

When telephoning, please ask for: Tracey Coop
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Our reference:
Your reference:
Date: Wednesday, 4 January 2023

To all Members of the Planning Committee

Dear Councillor

A Meeting of the Planning Committee will be held on Thursday, 12 January 2023 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



Gemma Dennis
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 8 December 2022 (Pages 1 - 16)
4. Planning Applications (Pages 17 - 70)

The report of the Director for Development and Economic Growth

Membership

Chairman: Councillor R Butler
Vice-Chairman: Councillor Mrs M Stockwood
Councillors: B Bansal, S Bailey, N Clarke, L Healy, D Mason, F Purdue-Horan, V Price, C Thomas and J Walker

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**MINUTES
OF THE MEETING OF THE
PLANNING COMMITTEE
THURSDAY, 8 DECEMBER 2022**

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

PRESENT:

Councillors R Butler (Chairman), S Bailey, L Healy, D Mason, F Purdue-Horan, V Price, C Thomas, J Murray, A Phillips and R Upton

OFFICERS IN ATTENDANCE:

H Knott	Service Manager - Communities
E Dodd	Principal Area Planning Officer
P Taylor	Area Planning Officer
R Sells	Solicitor
T Coop	Democratic Services Officer

APOLOGIES:

Councillors Mrs M Stockwood, N Clarke and J Walker

25 **Declarations of Interest**

There were no declarations of interest recorded.

26 **Minutes of the Meeting held on 10 November 2022**

Following the publication of the minutes of the November Planning Committee meeting, Councillors Jones and Thomas felt that the minutes relating to application 22/00809/FUL Land at Church Farm, Gotham did not represent comments of members in relation to Condition 14 and the informatives.

The Committee noted that Condition 14 had been amended to reflect what was proposed and an updated version of the minutes was published as late representation. The updated version of the minutes were approved and signed by the Chairman.

27 **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.

22/01046/FUL – Demolition of existing building; Erection of 9 No. 2 storey apartments; Erection of fencing to front, side and rear; Associate landscaping and access works including raised patio and underground garage entrance – Wishing Well Day Nursery Limited c/o The Buckingham

Updates

Additional representations were received after the agenda had been published and these were circulated to the Committee before the meeting. In accordance with the Council's Public Speaking Protocol for Planning Committee, the Solicitor read out a statement from a local resident and councillor R Mallender (Ward Councillor) addressed the Committee.

Comments

Members of the Committee requested that condition 4 be amended to include the undercroft parking areas in the management responsibilities, maintenance schedules for the common/communal areas.

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:
 - 2990(08)001 Rev A titled 'Location Plan' dated 17/05/22
 - 2990(08)003 Rev B titled 'Proposed Block' dated 09/08/22
 - 2990(08)007 Rev B titled 'Proposed Site Plan' dated 09/08/22
 - 2990(08)008 Rev B titled 'Proposed Undercroft Parking' dated 09/08/22
 - 2990(08)009 Rev B titled 'Proposed Ground Floor Plan' dated 09/08/22
 - 2990(08)010 Rev B titled 'Proposed First Floor Plans' dated 09/08/22
 - 2990(08)011 Rev A titled 'Proposed Unit Type Plan' dated 07/05/22
 - 2990(08)012 Rev A titled 'Proposed Elevations East and West' dated 16/05/22
 - 2990(08)013 Rev A mis-titled 'Existing elevations 02' dated 16/05/22
 - 2990(08)X01 Rev C titled 'Sections X01-X03' dated 05/10/22.

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

3. The development hereby permitted must not proceed above the damp proof course level until samples of the materials to be used in the construction of the exterior of the development have been submitted to

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

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

4. The development hereby permitted must not be occupied or first brought into use until a scheme detailing the hard and soft landscaping of the site (including the location, number, size and species of any new trees/shrubs to be planted) has been submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the proposed boundary treatments for the site, including details of how any boundaries affected by the demolition/removal of the structure(s) on the site that form a boundary with a neighbouring landowner will be treated and made good. The submission shall also include details of the proposed management responsibilities, maintenance schedules for the common/communal areas, including the underground car park, and who is responsible for removal/disposal of any arisings/clippings/waste generated by their maintenance.

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

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

[To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policies 10 (Design and Enhancing Local Identity) and 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policies 1 (Development Requirements) and 28 (Conserving and Enhancing Heritage Assets) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Chapters 12 and 16 (Achieving Well-designed Places) of the National Planning Policy Framework (2021).]

5. The mitigation measures as stated in Sections 3.3 and Appendix 4 of the Preliminary Roost Assessment produced by The Bat Surveyor dated March 2022 shall be undertaken in accordance with the recommendations contained in that document. The bird and bat nesting boxes and bee bricks shall be installed prior to the first occupation of the dwellings hereby approved, and thereafter retained in accordance with

the recommendations for the lifetime of the development.

[To ensure that adequate compensatory measures are carried out and to comply with Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies.]

6. If the building(s) on the site have not been cleared by 01 August 2023, updated ecology surveys, including a bat mitigation plan, should be completed and supplied to the local planning authority prior to any development commencing. Thereafter any recommendations set out in the reports should be implemented in accordance with the approved details.

[To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 17 (Biodiversity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014); Policy 38 (Non-Designated Biodiversity Assets and the Wider Ecological Network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019); Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021).]

7. The construction of the development hereby permitted must not proceed above damp-proof course level until a scheme for the provision of Electric Vehicle Charging Point(s) (EVCP) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must include details of the type, number and location of the proposed EVCP apparatus. The dwellings hereby permitted must not be first occupied until all EVCP's has been installed in accordance with the approved details. Thereafter EVCP's must be permanently retained on the site in accordance with the approved scheme throughout the lifetime of the development.

[To promote sustainable transport measures that will help lead to a reduction in carbon emissions within the Borough and help contribute towards a reduction in general air quality having regard to Policy 2 (Climate Change) of the Local Plan Part 1: Core Strategy (2014) and Policy 41 (Air Quality) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 110 of the National Planning Policy Framework.]

8. The dwellings hereby permitted must not be occupied until the optional requirement for water efficiency (i.e.: not exceeding 110 litres per person per day) set out at Regulation 36(2)(b) of the Building Regulations 2010 (as amended) (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) has been complied with. Thereafter this water efficiency standard must be retained throughout the life of the dwelling.

[To promote a reduction in water consumption having regard to Policy 12 (Housing Standards) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

9. The development hereby permitted must not commence and no preparatory operations in connection with the development (including demolition, site clearance works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) shall take place on the site until a written report of the findings of a Preliminary Risk Assessment (PRA) of the nature and extent of any contamination affecting the site, whether or not it originates from the site, has been submitted to and approved in writing by the Local Planning Authority. The PRA must be prepared by a suitably qualified 'competent person' (as defined in the National Planning Policy Framework February 2019) and must be in accordance with the Environment Agency's 'Land Contamination Risk Management' (LCRM). As a minimum the PRA must include the following:
- (i) a desktop study identifying all previous and current uses at the site and any potential contaminants associated with those uses;
 - (ii) the results of a site walkover, including the details and locations of any obvious signs of contamination at the surface;
 - (iii) the development of an initial 'conceptual site model' (CSM) which identifies and qualitatively assesses any potential source - pathway - receptor (contaminant) linkages;
 - (iv) a basic hazard assessment identifying the potential risks from any contaminants on:
 - Human health;
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Ground and surface waters;
 - Ecological systems;
 - Archaeological sites and ancient monuments.
 - (v) Recommendations for any further works that may be required to refine the CSM including any exploratory site investigation works and the sampling and analytical strategies proposed.
 - a) Where the PRA identifies potential unacceptable risks associated with the contaminant linkages present in the initial CSM, the development (excluding any demolition) hereby permitted must not commence until a written report of the findings of any exploratory Site Investigation (SI) with either a generic and/or detailed quantitative risk assessment of those findings has been submitted to and approved in writing by the Local Planning Authority.
 - b) Where the findings of the submitted SI identifies unacceptable risks to human health and/or the environment, the development (excluding any demolition) hereby permitted must not commence until a detailed Remediation Scheme (RS) has been submitted to and approved in writing by the Local Planning Authority. The submitted RS must include:
 - full details of how the contamination on the site is to be remediated and include (where appropriate) details of any options appraisal undertaken;

- the proposed remediation objectives and criteria, and;
- a verification plan.

The RS must demonstrate that as a minimum the site after remediation will not be capable of being classified as contaminated land under Part 2A of the Environmental Protection Act 1990.

- c) The development hereby permitted must not be occupied or first brought into use until the site has been remediated in accordance with the approved RS and a written Verification Report (VR) confirming that all measures outlined in the approved RS have been successfully carried out and completed has been submitted to and agreed in writing by the Local Planning Authority. The VR must include, where appropriate the results of any validation testing and copies of any necessary waste management documentation.

[To ensure that a satisfactory assessment of any land contamination and an appropriate strategy for its remediation from the site is carried out to ensure that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 184 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that the site is clean and safe to develop with any necessary mitigation put in place prior to development starting on the site to protect any future occupants on the development].

10. Any topsoil (natural or manufactured), or subsoil that is to be imported onto the site must be assessed for chemical or other potential contaminants in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority prior to the material being brought onto the site. Only material that has been tested in accordance with the approved investigation scheme shall be imported onto the site.

[To ensure that all soil or soil forming materials brought onto the site are free from contamination so that the site is suitable for the approved development without resulting any unacceptable risk to the health of any construction workers, future users of the site, occupiers of nearby land or the wider environment having regard to Policy 1 (Presumption in Favour of Sustainable Development) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), policies 39 (Health Impacts of Development) and 40 (Pollution and Land Contamination) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 183 and 184 of the National Planning Policy Framework].

11. No development shall take place on site, including demolition and site clearance, until the details of a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of the following:
- a) Access and parking of vehicles of site operatives and visitors
 - b) Loading and unloading of plant and materials
 - c) Storage of plant and materials used in constructing the development
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) Wheel washing facilities
 - f) Measures to control the emission of noise, dust, dirt and vibration during demolition, site clearance and construction
 - g) A scheme for recycling/disposing of waste resulting from construction works
 - h) Hours of operation (including demolition, construction and deliveries)
 - i) A scheme to treat and remove suspended solids from surface water run-off during construction.
 - j) The siting and appearance of contractors' compounds including heights of stored materials, boundaries and lighting together with measures for the restoration of the disturbed land and noise mitigation.

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

[In the interests of Highway safety and to minimise disruption to users of the local highway network adjacent to the development site and to ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable vibration and noise pollution from the development hereby permitted, 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). This is a pre-commencement condition as matters need to be agreed prior to the works starting.]

12. During any ground works, site clearance, demolition or construction there shall be no burning of waste, timber or any other materials on the site.

[To protect the amenities of nearby residential properties for the duration of the demolition and construction of the development hereby permitted, having regard to having regard to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019).]

13. Prior to the commencement of works, including any site clearance and demolition, an asbestos demolition survey be carried out, submitted to

and be approved in writing by the Local Planning Authority as there is the potential for asbestos containing materials (ACMs) to be present within the buildings/structures. This survey should determine the location, type and condition of any ACMs and include a plan for how any ACMs will be managed. Thereafter the removal of any ACMs shall be undertaken in accordance with the approved details.

It should be noted certain works relating to ACMs are notifiable. Information on asbestos is available on the Health and Safety Executive website <https://www.hse.gov.uk/asbestos/index.htm> including specific information on refurbishment/demolition surveys <https://www.hse.gov.uk/asbestos/managing/survey-refurb.htm>. Any asbestos containing materials need to be removed in an appropriate manner and disposed of in a suitably licensed facility. The exact requirements for removal and disposal will depend on the nature of the materials present.

[To protect the amenities of contractors working on the site and nearby residential properties at for the duration of the demolition and construction of the development hereby permitted, having regard to 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). This is a pre-commencement condition as matters need to be agreed prior to the works starting.]

14. The development hereby permitted shall be carried out in accordance with the revised Flood Risk Assessment dated May 2022, reference: 5906_Rev A, undertaken by KSA Consulting Structural & Civil Engineers and the following mitigation measures it details:
 - Finished ground floor levels shall be set no lower than 24.8 metres above Ordnance Datum (AOD).

[To ensure that the development has sufficient flood water management and is not at increased risk of flooding, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework].

15. Prior to the commencement of works on site, including any site clearance and demolition, structural details, including the details of the material(s) to be used in the construction of the walls and ceilings for the undercroft parking area have been submitted to, and be approved in writing by, the Local Planning Authority. The details shall demonstrate that they are of a flood resilient construction and designed to withstand vehicle impact caused as a result of floating vehicles within more extreme flood events, as set out in Section 8.1 of the revised flood risk assessment dated May 2022, reference: 5906_Rev A, undertaken by KSA Consulting Structural & Civil Engineers. Thereafter the development shall be constructed in accordance with the approved

details and maintained as such for the lifetime of the development.

[To ensure that the development is designed and built to the correct standards to withstand the impacts of flood event, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date].

16. Prior to the first occupation of the dwellings hereby approved a detailed Flood Evacuation Plan (similar to the preliminary version submitted as Appendix D of the revised flood risk assessment dated May 2022, reference: 5906_Rev B, undertaken by KSA Consulting Structural & Civil Engineers) shall be submitted to and be approved in writing by the Local Planning Authority.

The Flood Evacuation Plan shall include details of:

- How the access to the undercroft will be closed off to residents in advance of a flood event to ensure residents do not enter the undercroft area, including details of who is responsible for the maintenance and management of the procedure to ensure this occurs in accordance with reference to Section 8.1 of the submitted FRA.
- Details of the sump and pump to be installed in the undercroft parking area to drain it following flooding including details of who is responsible for the servicing/maintenance and management of this equipment in accordance with reference to Section 8.1 of the submitted FRA.
- Details of the safe exit route and the safe location for residents to head to.
- Details of how residents will be notified to sign up to flood alert systems that will alert them of flood events.
- The flood evacuation plan must not increase the burden on the emergency services, adversely affect the flood regime and the safe exit route must be in place before any occupancy of the buildings.

Thereafter all future owners and occupants of the dwellings hereby approved shall be provided with details of the flood evacuation plan including the details of the safe exit route (in accordance with the approved flood evacuation plan) upon their first occupation of the dwellings. The flood evacuation plan must not adversely affect the flood regime and the safe exit route must be in place before any occupancy of

the buildings.

[To ensure that the development has sufficient flood water management and is not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date].

17. No development including any site clearance or demolition shall commence until a detailed surface water drainage scheme, based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall:

- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off-site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

Thereafter the scheme shall be implemented in accordance with the approved details prior to completion of the development and maintained as such for the lifetime of the development.

[To ensure that the development has sufficient flood water management and is not at increased risk of flooding and do not increase flood risk off-site, and to comply with Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014), Policies 17 (Managing Flood Risk) and 18 (Surface Water Management) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraphs 167 and 169 of the National Planning Policy Framework (July 2021). This condition is pre-commencement to avoid the potentially costly and abortive works of rectifying the situation if the design of the scheme needed to be revised or altered at a later date].

18. The development shall not be occupied until the car park access has been provided in accordance with approved plan - Proposed Undercroft Parking Dwrg. No. 2990(08)008 Rev B. The access shall thereafter be retained in accordance with the approved details for the lifetime of the development.

[In the interests of highway safety to ensure adequate vehicle parking spaces are provided on the site for use in connection with the development hereby permitted having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning

Policies (2019)].

19. The development shall not be occupied until the associated car and cycle parking has been provided, surfaced in a hard bound material with the car parking bays clearly delineated in accordance with the approved details. The car and cycle parking shall thereafter be retained in this condition for the life of the development.

[To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

20. The development shall not be occupied until the driveway on Rutland Road has been surfaced in a hard bound material for a minimum distance of 5m to the rear of the highway boundary and has been suitably drained to prevent the discharge of surface water to the public highway. The hard bound surfacing and drainage measures shall thereafter be retained for the life of the development.

[In the interests of highway safety and to ensure adequate vehicle parking spaces are provided on the site for use in connection with the development hereby permitted having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

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

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

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

[To enable the Local Planning Authority to retain control over any future enlargements and/or alterations to the roof of the dwelling that may harm the amenities of neighbouring properties, the appearance of the

dwelling or the character of the area having regard to Policy 10 (Design and Enhancing Local Identify) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

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

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

24. Notwithstanding the provisions of the Schedule 2 Part 1 Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no chimneys, flues, soil or vent pipes (other than those expressly authorised by this permission) shall be constructed on the dwelling hereby permitted without express planning permission from the Local Planning Authority.

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

25. Notwithstanding the provisions of the Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and/or re-enacting that Order) no additional storeys of accommodation shall be added to the dwelling hereby permitted without express planning permission from the Local Planning Authority.

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

26. Regardless of what is shown on drawing numbers 2990(08)007 Rev B, 2990(08)008 Rev B, 2990(08)009 Rev B, and 2990(08)010 Rev B no

dwelling(s) shall be occupied until details of the proposed bin storage area(s), detailing the location, number and size of bins to be provided including details of the storage area(s) has been submitted to and been approved in writing by the local planning authority. Thereafter the bin storage area(s) shall be provided in accordance with the approved details and retained as such for the lifetime of the development.

[To ensure that adequate provision is made for the number and storage of bins required to serve the development having regard to Policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019)].

NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7th of October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is CIL chargeable. Full details of the amount payable, the process and timescales for payment, and any potential exemptions/relief that may be applicable will be set out in a Liability Notice to be issued following this decision. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

Although the submitted protected species survey found no evidence of bats, it points out that there is the possibility that they may be found behind pantiles etc. You are reminded that it is an offence under the Countryside and Wildlife Act 1981 to interfere with bats or their roosts and you are advised to follow the procedure as outlined in the survey report.

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

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

You are advised that your property falls within an area identified to be at risk of flooding in the Environment Agency's Flood Risk Maps. It is therefore recommended that the design and construction of the extension incorporates advice with regard to flood resilience and resistance techniques which is available to view on the Environment Agency's website.

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

for damage to such features lies with the applicant.

All demolition and construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday - Friday 07:00 - 19:00 hours

Saturday 08:00 - 17:00 hours

Sunday and Public / Bank Holidays No work activity

For further information on the content of Contaminated Land Reports, please refer to the Council's Publication "Developing Land within Nottinghamshire - A Guide to Submitting Planning Applications for Land that may be Contaminated." This booklet is available from both Rushcliffe Borough Council's website www.rushcliffe.gov.uk (use the A-Z search for Contaminated Land) or by contacting the Neighbourhoods Service directly or use the following link.

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

The buildings on the site may contain asbestos materials and these should be removed by an appropriate licensed contractor prior to demolition in order to prevent contamination and risk to human health.

The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land.

The demolition works adjacent to the public highway may need to be controlled. Please contact the Highway Management Team on 0300 500 8080 to determine whether any temporary traffic management / licenses are necessary.

You are advised that the demolition and disposal of asbestos requires special measures. Further advice can be obtained from Nottinghamshire County Council (0115 977 2019). Alternatively, you can obtain an asbestos fact sheet from their website www.nottinghamshire.gov.uk.

Best practice should be followed during building work to ensure trenches dug during works activities are left open over night, they should be left with a sloping end or ramp to allow exit for any animal that may fall in to escape. Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

All workers / contractors should be made aware of the (low) potential of protected species (bats) being found on site and care should be taken during works to avoid harm. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.

All work impacting on buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.

The use of external lighting should be appropriate to avoid adverse impacts on bat populations, see http://www.bats.org.uk/pages/bats_and_lighting.html for advice.

Measure to provide habitat enhancements are recommended and could include installing bat and bird boxes (which can be incorporated within walls through appropriate boxes).

Ecological enhancements should be considered including planting native shrubs and trees and native wildflower grassland within any landscaping and the use of soakaway / rain gardens incorporating native species.

Consideration should be given to creating highly energy efficient properties, renewable generation, space for recycling bins and bicycle storage.

The applicants should consult Severn Trent Water Limited who should be satisfied that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate additional flows, generated as a result of the development, without causing pollution.

The development should comply with the Site Waste Management Regulations 2008.

The individual dwellings should be designed so as to accommodate:

- a) 3 x wheeled bins within the individual curtilages.
- b) apartment blocks should have land available to accommodate bulk containers for refuse and recycling. For each type of waste the formula is number of apartments x 240/1100= number of bulk containers.

Please contact Rushcliffe Borough Council on 0115 9148396 for further information.

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

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

28 **Planning Appeals**

The Committee noted the Planning Appeal Decisions report which had been circulated with the agenda.

The meeting closed at 3.49 pm.

CHAIRMAN

DRAFT



Planning Committee

Thursday, 12 January 2023

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.

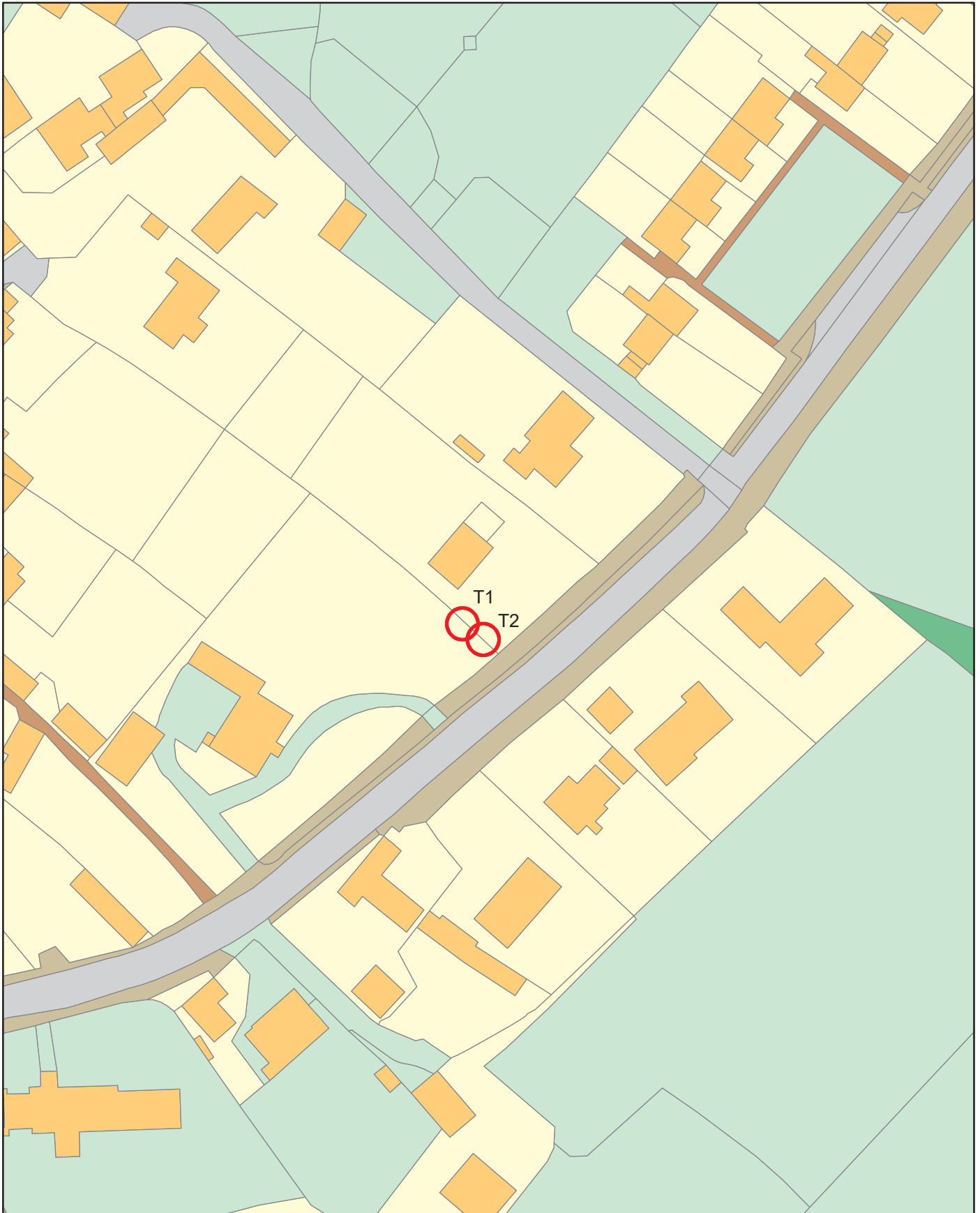
If you have not already made a Building Regulations application we would recommend that you check to see if one is required as soon as possible. Help and guidance can be obtained by ringing 0115 914 8459, or by looking at our web site at

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

Application	Address	Page
22/00169/TORDER	The Old Vicarage, Sutton Lane, Granby	21-26
	Objection to Granby No.1 Tree Preservation Order 2022	
Ward	Thoroton	
Recommendation	Granby No.1 Tree Preservation Order 2022 be confirmed without modification	
<hr/>		
22/00186/TORDER	4 Farm Close, East Bridgford	27-30
	Objection to East Bridgford No.1 Tree Preservation Order 2022	
Ward	East Bridgford	
Recommendation	East Bridgford No.1 Tree Preservation Order 2022 be confirmed without modification	
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Application	Address	Page
22/00181/TORDER	Land East of Hickling Road, Hickling	31-36
	Objection to Hickling No.1 Tree Preservation Order 2022	
Ward	Neville and Langar	
Recommendation	Hickling No.1 Tree Preservation Order 2022 be confirmed without modification.	
<hr/>		
<u>22/01945/FUL</u>	92 Davies Road West Bridgford Nottinghamshire NG2 5HY	37-46
	Rear single storey extension and two storey side extension above existing garage.	
Ward	Abbey	
Recommendation	Grant planning permission subject to conditions	
<hr/>		
<u>22/01081/FUL</u>	59 Dunster Road, West Bridgford, Nottinghamshire. NG2 6JE	47-60
	Demolition of Existing Garage, Single Storey rear and side extension; Extended raised patio to rear; Loft Conversion including side hip to gable and rear dormer. (Resubmission of 21/01993/FUL)	
Ward	Abbey	
Recommendation	Grant planning permission subject to conditions	
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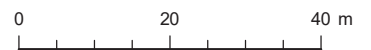
Application	Address	Page
<u>22/01980/FUL</u>	46 Stanhome Drive, West Bridgford	61-70
	Raised roof, loft conversion with dormer to rear	
Ward	Lutterell	
Recommendation	Refuse planning permission	



Granby No.1 Tree Preservation Order 2022

The Old Vicarage, Granby

Scale 1:1250



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22/00169/TORDER

Objector Dr L. Wilson

Location The Old Vicarage, Sutton Lane, Granby

Objection To the Granby No.1 Tree Preservation Order 2022

Ward Thoroton

THE SITE AND SURROUNDINGS

1. The Tree Preservation Order (TPO) protects 2 trees, a Lime and Walnut, at The Old Vicarage, Granby. The property is a large 19th Century dwelling set within a mature garden with numerous trees. The property is located within Granby conservation area with the appraisal noting it is a non-listed building which makes a positive contribution to the local character.
2. The trees contribute to the sylvan character of the Old Vicarage and enhance the character of the conservation area at a point where the character of Sutton Lane changes from older properties associated with the centre of the village and more modern 20th Century housing extending out along Sutton Lane. The trees are particularly prominent from the eastern approach into the village.

DETAILS OF THE TREE PRESERVATION ORDER

3. The TPO was made on the 20th October 2022. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether or not to confirm the Order.
4. The TPO was made as a result of a conservation area tree notice from the owner of the Old Vicarage who was responding to requests from the owner of the adjacent property, the Hedgerows 9 Sutton Lane, who wanted the trees to be reduced in height by around 50%.

SITE HISTORY

5. The owners of the Hedgerows submitted a previous conservation area tree notice to prune back overhanging branches of trees from the Old Vicarage, the work was allowed and was recently implemented.

REPRESENTATIONS

Local Residents and the General Public

6. The owner of the trees has not objected to the TPO.

7. An objection to the TPO has been received from the owner of the neighbouring property which adjoins the trees, the Hedgerows 9 Sutton Lane. The objection makes the following points.
- The trees in question cause them the greatest amount of trouble and hassle and they have asked the tree owner to reduce them on many occasions, but they have previously refused.
 - The trees cause damage to the house, block the gutters and downpipes which have to be cleaned and unblocked regularly, at least every 3 weeks.
 - The trees block light to the house and conservatory which causes the glass to turn green further blocking light and requiring regular cleaning.
 - Only half the width of the drive can be used because the leaves and blossom get into the drainage holes of the cars which could cause damage to them and requires further work to clean them.
 - The leaves and blossom blow into the road blocking the drains and culverts which results in water flooding up to the camber of the road. The trees are so big that the roots have penetrated the culvert causing further blockage and silting. Branches overhang the road and catch farmers transporting straw which gets deposited on the road further blocking the drains. Severn Trent and Nottinghamshire County Council now need to be called out regularly to manage the drains and it is only a matter of time before houses are flooded.
 - A covenant on the property [The Old Vicarage] states “To maintain the boundary features which belong to the property or are the responsibility of the transferee in good order and repair” which they have ignored endangering people and property. Previous owners used to have the trees trimmed in height and width to uphold the covenant.
 - The trees are so wide they span over the pavement, the sap and leaves/blossom cause the path and also the alley at the side of the house to become slippery.
 - A large branch fell off a tree onto the grass beside the verge and could have harmed a pedestrian.
 - They have 3 green bins that cope with the waste their garden produces but cannot cope with the leaves that come from the trees on the Old Vicarage, what should they do allow them to pile up in the garden or take them to the tip at their expense?

APPRAISAL

8. Trees can be considered a legal nuisance and are often an inconvenience to property owners. This has been considered under common law which has determined that overhanging branches are a legal nuisance and property owners have the right to abate this by pruning back branches to the boundary line. Falling leaves and blossom are not considered to be a legal nuisance, merely an inconvenience and they are something to be expected and tolerated.
9. The maintenance of windows, gutters, path surfaces are all part and parcel of owning a property even though such work can be time consuming or costly. The Council recognises that a balance needs to be struck between the competing rights and expectations of property owners and did allow work to enable the overhanging branches to be pruned back as it was considered this would have little impact on the appearance or health of the trees. However, the

proposed reduction of the trees would have harmed their natural appearance and would have harmed the health of the Beech tree which can suffer from sun damage to exposed bark if the canopy is severely reduced. A heavy reduction of the Lime would have ultimately been counterproductive as it would have resulted in a dense proliferation of new growth.


10. The maintenance of road gullies and culverts is outside of the tree owner's control. There is a road gully close to the trees and it would be Nottinghamshire County Council's responsibility to maintain this. Given that roads across the Borough are often lined by trees it is considered that the leaves shouldn't pose any undue maintenance obligations on the County Council. If roots have entered a drainage pipe they can be severed and the pipe can be lined. Any concerns about the impact the tree is having on the drainage infrastructure could be dealt with by a TPO application to work on the trees, but it would need to be supported by some investigation to demonstrate the impact, such as a drain scan. Concerns about flooding and drainage should be raised with the County Council as both the Highway and Lead Local Flood Authority. The Council would not object to the tree being crown lifted to 5.2m over the road to prevent branches impeding vehicle movement as this is a standard height, but an application would need to be made to enable this.
11. An old brick wall separates the 2 properties and given its age some defects are to be expected, but there are no significant signs of damage. If the owner of the wall felt that the trees were damaging it, an application could be made to the Council to prune branches in contact with the wall. If the roots were damaging the wall some form of bracing could be considered otherwise the trees may require removal. As no evidence has been presented that demonstrates the trees are damaging the wall it is considered this could be dealt with via a future TPO application.
12. It is not clear if the branch that fell from the tree was from one of the 2 protected trees, but it shouldn't prevent the TPO being confirmed. The TPO would allow applications to be made to prune trees, there is also an exemption that allows dead branches to be removed from trees without the need to make an application. The owner of the trees has a general duty of care whether or not the trees are protected.
13. As previously mentioned, leaves from trees are to be expected but they can create a large volume of material. The Council charges for green waste collection, but there are other ways to manage leaves and composting them is an excellent low-cost way to improve soil fertility.

RECOMMENDATION

It is RECOMMENDED that the Granby No.1 Tree Preservation Order 2022 be confirmed without modification.

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 Rushcliffe Borough Council	Property Services Rushcliffe Borough Council Rushcliffe Arena Rugby Road West Bridgford Nottingham NG2 7YG Tel. 0115 981 9911 Fax. 0115 914 8452	Project East Bridgford No.1 Tree Preservation Order 2022	Date Nov 2022	Project officer TP	
	Drawing title 4 Farm Close, East Bridgford, Nottinghamshire, NG13 8LN	Scale 1:500	Reference 665.4	Drawn TP	Checked



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22/00186/TORDER

Objector Mr Kilduff

Location 4 Farm Close, East Bridgford

Objection To East Bridgford No.1 Tree Preservation Order 2022

Ward East Bridgford

THE SITE AND SURROUNDINGS

1. The tree is within the ownership of 4 Farm Close, a property within a small estate of 23 houses constructed in the late 1980's. The tree is located within an area of grass to the side of the property which is open to the road. The space was presumably intended to provide a pleasant open appearance just within the entrance of the estate. Despite the modern age of the properties, Farm Close is located within East Bridgford conservation area.

DETAILS OF THE TREE PRESERVATION ORDER

2. The Tree Preservation Order (TPO) was made following a conservation area tree notice to fell a Whitebeam located close to the centre of the grassed area. The owner was concerned that the tree was affecting the quality of the lawn and bedding planting around the tree and made the point that these also enhanced the amenity of the area.
3. The TPO was made on the 17th November 2022. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether or not to confirm the Order.

SITE HISTORY

4. In 2009 the Council allowed a Walnut tree to be felled in this location and the Whitebeam was planted as a replacement. The felling of the Walnut generated some public concern given the prominent location of the tree. The Council allowed the removal as the tree was closer to the house and leaned to one side with raised ground to the other, this indicated there may have been past root failure.

REPRESENTATIONS

Local Residents and the General Public

5. The owner of the property has objected to the TPO for the following reason.

- The grassed area to the side of the property was the venue for residents to enjoy a 'Street Meet' organised during the wonderful summer. It is planned to have a similar event to celebrate the Coronation of King Charles III in May 2023 and to hold annual events to help create a community spirit and ensure that neighbours know everyone in the Close. Such an event would be equal if not more valued contribution to the character of Farm Close, than a specific tree.
- The owner is concerned that it may not be possible for residents to enjoy the space and sunshine in the area below the current tree once it has spread its branches to the full potential.
- The owner would like to plant a less imposing tree which would satisfy both requisites of an aesthetic vista to the Close, whilst providing a great space where people can gather for social events.
- The owner is aware that the former tree was more imposing than the current Whitebeam will be, but it will create an imposition none the less.

APPRAISAL

6. Whitebeams are medium sized trees that can reach 20 metres, but a maximum height of 10-15 metres is more common and they are relatively slow growing. The spread of the trees is more modest at around 6 metres diameter. It is considered the tree is an appropriate species for the location and it will be a much smaller growing tree than the Walnut it replaced.
7. The tree was planted by the previous owner of the property. It is clear the new owner has enhanced the grassed area where the tree is located with a colourful strip of bedding plants around the outer edge. However, it is considered that the tree also makes an important contribution to the character of Farm Close with many of the properties having trees in the front gardens or incidental open spaces.
8. It is noted that the owner of the site wants to continue to use the grassed area for community events and is concerned the tree will restrict the use of this space. It is considered that this would only be the case if low branches caused an obstruction. The TPO would require anyone wishing to prune the tree to apply beforehand. Any application would need to be considered on its own merits, but it would be reasonable to allow lower branches to be pruned to enable adequate headroom under the canopy, thereby maximising the space available for events and allowing light and access below the canopy to enhance and maintain the lawn.
9. The conservation area tree notice to remove the Whitebeam did not specify that a replacement would have been planted and under the Act, the Council would have no authority to require a replacement in such circumstances. Whilst the Council would be reluctant to see the Whitebeam felled, if permission was granted for this work under the TPO it would allow a condition to be used to ensure a suitable replacement tree is planted.

RECOMMENDATION

It is **RECOMMENDED** that the East Bridgford No.1 Tree Preservation Order 2022 be confirmed without modification.

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22/00181/TORDER

Objector Mather Jamie

Location Land East of Hickling Road, Hickling

Objection To Hickling No.1 Tree Preservation Order 2022

Ward Neville and Langar

THE SITE AND SURROUNDINGS

1. The trees form a narrow belt, approximately 10 metres wide, which run along the roadside frontage of a field to the east of Hickling Road to the immediate north of Hickling village. The site is bordered by a bungalow to the south and a Hawthorn hedge separates the trees from the roadside verge. The land is owned by Sherwood Farms.
2. The trees are early-mature, mixed species including Ash, Oak, Alder, Poplar and are estimated to be around 25 years old.

DETAILS OF THE TREE PRESERVATION ORDER

3. The Tree Preservation Order (TPO) was made following a planning application, reference: 22/01591/FUL, to construct a timber-framed, single storey building to house egg vending machine(s), creation of an access, and car parking for up to 4 No. vehicles. The TPO uses the 'group' classification where the individual category would not be appropriate and the group's overall impact and quality merits protection.
4. The TPO was made on the 10th November 2022. Under the Town and Country Planning (Tree Preservation) (England) Regulations 2012 the Order takes effect provisionally and needs to be confirmed within 6 months of the date it was made. The Council has a duty to consider all objections and representations that have been made before deciding whether or not to confirm the Order.

SITE HISTORY

5. The above planning application was refused due to concerns the design, location and use was neither justified or proportional, the development would result in ribbon development into the countryside and would erode and harm the rural characteristics and intrinsic beauty of this open countryside location. Also, the loss of part of a group of protected trees that make a significant contribution to the rural amenities and character of the area.
6. An Arboricultural report accompanied the application which assessed the quality of the trees with a view to developing the site. Unfortunately, the

application did little with the information presented in the arboricultural report, trees to be removed and retained where not shown on the layout plan, nor the trees' root protection areas. The report did specify that 11 trees would need to be felled and suggested that there was 'ample opportunity for the implementation of new planting in mitigation for the proposed tree removal', but again the application did not demonstrate any meaningful replacement planting that would mitigate the loss of trees.

REPRESENTATIONS

Local Residents and the General Public

7. An objection has been received by Mather Jamie acting as agents for the landowner for the following reasons.
 - The TPO is 'a retaliatory strike to those wishing to bar sustainable development and employment in the countryside.'
 - Attached to the objection was an arboricultural survey which accompanied the planning application. The objection highlights comments from the survey in relation to each of the trees. The tree identification numbers referred to below relate to the tree survey and not the TPO.

ID	Tree	Comment
T1	Oak	
T2	Alder	Little quality
T4	Alder	Indifferent quality & potential
T5	Alder	Indifferent quality & potential
T10	Alder	Indifferent quality & potential
T11	Ash	Ash dieback present, unlikely to survive
T14	Ash	Early signs of ash dieback & unlikely to survive
T16	Ash	Early signs of ash dieback & unlikely to survive
T18	Ash	Early signs of ash dieback & unlikely to survive
T19	Ash	Early signs of ash dieback & unlikely to survive
T21	Ash	Early signs of ash dieback & unlikely to survive
T20	Birch	Low value
T23	Poplar	Typical species & therefore not valuable
T24	Poplar	Typical species & therefore not valuable

- As 6 of the protected Ash trees are likely to die from Ash dieback disease, they should be dismissed from the TPO as they will need to be removed to assist in the reduction and spread of the disease and on public safety grounds.
- Under the Tree Preservation Orders: A Guide to the Law and Good Practice document, individual or groups of trees should be protected for trees "whose overall impact and quality merit protection", given the above summary from the Symbiosis report, the objector does not agree that these trees fall under this category.
- Regarding the amenity value of the trees, the objector is of the opinion that they have little to no value. Given they have been planted relatively recently and are not part of a much larger wooded or forested landscape, they provide little benefit to the enjoyment of a space. The trees were planted by

the landowner approximately 15-20 years ago in area of poor agricultural land and not for amenity enhancement.

- In light of the above, the TPO should be dismissed. However, after careful consideration the landowner would be happy to accept a TPO on the single oak tree identified being the one tree of value, subject to being provided with a justification of why you are of the opinion that this tree is worthy of protection.

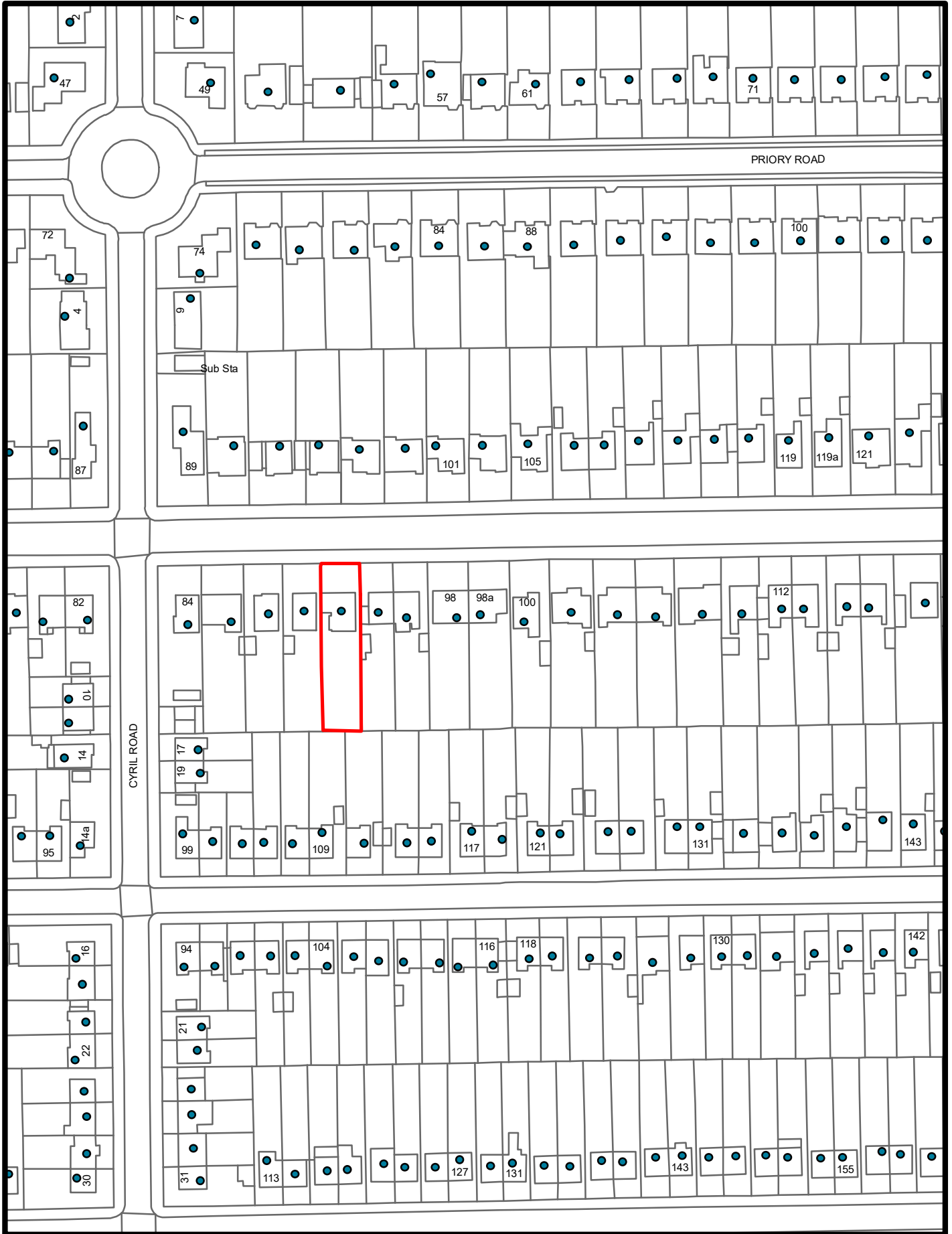
APPRAISAL

8. The Council protected the trees ahead of the refusal of planning permission as the trees were not protected in any way and could have been felled at any time. The TPO will ensure the retention of the trees whilst the future of the site remains somewhat uncertain, for example the applicant could appeal the Council's planning decision. The TPO will give the Council greater opportunities to ensure replacement trees are planted should any need to be removed. The TPO is selective, protecting the better-quality trees in the group and also confines itself to the application site and not the entire belt of trees which runs further to the north along the edge of the field.
9. The accuracy of the comments attributed to the survey in the objection is questioned. For example, the report highlights in relation to the group of Alders that the "edge trees are the larger and better specimens (T2, T4 & T5) and would succeed as stand-alone specimens whilst the internal ones are of indifferent quality and potential." As a result, the Council only protected 4 out of the 9 Alders including T2, T4 and T5. Not all the Ash are currently showing signs of Ash dieback and the TPO did not protect Ash where the disease was more advanced. Of the individual Ash trees on the site the Council protected 6 out of 8. The Arboricultural report suggest T11 has 'early signs of disease, but currently reasonable', but it does note that it is unlikely to survive. No note of the disease is made in relation to T14 and T16. T18 has early signs and T19 is currently healthy. The report notes in relation to the Lombardy Poplars on the site that they are in mixed condition, with the two largest trees on the edge of the field (T23 & T24) being in good overall condition, these were the 2 Poplars the Council chose to protect. The other tree the Council protected is a Silver Birch and whilst the arboricultural report notes it is of low value due to poor form due to an asymmetry over the farmland, it is considered that this is a minor issue given the informal nature of the belt of trees.
10. The arboricultural report was available to the Council when it made the TPO and where possible the best quality trees were protected. Whilst the quality of the individual trees is variable this doesn't lessen the amenity value of the group as a whole. The Arboricultural Report looks at the trees with a view to developing the site and in accordance with best practice categorises the trees in 4 bands. Category A, trees of high quality. Category B, trees of moderate quality. Category C, trees of low quality and U, trees which cannot realistically be retained. Of the protected trees, 7 are category B and 7 category C. The Council did not protect 6 other category C trees, 4 category U trees and 2 groups of category U trees. Of the 11 trees which were required to be felled to implement the planning application, 4 were category B, 5 category C and 2 category U.

11. Scenarios predict that more than 95% of all Ash will be killed by the disease. There is no need to pre-emptively fell Ash to control the spread of the disease as it is now present across the country and there is the hope of finding trees with some genetic tolerance. Officers considered whether or not Ash should be protected given the increasing prevalence of the disease and concluded that protecting the Ash in the current circumstances was appropriate for the following reasons. The first part of the disease is increasing die back in the canopy and as the removal of deadwood is exempt this could take place without the need to make a formal TPO application. There is also an exemption relating to 'dead or dangerous' trees and it is felt that this would again allow dying trees to be felled where the disease is clearly evident without the need to make a formal application subject to prior discussion with Council officers. The advantage of the TPO is that it would place the landowner under a duty to plant replacements for any trees removed under the dead or dangerous exemption and such proactive management would enhance the value of the group as a whole.
12. Whilst the group TPO tried to be selective and protect the best quality trees, it is recognised that individually some of the trees are lower quality specimens, hence the group classification which considers the overall quality and value of the trees. TPO's are used to protect trees where it is 'expedient in the interest of amenity'. Amenity is not defined in law, but Government advice is that TPO's should be used to 'protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public' and that 'the trees, or at least part of them, should normally be visible from a public place'. In this case the trees form a pleasant belt in a prominent location alongside the road running north out of the village. The reasons for planting the trees are not relevant to the assessment of amenity and it is the fact the trees are located in a prominent location on the edge of the village which makes them important. Given their young age, the amenity value of the trees should increase with time as they mature.
13. The Council has the option to modify the TPO when it is confirmed and it could be possible to protect less trees than the original TPO specifies. However, it should be born in mind that the value of the trees is as a linear roadside group and protecting a single Oak tree would mean that there is a risk that other trees could be removed and not replaced. Protecting the single Oak would mean that 6 other category B trees would not be protected.

RECOMMENDATION

It is RECOMMENDED that Hickling No.1 Tree Preservation Order 2022 be confirmed without modification.



Application Number: 22/01945/FUL
92 Davies Road, West Bridgford, NG2 5HY



scale 1:2000

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22/01945/FUL

Applicant Emma Burns

Location 92 Davies Road West Bridgford Nottinghamshire NG2 5HY

Proposal Rear single storey extension and two storey side extension above existing garage.

Ward Abbey

Full details of the application can be found [here](#)

THE SITE AND SURROUNDINGS

1. 92 Davies Road is a 2-storey detached dwelling constructed of dark red brick with a tiled roof and a double height bay with gable feature above to the front elevation. There is a single storey attached garage with a hipped, lean-to roof built onto the shared boundary with 90 Davies Road and which appears to be a later addition. To the rear of the property within the linear garden is what appears to be the original, brick and tile detached, pitched roof outhouse in close proximity to the property and adjacent to the boundary with 94 Davies Road, a wooden shed and a traditional style greenhouse, both of which are also adjacent to the eastern boundary with no. 94. The boundaries of the rear garden are established with a mix of close board timber fencing and vegetation. There is an existing raised patio area to the rear of the property stepping down slightly to the lawn area.
2. The dwelling, along with its neighbours is setback from the highway, with hardstanding providing off-street parking for 3 cars on the site frontage which is accessed via a dropped kerb and partially bound by a low Bulwell stone wall and a section of landscaping area including 2 no. modest trees and some shrubs.
3. The property is located within an established residential area of West Bridgford where many of the properties have been altered and extended including the 2 immediate neighbours at 90 and 94 Davies Road.

DETAILS OF THE PROPOSAL

4. This application is seeking full planning permission for the erection of single storey side and rear extensions and a first floor and 2-storey side extension partially above the existing attached garage. The proposed extensions would provide updated and enlarged living accommodation to the ground floor in the form of a large open-plan kitchen, living, dining area to the rear, with a study area and utility room proposed to the side of the property behind the existing garage. To the first floor, above both the existing garage and the proposed side extension, it is proposed to provide an enlarged bedroom and an en-suite and dressing area to the master bedroom. The number of bedrooms would remain as 4 in total.

5. The proposed extensions would be constructed in a mix of bricks to match the existing dwelling to the ground floor side extension with render finish to both the single storey rear and the first floor element. The proposed first floor extension would be set in from both of the existing front and rear elevations by approximately 0.25 m and would be set down from the ridge height of the host dwelling by 0.65 m. A distance of 1.25 m would be retained from the boundary with 94, and there would be a comparable distance from the built form of no. 90 on account of their pedestrian side access being adjacent to the shared boundary with the application site.
6. The proposal would include the removal of the existing brick and tile detached outhouse, and the single storey side projection to the rear reception room which incorporates 1 of the chimneys. The chimney to the other side of the property, adjacent to no. 94 would be retained.

SITE HISTORY

7. No planning history on record.

REPRESENTATIONS

Ward Councillor(s)

8. One Ward Councillor (Cllr Buschman) does not object.
9. One Ward Councillor (Cllr P Gowland) objects to the proposal, the Cllr considers there is a massing issue as this is a two storey extension right up to the boundary. Identifies concerns about turning West Bridgford into terraced housing. Also questions how we can maintain housing stock if we have houses with unmanageable gaps between them. The Cllr queries whether the neighbours will provide access to build the wall.

Local Residents and the General Public

10. No responses have been received.

PLANNING POLICY

11. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.
12. The full text of the Council's policies are available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>

Relevant National Planning Policies and Guidance

13. National Planning Policy Framework 2021

Part 12: Achieving well-designed places

Relevant Local Planning Policies and Guidance

14. Local Plan Part 1: Core Strategy

Policy 1 Presumption in Favour of Sustainable Development
Policy 2 Climate change
Policy 10 Design and Enhancing Local Identity.

15. Local Plan Part 2: Land and Planning Policies

Policy 1 Sustainable Development
Policy 17 Managing Flood Risk.

16. The Rushcliffe Residential Design Guide (RRDG) states that extensions to existing dwellings need to adhere to many design principles, notably those addressing scale, proportion, building and roof lines and privacy. Extensions should be designed so they are not readily perceived as being merely 'add-ons' to the original building. As a general rule the style and design of the original dwelling should remain the dominant element with the extension subordinate to it. With regard to side extensions the RRDG states: "*The impact of side extensions on the street character must be taken into accountWhere there is a consistent rhythm to the street scene and building spaces, this should not be interrupted.*" "Issues can also arise where side extensions infill spaces and create a terracing effect where this is not an original characteristic of the street."

17. The full narrative of the above can be found [here](#).

APPRAISAL

18. The main considerations when assessing this proposal are:

- Principle of Development
- Design and Appearance; and
- Impact upon Residential Amenity
- Flood Risk.

Principle of Development:

19. The overarching Policy 1 in the LPP1 reinforces that a positive and proactive approach to decision making should be had which reflects the presumption in favour of sustainable development contained in the NPPF.

20. The proposed development comprises extensions to an existing residential property within an established residential area, as such the proposal is considered to be sustainable development and acceptable in principle, subject to the other matters in this report being considered acceptable.

Design and Appearance:

21. Policy 10 of LPP1 and Policy 1 of LPP2 require matters such as the scale, height, massing, design and layout of a proposed development to be carefully

considered to ensure that a) it respects the appearance of the existing building and b) remains subservient to it. In addition, the policies require new developments not to harm the character of the wider area either.

22. Davies Road is made up of an assortment of detached and semi-detached houses many of which have been altered and extended to varying degrees. Concern regarding a terracing effect has been raised. However, when considering the relevant policies and guidance along with the character of the wider area, it is considered by officer's that the proposed first floor/2-storey side extension with its setback of approx. 0.25 m from the existing front elevation of the host dwelling, along with the proposed render finish to the first floor to complement the existing front bay, and the substantial set down of 0.65 m from the ridge height of the host dwelling would be sufficient to ensure a subordinate appearance. This is in addition to the gap that exists between the boundary of the site and the built form of its neighbour at 90 Davies Road on account of the presence of their side pedestrian access.
23. Whilst a greater setback may be sought in instances of a new build, this proposal is retaining the existing garage at ground level, which could be viewed as a more sustainable method of development.
24. Overall, in this instance, it considered that the proposal would not create a terracing effect nor adversely impact upon the character and appearance of the area where many of the existing properties have been altered and extended, including at 2-storey height to the side and as such would comply with the relevant policies and guidance.

Impact upon Residential Amenity:

25. In addition to matters of design, policy 10 of LPP1 and policy 1 of LPP2 also requires that new development proposals be assessed in terms of their impact on the amenity of occupiers and nearby residents. The Rushcliffe Residential Design Guide advises that extensions may be overbearing if the extension wall is too high or too close to the boundary or it projects a long way beyond the neighbours dwelling. It also advises that extensions may be considered to overshadow if they result in loss of daylight or sunlight to windows or gardens.
26. The proposed first floor/2-storey side extension would be located within the footprint of the existing built envelope of the site and its immediate neighbour at 90 Davies Road. No openings are proposed within the side elevation of this extension, and the neighbouring property does not include any principal openings facing the application site. As such it is considered that this element would not result in any significant loss of amenity through overbearing impact, loss of light or loss of privacy.
27. The proposed single storey extension to the rear would project a comparable distance into the garden as the single storey rear extensions at 94 Davies Road and would be set in from the boundary by a distance of 1.25 m to allow pedestrian access to the rear garden. The proposal would be set on the existing raised patio area and would have an eaves height of 2.77 m and an overall height of 3.78 m. On account of the scale of this element and the relationship with the neighbouring property it is considered that no significant adverse impact upon residential amenity would result by virtue of overbearing impact, loss of light or overlooking.

Flood Risk:

28. Policy 2 of the LPP1 states that development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere and where possible reduce flood risk, adopting the precautionary principle to development, will be supported.
29. Policy 17 of the LPP2 states that planning permission will be granted for development in areas where a risk of flooding or problems of surface water disposal exists provided that, inter alia, the development is for minor development where it has been demonstrated that the Environment Agency's (EA) flood risk standing advice has been followed.
30. The site is within Flood Zone 3 but is in an area defended by flood defences. The floor levels of the proposed extension will be no lower than the existing property and other flood mitigation measures are to be incorporated and as such the proposal would be unlikely to increase the risk of flooding elsewhere. It is therefore considered that the proposed development complies with Policy 2 of LPP1 and Policy 17 of the LPP2 and the NPPF.

Other Matters:

31. The matter of access over private land for construction and maintenance is a private legal matter not a material planning consideration.

Conclusions:

32. In conclusion the principle of development is acceptable. The proposal is considered to be acceptable in amenity terms and the development would not be detrimental to visual amenity or the character of the wider area. As such it would comply with the relevant policies of the Development Plan.
33. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary.

RECOMMENDATION

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

1. The development 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):

- Site Location Plan - received 10 October 2022
- Proposed Block Plan - dwg. no. 22-020 01003 - received 11 October 2022
- Proposed Elevations - dwg. no. 22-020 03002 P1 - received 10 October

2022

- Proposed Floor Plans - dwg. no. 22-020 02004 rev. D - received 10 October 2022.

[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 exterior of the development hereby permitted must be constructed using only the materials specified in the submitted application form and dwg. no. 22-020 03002 P1 both received 10 October 2022. If any alternative materials are proposed to be used, then prior to the development advancing beyond damp proof course level, the details of all alternative external materials must be submitted to and approved in writing by the Borough Council. Thereafter the development must be carried out in accordance with the approved, alternative materials.

[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.]

4. The development shall be carried out in accordance with the recommended mitigation found within the submitted Flood Risk Assessment received 21st December 2022.

[To reduce the risk of flooding to the proposed development and future occupants having regard to Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy (2014) and Policy 17 (Managing Flood Risk) of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) and Paragraph 167 of the National Planning Policy Framework (2021).]

NOTES TO APPLICANT

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

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

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

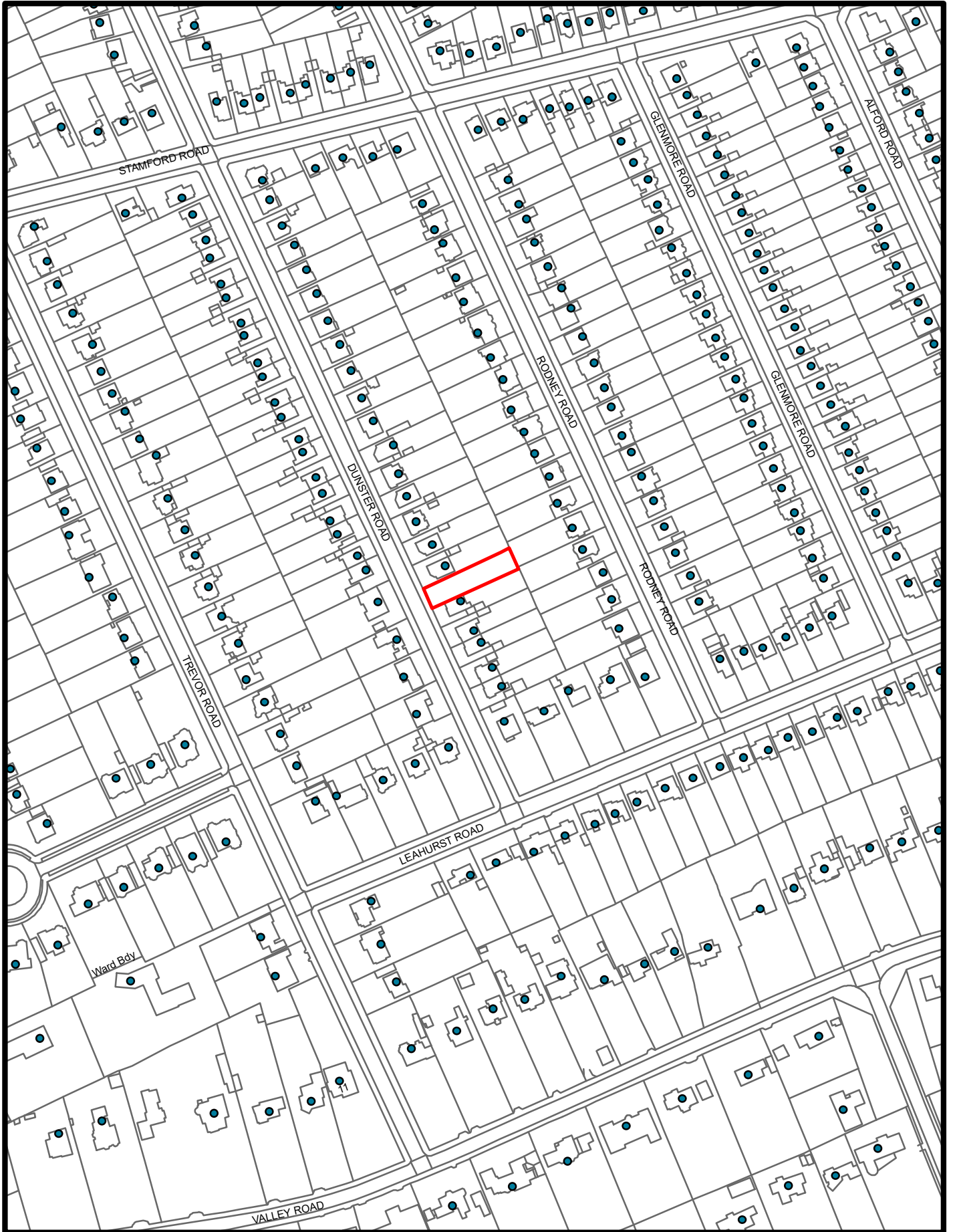
The provisions of the Party Wall Act 1996 may apply in relation to the boundaries with the neighbouring properties. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the

necessary measures to be taken. You can find more information about the Party Wall Act here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/523010/Party_Wall_etc__Act_1996_-_Explanatory_Booklet.pdf.

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

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Application Number: 22/01081/FUL
59 Dunster Road, West Bridgford, NG2 6JE



scale 1:2000

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22/01081/FUL

Applicant Mr Andrew Broxholme

Location 59 Dunster Road, West Bridgford, Nottinghamshire. NG2 6JE

Proposal Demolition of Existing Garage, Single Storey rear and side extension; Extended raised patio to rear; Loft Conversion including side hip to gable and rear dormer. (Resubmission of 21/01993/FUL)

Ward Abbey

Full details of the application can be found [here](#)

THE SITE AND SURROUNDINGS

1. The application property is a two-storey dwelling of which is one of an attractive semi-detached symmetrical pair. 59 Dunster Road has a hipped roof with a front projecting gable which overhangs a two-storey bay window. The dwelling is predominantly finished in brick with secondary elements of white smooth render, whilst the roof is finished in a red/brown rosemary tile with ridge tiles.
2. To the rear, the application site has a detached garage adjacent to the North-West boundary with 57 Dunster Road, a raised patio which extends to the rear of the detached garage and a lengthy rear garden which shares its rear boundary with 60 Rodney Road. The boundary treatments consist of a stepped brick wall adjacent to the South-East edge of the patio and a c.2.00m hedge beyond on this boundary, whilst the North-West boundary consists of a c.1.60m close-boarded timber fence.
3. The property is the North of its pair, located on the East side of Dunster Road within the Abbey Ward of West Bridgford where the ground level slopes down towards the North-East (rear). The majority of properties within proximity are of a similar age and style.
4. Several properties within the area have been previously altered with an effect on the street scene, where works include hip-to-gable roof extensions, side dormers, front rooflights, single-storey side extensions and two-storey side extensions.

DETAILS OF THE PROPOSAL

5. Full planning permission is sought for the erection of a single-storey side and rear wraparound extension that would be facilitated through the removal of the existing detached garage, an extended raised patio and a loft conversion, facilitated through the construction of a hip-to-gable roof extension, rear box dormer, 1no second floor side window and 3no front rooflights, to serve a master bedroom and en-suite.

6. The single-storey side/rear wraparound extension would appear as a lean-to side extension when viewed from the front, projecting from the side elevation by c.2.55m with an eaves height of c.2.96m and a ridge height of c.3.37m.
7. The rear element of the extension would be stepped, with a length of c.7.40m alongside (0.3m inset) the boundary with 57 Dunster Road, with a ridge height of c.3.17m, and a length of c.4.00m alongside (0.2m inset) the boundary with 61 Dunster Road, with a ridge height of c.3.58m. Both parts of the rear extension would have shallow pitched gables with rooflights on both roof planes.
8. The extensions would be finished in a facing brick to match the host dwelling, a roof tile of colour to match the roof tiles of the host dwelling, and all external windows/doors would be of an anthracite grey colour finish. Fenestration would include a rear 4-pane bifolding door and gable window, a rear French door and gable window, and a door and obscure glazed window in the front elevation.
9. Beyond the rear of the extensions, it is proposed for a raised terrace that would extend c.3.00m further to the rear than the existing raised platform. The existing raised terrace is c.0.90m above ground level, and the proposed terrace would be c.0.60m above ground level. The platform would be accessed from each rear door of the extension through 2no steps onto the terrace. The extension of the raised patio would see the erection of fencing up to the edge of the proposed patio, infill fencing between the brick pillars on the boundary with 61 Dunster Road to a height of c.1.73m, and an additional c.1.08m of fencing adjacent to the boundary with 57 Dunster Road to a total height of c.2.40m above the patio level for the length of the proposed patio.
10. The hip-to-gable roof extension would make use of the existing ridge height, eaves height and roof pitch such that it would appear as one continuous roof plane with the roof tiles to match the host dwelling. It is identified that the existing roof tiles will also be replaced as part of the works. The new gable wall would be constructed in brick to match the house.
11. The rear dormer would be of a flat roofed design, projecting from the roof plane horizontally by c.4.29m and vertically by c.3.09m, being inset from the eaves by c.0.46m, from the ridge by c.0.31m, inset from the gable by c.0.24m and from the attached neighbour by c.0.33m.
12. The dormer cheeks would be finished in a vertical hung tile to match the host dwelling, the flat roof would be a GRP flat roof system, and the dormer would include a frosted Juliet Balcony consisting of a French door and 2no side windows.
13. The roof works would also see the insertion of 3no front facing rooflights and 1no obscure glazed side window.

SITE HISTORY

14. The most relevant planning history is set out below.
 - 21/01993/FUL - Demolition of Existing Garage, Single Storey Extension over demolished garage and rear of dwelling. Loft Conversion.

WITHDRAWN – due to Officer concerns with regards to the length of the proposed extension against the boundary with 61 Dunster Road.

REPRESENTATIONS

Ward Councillor(s)

15. One Ward Councillor (Cllr. B Buschman does not object.
16. One Ward Councillor (Cllr P Gowland objects to the proposal as summarised below.
 - Loss of amenity space.
 - Future maintenance due to narrow gap between buildings.
 - Queries of elevation of site in relation to neighbours, and the resultant effects with regards to the scale of the extensions and level of overlooking.
 - Overlooking as a result of Juliet Balcony.

Statutory and Other Consultees

17. No representations have been requested or received by other consultees.

Local Residents and the General Public

18. Six representations have been received from, and on behalf of, neighbouring occupiers/local residents objecting to the proposal throughout the course of the application. The concerns raised are summarised as follows:
 - Privacy/Overlooking of rear and side neighbours due to the size of the rear dormer windows/Juliet balcony, whilst the rear neighbours are particularly concerned due to the site topography. Side neighbours also have concerns regarding the proposed raised terrace.
 - Dominant/Out of keeping design. It is considered by neighbours to be out of proportion to the existing house due to the scale, and the loss of the hipped roof for a gable end not being in keeping with the area. Concerns have also been raised regarding the material finish facing any neighbouring property.
 - Damage to neighbouring tree. The proposed extension would be located within close proximity of the neighbouring tree and therefore likely to have root damage and require pruning.
 - Overshadowing/Overbearing – to side neighbours as a result of the proposed extension and boundary treatments.

PLANNING POLICY

19. 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).
20. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (the Guidance) and the Rushcliffe Residential Design Guide.

Relevant National Planning Policies and Guidance

21. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
22. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
 - Chapter 2 - Achieving Sustainable Development.
 - Chapter 12 - Achieving Well Designed Places.

A copy of the National Planning Policy Framework 2021 can be found [here](#).
A copy of the Planning Practice Guidance can be found [here](#).

Relevant Local Planning Policies and Guidance

23. The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are of particular relevance:
 - Policy 1 - Presumption in Favour of Sustainable Development.
 - Policy 10 - Design and Enhancing Local Identity.

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#).

24. Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:
 - Policy 1 - Development Requirements.

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#).

APPRAISAL

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

Principle of the development

27. The development proposes householder extensions to an established residential property within the West Bridgford area and accordingly, the principle of these works in this location is considered acceptable subject to compliance with the policies of the National Planning Policy Framework (2021), The Rushcliffe Local Plan Part 1 and The Rushcliffe Local Plan Part 2.

Design/character and appearance of the street scene

28. The properties on Dunster Road are predominantly of a similar age with some variations of style between semi-detached and detached properties and some more modern infill. The properties are for the most part generously spaced between detached and pairs of semi-detached houses.
29. Concerns have been raised with regards to the effect of the hip-to-gable extension on its semi-detached pair and therefore the street scene, given that its symmetry would be reduced. This type of extension can impact on the character of an area and careful consideration must be given in relation to the surrounding area. In this particular case the proposed hip-to-gable extension would make use of a brick to match the host dwelling in the new gable end and a roof tile to match on the roof planes, whilst maintaining the eaves height and ridge height of the existing hipped roof. There is no alteration to the overall ridge height and
30. Several properties within the vicinity have been altered through the conversion and enlargement the roof space, or recently had permission granted to do so.
31. Additionally, it is noted that both immediate side neighbours, 57 and 61 Dunster Road, have undertaken roof alterations, with 57 Dunster Road having a side facing dormer visible from the street.
32. It is also noted that under Permitted Development (Class B, Part 1, Schedule 2 of the General Permitted Development Order 2015 (As Amended)) the roof space may be enlarged by up to 40 cubic metres on a semi-detached dwelling, subject to other limitations. The proposed hip-to-gable extension would make up c.27.2 cubic metres.
33. The flat roof rear dormer would not be easily visible from public domain given that it would be inset from the eaves, the eaves maintained, and set down from the ridge and the dormer cheeks would be finished in a vertical hung tile that would be of a similar appearance to the roof tiles of the roof. Thus, it is considered to be subservient and sympathetic to the host dwelling. It is noted that a flat roof dormer (albeit a smaller sized one) could also be constructed under Permitted Development provided it did not exceed 40 cubic metres in combination with the hip-to gable extension.
34. Therefore, in this specific case it is considered that a hip-to-gable extension would not be detrimental to the host dwelling, its attached neighbour, or street scene in terms of design and thus, sympathetic to the surrounding area, whilst any glimpse of the rear dormer would be sympathetic to the host dwelling.
35. The proposed side extension would be a subordinate addition, being single storey with a lean-to roof, located c.3.88m from the front elevation. It would

project from the side elevation by c.2.55m and be offset from the side boundary by c.0.30m. It would be finished in a brick to match the host dwelling, whilst the roof tiles would be of a similar colour to the host dwelling. As such, it is considered that it would be a subordinate and clearly secondary addition, with no concern of a terracing effect whilst being sympathetic to the host dwelling.

36. The front facing rooflights and insertion of a side second-floor window are not considered to have a significant impact on the street scene, given that they would be of a typical size and type for the residential area.
37. Concerns have been raised with regards to the overdevelopment of the site, given that the works would include a hip-to-gable extension, a rear box dormer and a single-storey side/rear wraparound extension. Although a notable increase in footprint, the application property would retain a rear garden measuring c.229 square metres and the existing parking arrangement would not be unduly altered. As such, the proposal is not considered to be an overdevelopment of the site.
38. In light of the above, the impact of the proposal on the character and appearance of the street scene is considered acceptable and the proposal is considered to accord with Policy 10 of the Core Strategy, Policy 1 of the Local Plan Part 2 and the National Planning Policy Framework.

Impact upon residential amenity

39. Core Strategy Policy 10 states that development should be assessed in terms of their impact on the amenity of nearby residents. This is reinforced under policy 1 of the Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.

Side/Rear Wraparound Extension:

40. The application property is the North-West of its semi-detached pair on the North-East side of Dunster Road. As such, the proposed single-storey extension would project towards the North-West (side) and North-East (rear).
41. The extension would be located c.0.30m from the boundary with 57 Dunster Road and have a length of c.13.66m, extending c.7.40m to the rear of the host dwelling. It would be facilitated through the removal of the existing detached garage.
42. The extension would have a length of c.4.00m offset c.0.20m from the boundary with 61 Dunster Road, and a further length of c.3.40m inset from the boundary by c.3.00m.
43. The extension would project significantly further to the rear than the rear elevation of 57 Dunster Road. However, the proposed extension would extend no further than the existing detached garage that is to be removed, of which has a greater eaves and ridge height than the proposal, whilst sited immediately adjacent to the boundary. The side element of the extension would be single-storey and predominantly located to the North of the two-storey host dwelling. It would have an appropriate eaves height and distance to the

neighbouring property. As such, there are no significant overshadowing or overbearing concerns as a result of the extension, on 57 Dunster Road.

44. The proposed extension would be of a stepped design nearby to 61 Dunster Road, projecting c.4.00m in length inset from the boundary by c.0.20m, and a further c.3.40m in length located c.3.00m from the boundary. Due to being predominantly located to the North of the neighbouring property, there are no overshadowing concerns. Due to the stepped design and appropriate height, there are no significant concerns that the extension would be of an overbearing nature.
45. The proposed extension would include a significant increase in rear facing glazing, consisting of a 4-pane bifolding door and gable window and a rear French door and gable window.
46. It is considered that the outlook would be predominantly contained within the rear garden, but also with an increased level of overlooking to the rear parts of the side neighbouring properties garden and the rear gardens/elevation of the properties on Rodney Road.
47. However, given that that the boundary treatments are c.1.60m-c.2.00m in height, and any outlook being towards the lawn area, there are no significant overlooking concerns with regards to 57 and 61 Dunster Road. Given the distance to the rear elevations of Rodney Road, of which is approx.45m, there are no significant overlooking concerns.

Roof Extensions:

48. The proposed roof extensions which increase the built form of the property consist of a hip-to-gable extension and rear box dormer.
49. The proposed hip-to-gable extension would be located to the North-West of the existing roof form and c.4.30m from the neighbouring property. As such, any likely overshadowing or overbearing effect would be towards 57 Dunster Road. However, given that the extension would maintain the existing eaves height and ridge height of the host dwelling, it is not considered to be a significant increase in overshadowing or be of a significant overbearing nature.
50. The new gable end would include 1no window facing towards 57 Dunster Road. Given that it would be obscure glazed and secured by condition, there are no significant overlooking concerns.
51. The proposed rear box dormer would be sited on the North-East facing roof plane, and extend from the roof plane by a maximum of c.4.29m and vertically by c.3.09m. Given that the built form would increase, there is considered to be a potential impact on 57 Dunster Road. However, given that it would be subordinate to the roof plane, set down from the ridge, inset from the eaves and of an appropriate height, there are no significant overshadowing or amenity concerns.
52. The proposed dormer would include a 4-pane rear facing window and Juliet Balcony. Evidently it would result in a new level of overlooking, with there being no existing second floor windows, with concerns raised for the privacy of both flanking neighbours and rear neighbours.

53. Given the oblique angles of sight which would be possible from the proposed Juliet balcony, the patio areas to the immediate rear of the two side neighbouring properties would not be significantly overlooked. And given the distance to the rear elevations of Rodney Road, of which is approx.52m, there are no significant overlooking concerns.
54. It is also noted that Juliet balconies and rear dormers are possible without planning permission subject to limitations set out in the General Permitted Development Order (2015)(As Amended). As such, although the dormer and Juliet balcony would provide a new outlook, it would not be out of character for built up residential areas, or to a level significant so as to warrant refusal of the application.

Other alterations:

55. It is also proposed for the creation of a raised terrace to the rear of the proposed side/rear extension which would extend c.3.00m to the rear of the extension. It would be accessed via the rear doors on each rear elevation of the stepped extension, and down 2no steps. Thus, it would be c.0.40m lower than the existing patio – which is raised c.1.00m above ground level.
56. Screening would be provided on the boundary with 61 Dunster Road through infilling the existing brick wall and columns with fencing, which would be to a height of c.1.70m above the proposed patio. Given the height of the proposed fencing, not increasing the height of the brick wall but in-filling the existing voids, it is not considered to be of an undue overbearing nature. It is also noted that hard boundary treatments could be implemented under Permitted Development to a height of 2.00m.
57. Additional screening would be provided on the boundary with 57 Dunster Road to a height of c.2.00m above the top step and c.2.40m above the proposed patio. As such, there are no significant concerns with the level of overlooking from the rear patio. It is considered that the fence would be of a significant height and have potential overbearing impacts. However, given that the height of the fence would be significantly lower than the eaves of the existing garage, and extending c.3.00m further to the rear, there are no significant concerns.
58. The proposal would also include 3no front facing rooflights. Given that the outlook would be towards public domain, there are no significant concerns.

Amenity of occupier

59. Concerns have been raised with regards to overdevelopment of the site, with the footprint of the site significantly increasing.
60. The rear garden as a result of the proposed extensions would be approx.229 square meters (including the patio area), significantly greater than the required amount of 90 square meters for semi-detached properties.

Car parking

61. Although the proposal would include the loss of the existing garage, it is considered that the garage is not of an appropriate size for many modern cars.

County Council's residential parking guide advises that a dwelling of 4 or more bedrooms should have 3 or more car parking spaces.

62. It is considered that the dwelling is at present a 4-bedroom dwelling and the application proposes for a 5-bedroom dwelling and as such, still within the same required level of car parking (4 or more bedrooms).

Trees

63. It is noted that the proposed extension would be located near to a neighbouring tree which is not protected through either a tree preservation order or being in a conservation area. The tree is not in a prominent location with significant public amenity value.
64. Thus, it is a private legal matter to prune any overhanging branches and remove any roots within the application site.

Other matters

65. None.

Third Party Representations

66. During the consultation process, a number of objections have been received regarding the proposed development. Objections have been received from a Ward Councillor and members of the public. Those objections/issues are considered to be covered within the Officer Report.

Note

67. It is noted that under permitted development, i.e. without the need for planning permission, a hip-to-gable extension could likely be completed, in addition to side and rear extensions and the retention of the garage, with potentially greater amenity impacts.

Conclusion

68. On balance, having assessed the development proposal against the policies set out in the development plan for Rushcliffe and considering the material matters discussed above, I consider the proposal would be in accordance with relevant local and national planning policies. Therefore, it is recommended that planning permission is granted for this proposal.

RECOMMENDATION

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

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

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

2. The development hereby permitted shall be carried out strictly in accordance with the following approved drawings/ information:
- 1010_BS_XX_ZZ_DR_A_0300. Proposed General Arrangement Plans. Received 25 July 2022.
 - 1010_BS_XX_ZZ_DR_A_0601. Proposed Rear Boundary Treatments. Received 15 August 2022.

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

3. The exterior of the development hereby permitted must be constructed using only the materials specified in the submitted application form. If any alternative materials are proposed to be used, then prior to the development advancing beyond damp proof course level, the details of all alternative external materials must be submitted to and approved in writing by the Borough Council. Thereafter the development must be carried out in accordance with the approved, alternative materials.

[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. The second floor window in the side elevation of the development hereby permitted must be;
- a) non-opening to a height of 1.70m above finished floor level, and;
 - b) fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Similarly, the balustrade of the Juliet balcony in the rear elevation of the rear dormer, hereby permitted, must be fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent.

Thereafter, the window and balustrade 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. Prior to the raised terrace hereby permitted being brought into use, boundary fencing/screening must be installed as per the approved plans, above, on both side boundaries, to a height as depicted in the approved plans. Thereafter, the fencing should be retained for 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

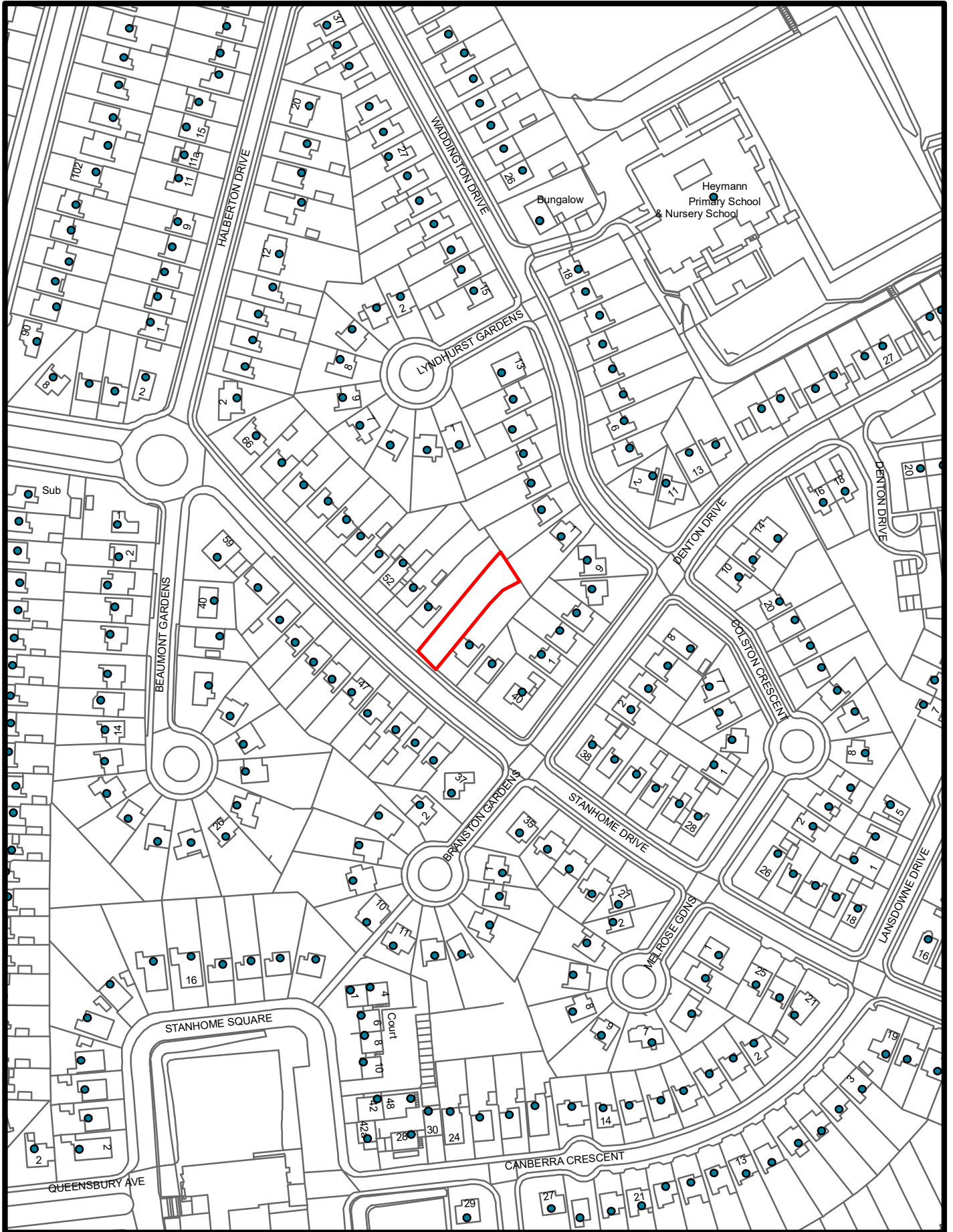
Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development is not CIL chargeable, as the additional floorspace being created is below the relevant thresholds. Further information about CIL can be found on the Borough Council's website at <https://www.rushcliffe.gov.uk/planningandgrowth/cil/>.

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

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

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

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Application Number: 22/01980/FUL
46 Stanhome Drive, West Bridgford, NG2 7FU



scale 1:2000

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22/01980/FUL

Applicant

Mr Matthew Wolloch

Location

46 Stanhome Drive, West Bridgford

Proposal

Raised roof, loft conversion with dormer to rear

Ward

Lutterell

Full details of the application can be found [here](#)

THE SITE AND SURROUNDINGS

1. The application relates to a two-storey detached dwelling faced in brick with a hipped pitched roof faced in rosemary tiles. The frontage has a double- height bay window with a forward- projecting pitched roof over. A lean-to garage/ car port adjoins the side elevation. There is a single storey rear extension linked into a brick outbuilding. There is a c. 20 metre deep rear garden. The dwelling sits within a row of similar detached mid-century properties.

DETAILS OF THE PROPOSAL

2. The current application seeks planning permission for a loft conversion with a dormer window which is to be clad in dark grey cedar cladding along the side and rear elevations. The proposal also includes the extension of the roof space with a hip to gable roof extension and each side of the original roof structure, the insertion of 2 velux roof lights to the front elevation. The proposal includes the raising of the roof height of the original dwelling from approx. 7.3 metres to 7.916 metres.

SITE HISTORY

3. There is no relevant site history.

REPRESENTATIONS

Ward Member

4. One Ward Councillor (Cllr B. Gray) supports the proposal. A summary of the comments is set out below (the full response is available to view on the Council's website [here](#)):
 - The application is similar externally to an application approved four doors down within the last two years
 - The style of roof alteration would be allowed under permitted development, therefore raising the roof height should be the only planning concern
 - Neighbouring properties have had their roof raised by a greater amount

- The proposal has a lower impact on the street scene than side dormers and multi-storey side extensions.

Parish Meeting and Adjacent Parish Councils/Meetings

5. No representations have been received.

Statutory and Other Consultees

6. No representations have been received.

Local Residents and the General Public

7. One representation has been received from neighbouring occupiers/ local residents objecting to the proposal. The concerns raised are summarised as follows:
- The proposed design, particularly the rear dormer window and the proposed dark cedar cladding, would not conform architecturally with other properties within the vicinity
 - The proposal would create a three floor dwelling that would be seen in office or commercial developments.

PLANNING POLICY

8. The Development Plan for Rushcliffe consists of the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014) (LPP1) and the Rushcliffe Local Plan Part 2: Land and Planning Policies - adopted October 2019 (LPP2). Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Residential Design Guide 2009.
9. The full text of the Council's policies are available on the Council's website at: <https://www.rushcliffe.gov.uk/planningpolicy/>.

Relevant National Planning Policies and Guidance

10. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF.
11. As such, the following sections in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Chapter 2 - Achieving Sustainable Development
 - Chapter 12 - Achieving Well Designed Places
 - Chapter 15 - Conserving and enhancing the natural environment.

A copy of the National Planning Policy Framework 2021 can be found [here](#).

A copy of the Planning Practice Guidance can be found [here](#).

Relevant Local Planning Policies and Guidance

12. The LPP1 sets out the overarching spatial vision for the development of the Borough to 2028. The following policies in the LPP1 are of particular relevance:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 10 - Design and Enhancing Local Identity
- Policy 17 – Biodiversity.

A copy of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) can be found [here](#).

13. Under LPP2, the following relevant policies are pertinent to highlight in relation to the proposal:

- Policy 1 - Development Requirements
- Policy 38 - non-designated biodiversity assets and the wider ecological network.

A copy of The Local Plan Part 2: Land and Planning Policies (LLP2) can be found [here](#).

APPRAISAL

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

15. The main material planning considerations in the determination of this planning application are:

- Principle of development
- Design/ character and appearance of the street scene
- Residential amenity
- Highways considerations
- Ecological matters.

Principle of the development

16. This application seeks planning permission for the construction of roof extensions including the raising of the roof height, hip to gable extensions to either side elevation and a rear dormer window.

17. In principle, extensions and alterations to dwelling houses are generally acceptable, provided that schemes are compliant with the criteria outlined in Policy 1 'Development Requirements' of the LPP2.

18. In this instance, the proposed development comprises of extensions to an

existing dwelling within the main settlement of West Bridgford and, as such, constitutes sustainable development. Therefore, it is acceptable in principle, subject to it meeting all other relevant policies of the Development Plan.

Impact upon the character of the area

19. Core Strategy 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 the Local Plan Part 2, 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 (2021) concerns 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. The Residential Design Guide SPD (2009) states that 'should be designed so that they are not readily perceived as being merely "add-ons" to the original building and therefore scale, proportion and roof form are very important. However, as a general rule the style and design of the original dwelling should remain the dominant element with the extension subordinate to it'.
22. The proposed loft conversion seeks to remove the existing hipped roof and would replace this with a pitched roof structure, with the addition of a hip to gable extension to both sides of the roof and an overall increase in the ridge height of 0.6m.
23. Officers note that the main architectural roof style within the immediate vicinity along Stanhome Drive is a hip style roof with some properties benefitting from a front gable projection. Stanhome Drive has a strong characteristic, and whilst there have been multiple roof and dormer extensions along Stanhome Drive, most of the additions retain the original hipped roof form which is a strong characteristic of the area. The proposed hip to gable extensions on either side elevation would be highly visible from Stanhome Drive and would create a pitched roof structure that would increase the ridge height by 0.6 metres. Officers consider that the removal of the hipped roof element of the existing dwelling would fail to allow for the existing design traits and characteristics of the existing dwelling to be understood. The proposed dormer window would also add a large amount of bulk to the rear of the property, and this would be intervisible from the side elevations of the dwelling.
24. Therefore, due to the size, scale and massing of the proposed loft conversion, officers consider that it would not result in a subordinate addition and would significantly unbalance the host dwelling. Officers also consider that the proposed removal of the existing hipped roof would cause harm to the character of the area.

25. Officers note the comments submitted by the agent and Ward Councillor in relation to a previously approved loft conversion scheme that was permitted on 4th February 2021 under planning permission 20/02404/FUL for a property at 54 Stanhome Drive. Whilst the proposed development would be very similar to that previously approved, The NPPF has since been updated (20th July 2021) to put further emphasis on good design and the changes to the NPPF have to be taken into account when assessing the current application. The NPPF paragraph 134 (which was not included within the 2019 version of the NPPF) states that 'Development that is not well designed should be refused'. Paragraph 134 also states that significant weight should be given to development which reflects local design policies'. 'taking into account supplementary planning documents such as design guides'. The Rushcliffe Residential Design Guide states that 'dormer window design should generally reflect the character of the building in terms of roof form'.
26. Officers note the comments made by the Ward Councillor in terms of the proposed roof extension being permitted development other than the raising of the roof height. Whilst officers appreciate that some hip to gable extensions benefit from permitted development rights, the current application requires the submission of an application due to it not meeting the requirements set out in The Town and Country Planning (General Permitted Development)(England) Order 2015, Class B. Class B (a) states that development is not permitted if 'any part of the dwellinghouse would, as result of the works, exceed the highest part of the existing roof'. As the proposal includes the raising of the ridge height of the existing dwelling, the proposal requires planning permission. As such, the current application in its entirety has to be assessed in line with national and local planning policies.
27. Officers are of the view that in this particular area of West Bridgford the character of the housing stock makes a positive contribution to the streetscene and should be preserved where possible in the interests of good design. The current proposal under this application would result in a form of development fails to relate sympathetically to the character of the area and does not relate sympathetically to the existing street scene.

Impact upon residential amenity

28. Core Strategy 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 the Land and Planning Policies document, which states that development should not be granted where there is a significant adverse effect upon the amenity of adjoining properties.
29. In terms of neighbouring amenity, the property to the north-west, known as No. 48 Stanhome Drive, is positioned approx. 4.5 metres from the application dwelling. The proposal would not extend beyond the side or rear elevation of the existing dwelling. The proposal includes the raising of the ridge height by 0.7 metres. Due to the orientation of the dwellings, there is potential for overshadowing impact to No.48. However, due to the ample separation distance between the dwellings, officers consider that the proposal would cause undue harm in terms of overshadowing or overbearing impacts to No. 48.

30. There are no window openings proposed on the north-western elevation or south-eastern elevations. There are doors and window openings proposed on the rear elevation of the dormer window. However, officers consider that the proposed dormer would not cause any further undue looking than what already exists from the first-floor windows. As such, officers consider that the proposed development would not cause undue overlooking impacts to No.48.
31. The neighbouring property to the south-east, No. 44, is positioned approx. 2.8 metres from the application dwelling. The proposed extension would not extend beyond the rear elevation of No.44. Due to the orientation of the properties, and the separation distance at first floor level, officers consider that the proposed development would not cause undue impacts to No. 44 in terms of overshadowing and overbearing.
32. The proposed rear dormer would be located circa 31. metres from the north-eastern (rear) boundary. The north-eastern boundary consists of dense shrubbery and trees which would provide ample screening of the proposed development from the properties located on Waddington Drive. The proposal includes the addition of doors and a window opening to the rear (north-eastern) elevation of the dormer window. Due to the separation distance and screening on the north-eastern boundary, officers consider that the proposed roof extensions would not cause undue impact to the properties along Waddington Drive in terms of overlooking, overbearing and overshadowing impacts.
33. As such, officers consider that the proposed additions would not cause undue impacts to neighbouring amenity in terms of overlooking, overbearing and overshadowing impacts.

Impact upon highway/parking

34. With regards to the impact the development would have upon the existing highway/parking on the site/ wider area, it is noted that the development seeks to increase the number of bedrooms in the property to from 3 to 4. The Nottinghamshire County Council Highways Design Guide 4.1 Residential Parking states that 4 bedroomed properties should have parking provision of ≥ 3 spaces for 4 bedroomed dwellings. Officers note that the property has off road parking for at least two vehicles, and there is sufficient on street parking available along Stanhome Drive. Officers consider that this level of provision is acceptable of the size of the resulting dwelling.

Ecological matters

35. Given that the current dwelling has not been subject to a previous loft conversion and the site is bound by trees to the north, the ecological implications of removing the current roof space need to be assessed. No ecology survey has been submitted as part of the application. As such, officers consider that it has not been demonstrated that the proposed development would not have an unacceptable adverse impact on protected species. We have responsibilities as the local authority in relation to European protected species. Planning authorities are considered to be competent authorities and are exercising a function in deciding whether or not to grant planning permission. It must be considered whether the development if permitted would be likely to offend Article 12 (1) by, for example, causing disturbance of a

species. In which case the likelihood of a license being granted must be considered in relation to the three tests established in case law. At this time the Borough Council as Local Planning Authority cannot have due regard to our responsibilities as it has not been demonstrated.

36. The proposal is therefore contrary to paragraph 12.23 of the Rushcliffe Local Plan Part 2: Land and Planning Policies which states: "Applications which may affect priority habitats or species, or nationally or internationally protected species will require an Ecological Impact Assessment (EclA), which will usually be supported by a preliminary ecological appraisal (also known as an extended phase 1 habitat survey) and/or protected species survey, all of which should be carried out prior to determination".
37. Of relevance is policy 38 of the Local Plan Part 2 (non-designated biodiversity assets and the wider ecological network)
 - 1) Where appropriate, all developments will be expected to preserve, restore and re-create priority habitats and the protection and recovery of priority species in order to achieve net gains in biodiversity.
38. The proposal is contrary to Policy 17 (Biodiversity) of the Local Plan Part 1: Core Strategy, specifically the following criteria:
 - c) seeking to ensure new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
 - e) ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum firstly mitigate and if not possible compensate at a level equivalent to the biodiversity value of the habitat lost.
39. The proposal is contrary to paragraph 180 a) of the National Planning Policy Framework local planning authorities should apply the following principles: : "a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".
40. Paragraph 182. States" The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site".

Conclusion

41. Officers consider that the current proposal under this application would result in a form of development fails to relate sympathetically to the character of the area and does not relate sympathetically to the existing street scene. Consequently, officers consider that the proposed development does not accord with the national guidance and local planning policies which aims to ensure that development is well designed and does not have adverse impacts on the character of the area.
42. Officers also consider that the application has failed to demonstrate that there would not be an adverse impact on ecology/ protected species.

RECOMMENDATION

It is RECOMMENDED that planning permission be refused subject to the following reason(s)

1. The proposed loft conversion, by reason of its design, appearance, siting and location would not be sympathetic to the prevailing pattern and character of development in the immediate area. The proposal would therefore be harmful to the character and visual amenities of the area, contrary to Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy and Policies 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies, and the guidance contained within the National Planning Policy Framework (2021), specifically Chapter 12 - Achieving Well Designed Places.
2. It has not been demonstrated that the proposed development would not have an unacceptable adverse impact on protected species. The proposed development is, therefore, contrary to Local Plan Part 1 Policy 17 (Biodiversity), Policy 38 (Non-designated biodiversity assets and the wider ecological network) of the Rushcliffe Local Plan Part 2: Land and Planning Policies. and the National Planning Policy Framework Section 15 in particular paragraphs 180 and 182.