

4. The dwelling hereby approved shall not be constructed above damp proof course level until a hard and soft landscaping scheme for the site, including details of the boundary treatment to all the site boundaries, has been submitted to and approved in writing by the Borough Council. The hard landscaping shall be completed prior to the occupation of the dwelling hereby approved. The soft landscape planting shall be completed no later than the first planting season (October - March) following occupation of the dwelling hereby approved.

If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal.

Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 12 (Achieving Well-designed Places) of the National Planning Policy Framework (February 2019)].

5. The development hereby permitted must not commence and no preparatory operations in connection with the development hereby permitted (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a detailed Arboricultural Method Statement (AMS) prepared in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the

Local Planning Authority and all protective fencing has been erected as required by the AMS. The AMS must include full details of the following:

- a) The timing and phasing of any arboricultural works in relation to the approved development;
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works;
- c) Details of a Tree Protection Scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are to be retained or which are the subject of any Tree Preservation Order;
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the Tree Protection Scheme;
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no services shall be dug or laid into the ground other than in accordance with the approved details;
- f) Details of any changes in ground level, including existing and proposed spot levels, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme;
- g) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the AMS.

[This is a pre-commencement condition to ensure that appropriate controls are secured prior to development commencing, to protect the health of existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 37 (Trees and Woodlands) and 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (February 2019)].

6. The dwelling hereby approved shall not be occupied until the associated parking and turning provision, as shown on the approved plans referred to under condition 2 of this approval, has been constructed. Thereafter the parking and turning areas must be retained on the site throughout the life of the development and must remain available for vehicle turning at all times.

[To ensure that there is adequate provision for vehicles to turn around within the site having regard highway safety and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

7. The development shall not be constructed above damp proof course level until a scheme for the provision and implementation of surface water run-off limitation measures has been submitted to and approved in writing by the Borough Council. Thereafter the measures shall be implemented in accordance with the approved details and retained as such for the lifetime of the development and the dwelling shall not be occupied until the approved

scheme has been implemented.

[To ensure that adequate surface water drainage provision is secured for the site, in accordance with Policy 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

8. The construction of the dwelling hereby permitted must not proceed above damp proof course level until a scheme for the provision of Electric Vehicle Charging Point(s) (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. Thereafter, unless it has been demonstrated that the provision of an electric vehicle charging point is not technically feasible, the dwelling shall not be occupied until such time as the site has been serviced with the appropriate electric vehicle charging infrastructure, in accordance with the approved scheme. The electric vehicle charging infrastructure shall thereafter be retained and maintained for the lifetime of the development.

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

9. The residential dwelling hereby permitted shall be designed to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day.

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

10. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, fires, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a site specific Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP must include details outlining:
  - a) appropriate provision for the parking of vehicles within the site belonging to construction operatives and/or visitors;
  - b) areas for loading and unloading plant and material
  - c) the location and appearance of any site compound/material storage areas, including heights of any cabins to be sited and details of any external lightings;
  - d) the hours of operation
  - e) details of how noise (including construction works and deliveries) will be controlled and managed during the site clearance and construction processes
  - f) measures to control the emission of dust and dirt during the site clearance and construction processes

The approved CMP must be adhered at all times throughout the site clearance and construction periods for the development.

[This is a pre-commencement condition to ensure that the site can be developed in a safe manner and limit the impacts upon residential amenity and highways safety throughout the construction phase, having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

11. Prior to the installation of any security lighting / floodlighting on either the dwelling or the stable buildings hereby approved, details of the lighting, its design and location together with a lux plot of the estimated illuminance and mitigation measures to minimise any impact on neighbouring properties and wildlife should be submitted to and be approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed in accordance with the approved details and retained as such for the lifetime of the development.

[To ensure the appearance of the development and any impacts on neighbours is acceptable and that the development contributes to the enhancement of biodiversity on the site having regard to Policy 10 (Design and Enhancing Local Identity and Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (February 2019)].

12. Notwithstanding the provisions of the Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no enlargement or any other alteration shall be carried out to the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations that may harm the amenities of neighbouring properties, the appearance of the dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

13. Notwithstanding the provisions Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no outbuildings or other structures shall be erected within the curtilage of the dwelling(s) hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over any future outbuildings and other structures within its curtilage that may harm the amenities of neighbouring properties or the character of the area having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

14. Notwithstanding the provisions of the Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or

any order revoking and/or re-enacting that Order) no window openings or rooflights (other than those expressly authorised by this permission) shall be inserted into the north-west (side) elevation of the dwelling, the north-west (rear) elevation of the garage (including the internal stairwell) or the north-east (side) elevation of the garage hereby permitted without express planning permission from the Local Planning Authority.

[To enable the Local Planning Authority to retain control over the insertion of any additional window openings or rooflights that may adversely affect the amenities/privacy of neighbouring properties having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

15. The three windows at first floor level in the north-west (side) elevation of the dwelling hereby permitted serving two en-suites and a bedroom must be:
- a) non-opening, and;
  - b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, those windows must be retained to this specification throughout the lifetime of the development.

[To preserve the amenities of neighbouring properties, having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

16. The stables and paddocks hereby permitted shall be used only for purposes ancillary to the enjoyment of the associated dwelling and not as a riding school, livery stables or any other business or commercial use.

[For the avoidance of doubt and to ensure that the approved use has an acceptable relationship to the amenities of neighbouring properties, highway movements and the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

### **Notes to Applicant**

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

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

All wastes should be disposed of in an appropriate manner. Field heaps of manure should not be located where there is a risk of run-off to nearby field drains; or within 10m of a water course; or within 50m of a well/spring/borehole that supplies water for human consumption. There should be no burning of wastes on site. The keeping of horses/ponies should not give rise to nuisance (for example from odours or flies) to nearby premises.

During and post construction, a sensitive lighting scheme should be implemented to prevent disturbance to commuting and foraging bats in the local area. Lighting should be directed away vegetative features within the site and along boundaries, and light overspill of over 1lux should be avoided within these vegetated areas.

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

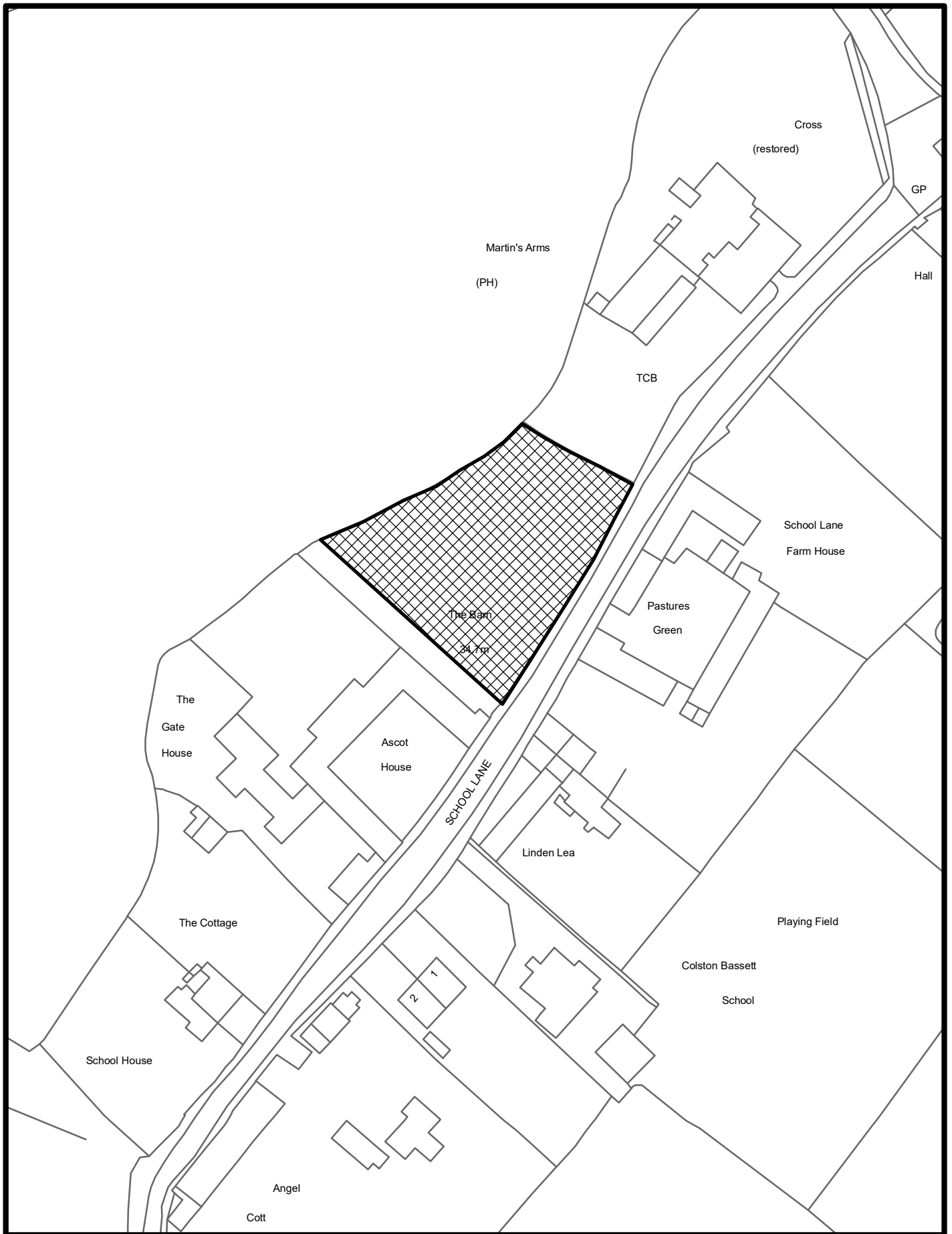
The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please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

Any security / floodlighting should be designed, located and installed so as not to cause a nuisance to neighbouring residents in accordance with the Institute of Lighting Professionals (ILP) Guidance Note for the Reduction of Obtrusive Light (01/20).

Condition 9 requires the new dwelling to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.

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**Application Number: 21/00354/FUL**  
**Land west of School Lane, Colston Bassett**



scale 1:1000

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# 21/00354/FUL

**Applicant** Mr Adrian Kerrison

**Location** Land West Of School Lane Colston Bassett Nottinghamshire

**Proposal** Proposed erection of car port/garden store (to be served by previously approved vehicular access)

**Ward** Nevile And Langar

## THE SITE AND SURROUNDINGS

1. The site comprises a former grassed paddock, now a construction site for a dwelling, on the west side of School Lane within the Conservation Area. The School Lane boundary is formed by a section of brick wall and slatted fencing with a gated vehicular access, and there are a number of mature deciduous trees on the northern and western part of the site. The car park for the Martin's Arms is adjacent to the north east, with the Grade II listed public house beyond. Adjacent to the south west is a group of former farm buildings/stables converted to dwellings, and there is a farmhouse and number of 'barn' conversions on the opposite side of the lane. All of these buildings are identified as key unlisted buildings in the Townscape Appraisal of the Conservation Area Appraisal and Management Plan, and the trees within and adjacent to the site are identified as a 'wooded area'. In addition, the land to the north is identified as a positive open space.

## DETAILS OF THE PROPOSAL

2. A triple car port to the north east side of the dwelling under construction with a new vehicular access immediately in front of the car port was originally proposed. Due to the concerns of officers relating to the siting, scale & massing of the car port, and the width of the proposed vehicular access with splayed sections of boundary wall either side, and the impact on the rural character of School Lane and the Conservation Area, revised details have been received.
3. A double car port with attached garden store is now proposed, set back from the front elevation of the dwelling under construction. The building would have a brick plinth to match the new dwelling, with the remainder of the walls to be clad with feather edge timber, and a cedar shingle roof. The car port would be served by a vehicular access and driveway approved under the application for the dwelling under construction (ref. 19/02622/FUL).

## SITE HISTORY

4. Permission was refused and two appeals were dismissed in 1998 and 1999 for the erection of a dwelling and new vehicular access (refs: 98/00790/FUL & 99/00406/FUL).
5. Outline applications for a dwelling were refused in 2016 and 2017 (refs: 16/01959/OUT & 17/00102/OUT respectively).

6. Permission was granted in 2019 for a new dwelling (ref: 19/00167/FUL), and permission was subsequently refused for a revised scheme (ref: 19/02040/FUL). Permission for a further revised scheme was granted in 2020 (ref. 19/02622/FUL).

## **REPRESENTATIONS**

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

7. The Ward Councillor (Cllr Combellack) objected to the original plans on grounds summarised as follows.
  - a. Over-development of the site, and the size and massing would be prominent in the street scene.
  - b. Permitted development rights were removed from the previous application in order to prevent further development of the site and this position should remain.
  - c. This is a very prominent site at the heart of the village and conservation area, and any development should be to enhance the area not harm it. The Colston Bassett Neighbourhood Plan should be consulted in this regard.
  - d. Re-location of the entrance with a splayed gateway is an urbanising element in a very rural street scene and would involve further demolition of the wall which is considered important to the street scene and setting of the listed Martins Arms.
  - e. The access should remain as granted in the previous application – it shows a minimal visibility splay, no change to the existing brick wall, and further provides adequate root protection for trees through a no dig construction.
8. With respect to the revised plans, Cllr Combellack maintains her objection and agrees with the Parish Council, although she is pleased the site entrance has reverted to the originally approved position.

### **Town/Parish Council**

9. The Parish Council objected to the original plans on grounds summarised as follows.
  - a. The siting, scale and materials would harm the appearance and preservation of the historic core of the conservation area, the open aspect of the area and street scene, and would be contrary to policy D1 of the Neighbourhood Plan.
  - b. The re-positioning of the access requires greater detail, but the re-positioning would appear to offer a positive degree of security for the remaining trees between the site and the Martins Arms.

10. With respect to the revised plans, the Parish Council still object on grounds summarised as follows:
  - a. The overall mass of the building exceeds that suitable for the core of the Conservation Area where the intention of the conservation area and Neighbourhood Plan is to preserve space between buildings.
  - b. The ecology & street scene of the School Lane site have already been detrimentally impacted and so no further negative impacts or harm to the Conservation Area beyond the permitted building footprint on this site should now be considered.
  - c. Over-development of the site.

### **Statutory and Other Consultees**

11. The Borough Council's Conservation Officer considers that the siting, and substantial scale and massing of the car port on the original plans would result in a substantial increase to the total development on the site and would create a negative impact.
12. She also considered that the car port and the proposed access boundary splays would be highly visible from the public realm, including from the Grade II listed Martins Arms Public House and, although the site is partially screened by trees and low boundary treatments, views or glimpses from the Conservation Area or into the Conservation Area would be affected in a way that could harm the special interest and character & appearance of the Conservation Area, albeit to the low end of the scale.
13. She considers that the proposal would harm the setting of the Martins Arms to a small degree; however, it would not harm the settings of other nearby listed buildings, the Grade II listed K6 Telephone Kiosk and Village Cross, or the 19<sup>th</sup> Century Commemorative Cross which is also a Scheduled Ancient Monument.
14. With respect to the revised plans, she notes the reduction in the size of the car port and considers that the design and use of timber are appropriate to the rural character of the area. She also notes that the location remains almost the same, but that it would be set back into the site slightly further and much more in line with the dwelling on site. As the access would revert to the previously approved location at the east end of the front boundary, any views of the car port would be indirect glimpses and would be partially screened by existing trees and the boundary treatments approved as a part of 19/02622/FUL. Such views of the structure would be read as a functional part of the limited development on site in conjunction with the barn-like like dwelling previously approved.
15. She concludes that the special interest of the Conservation Area would not be affected by the proposals.
16. The Borough Council's Design & Landscape Officer notes that the driveway layout is as previously approved and the proposed car port is located outside of the root protection areas of retained trees, so he does not object. He also

notes that the construction allows for the floor level of the garage to be above ground level and this will link with the no-dig construction of the drive.

17. He comments that the garage should be within the existing construction zone and shouldn't require changes to the implemented tree protection measures. However, he suggests a condition to ensure that, if any changes to the tree protection fencing is required, it should be agreed by the Council beforehand.

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

18. Five written representations relating to the original and revised plans have been received (from three properties), four raising objections & comments and one expressing support which are summarised as follows:

19. Objections/comments

- a. The car port would result in a suburban street view and negative impact on the historic street scape, and would have an adverse impact on the character & appearance of the Conservation Area.
- b. Timber weather boarding is not appropriate at a prominent location in the conservation area where buildings are predominantly red brick, and is not a facing material used in traditional agricultural buildings in this area.
- c. Concerned about the impact on the root zone for the Sycamore tree adjacent to the road.
- d. Inconsistent with Sections 66 & 72 of the Planning (Listed Buildings and Conservation area) Act 1990, and Policy 3, as clarified by Local Plan Part 2, and 10 of the Rushcliffe Local Plan.
- e. Any planning permission should be made conditional on replacing the trees removed with substantial new trees to the side adjacent to The Martins Arms where these have been removed causing material damage to the conservation area, and previous conditions should remain in force.
- f. The revised plans do not address the concerns regarding the car port.
- g. The suggestion that the garage at Angel cottage provides a precedent is not relevant as it does not occupy a prominent position in the conservation area and the garage is shielded from public view by a large hedge, so is not in the public realm.
- h. Agree that the re-positioned driveway makes sense as it avoids further disruption to the site and trees. The original access & driveway were also directly adjacent to the pub car park access which may have caused some conflict, and moving the access further along would provide better visibility and would be safer.

20. Support
- a. The car port appears to be in keeping with the character of the site and Conservation Area and would have no adverse impact on the setting of the Martins Arms.

## **PLANNING POLICY**

21. The Development Plan for Rushcliffe consists of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP2). Also of relevance to this application is the Colston Bassett Neighbourhood Plan (CBNP), which is part of the Development Plan for the area.
22. Other material considerations include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

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

23. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development and states that, for decision-taking, this means approving development proposals that accord with the development plan without delay.
24. There are three overarching objectives to sustainable development: economic, social and environmental.
25. Chapters 12 (Achieving well designed places) and 16 (Conserving and enhancing the historic environment) are relevant to consideration of the proposal.
26. Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard is given to the desirability to preserve the settings of listed buildings, and that special attention is given to the desirability to preserve or enhance the appearance and character of Conservation Areas.

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

27. The following policies in LPP1 are considered to be relevant to the proposal:
- Policy 10 – Design and Enhancing Local Identity
  - Policy 11 – Historic Environment
28. The following policies in LPP2 are considered to be relevant to the proposal:
- Policy 1 – Development Requirements
  - Policy 28 – Conserving and enhancing heritage assets
29. The following policy in the CBNP is considered to be relevant to the proposal:
- Policy D1 – Design

**APPRAISAL**

30. The environmental objective of the NPPF refers to 'contributing to protecting and enhancing our natural, built and historic environment'.
31. Chapter 12 (Achieving well designed places) of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change, with a high standard of amenity for existing and future users.
32. Chapter 16 (Conserving and enhancing the historic environment) states that in determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
33. Policy 10 (Design and Enhancing Local Identity) of LPP1 states that all new development should reinforce valued local characteristics and have regard to local context, and that development will be assessed in terms of its impact on the amenity of occupiers or nearby residents.
34. Policy 11 (Historic Environment) of LPP1 states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives.
35. Policy 1 (Development Requirements) of LPP2 states that permission for new development will be granted provided that (amongst others) the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area, and there is no significant adverse effect on any historic sites and their settings including listed buildings.
36. Policy 28 (Conserving and enhancing heritage assets) states that proposals that affect heritage assets will be required to demonstrate an understanding of the significance of the assets and their settings, identify the impact of the development upon them and provide a clear justification for the development in order that a decision can be made as to whether the merits of the proposals for the site bring public benefits which decisively outweigh the harm arising from the proposals.
37. Policy D1 (Design) of the CBNP states that dwellings and extensions should preserve or enhance the local distinctiveness and character of the area in



which it is situated, particularly within the Conservation Area, and should not disrupt the visual amenities of the street scene. All new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a range of local materials where possible. However, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context.

38. The Conservation Area Appraisal and Management Plan describes Colston Bassett as a village of 'exceptional quality'. Numerous fine brick and pantile barns and cottages form an intrinsic part of its rural character, and there are period cottages and barns as well as Georgian and Victorian houses of quality, such as the Martin Arms, throughout the village. Key characteristics are a strong rural character both in terms of architecture and landscape with a large number of important trees, and modern infill development hasn't reduced the quality of the Conservation Area.
39. The majority of land, including land to the north west of the site, is identified as positive open space in the Conservation Area Townscape Appraisal. Whilst this site is not included, it is considered that, together with the boundary wall and trees within the site, it makes an important contribution to the rural character of School Lane, and the Conservation Area.
40. For over 20 years development on the site was resisted on grounds of the loss of an open space which contributes to the character and visual amenities of the Conservation Area, and as the design, scale and siting of the dwellings proposed would detrimentally affect the character and appearance of the Conservation and be unsympathetic to the character of surrounding properties.
41. It was concluded that the dwellings approved under applications refs. 19/00167/FUL and 19/02622/FUL represent a carefully considered and sensitive development which responds sympathetically to the constraints of the site and would adequately retain the open character of the site. The design combines a traditional barn conversion style appearance to the front elevation, with a two storey height threshing barn style opening, and only a few relatively small other openings, with a more contemporary appearance to the rear including large openings.
42. The dwelling approved under 19/02622/FUL (which includes a basement with adjacent light wells) is currently under construction. The double car port with attached store now proposed would be sited to the side of the dwelling, set back from the front elevation. The scale of the main part of the structure would be comparable to a 'standard' size pitched roofed double garage/car port (5m x 6m with a ridge height of 3.8m) with a lower 'lean-to' side store. It is considered that the siting and distance from the dwelling, the modest scale, traditional design and materials would complement the dwelling under construction, adequately retain the open character of the site, and would be sympathetic to the rural character of School Lane.
43. With respect to the use of timber cladding, this is one of the most common materials used in the construction of domestic outbuildings, (for example sheds & summerhouses), and it is considered that a natural timber finish, which should weather, would help the structure to meld into the surroundings, in this context with a backdrop of mature trees. Furthermore, as the front elevation

facing School Lane would be predominantly open sided, the timber sections should not be prominent.

44. It also needs to be stressed that, whilst a condition was imposed on the planning permissions for the dwelling under construction to remove permitted development rights for outbuildings on the site, this does not mean that no further development can ever take place, rather it gives the Council control over such development which could normally be carried out as permitted development.
45. As with the permission for the dwelling, conditions can be imposed to ensure trees are protected during construction. A condition was also imposed on application 19/02622/FUL requiring the submission, approval and implementation of a landscaping scheme for the site. This condition has not yet been discharged (submission and approval are required prior to occupation of the dwelling) and it is envisaged that a landscaping scheme would include tree(s) to provide some screening of the driveway/parking area and car port.
46. In view of the above, it is considered that the proposal would not result in harm to the character and appearance of the Conservation Area, thereby preserving these characteristics. Due to the distance from the Martins Arms and other nearby listed buildings/structures, it is also considered that the proposal would not result in harm to the settings of adjacent and nearby listed buildings, which would be preserved. Consequently, the proposal achieves the objectives described as desirable in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
47. Policy 1 (Development Requirements) of LPP2 states that permission for new development will be granted provided that (amongst others) it does not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
48. In view of the siting, scale and design and use of the structure for the parking of vehicles and for storage, it is considered that there would be no significant adverse impact on the amenities of adjacent or nearby properties. It is also considered that, given the level of resultant built development in relation to the size of the site, the proposal would not result in over-intensive development.
49. The comments relating to the re-positioned access on the original plans in terms of a potential improvement in safety are noted. However, the access close to the north eastern boundary and access to the car park of the Martins Arms was approved previously, and there was no highway safety objection from County Highways.
50. The application was not subject to pre-application discussions and revised details were sought from and provided by the applicant during processing of the application resulting in an acceptable proposal.

## **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 plan(s): PL100C, PL110C.

[For the avoidance of doubt and to comply with policy 1 (Development requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The materials specified in the application shall be used for the external walls and roof 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 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. No works relating to construction of the car port/garden store shall take place until the existing trees and/or hedges which are to be retained have been protected in accordance with details approved under application ref. 20/01510/DISCON or, if alternative protection measures are proposed, details have been submitted to and approved in writing by the Borough Council. The approved protection measures shall be retained for the duration of the construction period, and no materials, machinery or vehicles shall be stored or temporary buildings erected within the perimeter of the fence, nor shall 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 construction of the development, and to comply with policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. If alternative protection measures are proposed, this condition needs to be discharged before works commences on site to ensure that measures are in place to ensure trees are protected during construction of the development].

5. The vehicular access, driveway and parking area shall only be constructed using a no-dig construction in accordance with the details to be previously submitted to and approved in writing by the Borough Council.

[To ensure trees are adequately protected during construction of the development and to comply with policy 37 (Trees and Woodlands) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

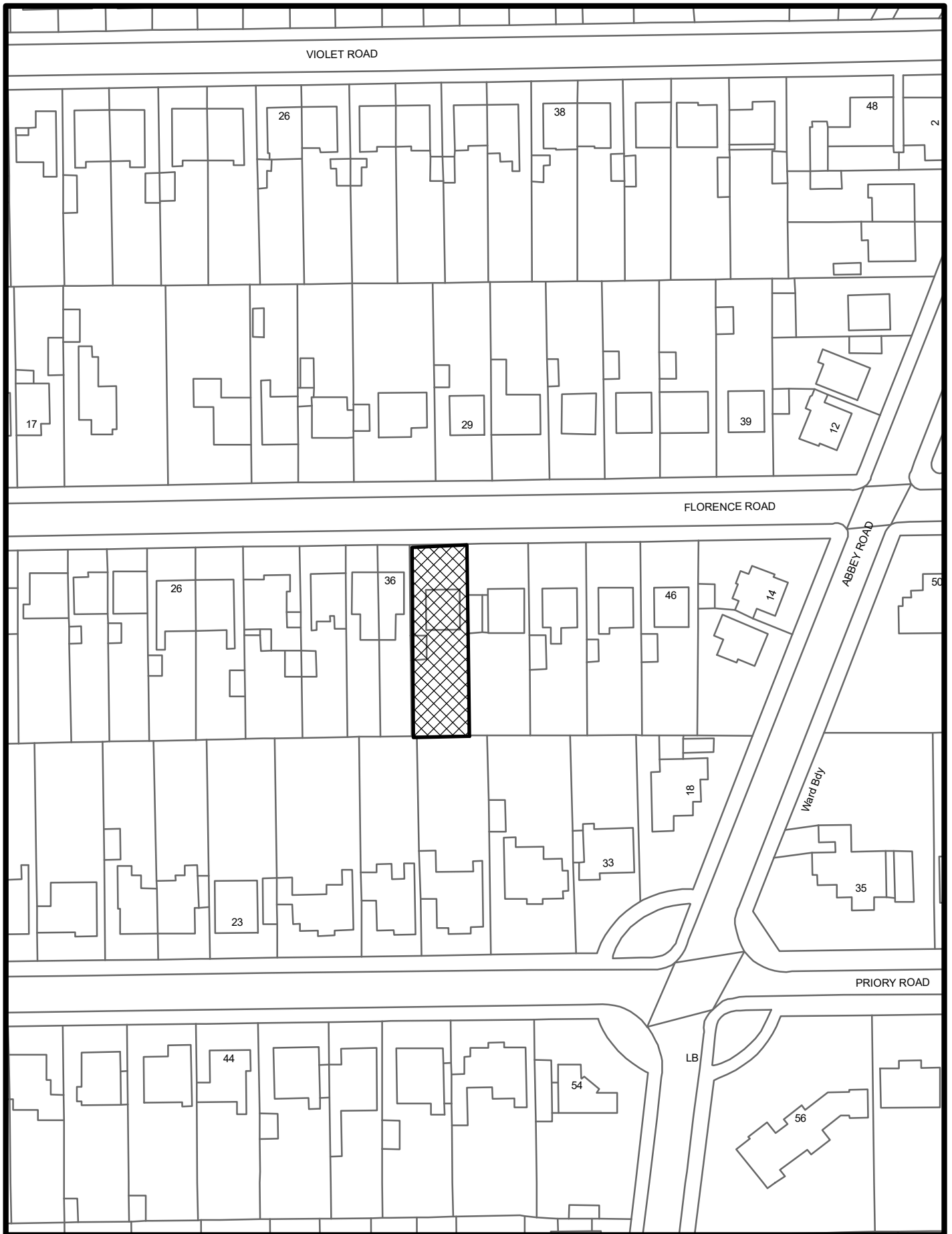
6. The car port/garden store shall not be brought into use until the vehicular access has been surfaced in a hard bound material for a distance of 5m behind the carriageway edge and provided with measures to prevent the discharge of surface water on to the public highway, and the visibility splays as shown indicatively on drawing SAL/1921/PPSD/10 submitted with application ref. 19/02622/FUL have been provided. These facilities shall be retained and the

area within the splays shall be kept free of all obstructions, structures or erections exceeding 1.05 metres in height for the lifetime of the development.

[In the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. Notwithstanding the provisions of Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no alterations shall be made to the external appearance of the car port/garden store without the prior written approval of the Borough Council.

[The development is of a nature and within an area whereby future development of this type should be closely controlled and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].



**Application Number: 20/03074/FUL**  
**38 Florence Road, West Bridgford**



scale 1:1000

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**20/03074/FUL**

**Applicant** Mr and Mrs Garrard

**Location** 38 Florence Road West Bridgford Nottinghamshire NG2 5HR

**Proposal** Proposed Two Storey and Single Storey Rear Extension, Side and Rear Dormer Windows to Existing Roof, New Front Porch and Internal Alterations (Resubmission of 20/02419/FUL)

**Ward** Trent Bridge

## THE SITE AND SURROUNDINGS

1. 38 Florence Road is a bay fronted redbrick detached dwelling of 1930's construction, to the western end of a row of five dwellings of similar design. The property has an original hipped roof finished in rosemary tiles whilst a two storey side extension with a low gabled roof extends to the west side of the property. The neighbouring property to the west is a redbrick Victorian semi-detached property, the front elevation of this property is set three metres forward of the front of the application dwelling. The neighbouring property has a traditional design including an 'L shaped' rear elevation created by a two storey rear wing shared with its adjoining neighbour to the west.
2. To the front of the property is a block paved parking area and low maintenance gravel gardens, whilst mature hedgerows mark the front and side boundaries. To the rear is a relatively large garden. There is an existing conservatory to the eastern side of the rear elevation, with a raised patio area situated to the western side of the garden. A gabled dormer with rosemary tile hanging has been constructed within the rear roof slope. The main garden is set down from the house by circa 0.4m and largely laid to lawn. The garden is bordered to the east by a mature hedgerow, to the south by notable tree planting and to the west by a close boarded fence of circa 1.6m in height, topped by decorative arched trellis to 1.8m in height.

## DETAILS OF THE PROPOSAL

3. The scheme as now described has been revised from the original submission, with revised consultations following the receipt of revised plans. This application seeks planning permission for a two storey and single storey rear extension, side and rear dormers to the roof, a new front porch and internal alterations.
4. The existing conservatory is to be removed. A mixed two storey and single storey rear extension is then proposed. The single storey element would have a basic form and shape with a depth of 3.9m across the rear of the existing house with a width of 9.675m, retaining a minor 25mm gap to the western boundary with 36 Florence Road, and retaining the existing 1.45m gap to the eastern boundary set by the existing property build line. This extension would have a part monopitched, part hipped roof, with eaves at 2.455m rising to a maximum height of 3.675m. The roof would contain roof lights to the south

(rear) and western slopes, set within vaulted ceilings to the ground floor spaces. Bi-folding doors and a single door and window are proposed to the rear elevation, with blank elevations to the sides.

5. First floor extensions of varying depths are then proposed above the single storey footprint. To the eastern side of the rear elevation at 2.4m deep first floor extension is proposed with a width of 4.82m, before stepping back 0.925m to a shallower 1.475m deep first floor extension closer the western side of the original rear elevation. Windows are proposed to the new first floor rear elevations whilst the roofs would be hipped with eaves at 5.005m to match the existing house.
6. To the second floor a new side dormer is proposed in the western plane of the roof. This feature would have a hipped roof with flat top set below the existing ridge of the dwelling. The feature would also be set back from the eaves and would contain two roof lights in the western slope of the roof. To the rear a gabled dormer is proposed with a ridge height to match the main ridge height, which would contain an apex window to the rear elevation. Three roof lights are proposed to the eastern roof slope.
7. To the front of the dwelling a new enclosed front porch is proposed with a footprint of 1.3m in depth and 3.395m in width. The porch would have a gabled roof with eaves at 2.495m to match the small monopitch to the garage, and a ridge at 3.81m allowing the existing first floor windows above to be retained.
8. All works are proposed in brick and tile to match the main house, with exception of the dormer window features which are proposed to be finished in black stained timber cladding.

## **SITE HISTORY**

9. Pertinent to the scheme now under consideration, an application was previously withdrawn in 2020 for a similar scheme of works following concerns with both design and impact on surrounding residential neighbours following concerns raised by local residents, the local ward member and officers. The site history can be detailed as follows:
  - 20/02419/FUL - Construction of two storey rear extension; roof heightened and extended to side and rear, including gable ended side dormer. Single storey rear extension. New Front Porch - WITHDRAWN
  - 08/00328/FUL - Two storey extension to side; alteration and extension to roof – approved (Implemented)
  - 06/01546/FUL – Conservatory – approved (Implemented)

## **REPRESENTATIONS**

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

10. One Ward Councillor (Cllr Bansal) objected to the initial submission, raising concerns that the scheme had not been significantly amended since the withdrawn application and that the scheme would still cause a loss of light to neighbours at 36 and 40 Florence Road.



11. Following the submission of revised plans, Councillor Bansal confirmed that he still objected to the scheme, noting that whilst he appreciated the scheme was scaled back, it would still block sunlight, particularly to neighbours at 36 Florence Road and their dining room.

### **Town/Parish Council**

12. Not applicable.

### **Statutory and Other Consultees**

13. No consultations required or responses received.

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

14. Three objections were received to the initial consultation. The concerns raised can be summarised as follows:
- a. The development would result in the substantial loss of light to the Kitchen, Dining Room/Home Office and conservatory at 36 Florence Road which face the development site.
  - b. The scheme would be contrary to design and amenity policies of the local plan parts 1 and 2.
  - c. The impacts on light and privacy will impact the health and well-being of occupants at 36 Florence Road.
  - d. The scheme will reduce the amenity value of the patio serving 36 Florence Road.
  - e. The side dormer windows will give a perception of being overlooked, with the windows serving a space which could be used as a snug and the windows providing oblique views of the patio at 36 Florence Road.
  - f. The 3 storey windows on the rear extension would overlook the gardens of 36 Florence Road.
  - g. The development has been designed from the inside out with internal space requirements influencing the external design. The resulting development with differing roof forms would be visually intrusive and unattractive and undermine the intention of policy to improve the character and appearance of the area.
  - h. The development would be over intensive for the site, which already has previous extensions.
  - i. A 3-storey extension within 1m of the 40 Florence Road boundary would significantly impact daylight to the neighbours kitchen, bedroom and conservatory, as well as their patio area.
  - j. A 4m deep, 5.3m tall blank brick wall, 1m inside the boundary would be overbearing and intrusive to the neighbours.

- k. There is no precedent for such a scale of works, and if such works were approved it may set a dangerous precedent for future schemes.
15. Three Objections were also received to the consultation on the revised plans. The concerns can be summarised as follows:
- a. The description of the scheme as a two-storey extension is inaccurate, the scheme is 3 storeys and should be rejected on that basis alone.
  - b. Over development of the site.
  - c. Impact on daylight to 40 Florence Road.
  - d. The scheme would create an oppressive and overbearing wall just 1m from 40 Florence Road.
  - e. There is no precedent for such a scale of works, and if such works were approved it may set a dangerous precedent for future schemes.
  - f. The scheme would harm the residential amenities of the neighbour at 40 Florence Road whose kitchen, bedroom and conservatory, as well as their patio area lie to the rear of the property and would suffer from overbearing and overshadowing impacts.
  - g. Building on/close to the boundary causes maintenance issues.
  - h. Significant loss of daylight to kitchen, dining room/home office and conservatory at 36 Florence Road.
  - i. Kitchen window outlooks obstructed by proposed brickwork.
  - j. Confirmation that previous concerns also remain.

## **PLANNING POLICY**

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

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

17. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
18. The NPPF includes a presumption in favour of sustainable development. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable

development. Decision-makers at every level should seek to approve applications for sustainable development where possible.

19. Achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective and an environmental objective, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives.
20. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
  - Chapter 2 - Achieving Sustainable Development
  - Chapter 12 - Achieving Well Designed Places

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

21. The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are relevant:
  - Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 10 - Design and Enhancing Local Identity
22. Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:
  - Policy 1 - Development Requirements
  - Policy 17 - Managing Flood Risk
23. The Rushcliffe Residential Design Guide states that extensions to existing dwellings need to adhere to many design principles, notably those addressing scale, proportion, building and roof lines and privacy. Extensions should be designed so they are not readily perceived as being merely 'add-ons' to the original building. As a general rule, the style and design of the original dwelling should remain the dominant element with the extension subordinate to it.

### **APPRAISAL**

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

Design

26. The concerns of local residents that the scheme represents poor design and overdevelopment of the site are noted. The property has been previously extended with a two-storey side extension, and a conservatory which is to be demolished as part of this proposal.
27. The proposed porch feature would be a modest structure to the property frontage with a gabled form and heights respecting the existing window arrangements to the property. This structure would be considered subservient to the character and appearance of the host dwelling, proportionate in size and detailing to the site and sympathetic to the character of the property.
28. The rear extensions would not be visible from the public realm, with the single and two storey rear extension schemes designed in a traditional vernacular with a mixture of hipped and monopitched roofs with eaves heights to match the main dwelling. The single storey extensions would remain clearly subservient to the main house whilst the limited extent of the two storey elements, with a maximum depth of 2.4m across the rear of the original house would be sympathetic to the overall design and not any unduly dominant features. As such the two storey and single storey rear extensions would be considered to represent sympathetic additions to the host property that would protect the character and amenity of the area.
29. The basic footprint of the extent of works would measure some 3.9m in depth from the rear of the original property at ground floor level, across the width of the property. It is not considered the proposal would represent a quantum of development which would, in principle, be over intensive for the site, with the dwelling retaining a circa 16m plus deep garden space.
30. The roof alterations include a hipped side dormer that would have a ridge set some 0.25m below the ridge of the main house, and eaves for the hip set to match the ridge of the existing two storey side extension, creating an appearance that would sit more sympathetically against the pyramidal roof form of the original house, as seen from the street scene. It is considered that the revised form and massing of this structure would sit subserviently with the host property and sympathetically within the street, not creating any over dominant form of development within the street.
31. To the rear a hip to gable type dormer window is proposed with a ridge line matching the original house, creating a 5.5m deep ridge to the main house. The dormer scheme would link into the roof of the two storey rear extension, bringing a gabled dormer some 1.2m further back into the site than the existing rear gable dormer on the house, which has a slight set down ridge. This aspect would have very limited visibility from the street due to the positioning of neighbouring properties and other extensions, and overall this structure would not be considered to harm the character and appearance of the host dwelling and wider area, remaining sympathetic to the general characteristics of the area, and not representing any form of significant overdevelopment of the site.
32. The scheme proposes the use of matching rosemary roof tiles, matching brickwork and black timber cladding to the dormer windows. These materials would be considered appropriate to ensure a sympathetic scheme, and an appropriately worded planning condition regarding the use of the specified

materials is considered prudent. It is therefore considered that the proposal would comply with policy 10 (Design and Enhancing Local Identity) of LPP1 and policy 2 (Development Requirements) of LPP2.

### Amenity

33. In terms of amenity, the proposed porch extension would not cause any adverse amenity impacts to neighbours by virtue of its scale, massing, design and location.
34. To the rear, the site has two adjacent neighbours, and the concerns of both adjacent neighbours with regard to impacts on their property are noted. The neighbouring property to the east of the site at 40 Florence Road represents a property of matching original design, albeit the property has historically had a two-storey side extension extending closer to the application property. 40 Florence Road sits circa 0.5m further back in its plot than the application property, with circa 2.5m between the side of 40 Florence Road and the side of 38 Florence, the application property. The proposed two storey element would have a depth of 2.4m with a blank side wall, and a gabled roof to the rear. The boundary between the sites is of 2m in height, with the neighbour's gardens laid out with the patio closest the boundary. The closest windows at the neighbouring address are a kitchen window at ground floor, and a bedroom window at first floor.
35. Given the site layouts, the first floor extensions would only extend circa 2m beyond the rear of the neighbouring property (40 Florence Road), and as such given the site separation distances, the two storey element would not be considered to give rise to any potential overbearing impacts to this neighbour. No side windows to the extension are proposed, with the new first floor rear window not giving rise to any direct overlooking concerns. In terms of any overshadowing, the two-storey element would have a hipped roof sloping both away from the boundary and back from the extension's furthest extent, minimising massing as visible to the neighbour. Whilst the extension would be due west of this neighbour, given its more limited depth beyond the rear of the neighbouring property, its design and its separation, it is not considered that the scheme would raise any significant overshadowing concerns.
36. The single storey elements with a monopitched roof would not raise any significant concerns for impact to the neighbour at No. 40 given the heights proposed with eaves at 2.455m, a ridge at 3.675m and a depth of 2.5m beyond the two storey scheme. Whilst visible to the neighbour this element would not be considered of such significant size or scale to give rise to any significant amenity impacts.
37. In terms of other works, the roof alterations would be set back behind the build line of the neighbouring property and as such would have limited visibility or impact on the neighbour at 40 Florence Road. In terms of privacy, the new ground floor windows to the east elevation of the property would face the blank side elevation of 40 Florence Road, with 3 new roof lights also proposed at less than 1.5m from floor level to the second-floor office/bedroom and landing. Subject to the second-floor roof lights being fixed shut and obscure glazed, the fenestration proposed would not be considered to cause any undue overlooking concerns. The second-floor space is would be served by other

windows which would not need to be subject to such restrictions, which would be considered reasonable to ensure adequate amenities for occupants.

38. Notwithstanding the neighbour's concerns, it is not considered that the revised scheme under consideration would result in any significant impacts on amenity from either overlooking, overshadowing or overbearing, to the neighbour to the east at 40 Florence Road.
39. To the west of the site lies 36 Florence Road, a semi-detached property of traditional design with an 'L shaped' rear elevation. The setback rear elevation contains a primary dining room window, whilst the east facing side of the rear wing contains two kitchen windows. To the rear of the kitchen (south), lies a small conservatory space which appears to be a separate room to the kitchen.
40. The proposed extension to the eastern side of the application site would be 3.9m deep along the boundary with an eaves height of 2.455m. When combined with the existing side extension at 38 Florence Road, development would extend circa 7m beyond the setback rear elevation of 36 at single storey level.
41. The ground floor extension would have a hipped roof rising away from the boundary with eaves at 2.455m and a ridge at 3.655m. Whilst the structure would make a marked change from the existing situation, where the boundary is defined by a 1.8m fence and trellis, and would result in some early morning additional shadowing, it is not considered that the form and massing of this single storey extension, with particular reference to the structures height, would cause any significant overbearing or overshadowing impacts so as to warrant a reason for refusal based upon harm to the reasonable residential amenities of neighbouring residents.
42. The two storey works have been reduced in scale and depth since previous schemes, and would remain just outside the 45 degree line of site taken from the dining room window at 36 Florence Road. Whilst again the changes with the extensions and roof additions would result in a significant change to the neighbours outlook, by virtue of the revised design, detailing and reduced scale and massing, it is considered that, on balance, the scheme would not result in any significant overbearing or overshadowing impacts to the main living spaces at 36 Florence Road and the associated private amenity areas.
43. In terms of privacy, the scheme proposes two roof lights within the west roof slope of the dormer window. These windows would face the side return of 36 Florence Road and potentially offer views further south to the neighbours private gardens, however the windows would be more than 1.9m above floor level of the room they would serve, with one serving the bedroom/office and one serving the stairwell. As such these windows would not be considered to present any potential overlooking concerns. The windows to the rear of the property would not be considered to raise any undue concerns with outlook to the sites own gardens, resulting in a relationship which is not uncommon in built up areas.
44. Having regard to the above considerations, it is considered that the proposal would not conflict with policy 1 (Development Requirements) of the LPP1.

### Flood Risk

45. In relation to flood risk, it is noted that the property is situated within the flood zone and so it must adhere to the Governments standing advice on householder development within a flood risk area. The advice states that all new development must be situated on the same level as the existing dwelling or 300mm above existing flood levels. It is considered that the proposal adheres to these requirements with the floor level in the extensions matching the floor level in the existing property. This therefore achieves the requirements of Policy 17 of the LPP2.

### Other

46. Some matters of property maintenance have been raised, however this represents a private legal matter between the two parties and is not material to the consideration of the application. Appropriate informative notes regarding works on or over other peoples' land, The Party Wall Act, and land ownership issues are considered prudent. There is no policy requirement for works to be inset from any boundary for maintenance reasons. The discussion of 'precedent' for such scale of works is also noted in neighbour comments, however each application must be considered on its own planning merits, notwithstanding what may or may not have been approved elsewhere.

### Conclusions

47. After examining the above proposal and assessing it against the policies set out in the development plan for Rushcliffe, the scheme is considered acceptable and it is recommended that planning permission is granted.
48. This application was not the subject of pre-application advice but does represent a revised submission to a previously withdrawn scheme. Following the submission of the application, the applicant was engaged further to discuss improvements that could be made to the scheme to overcome outstanding concerns raised by members of the public, the ward councillor and officers alike. Following positive and proactive discussions, revised plans were received which were considered to address the officer concerns, resulting in a recommendation to grant planning permission.

## **RECOMMENDATION**

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

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

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

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

- Proposed Floor Plans, Elevations, Site Block Plan & OS Plan – '907.002 Rev.G' - Received 14/04/2021;

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The materials specified in the application shall be used for the external walls and roof of the development hereby approved as identified on the approved plans, and no additional or alternative materials shall be used, unless they have first been submitted to and approved by the Borough Council.

[To ensure the appearance of the development is satisfactory and to comply with policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. The 3 roof lights hereby approved in the western side of the main roof, serving the second floor office/bedroom and landing as shown on the submitted plans shall be permanently obscure glazed to group level 5 security and fixed shut. The windows shall be 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 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan part 1: Core Strategy and policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

## **NOTES TO APPLICANT**

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

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.

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

The 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.