

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

Our reference:
Your reference:
Date: Wednesday, 2 February 2022

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 10 February 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 (Pages 1 - 6)
4. Planning Applications (Pages 7 - 46)

The report of the Director – Development and Economic Growth.

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8.30am - 5pm
Wednesday
9.30am - 5pm
Friday
8.30am - 4.30pm

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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, V Price 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.

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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, 13 JANUARY 2022**

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,
R Butler, N Clarke, P Gowland, B Gray, L Healy and C Thomas

ALSO IN ATTENDANCE:

Councillors

OFFICERS IN ATTENDANCE:

Ashcroft	Planning Services Consultant
L Ashmore	Director of Development and Economic Growth
G Sharman	Area Planning Officer
P Taylor	Area Planning Officer
L Webb	Democratic Services Officer

APOLOGIES:

Councillors D Mason and F Purdue-Horan

22 Declarations of Interest

There were no declarations of interest.

23 Minutes of the Meeting held on 9 December 2021

The minutes of the meeting held on 9 December 2021 were approved as a true
record of the meeting.

24 Planning Applications

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

**21/02822/FUL – Single storey rear extension – The Air Hostess, Stanstead
Avenue, Tollerton, Nottinghamshire, NG12 4EA.**

Update

A late representation was received by a neighbour who did not raise any
objections to the proposal and was circulated to the committee prior to the
meeting.

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 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).

21/02569/FUL – 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 – 2 Cherry Street, Bingham

Update

A late representation was received from Nottinghamshire County Council Highways which proposed the additional conditions:

Condition 5: The new driveway shall not be brought into use until it has been surfaced in a hard-bound material for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The hard-bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

Reason: To prevent surface water discharging onto the public highway in the page 2 interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

Condition 6: The new driveway shall not be brought into use until the existing dropped kerb vehicular crossing has been widened in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To ensure the development hereby permitted is served by an appropriate access from the public highway in the interests of highway safety and having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

The following informative has also been included:

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 or at licences@viaem.co.uk to arrange for these works to take place.

A late representation was also received from the applicants agent in which revised plans were submitted to propose that the elevations illustrate two obscured first floor windows to the proposed side (north) elevation, which will be fixed top-opening casements.

It was noted that officers were satisfied that the revisions made will preserve the amenities of neighbouring properties, which has also been secured by Condition 4. The Committee were informed that condition 2 had been updated to include 'Proposed Elevations', drawing no. 07B, received 23 December 2021'.

In accordance with the Council's protocol for public speaking at Planning Committee, Jennifer Broderick (objector) addressed the committee.

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.

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
- 'Proposed Elevations', drawing no. 07B, received 23 December 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)]

5. The new driveway shall not be brought into use until it has been surfaced in a hard-bound material for a minimum distance of 5 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The hard-bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

To prevent surface water discharging onto the public highway in the page 2 interests of highway safety having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).

6. The new driveway shall not be brought into use until the existing dropped kerb vehicular crossing has been widened in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

To ensure the development hereby permitted is served by an appropriate access from the public highway in the interests of highway safety and having regard to 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.

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 or at licences@viaem.co.uk to arrange for these works to take place.

The meeting closed at 3.25 pm.

CHAIRMAN



Planning Committee

10 February 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.

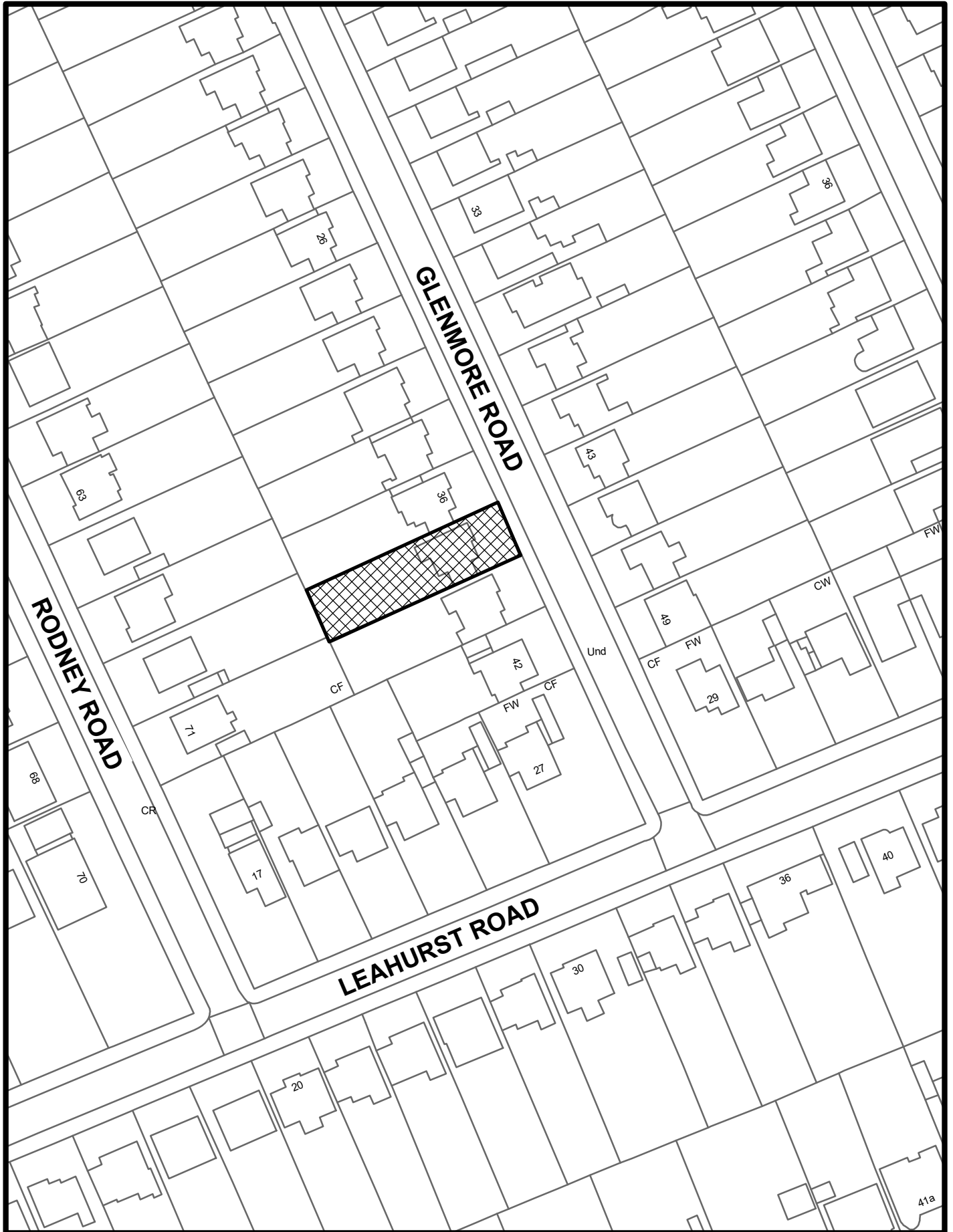
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
21/03091/FUL	38 Glenmore Road, West Bridgford, Nottinghamshire, NG2 6GH	11 - 20
	Demolition of garage. Erection of two storey side extension and single storey rear extension. Loft/roof extension to rear, side dormer with glass light well, external alterations include application of timber cladding (part-retrospective)	
Ward	Abbey	
Recommendation	Grant planning permission subject to conditions	
21/02914/FUL	Soho Bonington, 40 Melton Lane, Sutton Bonington, Nottinghamshire	21 - 32
	Change of use of 2 agricultural barns to 1 dwelling house and swimming pool, associated external alterations, including roof alterations, installation of solar panels, insertion of doors and windows (part-retrospective)	
Ward	Sutton Bonington	
Recommendation	Planning permission be refused	
21/03162/ADV	Bingham Arena and Enterprise Centre, Chapel Lane, Bingham, Nottinghamshire	33 - 40
	Display of 1no. internally illuminated sign and 2no. fascia signs	
Ward	Bingham East	
Recommendation	Grant advertisement consent subject to conditions	

Application	Address	Page
21/00195/TORDER	26 Prince Edward Crescent	41 - 46
	Objection to Tree Preservation Order	
Ward	Radcliffe on Trent	
Recommendation	The TPO be confirmed without modification	

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Application Number: 21/03091/FUL
38 Glenmore Road, West Bridgford



scale 1:1000

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21/03091/FUL

Applicant Mr Martin Tsang

Location 38 Glenmore Road, West Bridgford, NG2 6GH

Proposal Demolition of garage, Erection of two storey side extension and single storey rear extension. Loft/roof extension to rear, side dormer with glass light well, external alterations include application of timber cladding (part-retrospective)

Ward Abbey

THE SITE AND SURROUNDINGS

1. The application relates to a two-storey detached dwelling located within an established residential area of West Bridgford. The property dates from the mid-20th century and has a double height bay window to the front with a small, hipped roof projection above and a projecting gable feature around the front door. The exterior of the dwelling is constructed from red brick with a clay tiled, hipped main roof. The property originally had a single storey garage to the side (south) that had a lean-to style roof. This has recently been demolished.
2. Either side (north and south) and across the road (east) are detached dwellings of similar size, style and age. To the rear is a modest rectangular shaped garden that abuts similar sized rear gardens of the detached dwellings on Rodney Road. Glenmore Road itself slopes gradually uphill from Leahurst Road to the south.

DETAILS OF THE PROPOSAL AND BACKGROUND

3. Planning permission is sought to demolish the original side garage and construct a two storey side extension in its place with single storey extension wrapping around to the rear. The application also seeks permission to retain enlargements to the existing roof comprising a hip-to-gable extension at the rear and a box dormer extension in the side (north) roof slope.
4. Work on site was commenced last year following the grant of planning permission (ref: 20/00826/FUL), which was for a very similar form of development. This permission is extant. The previously approved hip-to-gable and dormer extensions in the roof are nearing completion and the foundations for the approved side/rear extensions has been laid. Due to access issues, however, the south-eastern side walls of the two storey and single storey extensions cannot be completed in render as originally approved. This application therefore seeks permission to change the exterior finish of those side walls and the north-west side wall on the single storey rear extension to brick instead of render.
5. Additionally, the application also proposes a number of other relatively minor changes to the previously approved scheme as follows:

- Introduce a small high level rooflight into the two storey side extension, above the en-suite bathroom for Bedroom 1;
 - Introduce two skylights into the roof of the box dormer over the en-suite bathroom for the master bedroom in the loft and the staircase leading into the loft.
 - Amend the design of the windows in the front (east) and side (north) faces of the box dormer to reduce the size of the panes and set them within a frame as opposed to being entirely glass panes.
 - Change the doors in the rear hip-to-gable enlargement to a window and omit the previously approved Juliet balcony.
 - Amend the design of the glazed rear curtain wall on the single storey rear extension.
6. Other than these relatively minor changes, the development proposed in this application would be broadly of the same design and style to the previously approved development. Indeed, the applicant initially sought approval for these changes with an application for a non-material amendment. However, officers noted that the drawings submitted with that application appeared to show an increase in the ridge height of the main roof of the dwelling.
7. The applicant's agent subsequently confirmed that this was not the case and the apparent difference in height was due to him inaccurately calculating the overall ridge height of the existing dwelling at the time of drawing the plans for the original application.
8. Notwithstanding this cartographic error, they have since carried out a further measured survey of the building and confirm that both the hip-to gable and dormer enlargements to the roof have been carried out within the existing roof structure and the original ridge height of the dwelling has not been increased.
9. Officers were satisfied that this was the case but considered that it would be appropriate in the circumstances for a new planning application to be submitted so that re-consideration can be given to drawings that more accurately reflect the enlargements/extensions that have/are intended to be built onsite.

SITE HISTORY

10. 20/00826/FUL – Demolition of garage, Erection of two storey side extension and single storey rear extension. Loft extension, side dormer with glass light well, cladding and rendering finish. Internal alterations.
Granted with conditions 09/06/2020

REPRESENTATIONS

Ward Councillor(s)

11. One Ward Councillor (Cllr Gowland) has objected to the application. They consider the development would be over-bearing and would lead to a terracing effect, should the neighbour do the same. They also consider that the design of the two-storey side extension is out of keeping with the neighbourhood and the rest of the house and considers the view of the attic extension from the road is messy.

Parish Meeting and Adjacent Parish Councils/Meetings

12. Not relevant

Statutory and Other Consultees

13. None.

Local Residents and the General Public

14. No representations have been received.

PLANNING POLICY

15. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy 2014 ('LPP1') and The Rushcliffe Local Plan Part 2: Land and Planning Policies 2019 ('LPP2'). The overarching policies in the National Planning Policy Framework ('the NPPF') are also relevant, particularly where the Development Plan is silent. Additionally, The Rushcliffe Residential Design Guide 2009 as a Supplementary Planning Document is also a material consideration.

Relevant Local Planning Policies and Guidance

16. Policy 1 of the LLP1 reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
17. Policy 10 of the LPP1 states, *inter alia*, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Policy 10 requires new development to be assessed in terms of its treatment of certain elements. Of particular relevance to this application are those elements outlined at sub-paragraphs; 2(b) impact on neighbouring amenity; 2(f) massing, scale and proportion; and 2(g) materials, architectural style and detailing.
18. In setting out the development requirements for the Borough, policy 1 of the LPP2 broadly echoes policy 10 of the LPP1. Specifically, it states that planning permission will be granted for new development provided that there would be no significant adverse effect upon the amenity of adjoining properties or the surrounding area; and the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. New development should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.

Relevant National Planning Policies and Guidance

19. The NPPF carries a presumption in favour of sustainable development and states that, for decision taking, this means "*approving development proposals that accord with the development plan without delay*".
20. Chapter 12 of the NPPF concerns achieving well-designed places. In terms of planning decisions, 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. Importantly, permission should be refused for development that fails to reflect local design policies and government guidance on design. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design.

21. The NPPF also requires local planning authorities to seek to ensure the quality of approved development is not materially diminished between permission and completion as a result of being made to the permitted scheme (for example though changes to approved details such as the materials used).

APPRAISAL

22. The main issues to consider in this application are:
 - The principle of the proposed development.
 - The design of the proposed development and its impact on the character of the surrounding area.
 - The impact of the proposed development on the amenity of neighbouring properties.

Principle of development

23. The principal of the proposed development has already been established by the grant of planning permission 20/00826/FUL for what was a very similar development proposal. As such, officers consider the revised development proposed in this application is acceptable in principle.

Design and impact on the surrounding area

24. In terms of its design, massing, scale and proportion the development proposed in this application is broadly the same, as the development that was previously approved in June 2020, with very similar architectural styles and detailing. Whilst the concerns of Councillor Gowland are noted, the two storey side extension would be stepped back from the front wall of the house by the same amount as it was previously approved (around 1.5 metres) and would have the same asymmetric style roof, with the eaves and ridge set well below the ridge of the existing house. As such, officers are satisfied that the two storey side extension would not give rise to an unacceptable terracing effect on the street. Whilst it is acknowledged that the asymmetric roof design is not found elsewhere along Glenmore Road, given the roofs set down/front wall step back outlined above and having regard to the relatively narrow gap between the existing dwelling and the neighbour at no.40, officers are satisfied that the side extension would not be particularly prominent and as such would not be unduly harmful to the host dwelling or character of the wider street-scene.
25. The hip-to gable enlargement that has been built at the rear is not particularly visible from the front of the house, being partially obscured by the side dormer and the existing tall chimneys on the opposite side. It is of note that the rear roof of the property at no.40 also has a similar, if slightly smaller, rear hip-to-gable enlargement. The side box dormer is visible within the street when

standing directly opposite the house and at an oblique angle from positions slightly further away to the north. However, beyond these immediate standpoints the dormer is largely obscured by the neighbouring house at no.36 and by the existing house from the opposite direction. As such officers are satisfied that the dormer does not significantly harm the character of the wider street. Indeed, it is of note that several other properties on Glenmore Road also have side facing dormers of a similar size and whilst it is acknowledged that the use of zinc cladding is not found on these other dormers, the use of this material was previously accepted for the side dormer at this property and as such officers consider that it would not be reasonable to refuse the current application on this basis alone.

26. With regard to the proposed change of external materials on the side and rear extensions from render to brick, officers consider that this would be acceptable and unlikely to harm the appearance of the house or wider area, subject to the bricks being of similar appearance to those use on the existing house. A condition is recommended in this regard to ensure that the new brickwork would blend appropriately with the existing house and the other materials used for the other elements of the proposal be in accordance with those stated on the submitted drawings.
27. In terms of the other relatively minor changes proposed in this application, the addition of the small roof light in the two storey side extension and the introduction of two new skylights in the roof of the side dormer are also considered to be relatively minor in nature and do not significantly alter the overall design of the previously approved development. Similarly, the alteration of the windows in the front and side walls of the dormer would result in slightly smaller openings than was previously approved. This is as a result of a more substantial frame being required to hold the panes of glass in place. This alteration has meant that the roof of the dormer has been constructed with a very gradual downward slope compared to the flatter roof that was previously approved. Notwithstanding this, officers consider that these relatively minor changes to the glazing and shape of the dormer design do not significantly or unacceptably alter the development from that which was previously approved.
28. Being contained entirely at the rear, officers consider that the replacement of the previously approved doors in the rear hip-to-gable extension with a window and the omission of the Juliet balcony are also be acceptable. As would the amendment to the glazed curtain wall in the single storey rear extension.
29. Overall, officers consider that in terms of its design and appearance the amended development proposed in this application would accord with the relevant policies in the Development Plan and as such is acceptable in this regard.

Impact on amenity

30. As outlined above, the amended development proposed in this application is broadly similar in scale and proportion to the development that was previously approved in June 2020. The two storey side and single storey rear extensions would have the same blank elevations running down the side boundaries with nos.36 and 40, albeit constructed in brick as opposed to render. At the front the two storey side extension would be offset from the boundary with no.40 by 0.4 metres that reduces to 0.2 metres at the rear corner. The eaves of the two

storey side extension would measure around 5.1 metres in height, lower than the eaves on the existing house although marginally taller (100-200 millimetres) than previously approved. The ridge of the extension would be 6.2 metres in height (100 millimetres taller than previously approved). However, given the asymmetric roof design the ridge would be offset around 2.1 metres from the boundary with no.40. There are three upper-floor windows in the side wall of no.40 that face the proposed two storey extension, however all serve non-habitable spaces (ie: bathroom, toilet and a landing).

31. Notwithstanding the neighbour's side windows and the slight increases in eaves/ridge heights, officers are satisfied that the proposed two storey side extension would not be significantly more overbearing or overshadowing upon the neighbour at no.40 than the previously approved development. The additional rooflight proposed in the extension would serve an en-suite bathroom. Given its position high up on the roof slope of the extension, officers are satisfied that it is unlikely to afford significant (if any) overlooking or loss of privacy to the neighbour at no.40.
32. The height of the first part of the single storey extension would be around 3.2 metres and would continue at this height for about 2 metres before sloping down to around 2.8 metres in height at the rear corner (as previously approved). Similarly, on the opposite side the single storey rear extension would be 1.1 metres from the boundary with no.36 and would extend down the boundary by 4.1 metres (also as previously approved). As such, officers are satisfied that the single storey rear extension would not have a significantly greater impact on the neighbours at no.36 or no.40 than the previously approved scheme and no objections have been received from either of these neighbours in respect of this application.
33. In terms of the hip-to-gable enlargement that has already been carried out the only difference between this application and the previously approved development is to change the rear facing doors to a window and omit the Juliet balcony feature. Officers are satisfied that this minor amendment would not seriously harm the amenities of the occupiers of any of the neighbouring properties. With regards to the alterations to the roof of the side dormer, officers are satisfied that the introduction of a very shallow pitch to the roof and the insertion of the two rooflights would not adversely impact upon the amenities of the neighbour at no.36. Similarly, officers consider that the changes to the side and front facing windows in the dormer, would be unlikely to give rise to any greater impact upon no.36 than the previously approved scheme. In any case, the windows provide light into the staircase leading into the converted loft space. As such officers consider there would be limited opportunity for significant overlooking or loss of privacy to neighbouring properties from either window.
34. Overall, officers consider that in terms of its impact upon the amenities of the occupiers of neighbouring properties the amended development proposed in this application would accord with the relevant policies in the Development Plan and as such is acceptable in this regard.

CONCLUSION

35. For the reasons outlined in this report, officers consider that in terms of its design, appearance and impact on the character of the area, the amended

proposed development is acceptable and would not be significantly more harmful to the character of the area than the development that was previously granted planning permission in June 2020. Similarly, officers consider that the amended proposed development would be unlikely to result in significantly more harmful impacts upon the amenity of the occupiers of neighbouring properties than the previously approved scheme either, which was also considered to be acceptable in this regard.

36. On balance, officers consider that the proposed development would accord with the relevant development plan policies and therefore recommend that the application be granted, subject to conditions suggested at the end of this report.

RECOMMENDATION

To GRANT planning permission 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 must be carried out strictly in accordance with the following approved drawing(s):**

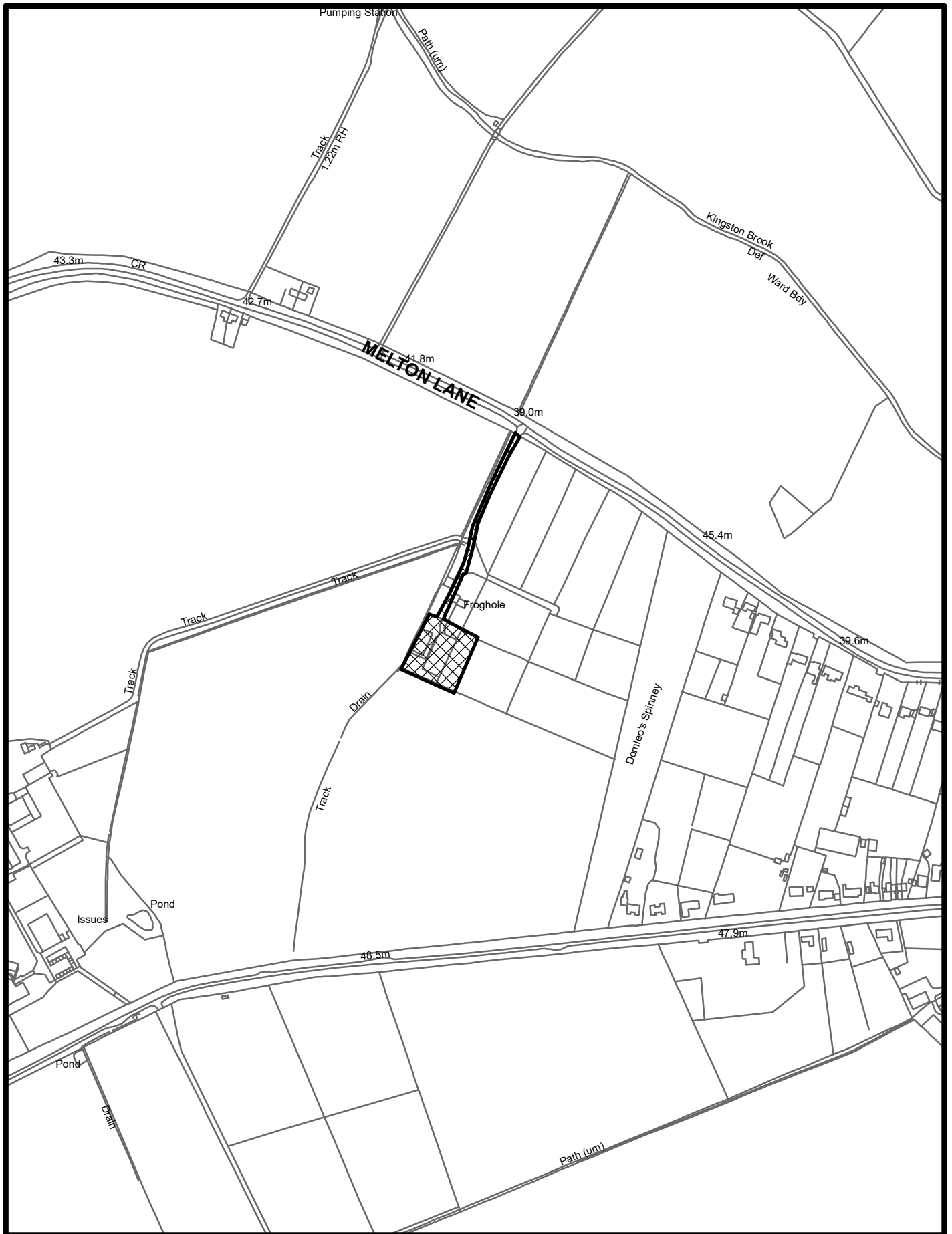
- **0021-1000 – Location Plan, Block Plan & Proposed Site Plan received on 6 December 2021;**
- **0021-01001 – Existing and Proposed Rear Landscape Layout received on 6 December 2021;**
- **0021-1125 – Proposed Ground and First Floor Plans received on 6 December 2021;**
- **0021-1126 – Proposed First Floor and Roof Plans received on 6 December 2021;**
- **0021-1275 – Proposed Elevations received on 6 December 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 bricks used in the construction of the exterior of the two-storey side and single-storey rear extensions hereby approved must be similar in appearance to the bricks used in the exterior of the existing dwelling. The construction of all other external elements of the development hereby approved must be carried out in accordance with the materials specified on the approved drawings referred to in condition 2 of this permission.**

[To ensure the appearance of the development is satisfactory 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]

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Application Number: 21/02914/FUL
Soho Bonington, Melton Lane, Sutton Bonington



scale 1:5000

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21/02914/FUL

Applicant Russo

Location Soho Bonington 40 Melton Lane Sutton Bonington Loughborough Nottinghamshire

Proposal Change of use of 2 agricultural barns to 1 dwelling house and swimming pool, associated external alterations including roof alterations, installation of solar panels, insertion of doors and windows (part retrospective)

Ward Sutton Bonington

THE SITE AND SURROUNDINGS

1. The application site is located in open countryside on the south side of Melton Lane, Sutton Bonington. It is to the south (rear) of 40 Melton Lane which comprises of a modest, detached farmhouse occupied by the applicant. The site is otherwise surrounded open agricultural fields separated by hedgerows.
2. The site comprises of two detached agricultural barns which are positioned some 31 metres to north of 40 Melton Lane and are accessed via a long private tree lined driveway from the south side of Melton Lane. The application site also includes a relatively small area of hardstanding and grass turf which surrounds the two barns that measures approximately 37m in width and 58m in length.
3. The larger barn measures some 40.5m x 18.6m and the smaller barn adjacent (west) measures 22.6m x 10.6m.
4. Unauthorised works have been undertaken. In October 2019 the larger barn had an entirely breeze block wall along the northern and southern facing gables, the higher section of the barn to the southern end had two raised roof sections to either side of the pitched roof, which had been insulated, and a new black metal roof, supported internally by a new steel portal frame had been added. During the Planning Officer's site visit in June 2020 the following additional works to the larger barn were noted; A concrete floor has been laid, the internal walls and roof has been clad, an internal fireplace had been installed; a brick wall / pillar had been built to the southern higher section; a single storey open 'lean-to' has been added to part of the eastern elevation, large windows had been installed, the southern end gable had been finished in metal corrugated cladding. The smaller barn appears to have been largely unaltered over a similar period.

DETAILS OF THE PROPOSAL

5. The application seeks planning permission for the change of use of 2 agricultural barns to for a single dwelling house, with the living accommodation within the larger barn, and a swimming pool and gymnasium in the smaller

barn; and associated external alterations including re-cladding; insertion of doors and windows and installation of solar panels.

6. The barns are both constructed of steel frames above concrete floors, the walls are a mix of breeze blocks and concrete cladding, with the roof clad in metal sheeting.
7. The larger of the two barns measures 40m by 18m in footprint and would comprise of a substantial open plan living accommodation and two bedrooms/bathrooms at ground floor, with a first-floor mezzanine providing 3 additional bedrooms and bathroom.
8. The smaller of the two barns measures 23m by 11m and would comprise of an ancillary gym and swimming pool building.
9. In support of the application structural details of the existing barns were submitted, together with a preliminary bat roost assessment, a contaminated land report, planning statement and landscape assessment.
10. The application is a re-submission of a former identical application that was previously refused via delegated power in August 2020 (Ref: 20/01015/FUL). Importantly, it should be noted that there has been no change since this time in either the proposed development or in respect of local and national planning policies.

SITE HISTORY

11. 05/01070/FUL - Change of use of existing garage/store (attached to house) to form two student bedrooms (with alteration to roof slope on rear elevation); form farm manager's office. Granted conditionally September 2005.
12. 05/01467/FUL - Construct building containing 10 stables and a single and two storey outbuilding to form storage and demonstration area with meeting room and junior veterinary surgeons flat at first floor. Granted conditionally September 2005.
13. 06/00015/FUL – Use of land for parking 2 temporary static caravans. Granted conditionally February 2006.
14. 12/00061/FUL - Alterations and extensions to form veterinary and equestrian centre to form observation tower/water tower and more spacious accommodation for employees. Granted conditionally June 2012.
15. 19/00009/FUL – erection of single storey extension (to the main house). Granted March 2019.
16. 19/02125/FUL – change of use of 2 agricultural barns to 1 dwelling house, and associated external alterations including; re-cladding; insertion of doors and windows; and installation of solar panels. Withdrawn.
17. 20/01015/FUL - Change of use of 2 agricultural barns to 1 dwelling house, and associated external alterations including insertion of doors and windows (resubmission). Refused August 2020.

18. 20/01122/FUL – Change of use of existing storage (B8) and separate workshop (B1c) into an office (B1a) unit including insertion of window, addition of doors and replacement of cladding. Granted August 2020.
19. 20/01123/FUL – Erection of new commercial building (D2 gym). Refused October 2020

REPRESENTATIONS

Ward Member

20. The Ward Member – Cllr M Barney comments that he supports the application has no objections to the proposals.

Town/Parish Council

21. No comments from the Parish Council have been received.

Statutory and Other Consultees

22. Nottinghamshire County Council as Highway Authority confirm that the principle of the proposal is considered acceptable from a highway's perspective. However, they note that the existing vehicle access is not to current Highway Authority standards and is in a poor state of repair and as such, the access will require upgrading to current Highway Authority standards, if approved. In addition, the access driveway would also need to be surfaced in a hard-bound material for a minimum distance of 5m to the rear of the highway boundary. They suggest planning conditions and an informative to secure these measures.
23. The Borough Council's Environmental Health Officer has no objections to the proposals. Taking account of the recent planning history they consider that the buildings located close to the existing farmhouse has a commercial use. They are not aware of this impacting adversely on the existing residential use. On this basis, and as the building would be located within an area indicated to be within the ownership of the applicant, it is considered unlikely that the existing commercial use would have a detrimental impact on amenity on any future occupants of the proposed dwelling. In relation to land contamination, they consider that the submitted Interpretative Desk Study and Exploratory Investigation Report (Ref; GJ198 Froghole Farm; dated February 2020)'report prepared by G&J Geoenvironmental Consultants Ltd' concludes that the risk to human health and the environment from the potential contaminant linkages identified in the conceptual site model is low/negligible and no further works are required, and as such the available evidence supports the conclusion drawn and conditions relating to potential land contamination are not required.

Local Residents and the General Public

24. There have been no public comments made in relation to the proposals.

PLANNING POLICY

25. The application falls to be considered against the development plan for Rushcliffe (unless material considerations indicate otherwise) which now

comprises of Local Plan Part 1: Rushcliffe Core Strategy (Core Strategy) and Local Plan Part 2: Land and Planning Policies. Other material considerations include the National Planning Policy Framework 2021 (NPPF).

26. The full text of the policies is available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

Relevant Local Planning Policies and Guidance

27. **Local Plan Part 1:** Policy 1 (Presumption in Favour of Sustainable Development) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
28. Policy 10 (Design and Enhancing Local Identity) requires all new development to be designed to make; a positive contribution to the public realm; create an attractive, safe, inclusive and healthy environment; reinforce local characteristics; and reflect the need to reduce the dominance of motor vehicles.
29. **Local Plan Part 2:** Policy 1 (Development Requirements) states that planning permission for new development will be granted provided that; there is not significant adverse effect upon the residential amenity of adjoining properties; there is adequate provision of parking; there is sufficient amenity and circulation space; the scale, density, height massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and surrounding area, it should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy; noise attenuation and light pollution is minimised; there is no significant adverse effects on wildlife and there are net gains in biodiversity; there is no significant effect on landscape character; the amenity of occupiers of the development would not be detrimental affected by existing uses; there is not adverse effect on historic sites; the opportunities for criminal activity are minimised; renewable energy technologies are encouraged; the development would have regard for the best and most versatile agricultural land.
30. Policy 22 Development within the Countryside states that land identified as countryside will be conserved and enhanced for the sake of its intrinsic character and beauty, diversity of landscapes, heritage and wildlife. The re-use and adaption of buildings for appropriate uses, including housing, will be permitted subject to a number of criteria, specifically; the appearance and character of the landscape is conserved and enhanced.
31. Paragraph 6.20 states that; The re-use and adaption of certain buildings to dwellings makes a valuable contribution to the housing stock and to retaining the amenities of surrounding areas. Part 2b) of the policy therefore permits, in principle, the conversion and change of use of existing buildings within the countryside for appropriate uses, including housing. The proposal should however comply with the development requirements outlined in Policy 22. In addition, it should not lead to the loss of employment uses and ensure that the architectural or historic qualities of the building are retained.

Relevant National Planning Policies and Guidance

32. The National Planning Policy Framework updated in July 2021 (NPPF) explains that the development of isolated homes in the countryside should be avoided unless certain circumstances for example the development would re-use redundant or disused buildings and enhance its immediate setting (paragraph 80).
33. The NPPF (July 2021) includes a presumption in favour of sustainable development. Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Decision-makers at every level should seek to approve applications for sustainable development where possible.
34. 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):
 - a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
35. Section 5 - 'Delivering a Sufficient Supply of Homes' includes policy for considering rural housing. The NPPF identifies that decisions should avoid the development of isolated homes in the countryside, unless one or more of a set of exceptions apply. Part 'c' of the exceptions includes development that would re-use redundant or disused buildings and enhance its immediate setting.
36. Section 9 - 'Promoting Sustainable Transport' states that it should be ensured that safe and suitable access to the site can be secured for all users, going on to identify that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
37. Section 12 - 'Achieving Well Design Spaces' states that the creation of high-quality buildings and places is fundamental to what the planning and

development process should achieve. 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. It states that planning policies and decisions should ensure that developments, inter alia:

- a) Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

38. Section 15 - 'Conserving and enhancing the natural environment' states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

APPRAISAL

39. The main issues for consideration are;

- a. Whether the development would be tantamount to a new dwelling in the countryside;
- b. The effect of the proposal on the character and appearance of the open countryside
- c. The effect of the proposed development on highway safety
- d. The effect of the development on protected species; and
- e. The effect on the living conditions of existing and future occupiers (including contamination)

a. Whether the development would be tantamount to a new dwelling in the countryside

40. In terms of the principle of converting agricultural buildings to a dwelling in the open countryside and the impacts upon its character, Policy 22 of the Local Plan Part 2 supports the re-use and adaption of buildings in the open countryside to dwellings, subject to a number of criteria.

41. In order to establish if the proposal can be considered under Policy 22, it is first necessary to consider if the proposal would constitute the re-use and adaption of a building. During an Officer's visit to the site, photographs of the barns were taken. At this point in time the larger barn comprised of breeze block and corrugated metal clad walls to the gable ends, and timber cladding to the two long side walls, with the roof covered in corrugated metal sheeting.

42. During the previous Officer's site visit in October 2019 the larger barn had an entirely breeze block wall along the northern and southern facing gables, the higher section of the barn to the southern end had two raised roof sections to either side of the pitched roof, which had been insulated, and a new black metal roof, supported internally by a new steel portal frame had been added.

43. The new metal clad black roof is evident on Google maps (Imagery@2020) which clearly differs from the grey corrugated roof shown on the RBC aerial

photos taken earlier. These are also detailed in the photograph submission made by the applicant as part of this application.

44. The two raised roof sections to the southern end of the barn are shown on the 'existing plans' however, whilst these physical alterations to the barn may have already been carried out, they have altered the size and appearance of the barn and are considered to be operational development, for which no permission has been granted. The proposal would not therefore merely comprise of the change of use of an existing building.
45. During the Planning Officer's site visit in June 2020 the following additional works to the larger barn were noted; A concrete floor has been laid, the internal walls and roof has been clad, an internal fireplace had been installed; a brick wall / pillar had been built to the southern higher section; a single storey open 'lean-to' has been added to part of the eastern elevation, large windows had been installed, the southern end gable had been finished in metal corrugated cladding.
46. The smaller barn appears to have been largely unaltered over a similar period of time.
47. In support of the application, a structural appraisal has been submitted, detailing the results of a 'visual' inspection of the building. In terms of building 1, it describes it as a single storey building (it is now part two storey) with a steel portal frame (this is a recent addition), an insulated and clad roof (this is also a recent addition), and clad walls (parts of which have recently been re-clad). It explains that the concrete foundations were exposed in one location and found to be adequate.
48. In terms of building 2, it describes it as a single storey building, with a steel portal frame, an insulated and clad roof, block work to the side elevations and cladding to the end elevations, and a concrete ground floor slab. It explains that the steel frame was found to be in a good condition.
49. It states that 'As part of any conversion work it is normal for local repairs, replacement cladding, tying of the structure etc. to be carried out. This work will be undertaken whilst retaining the form and character of the current buildings.'
50. However, it is considered that the buildings are not capable of being converted to residential accommodation without a substantial amount of new work, much of which has already been carried out, and which does not merely constitute 'repairs'.
51. Structural works to the larger building 1, are of a scale which are deemed to constitute development, and have been carried out to the building, without permission. These works include raising part of the roof, a new roof, new steel portal frame, new walls, new floors, and the insertion of large areas of glazing. When taken cumulatively, these alterations are considered tantamount to the construction of a new building in the countryside, rather than the conversion of an existing building.
52. It is considered that the proposals would not therefore comprise of the re-use and adaption of an existing building and would not therefore accord with Local

Plan Policy 22 or Paragraph 80 of the NPPF. The creation of a new dwelling is not one of the types of developments identified under Policy 22 as being acceptable in an open countryside location.

b. The effect of the proposal on the character and appearance of the open countryside

53. Policy 22 3a) of the Local Plan permits development in the open countryside where: the character and appearance of the landscape is conserved and enhanced. Paragraph 79 of the NPPF also requires the re-use of redundant building to enhance its immediate setting.
54. The site is located in the open countryside outside the main built-up part of the village of Sutton Bonington. Whilst the University of Nottingham (School of Agriculture) Campus is located approx. 400m to the west of the application site, the immediate area is characterised by small clusters of residential properties in elongated plots in a linear pattern along Landcroft Lane and Melton Lane, surrounded by open agricultural fields, which are dotted with traditional farm buildings.
55. Increasing the height of the roof, altering the angle of roof slope, introducing large areas of glazing, re-cladding most of the walls and roof of the structure has significantly altered the character and appearance of the larger building to such an extent that it would significantly alter the intrinsic character of what was once a simple agricultural barn structure.
56. In addition, there are likely to be additional enclosures, lawns, patio areas and a range of domestic paraphernalia added over time. With all aspects taken into account, the proposal would result in significant and harmful urbanising of an existing simple typical agricultural building. Therefore, in the context of the requirements of paragraph 80 of the NPPF and Local Plan Policy 22, the proposal would not result in the enhancement of the immediate setting.

c. The effect of the proposed development on highway safety

57. In terms of the impacts upon highway safety, the site is accessed via a private driveway off Melton Lane, it is not considered that the traffic generated by one dwelling would be any greater than that generated by the former agricultural use of the barns. There is sufficient space within the application site for vehicular parking for one dwelling, together with a sufficient turning area to allow vehicles to enter and exit the site onto Melton Lane in a forward gear. The Highway Authority do not object to the application on the basis that the existing driveway be widened.

d. The effect of the development on protected species

58. A Preliminary Bat Roost Assessment Report was submitted during the course of the previous application which concluded that there is negligible potential for roosting bats. As a result, it is considered that the proposal is unlikely to harm protected species. It is not therefore considered necessary to assess the application against Natural England's 3 tests.

e. The effect on the living conditions of existing and future occupiers (including contamination)

59. With regards to the impacts upon the living conditions of 40 Melton Lane, the vehicular access to the site is adjacent to the side elevation of 40 Melton Lane. Whilst domestic vehicles accessing the site have the potential to create noise and disturbance, it is not considered that this would be any greater than the noise generated by the potential movements associated with the agricultural use of the barns and land.
60. The proposed residential curtilage would be located 19m from the rear elevation of no.40, with the closest barn located 31m away. Whilst there are two large windows proposed in the north-eastern end gable of the larger barn facing no.40, given the separation distances, it is not considered that the proposal would result in unacceptable levels of overlooking or loss of privacy.
61. With regards to the impacts upon living conditions of future occupiers, a contaminated land report has been submitted in support of the application which concludes that the risks from land contamination are considered to be very low/negligible, and no further investigation works or remediation are considered necessary. Environmental Health do not object to the proposals. The converted barns would benefit from a residential curtilage which would provide adequate outdoor amenity space for future occupiers.

Conclusion

62. It is considered that the proposals represent the construction of a new dwelling in the countryside rather than a conversion of an existing building, contrary to local and national planning policy. As such, it is recommended that planning permission be refused

RECOMMENDATION

It is RECOMMENDED that planning permission be refused for the following reasons:

1. The proposals would result in significant alterations to the buildings, which, when considered cumulatively, are tantamount to the construction of a new building in the countryside. The proposals would not therefore comprise of the re-use and adaption of existing buildings, and would therefore be contrary to paragraph 79 of the NPPF and Policy 22 (Development within the Countryside) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.
2. The cumulative impacts of the physical alterations to the buildings together with the domestic paraphernalia associated with its use as a dwelling would result in significant and harmful urbanising of simple agricultural buildings, which would be harmful to the character and appearance of this open countryside location. The proposals would not therefore conserve or enhance their immediate setting, and would therefore be contrary to paragraph 80 of the NPPF and Policy 22 (Development within the Countryside) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.

Note

Positive and Proactive Statement

The proposal was a resubmission of a previously refused application and as there had been no changes to the proposal itself or to planning policies, which would overcome the reasons for refusal, to enable the Rushcliffe Borough Council reach an alternative decision to that on the previous application, it was not considered further negotiation or discussion would be beneficial. .



Application Number: 21/03162/ADV
Bingham Arena & Enterprise Centre,
Chapel Lane, Bingham



scale 1:2000

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21/03162/ADV

Applicant Mrs Helen Penniston

Location Bingham Arena and Enterprise Centre Chapel Lane Bingham
Nottinghamshire

Proposal Display of 1no internally illuminated suspended sign and 2no. fascia signs

Ward Bingham East

THE SITE AND SURROUNDINGS

1. The application relates to a site situated directly north of the railway line on the eastern side of Chapel Lane, Bingham which is presently being developed for a mixed use development comprising a leisure centre with community hall (Bingham Arena) and a separate office building with associated car parking (Bingham Enterprise Centre). Sites to the north and east are occupied by industrial units with the unit to the east owned by the Borough Council and presently occupied by Streetwise. On the opposite side of Chapel Lane is a Lidl retail store and a car washing operation. To the south of the site, on the opposite side of the railway line, are residential properties. A level crossing over the railway line is adjacent to the south west corner of the site.
2. The new leisure centre building which incorporates a community hall is situated to the back of the site with the two storey office building sited forward of this building and located at right angles adjacent to the northern boundary. Car parking exists to the front of the Bingham Arena building. Some vegetation is present along the side boundary of the site with the railway line.

DETAILS OF THE PROPOSAL

3. Advertisement consent is sought for the display of three signs which would include illuminated lettering on the frontage of the leisure and community centre building with the letters designed over the main entrance to the building spelling out 'BINGHAM ARENA' and two non illuminated fascia signs comprising individual letters on the front and side of the Enterprise Building spelling out Bingham Enterprise Centre.

SITE HISTORY

4. Planning permission was granted in April 2020 (ref 19/02914/FUL) for the erection of a leisure centre incorporating a community hall and a separate office building. Work has commenced on site.

REPRESENTATIONS

Ward Councillor(s)

5. Two Ward Councillors have made no comments

Town Council

6. Bingham Town Council have no objections

Statutory and Other Consultees

7. Nottinghamshire County Council as Highway Authority consider the application should be assessed against their Standing Advice
8. Network Rail have no observations to make
9. The Borough Councils Environmental Health Officer raises no comments or objections

Local Residents and the General Public

10. One comment received from a local resident querying where the signs would be located.

PLANNING POLICY

11. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (2014), the Local Plan Part 2: Land and Planning Policies (2019) and any relevant Supplementary Planning Documents and Neighbourhood Plans. Consideration should also be given to the NPPF and the NPPG.

Relevant National Planning Policies and Guidance

12. Regulation 3 of the Advertisement Regulations requires that local planning authorities control the display of adverts in the interests of amenity and public safety taking into account the provisions of the development plan, in so far as they are material and any other relevant factors.
13. The application falls to be considered against guidance in the National Planning Policy Framework, paragraph 132: *"The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."*

Relevant Local Planning Policies and Guidance

14. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (2014), the Local Plan Part 2: Land and Planning Policies (2019) and any relevant Supplementary Planning Documents and Neighbourhood Plans. Within these documents the following policies are

considered relevant to this application. Policy 1 of the LLP1 reinforces the positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

15. Policy 10 of the LPP1 states, *inter alia*, that all new development should be designed to make a positive contribution to the public realm and sense of place and reinforce valued local characteristics. Policy 10 requires new development to be assessed in terms of its treatment of certain elements. Of particular relevance to this application are those elements outlined at subparagraphs; 2(b) impact on neighbouring amenity; 2(f) massing, scale, proportion; and 2(g) materials, architectural style and detailing and h) the potential impact on important views and vistas, including of townscape, landscape, and other individual landmarks, and the potential to create new views.
16. In setting out the development requirements for the Borough, policy 1 of the LPP2 broadly echoes policy 10 of the LPP1. Specifically, it states that planning permission will be granted for new development provided that there would be no significant adverse effect upon the amenity of adjoining properties or the surrounding area; and the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.

APPRAISAL

17. The key issues to consider are the design and appearance of the adverts and impacts on public safety
18. The principle of developing the Leisure and Community Centre building and the Business units has already been agreed and works are now at an advanced stage. The key issues in consideration of this application to display advertisements at the site are the visual impact of the proposed advertisements on the surrounding area and any potential impact on public safety including highway safety and users of the railway line.
19. The illuminated lettering proposed to the frontage of the leisure centre building would comprise individual letters measuring 600mm in height. Each letter is individually attached to a bar measuring a total of 9.9m in width with the base of the lettering positioned 7m above ground level. The letters will be built of brushed stainless steel with opal white front and internally lit with static lighting of 400 – 600 candelas per square metre. The lighting could be turned off when the building is not in use and subject to a condition requiring this, the proposal is not considered to impact on the visual appearance and amenities of the wider area or the amenity of the neighbouring occupiers particularly given the scale of the building on which the signage would be displayed. The form of the advertisement is considered to compliment the modern design of the leisure centre. No objections have been raised to the application from Environmental Health.
20. The fascia signs on the Enterprise unit are non illuminated and will comprise of white lettering and it is considered their location and size are appropriate to the building on which they will be attached.

21. In terms of highway safety taking into account the distance away from the public highway and the railway line and the type of signs proposed it is not considered that they would be overly intrusive or prove a distraction to drivers or users of the highway or railway to the detriment of public safety. Where illumination is proposed this is confirmed to be static. It is noted that Network Rail have no objections to the signage.
22. For the reasons set out above it is considered that the design and appearance of the adverts proposed would have an acceptable impact on amenity and are unlikely to result in any undue impact on public safety. It is therefore recommended that advertisement consent is granted.

RECOMMENDATION

It is **RECOMMENDED** to grant advertisement consent subject to the following conditions:

1. All advertisements displayed, and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any hoarding, structure, sign, placard, board or device erected or used principally for the purpose of displaying advertisements, shall be maintained in a safe condition.
3. Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road or traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

[1 to 5 above to comply with the requirements of the above-mentioned Regulations].

6. This consent relates to the following plans and supporting information:-

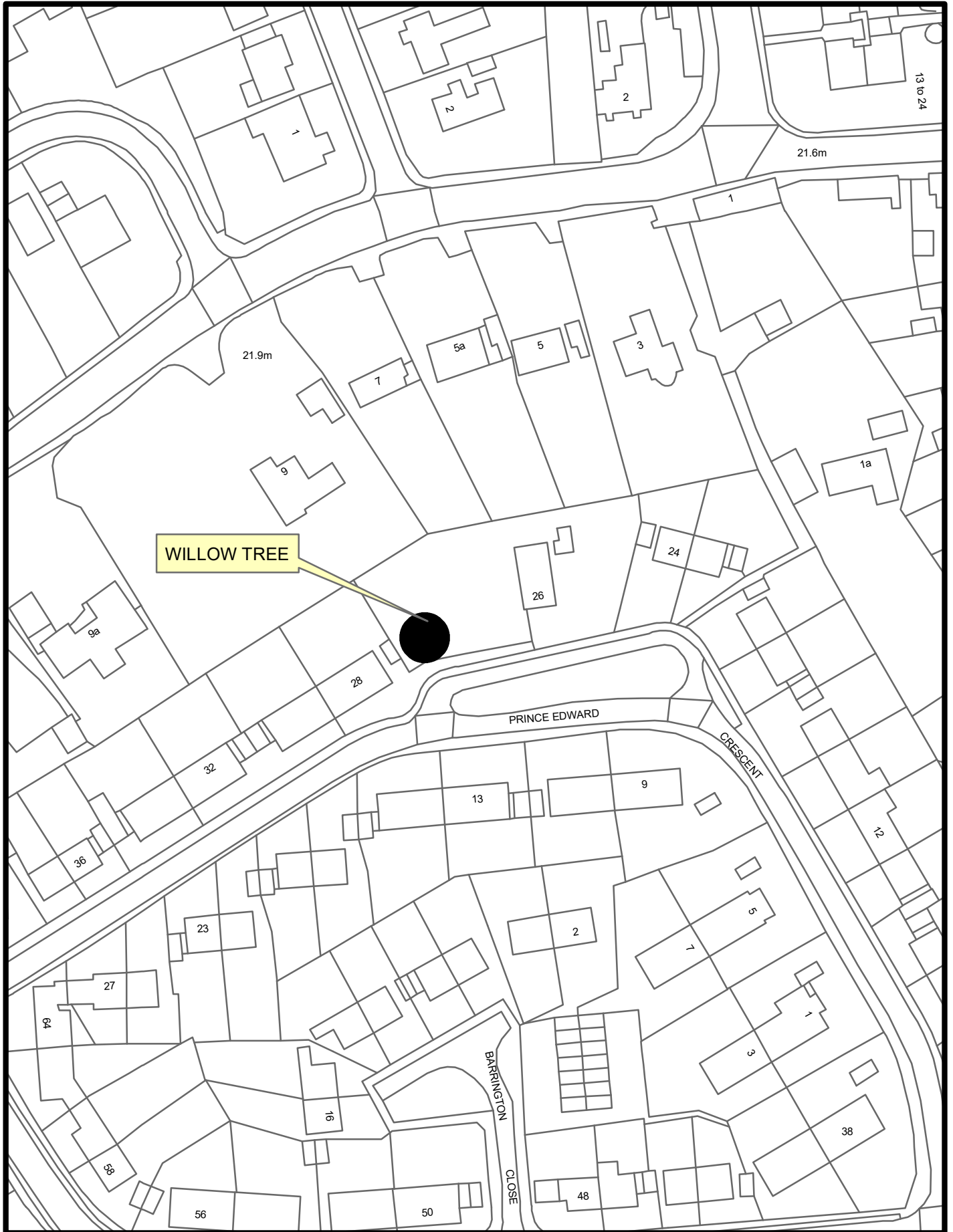
Drawing no. J285-ASC-ZZ-ZZ-SC-X-0001
Supporting letter dated 15 December 2021 and revised signage size information received on the 5th January 2022

[For the avoidance of doubt and in the interests of visual amenity to comply with Policy 1 of Local Plan Part 2, Development Requirements.]

7. The illuminated letters proposed to be displayed on the Leisure and Community centre building (Bingham Arena) shall only be illuminated during the opening hours of the building.

[For the avoidance of doubt and in the interests of visual amenity to comply with Policy 1 of Local Plan Part 2, Development Requirements.]

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**Tree Preservation Order
26 Prince Edward Crescent Radcliffe on Trent**



scale 1:1000

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21/00195/TORDER

Objectors Mr Aled Davies and Mr Anthony Mitchell

Location 26 Prince Edward Crescent

Proposal Objection to Tree Preservation Order

Ward Radcliffe on Trent

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects a Willow tree in south west corner of 26 Prince Edward Crescent, a detached property in the 'Canadian Estate', Radcliffe on Trent. The estate gained its name as it was constructed in the 1950's to house Canadian airmen and the tree is located in the former commander's house which is a detached dwelling in a street of predominantly bungalows. The road has a pleasant sylvan setting due to mature trees at number 26, but there is also a grassed verge within the road that contains a number of trees. The garden lies to the west of the property with its drive and front garden located to the east.

DETAILS OF THE TREE PRESERVATION ORDER

2. The TPO was made on the 4th November 2021 and needs to be confirmed within 6 months of being made otherwise it will lapse.

SITE HISTORY

3. The Council received a planning application to construct a dwelling in the grounds of the property, reference: 21/01850/FUL this drew the Council's attention to the tree after 3 residents raised concerns about its loss. The tree was assessed and because it makes a strong contribution to the street scene it was thought appropriate to protect the tree. At the time of writing the above planning application is on-going with a revised design that allows the retention of the tree.
4. There is an older TPO covering 26 Prince Edward Crescent, this was made in 1992 and protects a Lime tree in the front garden of the property.

REPRESENTATIONS

Local Residents and the General Public

5. Two objections to the TPO have been received, one from the owner of the property where the tree is located, the other is from the owner of the adjacent property at number 28 which is the house located closest to the tree.

6. The owner of the tree objects to the TPO for the following reasons:
 - Pre-application planning advice for a dwelling was positive.
 - Advice from estate agents was this property was likely to be bought by a developer and they did not want the property to be demolished hence the application to construct a bungalow in the garden. The parents of the property owner planted the Willow in 1964.
 - Willows are fast growing and have shallow growing invasive roots that can extent for 100ft. The Willow is 19ft from their neighbour's property who has also objected. The neighbour has a bulge in the floor and in the past has had to clear roots from the drains.
 - The Willow is already over 60 years old but should only live for 20-40 years and is therefore over its normal lifespan.
 - Due to its proximity to the neighbouring property, high water demand, size and the fact it is over its typical lifespan it poses a risk to the property and could cause subsidence damage.
 - There are shared drains close to the tree which may also be affected.
 - The owner questions the public amenity value to the 3 residents who objected to its removal during the planning process, by looking at lines of sight between the tree and property.

7. The owner of adjacent property objects due to:
 - Past structural damage the which the builder said almost certainly due to the tree. There is currently a small lump in the carpet which could be caused by roots.
 - Roots have been dug out of the drain in the rear garden in the past.
 - Concerns over the age of the tree and what would happen if a gale were to bring it down.

APPRAISAL

8. Pre-application was given to the owners of the property about the possibility of carrying out development within the garden and the following advice was given in respect of trees: *"Any scheme should be designed with the continued protection of the TPO tree within the site in mind. There are a number of other trees within the site that although not protected still make a contribution to the amenity of the area. Therefore, I suggest a tree survey would be necessary to support any application for the redevelopment of the site."* The conclusion of the pre-application advice as that: *"Although residential use in this location is considered acceptable in principle you must demonstrate that the proposed development meets the requirements of national and local planning policies."* No tree survey was submitted with the planning application and the application drawings did not show the tree or give it due consideration.

9. Under the section 197 of the Town and Country Planning Act 1990 local authorities have a duty to consider using conditions or TPO's to protect trees when considering planning applications.

10. Willows are fast growing tree but the lifespan given by the objector is taken from an American website where *Salix babylonica* is more common, this tree does have a short lifespan but as it is not resilient to frosts it is quite rare in the UK and only suitable for southern parts of the country. Most UK weeping Willows are a hybrid of *Salix alba* and *Salix babylonica* called *Salix x Sepulcralis*, this tree is more resilient to cold weather and has a much longer

lifespan. It is considered that the tree has a sufficiently long useful life ahead that ongoing protection is justified.

11. Trees can cause damage to properties and this can take many forms with light structures such as paths being readily lifted by roots. Damage to houses usually occurs when trees extract moisture from clay soils causing it to exacerbate seasonal fluctuations in soil water content which can cause clay to shrink after summer months and swell again in winter leading to movement in buildings. This is likely to result in cracks to walls particularly in weak points close to doors or windows or where walls meet ceilings or floors. It is extremely unlikely that roots would be able to push up the floor of a building as these are usually suspended timber, or concrete slabs. An officer visited the adjacent property to look at the lump in the floor, this is very minor and at the current time it is impossible to determine if the tree is the cause, but as the tree is separated from the property by a detached garage and area of paving, it is unlikely that roots would proliferate under the house.
12. Tree don't know drains contain water and don't seek them out, but if cracks exist they will provide roots with ideal growing conditions which they take advantage of. It may well be the case the roots have entered the drain which runs along the northern edge of both gardens in the past. However, there is no evidence to suggest the roots come from the Willow tree and there are a number of other trees close to, or on top of the drain. Leaking drains can also be relined to help prevent further root encroachment.
13. Whilst there is a chance the tree could be affecting the adjacent property or the drains, the objections only infer this is the case and no evidence has been presented to show that the Willow is the cause of the issues raised. Many of the issues raised date back to when each respective property was owned by relatives of the current owners and whilst we do not know what was said at the time, the tree was retained.
14. The Willow has been pollarded in the past to reduce its canopy back to a framework of stubby limbs, when this work takes place the new growth has weaker attachment points than a normal branch and repeat pollarding needs take place on a cyclical basis. Willow trees quickly regrow and are suitable for this type of management, in the past it was used as a way of generating timber. In the current context, the advantage of such work is that repeat pruning will reduce the canopy and in turn the water demand of the tree which will reduce the risk of subsidence. Such work would also reduce the risk of the tree failing in high winds.
15. It is considered at this time there is no evidence to suggest the tree is affecting the neighbouring property or drains, or that there is any pressing need to remove the tree now that it has been protected. Confirming the TPO would make it permanent but would still allow interested parties to submit applications to prune or fell the tree in the future. Government advice is that where applications are needed due to tree-related subsidence damage they should be properly supported by appropriate investigative information such as assessments of damage, level monitoring, trial pit assessments to assess foundation depth and subsoil characteristics and to identify any tree roots as well as assessments of drains. It is considered that confirming the order would allow the above assessments to be made with a view to future application

being made if evidence of damage comes to light. The Council also recognises that it would be appropriate to allow the tree to be re-pollarded in the future.

16. The owner of the tree questions its amenity value to those people who objected to its removal following the planning application by suggesting the tree is not visible or prominent from their properties. The primary purpose of TPO's is to protect trees in the "interests of amenity", this is not defined in law, but Government advice suggest trees should be at least visible from a public vantage point. The Willow is particularly prominent from the road to the west but can also be viewed from the end of the public footpath to the east. It is the visual prominence of the tree from these public vantage points which justifies protection rather than any views from nearby properties.

RECOMMENDATION

It is RECOMMENDED that the TPO be confirmed without modification.