

**When telephoning, please ask for:** Tracey Coop  
**Direct dial** 0115 914 8511  
**Email** democraticservices@rushcliffe.gov.uk

**Our reference:**  
**Your reference:**

**Date:** Wednesday, 1 September 2021

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 9 September 2021 at 2.30 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 12 August 2021 (Pages 1 - 4)
4. Planning Applications (Pages 5 - 18)  
The report of the Director for Development and Economic Growth.
5. Planning Appeals (Pages 19 - 22)  
The report of the Director for Development and Economic Growth.

Rushcliffe Borough  
Council Customer  
Service Centre

Fountain Court  
Gordon Road  
West Bridgford  
Nottingham  
NG2 5LN

**Email:**  
customerservices  
@rushcliffe.gov.uk

**Telephone:**  
0115 981 9911

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

**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, D Mason, F Purdue-Horan and C Thomas

<b>Meeting Room Guidance</b>
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**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.

<b>Recording at Meetings</b>
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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, 12 AUGUST 2021**

Held at 2.30 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West  
Bridgford

**PRESENT:**

Councillors R Upton (Chairman), S Bailey, N Clarke, B Gray, D Mason,  
M Barney, R Butler, R Jones, J Murray, K Shaw and A Phillips

**ALSO IN ATTENDANCE:**

2 members of the public

**OFFICERS IN ATTENDANCE:**

T Coop  
E Dodd  
M Hilton  
L Webb

Democratic Services Officer  
Principal Area Planning Officer  
Area Planning Officer  
Democratic Services Officer

**APOLOGIES:**

Councillors Mrs M Stockwood, P Gowland, L Healy, A Major, F Purdue-Horan  
and C Thomas

**4 Declarations of Interest**

There were no declarations of interest.

**5 Minutes of the Meeting held on 29 July 2021**

The minutes of the meeting held on 29 July 2021 were approved as a true  
record of the meeting.

**6 Planning Applications**

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

**21/01402/FUL – Ground and first floor extensions to rear including rear  
dormer with Juliet balcony – 17 Alford Road, West Bridgford, Nottingham.**

Updates

Additional representations were received after the agenda had been published  
and were circulated to the Committee before the meeting. This included a  
comment from an objector and an amendment to condition 4.

In accordance with the Council's Public Speaking Protocol for Planning Committee Graham Pedlar (applicant), Paul Sweeney (objector) and Councillor Penny Gowland (ward Councillor – written statement) addressed the Committee.

## **DECISION**

### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

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: Location Plan, 70421/4 (Proposed Ground Floor), and 70421/6 (Proposed Second Floor), received on 5 May 2021; and 70421/7A (Proposed Elevations), and 70421/5A (Proposed First Floor), received on 7 July 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 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 Local Plan Part 2: Land and Planning Policies].

4. The Juliet balcony shall be fitted with a fixed balustrade in accordance with drawing 70421/7A prior to the development being brought into use and the area of flat roof in front of the Juliet balcony must not be used as a balcony, and notwithstanding the details shown in drawing 70421/7A a roof garden, or any other similar amenity area whatsoever for the lifetime of the development.

[To protect the occupiers of neighbouring properties from adverse overlooking/loss of privacy 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].

## 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 a household extension provided that the floor space does not exceed 100sqm. 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.

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.

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).

## 7 Planning Appeals

The report of the Director – Growth and Economic Development was submitted and noted.

The meeting closed at 3.11 pm.

CHAIRMAN

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## Planning Committee

9 September 2021

## Planning Applications

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

#### 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 Director - Development and Economic Growth, 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.

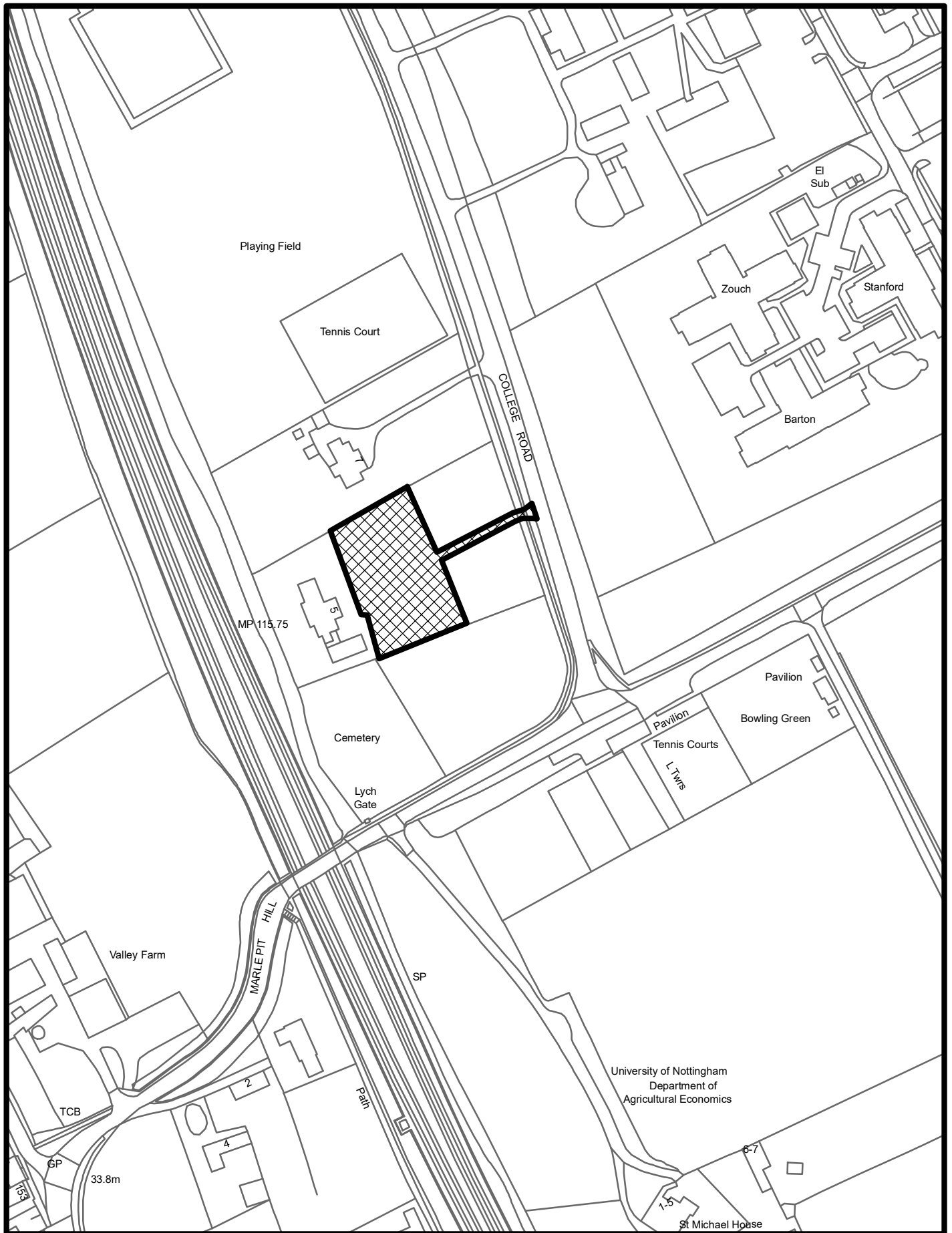
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
<a href="#">21/01613/VAR</a>	Land Off College Road, College Road, Sutton Bonington, Nottinghamshire, LE12 5RA  Variation of Condition 2 (the approved drawings) of planning permission 19/02559/VAR to reflect changes to approved plans (Roof pitch to Plot 1 lowered to reduce overall ridge height. Porch design alterations).	7 - 17
<b>Ward</b>	Sutton Bonington	
<b>Recommendation</b>	Planning permission be granted subject to conditions.	

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**Application Number: 21/01613/VAR**  
**Land Off College Road, Sutton Bonington**



scale 1:2000

page 7

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# 21/01613/VAR

**Applicant** Ms Judith Evans

**Location** Land Off College Road College Road Sutton Bonington  
Nottinghamshire LE12 5RA

**Proposal** Variation of Condition 2 (the approved drawings) of planning permission 19/02559/VAR to reflect changes to approved plans (Roof pitch to Plot 1 lowered to reduce overall ridge height. Porch design alteration).

**Ward** Sutton Bonington

## THE SITE AND SURROUNDINGS

1. The application site comprises a rectangular parcel of land set back from College Road in the built-up part of Sutton Bonington. To the east (across College Road) is the University campus. To the west (rear) of the site is a large detached dwelling known as Wayside. To the south are two large, two-storey detached dwellings (No. 1 and No. 3 College Road), which share a vehicular access with Wayside. The eastern site boundary is shared with no 7 College Road (also known as Hillcroft), a large detached property with extensive curtilage.

## DETAILS OF THE PROPOSAL

2. The application seeks planning permission for the Variation of Condition 2 (the approved drawings) of planning permission 19/02559/VAR to reflect changes to approved plans (Roof pitch to Plot 1 lowered to reduce overall ridge height, porch design alteration, installation of new window and the addition of a flue) at Land Off College Road, Sutton Bonington.
3. The proposed development would have a maximum height of 7.36m dropping to 5.09m at the eaves. The width would be 14.62m and a depth of 9m. A front porch is also proposed with a height of 3m, a width of 4.1m and would project 1.1m from the front elevation. The proposed material finish is as follows:
  - Roof - Zinc cladding
  - Walls - Timber cladding
  - Windows - Dark grey aluminium
  - Rainwater goods/guttering - Black upvc
4. A number of variations are proposed to the works approved under application 19/02559/VAR, these are as follows:
  - Reduction in height of the pitch roof from 8.6m to 7.36m incorporating a 30 degree pitch roof.
  - Erection of a front porch.
  - One window has been proposed to the side elevation (South East).
  - Addition of a flue.

- The proposed material finish would now be timber cladding on the side elevations to match those proposed on the front.

## **SITE HISTORY**

5. 18/00663/FUL – Planning permission was granted for the ‘Erection of two detached dwelling on the 22<sup>nd</sup> March 2018.
6. 19/02559/VAR - Planning permission was granted for the ‘Variation of condition 2 of planning permission 18/00663/FUL to allow changes to the house design’ on the 17th January 2018.
7. 20/00290/DISCON – A planning application was submitted seeking to ‘Discharge Conditions 4 (Ground floor and levels), 5 (Landscaping scheme) and 6 (Tree and hedge protection) of planning permission 19/02559/VAR. The conditions were discharged on the 17<sup>th</sup> January 2020.

## **REPRESENTATIONS**

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

8. The Ward Councillor (Cllr Barney) commented on the 18th June 2021 noting no objection to the development. On the 19th June 2021, Cllr Barney then raised an objection to the development, noting his objection was in line with Parish Council’s response. Further correspondence from the Councillor has expressed concern that plot 1 is a departure from the precedent set by the other four plots on the site

### **Town/Parish Council**

9. Sutton Bonington Parish Council have raised an objection to the proposed variations, noting the following:
  - An inappropriate alteration in the pitch of the roof from 45 to 30 degrees.
  - The alteration in the pitch of the roof will mean the roof appears shallower.
  - The alteration in the pitch of the roof will therefore not be in keeping with the neighbouring properties.
  - The alteration will mean that it is not in keeping with the rest of Sutton Bonington

### **Statutory and Other Consultees**

10. Nottinghamshire County Council as Highways Authority have raised no objection to the proposed development.
11. Nottinghamshire County Council Archaeology Officer has comments or recommendations to offer.

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

12. During the consultation process, five neighbours from three properties have raised concerns. Their comments have been summarised below:

- a. Altering of the roof would be out of keeping with the character of the area.
- b. Other properties have a 45 degree angle roof.
- c. Foundations have been poured.
- d. Cladding has also been changed.
- e. Window and door on the SE elevation should be opaque.
- f. No justification why the proposed changes are required and confused as to why the applicant has applied.

## **PLANNING POLICY**

- 13. 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).
- 14. Other material considerations include the 2019 National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance), and the 2009 Rushcliffe Residential Design Guide.

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

- 15. National Planning Policy Framework and National Planning Practice Guidance
  - The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.
- 16. The National Planning Policy Framework (NPPF) 2021 seeks to ensure the planning system contributes to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, 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). These objectives are:
  - Economic
  - Social
  - Environmental
- 17. Additionally, the NPPF is underpinned by the need to secure good design. The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

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

18. LPP1 sets out the overarching spatial vision for development Rushcliffe Borough to 2028 and provides the planning framework for the other documents including Rushcliffe Local Plan Part 2: Land and Planning Policies (2019). It provides the statutory planning framework for the borough. The Local Plan will be used to guide decisions on planning applications and areas where investment should be prioritised.
19. The Plan contains a vision, objectives and an overall strategy for development. It includes policies on both the scale of development and its overall pattern across the borough. It allocates many of the sites that are needed to accommodate new development along with areas to be protected or enhanced.
20. Policy 1 of LPP1 reinforces a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). The development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. The development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby the development shall be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
21. Policy 1 (Development Requirements) of LPP2, in particular criteria 4, relating to scale, density, height, massing, design, layout and materials, is relevant to the determination of this application.

## **APPRAISAL**

### Principle of the development

22. The principle of erecting a dwelling on the land has been established through the approval of application ref: 18/00633/FUL which granted permission for two detached dwellings. The application proposes to vary the proposed height of the roof, while also seeks to implement a number of alterations including a front porch, materials finish and installation of windows. As such, it is considered that the principle of the development has been established.

### Impact upon the character of the area

23. LPP1 policy 10, Design and Enhancing Local Identity, states that development should make a positive contribution to the public realm and sense of place and should have regard to the local context and reinforce valued local characteristics. Development should be assessed, amongst other things, in terms of its massing, scale, proportions, materials, architectural style and detailing. This is reinforced under policy 1 of LPP2, which also states that development should be sympathetic to the character and appearance of neighbouring buildings and the surrounding area.

24. Chapter 12 of the NPPF is concerned with achieving well-designed places. Specifically, it requires that development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. Development should also be visually attractive as a result of good architecture, layout and landscaping and should be sympathetic to local character and history and maintain a strong sense of place.
25. As noted above, the proposed development seeks alterations to plot 1 which was approved under application ref: 18/00633/FUL, with variations also approved under application ref: 19/02559/VAR. The variation sought would have a maximum height to ridge of 7.36m dropping to 5.09m at the eaves. The width would be 14.62m and a depth of 9m. A front porch is also proposed with a height of 3m, a width of 4.1m and would project 1.1m from the front elevation. Several variations are proposed to the works approved under application 19/02559/VAR, these are as follows:
- Reduction in height of the pitch roof from 8.6m to 7.36m. incorporating a 30 degree pitch roof.
  - Erection of a front porch.
  - One window has been proposed to the side elevation (South East).
  - Addition of a flue.
  - The proposed material finish would now be timber cladding on the side elevations to match those proposed on the front.
26. In term of design, the proposed roof alteration to the dwelling would result in a development with a similar height which was approved under application ref: 18/00633/FUL. The original development approved under this application had a maximum height of 7.6m, while the development would have a similar footprint which was approved under the variation of condition application 19/02559/VAR. The siting and orientation of the dwellings would not materially alter from that approved.
27. The proposed front porch and the addition of a flue is considered to be a modest addition to the property and has been designed in a manner which complements and enhances the main dwelling. The proposed materials include timber cladding to the walls, dark grey aluminium to the windows and zinc roofing is considered to be acceptable, with the proposed window on the first floor side elevation (SE) not considered to have a detrimental impact upon the character of the dwelling.
28. It is considered that the proposed alterations will not affect the cohesive form of the development that when viewed from College Road will provide a pleasant collection of rooflines and forms that have the same palette of materials, the same features and yet individual interest too. It is noted that there are a variety of house types and styles in the locality, with the adjacent dwellings to the south (No. 1 and No. 3 College Road) being contemporary in design and finished in wooded cladding/ render with red tile roofs, whilst the dwelling to the west (Wayside) is more traditional in character.
29. Therefore, having taken the above information into account, it is considered that the proposed alteration would not result in an incongruous or inappropriate form of development in the streetscene. Overall, the scale and design of the

development proposal is considered acceptable and in accordance with LPP1 Policy 10, Policy 1 of the LPP2 and the NPPF.

#### Impact upon residential amenity

30. LPP1 policy 10 states that development should be assessed in terms of its impact on the amenity of nearby residents. This is reinforced under policy 1 of LPP2, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
31. The potential for impact on residential amenity was considered as part of the determination of planning application 18/00663/FUL. Whilst the principle of the dwellings has been established, this application proposes to reduce the height of the roof for plot 1 which was approved under 19/02559/VAR and includes a new window which require due consideration.
32. The proposal seeks to reduce the height of the development from 8.6m to 7.3m. In terms of impact on neighbouring properties, the Delegated Report for planning application 18/00663/FUL, which had a maximum height of 7.6m, stated that '...it is not considered that the Hillcroft to the north would be adversely affected by the proposed development due to the extensive grounds it sits within and the mature trees and landscaped edge to the northern site boundary...nor is it considered that the proposal would result in unacceptable overlooking or loss of privacy to no.3 College Road nor to Wayside to the rear of the proposed properties'. It is not considered that the proposed alterations to the dwellings would alter this conclusion.
33. The proposed front porch is not considered to result in any overlooking, loss of privacy or overshadowing to the adjoining properties, while the proposed flue is not considered to be detrimental to the amenity of the neighbouring properties.
34. It is acknowledged that a new window opening has been proposed to the first-floor side elevation (SE), this window has not been annotated as obscure glazed. Two windows on the first-floor side elevation (NW) have also not been annotated as obscure glazed. It is considered that while these windows have to potential to result in overlooking upon adjoining properties, a condition can be attached ensuring that these windows are fitted with obscure glazing which would mitigate any impact.
35. Therefore, taking the above information into account, it is considered that the proposed alterations would not have a detrimental impact upon the residential amenity of the adjoining properties.

#### Impact upon highway/parking

36. Nottinghamshire County Council as Highways Authority have been consulted regarding the proposed alteration, in which they have raised no objection to the proposed development. Taking into account, the above information, officers are of the view that the proposed alterations are not detrimental to highway safety.



### Third Party Representations

37. During the consultation process, a number of objections have been received regarding the proposed alterations to the dwelling. Objections have been received from the ward councillor, Sutton Bonington Parish Council and members of the public. The objections have been summarised below and will now be addressed:
- Altering of the roof would be out of keeping with the character of the area.
  - Other properties have a 45 degree angle roof.
  - Cladding has also been changed.
38. As noted within the 'Impact upon the character of the area' section of the report, the proposed alterations will not result in an incongruous form of development as there are a variety of house types and styles within the locality.
39. Window and door on the SE elevation should be opaque - Officers have acknowledged this within the 'Impact upon residential amenity' section of the report, noting that a condition is recommended to ensure that the windows on the side elevation are obscure glazed.
40. Foundations have been poured - it should be noted that the application site has planning permission approved under 18/00663/FUL and 19/02559/VAR, therefore, development is commencing in accordance with the approval on the site.
41. No justification why the proposed changes are required and confused as to why the applicant has applied - Due to the nature of the application, there is no validation requirement for the applicant to provide a statement or justification. The documents provided with the application were sufficient to validate the application and being the formal process of assessing the development.

### Conclusion

42. The proposal would be visually acceptable, would not impact on residential amenity and would not be harmful to highway safety. There would also be no adverse impact on the character and appearance of the area. Accordingly, the proposed development is considered to conform with the objectives of Policies 1 and 10 of the LPP1, Policy 1 of the LPP2 and the Design Guide. The application is therefore recommended for approval subject to conditions.
43. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

### **RECOMMENDATION**

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

1. The development hereby permitted shall be carried out strictly in accordance with the following approved drawings, received on the 25th May 2021:

- 2001-P1-101-PLOT 1-FLOOR PLANS
- 2001-P1-101-PLOT 1-ELEVATIONS

[For the avoidance of doubt having regard to policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies]

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

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 of the Local Plan Part 2: Land and Planning Policies].

3. Occupation of the approved dwellings shall not take place until the access driveway has been surfaced in a bound material (not loose gravel) to a width of 4.25m for a minimum distance of 5.0 metres behind the highway boundary, as shown on drawing no. 17009 PA04 and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[In the interest of highway safety and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

4. Prior to the occupation of the development, details of all screen fencing/ walling and means of enclosure to be erected on the site shall be submitted to and approved in writing by the Borough Council. Details to be submitted shall include the precise location, appearance and scale of all means of enclosure within the site. The development shall not be brought into use until the approved screen fencing/walling and means of enclosure have been completed, and they shall be retained thereafter.

[In the interest of amenity and to comply with Policy 1 of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

5. The proposed windows on the first-floor side elevations (SE and NW) of the development hereby permitted must be:
  - a) non-opening to a height of 1.7m from internal floor level, and;
  - b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, the 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 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**

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.

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## Planning Committee

9 September 2021

## Planning Appeals

<b>LOCATION</b>	173 Loughborough Road West Bridgford Nottinghamshire NG2 7JS		
<b>APPLICATION REFERENCE</b>	20/01817/FUL		
<b>APPEAL REFERENCE</b>	APP/P3040/W/20/3262617		
<b>PROPOSAL</b>	Change of Use from Dental Surgery (Use Class D1) to A Place of Worship (Use Class D1)		
<b>APPEAL DECISION</b>	Appeal Allowed	<b>DATE</b>	10th May 2021

### PLANNING OFFICERS OBSERVATIONS

A planning application was submitted for the change of use of the premises from a dental surgery (use class D1) to a place of worship (use class D1). Whilst the use of the premises as a dental surgery and a place of worship fall within the same use class, the planning permission for the use of the premises as a dental surgery was the subject of a condition limiting the authorised use to that for which planning permission was sought and no other purpose within class D1.

The application for the use of the premises as a place of worship attracted significant interest from local residents, both opposing and supporting the proposal. During the consideration of the application, concerns were expressed about the potential for the activity to cause noise and disturbance, particularly late at night and into the early hours of the morning. Officers considered that the use of the premises would only be acceptable if the hours of operation were controlled by condition and an agreement was reached with the applicant's agent that any permission that may be forthcoming would be subject to an appropriate condition in this respect. The application was due to be considered by the Planning Committee and a report was published with a recommendation to grant planning permission subject to appropriate conditions. However, several days before the meeting, the Borough Council received notification that an appeal against the non-determination of the application had been lodged with the Planning Inspectorate. The matter was still considered by the Planning Committee in order to provide an indication of what the Council's decision would have been if it had maintained jurisdiction over the determination of the application. The Planning Committee resolved that planning permission would have been refused on grounds that the proposal provided inadequate parking and that the proposed operating hours were unsociable and therefore would cause noise and disturbance to residents early in the morning and late at night.

In determining the appeal, the Inspector identified the main issues as:

- The effect of the proposal on the living conditions of the occupants of nearby properties with particular regard to noise and disturbance.
- The effect of the proposal on the safe and efficient operation of the highway network in the vicinity of the appeal site.

In terms of the living conditions of the occupants of nearby properties, the Inspector noted that the proposal did not involve any external physical alterations to the building. He also noted that the proposed car parking layout included the retention of 6 existing spaces accessed off Chaworth road and 8 spaces accessed off Loughborough Road. The appellant had indicated that up to 14 worshippers only would use the facility at any one time. Weekday prayer services would occur up to 5 times per day for periods of approximately 15 to 30 minutes during sunrise, lunchtime, late afternoon, evening and sunset. On Fridays there would be a 45 minutes prayer between 13.45 hours and 14.00 hours. Evening prayer during Ramadan would take place for 90 minutes and on two other occasions during the year (Eid) 90 minutes prayer would be undertaken.

The Inspector noted that the building was of relatively modern construction and that there was no evidence to suggest that the proposed use in which prayer would occur within the confines of the building would cause unacceptable levels of external noise to be generated. He did acknowledge that use of the car park and the associated coming and goings of vehicles, particularly late at night and early morning, has the potential to generate noise and disturbance. However, in considering this aspect of the proposal he was mindful that this part of Loughborough Road is well trafficked and serves a 24 hour superstore and it was therefore reasonable to assume that there is already some background vehicle noise occurring at unsociable hours. He also considered that the size of the premises would limit the number of persons it can accommodate.

The Inspector took into account the condition recommended by the Council to control the operating hours of the premises, however, he did not consider that such a condition was necessary. Furthermore, he considered that it would be unusual and unreasonable to place a restriction on the time period when worship could occur. He concluded that the proposal would not unacceptably harm the living conditions of the occupants of nearby properties in respect of noise and disturbance.

The inspector also considered the impact of the use of the premises on highway safety. He noted that the appeal site is reasonably accessible by means other than the car, the proposal provides for 14 car parking spaces located within the site. He also noted that Nottinghamshire County Council, in its capacity as highway authority, considered that the proposal would not result in severe impacts to the safe operation of the highway network. Notwithstanding the sustainable location of the site from an accessibility perspective, he found the proposed parking arrangements to be adequate for the use proposed, particularly having regard to the limited size of the building, and that there was no substantive evidence to demonstrate that the proposed use would cause an unacceptable impact on highway safety. He concluded that the proposal would not result in any unacceptable effects on the safe and efficient operation of the highway network in the vicinity of the appeal site.

The Inspector allowed the appeal subject to a number of conditions, including a requirement for a Noise Management Plan, details of flood resilience measures, parking provision and a requirement for a travel plan and travel plan monitoring. He did not impose a condition limiting the hours of use of the premises.

### **Application for an Award of Costs**

The appellant made an application for an award of costs against the Council on the grounds that it acted unreasonably by seeking to impose a condition identified on the Officer's recommendation report to approve planning permission with a restriction relating to the hours of use; and that a Council Ward Member refused to remove their objection to the proposal against an alleged background of statutory consultees removing their objection.

With regard to the suggested condition restricting operating hours, the Inspector considered that the Officer's report identified that the reason for the suggested condition was to safeguard the amenities of neighbouring/nearby properties. Given the nature of the intended use, with prayers occurring at sunrise and sunset, and the proximity of adjacent residential properties, he did not find that the Council's approach to consider a restriction on the hours of use to be unreasonable. Whilst he found differently to the Council on this matter, he commented that it does not mean the concerns had no basis.

Notwithstanding the Council's decision on the planning application, had it been in a position to formally determine it, the disputed condition was a recommendation that was not accepted by Members of Planning Committee. The Inspector considered that the Officer had reasonable concerns regarding the effect of the intended use on living conditions to justify the suggested condition and that Members of Planning Committee were quite entitled to take it into account and come to a different view in their consideration of the application. He concluded that these actions did not constitute unreasonable behaviour.

On the matter regarding the position of the Ward Councillor, the Inspector commented that a local Ward Councillor is quite entitled to exercise judgement and maintain objections where they have a legitimate basis. The fact that a Councillor may have a different view to Officers, statutory consultees and the appellant does not in itself constitute unreasonable behaviour.

The application for an award of costs was refused.

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