

When telephoning, please ask for: Tracey Coop
Direct dial 0115 914 8481
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Our reference:
Your reference:
Date: Wednesday, 5 January 2022

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 13 January 2022 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 9 December 2021 (Pages 1 - 4)
4. Planning Applications (Pages 5 - 26)
The report of the Director - Development and Economic Growth.

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8.30am - 4.30pm

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Rushcliffe Arena
Rugby Road
West Bridgford
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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

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, 9 DECEMBER 2021**

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

PRESENT:

Councillors R Upton (Chairman), Mrs M Stockwood (Vice-Chairman), S Bailey, P Gowland, B Gray, L Healy, D Mason, F Purdue-Horan, C Thomas, R Butler and R Jones

ALSO IN ATTENDANCE:

R Barlow – Browne and Jacobson Solicitors
S Hopkins – Browne and Jacobson Solicitors
Leanne Ashmore – Director for Development and Economic Growth
Two members of the public

OFFICERS IN ATTENDANCE:

A Ashcroft	Planning Services Consultant
E Dodd	Principal Area Planning Officer
M Hilton	Area Planning Officer
P Taylor	Area Planning Officer
T Coop	Democratic Services Officer

APOLOGIES:

Councillors N Clarke and V Price

18 Declarations of Interest

As Nottinghamshire County Councillor's and members of Nottinghamshire County Council's planning, Councillor R Upton, Councillor R Butler and Councillor F Purdue-Horan declared a non-pecuniary interest on application 21/00804/CTY and would not take part in the discussion and vote.

As a Nottinghamshire County Councillor, Councillor P Gowland declared a non-pecuniary interest on application 21/00804/CTY and would not take part in the discussion and vote.

Councillor C Thomas declared an interest as Ward Councillor on application 21/00804/CTY.

19 Minutes of the Meeting held on 11 November 2021

The minutes of the meeting held on 11 November 2021 were approved as a true record and signed by the Chairman.

20 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.

21/01636/FUL – Erection of 2 No. Poly Tunnels for the growing of flowers – The Old Rectory, Church Lane, Widmerpool, Nottinghamshire, NG12 5PW.

Update

There were no updates to report for this application.

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: 21-022-PL-107A Rev A (Location Plan as Proposed), 21-022-PL-108 (Site Plan as Proposed), and 21-022-PL-115 (Plans and Elevations as Proposed), received on 8 July 2021.

[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].

3. Should the horticultural business use cease then the polytunnels shall be removed including any areas of hardstanding and returned to its former condition within 1 month of the use ceasing.

[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].

21/02345/FUL – Erection of new building with mezzanine level (Retrospective) – Chestnut Farm House, Chestnut Lane, Barton in Fabis, Nottinghamshire, NG11 0AE.

Updates

There were no updates to report for this application.

DECISION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS.

1. The development hereby approved shall be used solely for the storage of storage of machinery, equipment and materials in connection with the arboricultural and grounds maintenance company and it shall not be used for residential occupation or for any other purpose.

[It is not considered that the site possesses sufficient amenities or is otherwise suitable to accommodate an additional independent dwelling and to comply with policy 1 of the Rushcliffe Borough Local Plan Part 2 - Land and Planning Policies].

21 **Item 5 Urgent Item - Additional Planning Application**

This item did not have an agenda paper but relates to an item that the Planning Committee commented on at its meeting on 11 November 2021.

21/02694/CTY – Erection of 120 Place Temporary School Learning Village Accommodation with temporary lit access road and permanent lit access path. Associated areas of soft play, canopies, car parking and surface water balancing pond – Land North of Rempstone Road, East Leake.

Update

Additional Information and new plans were submitted by Nottinghamshire County Council, which propose a different layout for classroom buildings on the site and the provision of a widened path for pedestrians and cyclists.

An additional representation from the East Leake Ward Members was received after the agenda was published and this was circulated to the Committee before the meeting.

None of the revisions proposed affect the recommendation that was fed back to Nottinghamshire County Council.

DECISION

THE BOROUGH COUNCIL HAS NO ADDITIONAL COMMENTS TO THE REVISED PLANS.

The meeting closed at 3.34 pm.

CHAIRMAN

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Planning Committee

13 January 2022

Planning Applications

Report of the Director – Development and Economic Growth

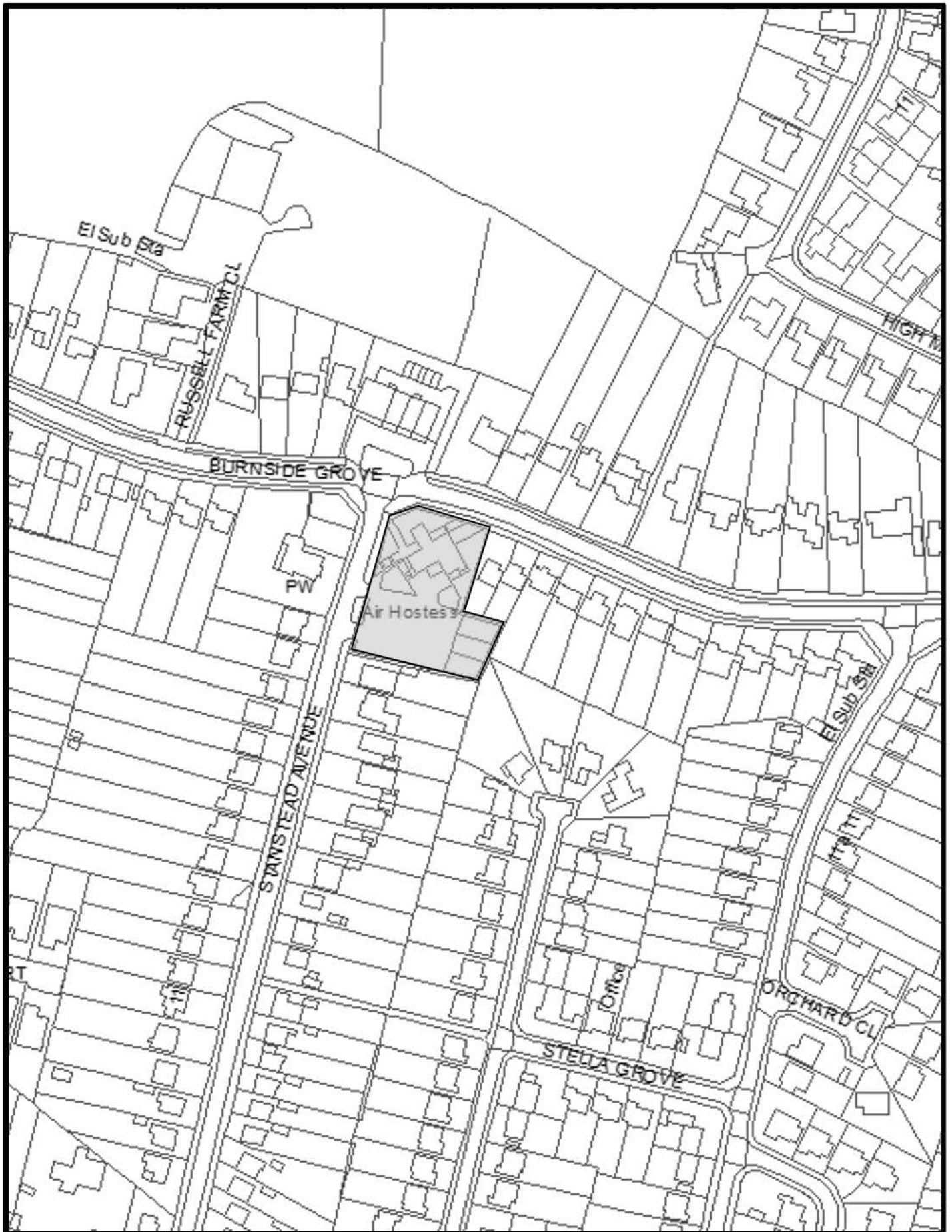
PLEASE NOTE:

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
21/02822/FUL	The Air Hostess, Stanstead Avenue, Tollerton, Nottinghamshire, NG12 4EA Single storey rear extension	7 - 14
Ward	Tollerton	
Recommendation	Grant planning permission subject to conditions	
<hr/>		
21/02569/FUL	2 Cherry Lane, Bingham, Nottinghamshire Proposed two storey side and rear extensions, single storey rear extension. Loft conversion. Part demolition of front boundary wall for new wider driveway and drop kerb	15 - 26
Ward	Bingham East	
Recommendation	Grant planning permission subject to conditions	
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Application Number: 21/02822/FUL
The Air Hostess, Stanstead Avenue, Tollerton



scale 1:2500

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21/02822/FUL

Applicant Mr Mark Hughes

Location The Air Hostess, Stanstead Avenue, Tollerton, Nottinghamshire,
NG12 4EA

Proposal Single storey rear extension

Ward Tollerton

THE SITE AND SURROUNDINGS

1. The application relates to a detached, two-storey public house (with the first floor located within the roof space of the building), predominantly surrounded by residential development within the village of Tollerton.
2. The public house is a pavilion-style building sited on the corner of Stanstead Avenue and Burnside Grove, and there is a small parade of shops to the north-west of the site, on the opposite side of Burnside Grove, and a small, single storey Methodist Church to the west on the opposite side of Stanstead Avenue. The public house has two entrances with entrance doors fronting onto both roads. The building is an irregular shape, almost cruciform, and is located towards the north of the plot. There are outside seating areas on a raised decked area at first floor area fronting predominately onto the Stanstead Avenue façade. Beneath the decking is a covered storage area, and in front of that, fronting onto Stanstead Avenue a further turfed pub garden area in the form of traditional "A framed" pub benches and a pétanque terrain. Wrapping around the lower beer garden and pétanque terrain is an unbound gravelled car-parking area for staff and patrons.
3. There are residential properties directly adjoining the site to the east and south. The nearest property to the south of the car park, on Stanstead Avenue, is a bungalow (No. 38 Stanstead Avenue) which has its common boundary with the car park. The nearest property to the east, on Burnside Grove, is a two-storey property (No. 35 Burnside Grove), the garden of which slopes down towards the car park.
4. Most of the site is relatively flat, although the decked area does serve to create two distinct levels of outside space around the pub that follows the topography of the area. The pub itself is built on a plateau, and the decked area is built over the former sloped area between the pub and street level.
5. The site is bounded on all boundaries by a mixture of styles and types of fencing, walls and some supplemental landscaping.

DETAILS OF THE PROPOSAL

6. The application is described as a "single storey rear extension". The proposed addition would be at first floor level (due to the topography of the site) and

would serve as an extension to the existing commercial kitchen within the pub. The proposed addition would be single storey in height with a flat roof and would project out at the same level as the existing decking. Beneath the proposed extension covered storage would be formed beneath that would be accessed via the car park and would allow continued access to the existing non-public areas of the building at ground floor level.

SITE HISTORY

7. 19/02878/FUL - Single storey rear extension and raised patio area with steps – permission granted 08 April 2020
8. 14/01335/FUL - New sliding/ folding door to Stanstead Avenue elevation, creation of covered raised terrace to Stanstead Avenue and new covered terrace to Burnside Grove; landscaping to gardens, including new boundary fencing - permission granted 28 August 2014.
9. 07/01255/FUL - Form external canopy over enhanced external area - permission granted 07 September 2007.

REPRESENTATIONS

Ward Councillor(s)

10. Councillor D. Mason has declared a disclosable pecuniary interest due to owning shares in the Air Hostess Community Pub.

Town/Parish Council

11. Tollerton Parish Council do not object to the proposal.

Statutory and Other Consultees

12. The Borough Council's Environmental Health Officer does not object to the proposal subject to conditions being attached to any grant of permission.

Residents and the General Public

13. A total of eight neighbouring properties were consulted on the application, however no letters of representation have been received.

PLANNING POLICY

14. 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 2021 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

15. The relevant national policy considerations for this proposal are those contained within the NPPF and the proposal shall be considered within the context of a presumption in favour of sustainable development as a core

principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 130. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 134, permission should be refused for development that is not well designed, especially where it fails to reflect local design polices and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to development that meets criteria a) and/or b) listed under this paragraph.

Relevant Local Planning Policies and Guidance

16. LPP1 Policy 1 reinforces the need for 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 LPP1 Policy 10 of (Design and Enhancing Local Identity). Developments 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. Section 2 of this policy sets out the design and amenity criteria that development shall be assessed against.
17. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2 whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered and should not lead to an over-intensive form of development.

APPRAISAL

Principle of the development

18. The public house was the subject of extensive refurbishment in 2019. The application seeks permission to extend the existing commercial kitchen. The existing pub already serves food and has an extensive internal and external dining area. As such, it is considered that the principle of the development to extend the existing business in this location is acceptable.

Impact upon the character of the area

19. 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.

20. 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.
21. As noted above, the proposed development seeks a modest, single storey extension to the kitchen, albeit at first floor level due to the topography of the site. The permission sought would have the same height as the kitchen area it seeks to extend and would remain flat roofed like the existing kitchen area. The proposed addition would project out 4.9m and have a width of 5.1m. The proposed extension would fill in the area between the public dining deck and the private patio for the license of the public house that extends off their private accommodation. At ground floor level the open fronted area for deliveries and storage of items such as used kegs would be retained.
22. In term of design, the proposed addition to the kitchen would result in a development with the same height and width as the existing kitchen area and an addition that would project no further out towards the car parking area than the existing private patio area afforded to the licensee.
23. It is considered that the proposed addition would not affect the cohesive form of the development when viewed from Stanstead Avenue (which is the closest public vantage point not within the beer garden of the public house) and would provide a continuation of the subordinate roofline of the current kitchen in the same palette of materials. There are a variety of house types and styles in the locality, and the design of the main roof structure of the public house would be contemporary in design with the building finished in a mixture of red brick and wooded cladding with red tile roofs.
24. Therefore, having taken the above information into account, it is considered that the proposed addition would not result in an incongruous or inappropriate form of development in the street scene. 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 on residential amenity

25. 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.
26. The potential for impact on residential amenity is primarily from the proposed use of the extension as an enlargement of the existing kitchen. The potential impact on the neighbouring amenity is therefore from the odours of cooking food and potentially any noise/vibration caused by any mechanical plant or machinery that may vent externally from within the kitchen area. Officers note that the existing kitchen's proximity to the neighbouring residential gardens and sought the advice of colleagues in environmental health.
27. The environmental health officer noted the submitted plans do not indicate the presence of any external plant/equipment on the proposed extension. They do

however recommend a condition is attached to any permission granted to ensure any external plant/equipment that may be installed in the future does not have an adverse impact on the amenity of neighbouring properties. The environmental health officer also states that noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, should be approved before the plant/equipment is brought into use. If this information is inconclusive or not complete, then the applicant would 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'. Thereafter, the environmental health officer advises that the plant/equipment shall be installed in accordance with the approved scheme and retained in good working order for the lifetime of the development.

28. It is acknowledged that a new window opening has been proposed to the first-floor rear elevation looking out onto the car parking area. Due to the angles between the opening and the neighbouring properties on Burnside Grove, and the distances between the window and the nearest property on Stanstead Avenue officers are satisfied that this new opening would not have the potential to result in any overlooking upon adjoining properties. The kitchen extension would also serve as a further barrier between the gardens on Burnside Grove and the public decked area, and the new window would be no closer to the private rear gardens/amenity areas of the property alongside the pub carpark on Stanstead Avenue than the existing outside decking area.
29. Therefore, taking the above information into account, it is considered that subject to the requested condition the proposed addition would not have a detrimental impact upon the residential amenity of the adjoining properties.

Impact upon highway/parking

30. The application does not propose to alter the car parking area or the number of covers/patrons that the pub can currently host. The standing advice from Nottinghamshire County Council as Highways Authority have been reviewed and considering the above information, officers consider that the proposed addition would not be detrimental to highway safety.

Conclusion

31. 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.
32. The application was not the subject of pre-application discussions. Negotiations have taken place during the consideration of the application to clarify matters identified by officers in connection with the proposal. Amendments have been made to the proposal, providing the clarification, thereby resulting in a more acceptable scheme and the grant of 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 must be carried out strictly in accordance with the following approved plan(s)/drawings/documents:
 - 1:500 scale plan titled "Location Plan" received on 22 October 2021,
 - Drawing titled "Proposed Plans and Elevations" received on 10 November 2021, and
 - Drawing titled "Proposed Ground Floor Plans" received 10 November 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 materials used in the construction of the exterior of the development hereby permitted must be similar in appearance to the materials used on the exterior of the existing building.

To ensure the appearance of the development is satisfactory having regard to policy 10 (Design and Enhancing Local Identity) 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).

4. Before any externally mounted plant or equipment, together with any internally mounted equipment which vents externally to be used in the extension hereby approved is first brought into use the noise levels for that plant or equipment, shall be submitted to and approved by 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. Thereafter, the plant/equipment shall be installed in accordance with the approved details and retained in good working order for the lifetime of the development.

To protect nearby residential properties from unacceptable levels of noise pollution from external plant equipment/machinery having regard to Policies 1 (Development Requirements), 39 (Health Impacts of Development) and 40 (Pollution and Contaminated Land) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).



Application Number: 21/02569/FUL
2 Cherry Street, Bingham



scale 1:1500

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21/02569/FUL

Applicant Mr and Mrs Adcock

Location 2 Cherry Street, Bingham

Proposal Proposed two storey side and rear extensions, single storey rear extension. Loft conversion. Part demolition of front boundary wall for new wider driveway and drop kerb

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The application site comprises of a two-storey semi-detached property, located to the western side of Cherry Street within the town of Bingham. The built form to Cherry Street is residential in character, with a mix of architectural styles and periods. The application site is located within Bingham Conservation Area (first designated in 1970 and reviewed and extended on 8th June 2010).
2. The property dates to the early-20th century and is constructed from brick with a rendered finish and has a rosemary clay tiled roof. To the rear (west) elevation of the property is a single storey pitched roof addition, which abuts a garage. The garage located to the side (north) of the property is a single bay with a pitched roof and occupies a setback position from the frontage of the property. It is accessed via the existing driveway seen to the side (north) of the site.
3. To the front of the property is soft landscaping and hardstanding, with a brick boundary wall seen abutting the highway. To the rear is a modest garden, which is bound by a mix of boundary treatments such as timber fencing, hedging, and low brick walls with timber fencing. A long section of brick wall can be seen to the application site's northern boundary, which abuts a private road that leads to the rear of The Chesterfield Arms.
4. Located adjacent (south) to the application site is the adjoining property, 4 Cherry Street, to the rear (west) is a car park, and to the side (north) is a private side road, along with the rear gardens of 8, 10, 12, and 14 Church Street.

DETAILS OF THE PROPOSAL

5. The application seeks planning permission for the erection of a two-storey side and rear extension, single storey rear extension, loft conversion, and part demolition of the front boundary wall for a new wider driveway and dropped kerb. A separate relevant demolition application has been submitted for the part demolition of the front boundary wall (21/02882/RELDEM) which can be considered separately to this application. It has been approved.
6. Revised plans were received during the course of the application, which illustrate setting the side two-storey extension back by 1m from the frontage of

the property, setting it down from the original ridge height of the property by 4.60m, adopting a hipped roof form, limiting openings to the side (north) elevation, and reducing the scale and mass of the rear dormer, whilst also adopting a half rendered and brick finish to the side (south) elevation of the single storey rear extension.

7. The proposed extensions would provide additional accommodation to the ground floor, first floor, and loft space. To the ground floor a single bay garage, utility room, open-plan kitchen, dining, and family room is proposed. The first floor currently has three bedrooms and a bathroom. It is proposed to reconfigure the layout of the first floor with the extension providing two further bedrooms, a family bathroom, and ensuite. The loft is also to be converted into a master bedroom with ensuite, and dressing and storage areas. The existing three-bedroom property will increase to five bedrooms. It is noted that the proposed study to the first floor could also be used as an additional bedroom.

SITE HISTORY

8. Permission granted for part demolition of the front boundary wall, ref. 21/02882/RELDDEM

REPRESENTATIONS

Ward Councillor(s)

9. One ward councillor (Cllr G Williams) objects for the reasons of overbearing, overshadowing, and overlooking.

Town/Parish Council

10. Bingham Town Council objects and supports the concerns of the residents of Church Street of the overbearing, overshadowing and overlooking impact of the development.

Statutory and Other Consultees

11. The case officer is conservation accredited, being a full member of the Institute of Historic Building Conservation (IHBC). Therefore, heritage considerations have been fully incorporated into this report.

Local Residents and the General Public

12. Representations from three properties (including a letter from a planning consultant acting on behalf of 8 and 10 Church Street) have been received relating to the original and revised plans. Two neighbours raise a joint objection, and one neighbour expresses support with clarification comments. The comments are summarised as follows:-
 - a. the extension's size, scale, and design will have a detrimental overbearing impact, overshadowing, loss of direct sun light, and overlooking impacts upon the residential amenity. Reference has been made to these impacts on the outdoor amenity areas to the rear gardens of 8 and 10 Church Street.

- b. the design of the extensions would be ‘chaotic and unsympathetic’ and would not preserve or enhance the character or appearance of the street scene or the wider Conservation Area.
- c. the proposal represents a very poor design and overdevelopment of the site
- d. the adjoining neighbour states that they support the application; however, clarification was sought regarding the facing material to the side (south) elevation of the single storey extension, alterations and finishes to the boundary hedging along the southern boundary, and obscure glazing to the side (south) elevation of the two-storey extension facing the neighbour’s rear garden.

PLANNING POLICY

- 13. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. 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. When considering a planning application that affects a conservation area, the local planning authority (LPA) must pay special attention to the desirability of preserving or enhancing the character or appearance of that area under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 15. Other material considerations include, the National Planning Policy Framework (NPPF) (as amended), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

- 16. The following sections in the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance (PPG) are of relevance:
 - Chapter 2 – Achieving Sustainable Development
 - Chapter 12 – Achieving Well Designed Places
 - Chapter 16 – Conserving and enhancing the historic environment
 - PPG, Reference ID 18a – Historic Environment
 - PPG, Reference ID 26 – Design: process and tools
- 17. The NPPF carries a presumption in favour of sustainable development. Paragraph 11 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Paragraph 126 of the NPPF (2021) acknowledges that good design is a key aspect of sustainable development and Paragraph 130 sets out that planning decisions should, for instance, ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should also be visually attractive as a result of good architecture, layout and landscaping and be sympathetic to local character and history, whilst also maintaining a strong

sense of place. Paragraph 134 of the NPPF states that permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design.

18. The NPPF also comments that local planning authorities should take into account the significance of any heritage assets affected by a proposal when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 195). When considering potential impacts of a proposed development on the significance of a designated heritage asset paragraph 199 directs that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 highlights that local planning authorities should look for opportunities for new development within Conservations Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Relevant Local Planning Policies and Guidance

19. The following policies within LPP1 are of relevance:

Policy 1 – Presumption in Favour of Sustainable Development
Policy 10 – Design and Enhancing Local Identity
Policy 11 – Historic Environment

20. The following policies of LPP2 are of relevance:

Policy 1 – Development Requirements
Policy 28 – Conserving and Enhancing Heritage Assets

21. The overarching Policy 1 in the LPP1 reinforces that the Council will take a positive and proactive approach to decision making, which reflects the presumption in favour of sustainable development contained in the NPPF.
22. LPP1 Policy 10 comments that all new development should be designed to make a positive contribution to the public realm and sense of place and should also reinforce valued local characteristics. It identifies that development will be assessed in terms of its treatment of various elements, such as massing, scale, proportions, materials, architectural style and detailing. This is also reinforced under the development requirements criteria outlined in the LPP2 Policy 1, Paragraph 4, which highlights that development should be of a scale, density, height, massing, design, layout and materials sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.
23. Policy 11 of the LPP1 reflects the Council's statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in commenting that proposals will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance. Planning decisions will have regard to the

contribution heritage assets can make to the delivery of wider social, cultural, economic and environmental objectives, in line with Chapter 2, Paragraph 8 of the NPPF.

24. Policy 28 of the LPP2 comments that proposals which 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 any harm arising from the proposals. It refers to proposals affecting a heritage asset and/or its setting will be considered against set criteria. This policy overlaps with Chapter 16 of the NPPF.
25. Relevant supplementary planning document includes the Rushcliffe Residential Design Guide (2009). The guide sets out design principles and approaches to ensure the delivery of appropriately designed residential development across the borough. It provides guidance on the style and design of an extension, stating it should respect that of the original dwelling and should not dominate over it. Extensions should be designed so that they are not readily perceived as merely 'add-ons' to the original building and, therefore, the scale, proportion, and roof form, are important considerations.
26. The Bingham Conservation Area and Management Plan (2010) outlines the special qualities of the Conservation Area and provides a strategy to safeguard and enhance its character and appearance. Section 4.0 of the Management Plan refers to development in conservation areas and highlights that extensions to buildings should respect the key characteristics of the original building including scale, mass, materials and proportions, and the contextual setting and character of the Conservation Area.

Other Relevant Guidance

27. Historic England Good Practice Advice note 2 (GPA2) *Managing Significance in Decision-Taking in the Historic Environment* (2015) advises how local planning authorities should determine applications in the historic environment, informing on good practice to assist in implementing national historic environment policy.

APPRAISAL

28. The main considerations in the determination of this application relate to the design of the proposed extensions and their impact upon the character and appearance of the street scene and the wider Bingham Conservation Area, whilst also taking into account impacts on surrounding residential amenity and any highways safety implications
29. The host property is located towards the northern end of Cherry Street and forms part of a grouping of early-20th century semi-detached properties, adopting a ribbon-style development pattern to the western side of the highway. The property occupies an elevated position relative to the highway, and due to its siting close to the highway and the orientation of the surrounding built form, the property's side (north) elevation is visible from the public realm. There is a mix of architectural styles and periods to the built form along Cherry

Street, and it is considered that due to the design and age of the host property that it has a neutral contribution to the character and appearance of the Conservation Area.

30. The proposed two-storey extension would replace the existing single storey garage and workshop located to the side (north), whilst also replacing the existing utility and part of the kitchen located to the rear (west) of the host property. The two-storey side extension would have a ridge height of 8.425m, a length of 11.957, with a front width of 2.925m and a rear width of 6.860m. The rear mono-pitched single storey extension would sit under the first-floor window and would measure 3.600m in width with a length of 3.000m. The dormer window to the rear would be set down from the ridge height of the original roof by approximately 0.686m and 0.203m from the ridge height of the new section of roof to the side extension. The side extension would be set back from the front elevation of the host property by 1m and would be set down from the existing ridge height by 0.460m. It would also be set back from the site's northern boundary by approximately 0.8m. The single storey extension will be built on the southern boundary line with neighbouring property, 4 Cherry Street.
31. A garage door is proposed to the front with a casement window to the first floor. Two rooflights would be installed to the front roof slope of the existing roof, with one installed to the front roof slope of the new side extension. A door is proposed to the ground floor of the side (north) elevation of the two-storey extension, along with two casement windows to the first floor, and a rooflight to the side (north) roof slope. The door and casement windows are to be obscure glazed. To the rear (west) elevation of the two-storey extension are bi-folding doors to the ground floor and two casement windows to the first floor, with one rooflight to the side (south) roof slope of the extension. There would be bi-fold doors and two rooflights to the rear (west) elevation of the single-storey extension.
32. Facing materials include brick and render to reflect the existing. To the side (north) elevation of the two-storey side extension will be a mix of render and brick, with a 215mm brick detail, projecting 25mm as a render stop. To the side (south) elevation of the single storey extension will be brick and render.
33. During the application, revised plans were submitted. It is considered that the revisions made to the two-storey side extension have helped the extension adopt a sympathetic design and a more subservient appearance to the host property. This will avoid the proposed works having a negative impact on the visual amenity and character of the area. The revisions would also assist in improving its visual relationship with the neighbouring properties and the character and appearance of the street scene. Whilst the proposed side extension has an increased length, its revised positioning, reduced height, and hipped roof form reduces the extension's visual bulk and massing and would be similar to the two-storey side extension recently approved to neighbouring property, 8 Cherry Street in 2019 (18/02494/FUL), when viewed from the street scene.
34. The single storey rear extension would be obscured from public views by the host property. It would be of a scale, design, and siting that would be subordinate and subservient to the host property. Its revised finish to the side

(south) elevation will also help to integrate with the character and finish of the host property and that of adjoining property, 4 Cherry Street.

35. The potential for the over development of the site has been raised by the neighbours. When viewing the existing built form to the rear of the site, the proposed extensions would have a reduced projection into the rear garden, increasing the private amenity space to the rear. When viewed from the street scene, the width of the extension would be smaller than the width of the existing garage, which measures 3.025m, and the side extension would be set in from the northern boundary. The proposed side extension would be located further forward than the position of the existing garage. Nevertheless, the increased driveway and proposed garage space will provide adequate off-street parking provision for a 5-bedroom house. As a result, the proposed extensions are not considered to constitute overdevelopment of the plot.
36. It is proposed to remove a section of the front boundary wall. The agent has confirmed that 1.5-2m of the mature planting behind the proposed removed section of wall will be taken down and that no other hedges or trees to the frontage will be removed or pruned.
37. The condition of the front boundary wall has suffered spalling brickwork affecting its elevations and coping. The wall is proposed to be reduced by 2.390m to widen the existing vehicular access off Cherry Street, with repair works carried out, such as repointing. New permeable block paving is proposed to replace the current hardstanding to the front driveway. It is also considered that the widening of the driveway will not result in any undue highway safety considerations.
38. The existing boundary treatment and mature planting to the frontage of the property positively contributes to the street scene, adding to the public realm to this part of Bingham Conservation Area. Historic and recent alterations have been carried out to the historic boundary wall, which has changed its character and appearance. Under the proposal, sufficient length will remain to the front wall to 2 Cherry Street, which will ensure its presence along the street scene, and a level of mature planting will also remain providing softness to the frontage. Therefore, on balance, it is considered that the character and quality of the street scene will be maintained, and this element of the proposal is not considered to cause harm to the character or appearance of this part of Bingham Conservation Area. As such planning permission has been granted for relevant demolition (21/02882/RELDEM). It is also noted that 8 Cherry Street has recently gained planning permission to remove a section of the front boundary wall to create a wider vehicular access (20/01057/FUL and 20/01085/RELDEM).
39. Due to the layout and orientation of the built form towards the northern end of Cherry Street, the application site's side (north) elevation faces a private road and rear gardens to neighbouring properties (8, 10, 12, and 14 Church Street). There are changes in levels with the application site occupying an elevated position, which is seen from Cherry Street and when viewed from the private side road to the north. There would be a separation distance of over 2.5m from the application site's northern boundary to the southern boundaries of these properties due to the presence of the intervening private road. Further, there is an appropriate separation distance from opposite neighbours located to the eastern side of Cherry Street due to the intervening road.

40. The proposed two-storey side extension would replace the existing side and rear single-storey built form to 2 Cherry Street. The rear view from neighbouring gardens along Church Street, such as Nos 8 and 10, will change by the increased height and mass of the two-storey side extension. However, due to the existing elevated position of the application site, the south-facing nature of the neighbouring gardens, and when taking into account the orientation of the sun, there is likely to be some impacts on areas of the gardens which are located furthest away from the neighbours' properties. Therefore, when taking into account the existing built form to the application site and the separation distance due to the presence of the private side road, the proposed side extension's scale and siting is not considered to result in unacceptable levels of overbearing, overshadowing, or loss of light to neighbouring amenities along Church Street to justify a refusal of planning permission. Further, due to obscured openings proposed to the side (north) elevation, it is not considered that there would be any undue overlooking or an unacceptable loss of privacy to neighbours located to the north of the application site.
41. When considering the impact of the extensions, including the rear dormer, on adjoining neighbour at 4 Cherry Street, the scale, design, form, mass, and siting, of the proposal would avoid causing any undue overshadowing, loss of light, overbearing, or loss of privacy to their amenity. Clarification has been provided by the agent regarding the treatment of the side southern boundary to the rear which indicates that the three existing fence panels and approximately 3-3.5m of hedging is to be removed to allow for the extension and scaffolding access. It is proposed to retain the existing hedging along the southern boundary and any resultant gap between the hedge and the new extension on the boundary will be infilled with a new section of fencing measuring 6ft, along with landscaping reinstated to both sides.
42. It is therefore considered that the proposed extensions would not be significantly harmful to the living conditions of the occupiers of 4 Cherry Street or 8, 10, 12, and 14 Church Street, nor would it be harmful to the character or appearance of the host property or street scene. It is also considered that the proposed alterations to the front boundary treatment would avoid negatively impacting on the character and quality of the street scene. Overall, the proposal is not seen to cause harm to the significance of Bingham Conservation Area and preserves its character and appearance. The Local Planning Authority has paid special attention to the desirability of preserving the Conservation Area's character and appearance, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is, therefore, considered positively in relation to the statutory duty under this section of the Act.
43. The proposal is not considered to conflict with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies 1, 4, 10, and 11 of the Local Plan Part 1 - Core Strategy, Policies 1, 21, and 28 of the Local Plan Part 2 - Land and Planning Policies and the Council's SPD Design Guide, along with Chapters 2, 12, 13, and 16 of the NPPF. Therefore, the application is recommended for approval, subject to conditions
44. The application was not the subject of pre-application discussions; however, negotiations have taken place during the application to address issues of

design, which has led to the submission of revised plans and a favourable recommendation to the Planning Committee.

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.

In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

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

- Site and Location Plan, drawing no. 08A, received 8th October 2021
- Proposed Elevations, drawing no. 07A, received 8th October 2021
- Proposed Ground Floor Plans, drawing no. 04A, received 8th October 2021
- Proposed First Floor Plans, drawing no.05A, received 8th October 2021
- Proposed Second Floor Plans, drawing no. 06A, received 8th October 2021
- Proposed Wider Drive Access, drawing no. 09A, received 8th October 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 external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application.

To ensure the development preserves the character and appearance of the Conservation Area and to ensure the appearance of the development is satisfactory having regard to Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) and Policy 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

4. Prior to the room they serve first being brought into use the first floor windows on the north side elevation of the development and the window within the north side roof slope of the two storey extension hereby permitted shall be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy (or equivalent). The windows shall be non-opening except for high level top hung lights only in the bathroom and ensuite. 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 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:

This grant of planning permission does not alter the private legal situation about 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.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

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

The development makes it necessary to extend a vehicular crossing over a footway of the public highway. These works shall be carried out to the satisfaction of the Highway Authority. You are therefore required to contact Via (in partnership with Nottinghamshire County Council) on 0300 500 8080 to arrange for these works to take place.